



Lower Klamath Project

Historic Properties Management Plan

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Acronyms and Abbreviations

AB	Assembly Bill
ACHP	Advisory Council on Historic Preservation
ADI	Area of Direct Impacts
APE	Area of Potential Effects
ARPA	Archaeological Resources Protection Act
BIA	Bureau of Indian Affairs
BLM	Bureau of Land Management
ca.	circa
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
cfs	cubic feet per second
Copco	California–Oregon Power Company
CRS	Cultural Resource Specialist
CRWG	Cultural Resources Working Group
DDP	Definite Decommissioning Plan
DPR	Department of Parks and Recreation
EIR	Environmental Impact Report
EL	elevation
EO	Executive Order
FERC	Federal Energy Regulatory Commission
FLPMA	Federal Land Policy and Management Act
FTR	Final Technical Report
GIS	geographic information system
HABS	Historic American Building Survey
HAER	Historic American Engineering Survey
HALS	Historic American Landscape Survey
HPMP	Historic Properties Management Plan
HPRCSIT	Historic Properties of Religious and Cultural Significance to an Indian Tribe
HPTP	Historic Property Treatment Plan
KHP	Klamath Hydroelectric Project
KHSA	Klamath Hydroelectric Settlement Agreement
KHP	Klamath Hydroelectric Project
LKP	Lower Klamath Project
LOW	Limits of Work
LSO	License Surrender Order

LVPP	Looting and Vandalism Prevention Plan
MIDP	Monitoring and Inadvertent Discovery Plan
msl	mean sea level
MW	megawatt
NAGPRA	Native American Graves Protection and Repatriation Act
NHPA	National Historic Preservation Act
NPS	National Park Service
NRHP	National Register of Historic Places
OHV	off-highway vehicle
ORS	Oregon Revised Statutes
PA	Programmatic Agreement
PRC	Public Resources Code
RM	river mile
SEP&L	Siskiyou Electric Power & Light Company
SHPO	State Historic Preservation Officer
TCP	Traditional Cultural Property
TCR	Tribal Cultural Resource
THPO	Tribal Historic Preservation Officer
US	United States
USACE	United States Army Corps of Engineers
USBR	United States Bureau of Reclamation
USFS	United States Forest Service
USGS	United States Geological Survey
USC	United States Code

Key Definitions

This Historic Properties Management Plan (HPMP) uses several terms to describe the location of the Proposed Action and cultural resources. The following definitions describe these terms and their uses in this document, which are intended to be consistent with federal and state laws.

Archaeological isolate: An archaeological isolate in Oregon is defined as one to nine artifacts discovered in a location that appears to reflect a single event, loci, or activity (Oregon Revised Statutes [ORS] 192.005). The presence of any feature advances the find into a site status. Similar guidelines will be followed in California, where a written policy for isolate definition is not provided. Alternatively, on lands managed by federal agencies, the policies of those agencies will be followed.

Archaeological object: The federal definition of an archaeological object is a material thing of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment (36 Code of Federal Regulations [CFR] § 60.3). The State of Oregon defines an archaeological object as comprising the physical evidence of an indigenous and subsequent culture, including material remains of past human life including monuments, symbols, tools, facilities, and technological by-products, that is at least 75 years old¹ (ORS 192.005). The State of California defines an archaeological object as a manifestation primarily artistic in nature or relatively small in scale and simply constructed. Although it may be movable by nature or design, an object must be associated with a specific setting or environment. The object should be in a setting appropriate to its significant historical use, role, or character; for example, a fountain or boundary marker (14 California Code of Regulations [CCR] Appendix A).

Archaeological site: The federal definition of an archaeological site is the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical or archeological value regardless of the value of any existing structure (36 CFR § 60.3). The term “archaeological site” refers to a site that is eligible for or is listed on the National Register of Historic Places (NRHP; historic properties) as well as sites that do not qualify for the NRHP. The State of Oregon defines an archaeological site as 10 or more artifacts (including lithic debitage) or a feature likely to have been generated by patterned cultural activity within a surface area reasonable to that activity (a form of density measure), that is at least 75 years old¹ (ORS 358.905). The State of California defines an archaeological site as a bounded area of a resource having archaeological deposits or features defined in part by the character and location of such deposits or features (14 CCR Appendix A).

Area of Direct Impact (ADI): The ADI is not a regulatory term but is a term used herein to explain the Klamath River Renewal Corporation’s (Renewal Corporation’s) approach to historic property identification work within the much larger Area of Potential Effects (APE). This is useful because the APE covers an expansive area that extends hundreds of miles along the river to its mouth at the Pacific Ocean, but the Proposed Action would

¹ Because Section 106 of the NHPA applies, this project will use the NRHP guideline of 50 years.

take place within a much smaller geographic area than the APE. The ADI corresponds geographically to the project's Limits of Work (LOW), which refer to the physical extent of on-the-ground construction activities associated with dam decommissioning and removal, reservoir restoration activities, safety zones, the Yreka pipeline crossing relocation, improvements to Fall Creek Hatchery, and rim stability areas around Copco Lake. However, the ADI is larger and extends beyond the LOW to include complete boundaries of archaeological sites, along with protective spatial buffers of 40 meters around these sites. The inclusion of the complete boundaries of the archaeological sites supports their evaluation for the National Register of Historic Places and for consideration of impacts.

Area of Potential Effects (APE): The geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties (36 CFR § 800.16[d]). The Proposed Action's APE is primarily established as a 0.5-mile-wide area extending from the shoreline of each side of the Klamath River from the upper reach of the J.C. Boyle Reservoir to the river mouth at the Pacific Ocean. However, around the reservoirs where topography is more open and rolling, the APE extends at least an additional 0.5 mile to create a minimum 1-mile-wide area in these locations to address potential for visual effects primarily related to viewshed alterations from reservoir removal. Due to the potential for landscape-level visual changes, the APE around each reservoir extends to a 2-mile-wide area to include areas that are within sightlines of the reservoirs and ADI.

Associated funerary object: Objects reasonably believed to have been placed with human remains as part of a death rite or ceremony. The use of the adjective "associated" refers to the fact that these items retain their association with the human remains with which they were found and that these human remains can be located. It applies to all objects that are stored together as well as objects for which adequate records exist permitting a reasonable reassociation between the funerary objects and the human remains that they were buried with (25 United States Code [USC] § 3001 (3)(A)).

Burial Site: Any natural or prepared physical location, whether originally below, on, or above the surface of the earth, into which as part of the death rite or ceremony of a culture, individual human remains are deposited (25 USC § 3001 [1]; ORS 358.905).

Construction area: Refers to areas where construction activities will occur.

Construction monitoring: Direct oversight of ground-disturbing activities by a qualified monitor/tribal advisor within areas where there is a medium to high potential for inadvertent discoveries and/or where historic properties are known to exist and must be avoided.

Consulting parties: 36 CFR § 800.2 defines participants in the Section 106 process as: (a) agency official, (b) the ACHP, (c) consulting parties, including the State Historic Preservation Officer, Indian tribes and Native Hawaiian organizations, representatives of local governments, applicants for federal assistance, permits, licenses, and other approvals, and additional consulting parties; and (d) the public.

Cultural patrimony: An object having ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual Native American, and

which, therefore, cannot be alienated, appropriated, or conveyed by any individual regardless of whether or not the individual is a member of the Indian tribe or Native Hawaiian organization and such object shall have been considered inalienable by such Native American group at the time the object was separated from such group (25 USC § 3001 (3)(D)).

Cultural resources: Locations of human activity, occupation, or use. Cultural resources are not defined in federal law but include archaeological, historic, or architectural sites, structures, or places with important public and scientific uses and locations of traditional cultural or religious importance to specific social or cultural groups (BLM n.d.).

Curation: The management and preservation of a collection according to professional museum and archival practices, including, but not limited to: 1) Inventorying, accessioning, labeling, and cataloging a collection; 2) Identifying, evaluating, and documenting a collection; 3) Storing and maintaining a collection using approved methods and containers and under environmental conditions and physically secure controls following industry standards; 4) Periodically inspecting a collection and taking such actions as may be necessary to preserve it; and 5) Providing access and facilities to study a collection and handling, cleaning, stabilizing, and conserving a collection in such a manner as to preserve it (USFS 2015).

Definite Decommissioning Plan (DDP): The Proposed Action's Definite Decommissioning (2020) details removal limits construction access, staging and disposal sites, demolition methods, imported materials, and waste disposal for each of the four dam facilities. Other key components include measures to reduce effects to aquatic and terrestrial resources, road and bridge improvements, relocation of the City of Yreka's pipeline across Iron Gate Reservoir and associated diversion facility improvements, demolition of various recreation facilities adjacent to the reservoirs, recreation improvements, downstream flood control improvements, groundwater system improvements, water supply improvements, and fish hatchery modifications and improvements.

Federal Energy Regulatory Commission (FERC): The commission that regulates hydropower projects under authority of the Federal Power Act Part 1, 16 USC 791 et seq.

FERC Project Boundary: The geographic extent a licensee must own or control on behalf of its licensed hydropower projects.

Historic property: This term is defined in 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..." The term "includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria."

Historic Properties Management Plan (HPMP): As defined by the Federal Energy Regulatory Commission, an HPMP is a plan for considering and managing effects on historic properties of activities associated with constructing, operating, and maintaining hydropower projects, and is also applicable to decommissioning, deconstruction, and removal activities.

Historic Properties of Religious and Cultural Significance to an Indian Tribe (HPRCSIT): Section 101(d)(6)(A) of the National Historic Preservation Act clarifies that properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization may be eligible for the National Register of Historic Places; such properties must be considered, and the appropriate Native American and/or Native Hawaiian groups must be consulted in project and program planning through the Section 106 review process (National Historic Preservation Act [NHPA] Sec. 101[d][6]A&B). These types of properties are referred to in this document as “Historic Properties of Religious and Cultural Significance to Indian Tribes,” or HPRCSITs.

Human remains: The states of California and Oregon define the term “human remains” or “remains” as the body of a deceased person, regardless of its stage of decomposition, and cremated remains (California Health and Safety Code § 7001 [2018]; ORS 97.010 [2007]). The regulations of the Native American Graves and Repatriation Act (NAGPRA [Public Law 101-601; 25 USC §§ 3001-3013]) define human remains as the physical remains of the body of a person of Native American ancestry. The term does not include remains or portions of remains that may reasonably be determined to have been freely given or naturally shed by the individual from whose body they were obtained, such as hair made into ropes or nets. For the purposes of determining cultural affiliation, human remains incorporated into a funerary object, sacred object, or object of cultural patrimony must be considered as part of that item (43 CFR § 10.2(d)).

Inadvertent discovery: Any discoveries of human skeletal remains, artifacts, archaeological sites, or any other cultural resources during ground disturbing or monitoring activities. The Section 106 process addresses “post-review discoveries” under 36 CFR § 800.13. The Native American Graves Protection and Repatriation Regulations (43 CFR § 10.2 [g][4]) define an inadvertent discovery as the unanticipated encounter or detection of human remains, funerary objects, sacred objects, or objects of cultural patrimony found under or on the surface of federal or tribal lands pursuant to Section 3 (d) of NAGPRA.

Klamath Hydroelectric Project (KHP): Refers to the eight developments in the original license for FERC No. 2082, as issued in 13 FPC 1 (Jan. 28, 1954). Pursuant to the “Order Amending License and Deferring Consideration of Transfer Application,” 162 FERC ¶ 61,236 (March 15, 2018), FERC kept four developments in the Klamath Project (FERC no. 2082), and it placed four other developments in the Lower Klamath Project (FERC no. 14803) for the purpose of decommissioning. The term, KHP, is used in this plan as a historical reference only (e.g., with respect to the relicensing of the project as constituted before the 2018 License Amendment).

Klamath Hydroelectric Settlement Agreement: Refers to a settlement (2010, amended 2016) agreed to by PacifiCorp, the US, the states of California and Oregon, and other parties for resolving a pending FERC relicensing proceeding by establishing a process for potential facilities removal, including interim operation until that time.

Klamath Project (FERC no. 2082): Refers to the four developments (East Side West Side, Keno and Fall Creek) in the FERC no. 2082 license as amended by the “Order Amending License and Deferring Consideration of Transfer Application,” 162 FERC ¶ 61,236 (March 15, 2018).

Limits of work (LOW): Refers to the physical extent of on-the-ground construction activities associated with dam decommissioning and removal, reservoir restoration activities, safety zone, the Yreka pipeline crossing relocation, and improvements to Fall Creek Hatchery. The LOW also includes rim stability areas around Copco Lake and the floodproofing of habitable structures within the modeled post-dam removal floodplain, which occur between Iron Gate Dam and the Klamath River-Humbug Creek confluence in California.

Looted: A looted antiquity is one recovered from the ground in an unscientific manner. The antiquity is decontextualized, and physical integrity is jeopardized (Gerstenblith 2016). The term “looting” is applied to illegal excavation and artifact theft at archaeological sites (USFS 2015).

Lower Klamath Project (LKP) (FERC no. 14803): Refers to four hydroelectric developments (J.C. Boyle, California–Oregon Power Company (Copco) No. 1, Copco No. 2, and Iron Gate) placed in a new license pursuant to the “Order Amending License and Deferring Consideration of Transfer Application,” 162 FERC ¶ 61,236 (March 15, 2018). The Renewal Corporation has applied to FERC to surrender the license for the LKP for the purpose of implementing the Klamath Hydroelectric Settlement Agreement.

Parcel B lands: Project lands subject to transfer by the Renewal Corporation to the states or to a designated third-party designee once Renewal Corporation has met all surrender license conditions.

Programmatic Agreement (PA): A document that records the terms and conditions agreed upon to resolve the potential adverse effects of a federal agency program, complex undertaking or other situations in accordance with 36 CFR § 800.14(b).

Proposed Action: The Renewal Corporation’s comprehensive plan to physically remove the Lower Klamath Project and achieve a free-flowing condition and volitional fish passage, site remediation and restoration, and avoidance of adverse downstream impacts.

Sacred object: Specific ceremonial objects that are needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents (25 USC § 3001 (3)(C)).

Site condition monitoring: Repeat, periodic site inspections to an individual archaeological site to assess changes over time to site integrity.

Traditional Cultural Property (TCP): Refers to a property that is eligible for inclusion in the NRHP based on its associations with the cultural practices, traditions, beliefs, lifeways, arts, crafts, or social institutions of a living community. TCPs are rooted in a traditional community’s history and are important in maintaining the continuing cultural identity of the community. *National Register Bulletin 38: Guidelines for Evaluating and Documenting Traditional Cultural Properties* provides more information.

Undertaking: 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)).FERC’s consideration and issuance of the License Surrender Order (LSO) for the LKP

under the Federal Power Act (16 USC Part 12) is a federal action that makes the “Proposed Action” an undertaking subject to review by FERC under Section 106 (54 USC 306108) of the National Historic Preservation Act (NHPA) (54 USC 300101 et seq.) and its implementing regulations (36 CFR Part 800).

Vandalism: In cultural resource management context, the willful destruction or spoiling of archaeological and historic sites, including graffiti, defacement, demolition, removal, and other criminal damage (USFS 2015).

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Chapter 1: Overview and Executive Summary

1. OVERVIEW AND EXECUTIVE SUMMARY

1.1 Purpose

The Lower Klamath Project (LKP) (Federal Energy Regulatory Commission [FERC] No. 14803) consists of four hydroelectric developments on the Klamath River: J.C. Boyle, Copco No. 1, Copco No. 2, and Iron Gate. The reach between J.C. Boyle dam and Iron Gate dam is known as the Hydroelectric Reach. In September 2016, the Klamath River Renewal Corporation (Renewal Corporation) filed an Application for Surrender of License for Major Project and Removal of Project Works, FERC Project Nos. 2082-063 & 14803-001 (License Surrender). The Renewal Corporation filed the License Surrender Application as the dam removal entity for the purpose of implementing the Klamath Hydroelectric Settlement Agreement (KHSA), as amended.

In November of 2020, the Renewal Corporation filed its Definite Decommissioning Plan (DDP) as Exhibits A-1 and A-2 to its Amended License Surrender Application (ALSA). The DDP is the Renewal Corporation's comprehensive plan to physically remove the LKP and achieve a free-flowing condition and volitional fish passage, site remediation and restoration, and avoidance of adverse downstream impacts (Proposed Action). The Proposed Action includes the deconstruction of the J.C. Boyle Dam and Powerhouse, Copco No. 1 Dam and Powerhouse, Copco No. 2 Dam and Powerhouse, and Iron Gate Dam and Powerhouse, as well as associated features. Associated features vary by development, but generally include powerhouse intake structures, embankments and sidewalls, penstocks and supports, decks, piers, gatehouses, fish ladders and holding facilities, pipes and pipe cradles, spillway gates and structures, diversion control structures, aprons, sills, tailrace channels, footbridges, powerhouse equipment, distribution lines, transmission lines, switchyards, original cofferdams, portions of the Iron Gate Fish Hatchery, residential facilities, and warehouses. Facility removal will be completed within an approximately 20-month period.

The Limits of Work (LOW) is a geographic area that encompasses dam removal and restoration related activities associated with the Proposed Action. The LOW may extend beyond the FERC boundary associated with the LKP (FERC Project Boundary) where specifically noted.

FERC's consideration and issuance of the License Surrender Order (LSO) for the LKP under the Federal Power Act (16 USC Part 12) is a federal action that makes the "Proposed Action" an undertaking (as defined pursuant to 36 Code of Federal Regulations [CFR] 800.16[y]) subject to review by FERC under Section 106 (54 USC 306108) of the National Historic Preservation Act (NHPA) (54 USC 300101 et seq.) and its implementing regulations (36 CFR Part 800). Section 106 of the NHPA requires federal agencies to take into account the effect of the undertakings they sponsor, authorize, or assist on historic properties.

A programmatic agreement (PA) developed to resolve adverse effects on historic properties from the Proposed Action stipulates that the Renewal Corporation will implement this Historic Properties Management Plan (HPMP). This HPMP describes the measures that the Renewal Corporation will implement to identify

and resolve (avoid, minimize, or mitigate) adverse effects to historic properties that may result from the Proposed Action. The HPMP is one of 16 Management Plans the Renewal Corporation has prepared for FERC's review and approval as conditions of the LSO, in consultation with federal, state, and county governments, Tribes, and other consulting parties.

The following are the primary goals of this HPMP:

- Support management of historic properties within the project's APE.
- Follow FERC requirements (18 CFR §§ 4.51 and 16.8) for the identification, evaluation, and treatment of historic properties potentially affected by the Proposed Action.
- Follow applicable federal and state laws and regulations regarding the management of historic properties, including Section 106 of the NHPA, as amended (54 United States Code [USC] § 300101 et seq.).
- Satisfy the stipulations of a PA.
- Ensure appropriate interagency coordination of activities that have the potential to affect historic properties in the APE.
- Establish a process for consulting with agencies, Tribes, local jurisdictions, other interested parties, and the public during the implementation of the HPMP, which includes timelines and communication protocols to consult on amending the APE, determinations of eligibility, findings of effect, and treatment measures for adversely affected historic properties.
- Establish procedures for properly protecting and managing historic properties for the remaining duration of the FERC license which include the decommissioning, removal, and restoration activities associated with FERC's LSO.

1.2 Executive Summary

To create a free-flowing river to allow volitional fish passage, Renewal Corporation will deconstruct the J.C. Boyle Dam and Powerhouse, Copco No. 1 Dam and Powerhouse, Copco No. 2 Dam and Powerhouse, and Iron Gate Dam and Powerhouse, and associated features. To meet the objective for volitional fish passage, a restoration program will be implemented in the previously inundated areas in the former reservoir footprints, on the mainstem of the Klamath River, and on high-priority tributaries within the original LKP reservoirs. Such restoration will involve assisted sediment evacuation and residual sediment stabilization; tributary reconnection, selective post-drawdown grading to provide volitional fish passage, revegetating through native plantings; and enhancing aquatic habitat.

Federal agencies comply with Section 106 of the NHPA by following the Section 106 implementing regulations (36 CFR Part 800) developed by the Advisory Council on Historic Preservation (ACHP) pursuant to 54 USC 304108(a) of the NHPA. FERC is entering into a PA for the Proposed Action associated with the LSO for the LKP with the ACHP and State Historic Preservation Officers (SHPOs) of California and Oregon, in addition to consulting parties such as the licensee, Tribes, and other involved parties. Compliance with the PA and associated HPMP, Monitoring and Inadvertent Discovery Plan (MIDP), and Looting and Vandalism

Prevention Plan (LVPP) will be made conditions of the LSO. FERC is the lead federal agency for compliance with Section 106 and will ensure the stipulations in the PA and the requirements of the associated HPMP, MIDP, and LVPP are fulfilled. As the licensee and applicant for the LSO, the Renewal Corporation will implement the terms of the PA, which includes the preparation and implementation of this HPMP to manage and/or identify and resolve adverse effects on historic properties, which are cultural resources that are listed or determined eligible for listing on the National Register of Historic Places (NRHP). NRHP-eligible and listed resources are referred to as “historic properties” and unevaluated resources are referred to as “potential historic properties” that may be treated as eligible.

As the FERC licensee and consistent with FERC’s authorization under 36 CFR § 800.2(c)(4), the Renewal Corporation consulted with: the ACHP; United States (US) Department of Agriculture Forest Service (USFS; Klamath National Forest and Six Rivers National Forest); US Department of Interior Bureau of Land Management (BLM; Redding District and Klamath Falls Resource Area, Lakeview District); US Bureau of Reclamation (USBR), US Army Corps of Engineers (USACE); Tribes (including the Klamath Tribes, Shasta Indian Nation, Modoc Nation, Karuk Tribe, Yurok Tribe Yurok Reservation, Shasta Nation, Quartz Valley Indian Community of the Quartz Valley Reservation of California, Confederated Tribes of Siletz Indians of Oregon, Resighini Rancheria, Cher-Ae Heights Indian Community of Trinidad Rancheria, and the Hoopa Valley Tribe), Oregon and California SHPOs, and other interested parties. This consultation included teleconferences, in-person meetings, written correspondence, and emails that discussed various components of the Section 106 compliance process, including an invitation to consult, identification of an APE, methods to identify historic properties, evaluation of cultural resources, and assessment of the undertaking’s potential for effects to historic properties.

Following 36 CFR Part 800 and on behalf of FERC as the lead federal agency, the Renewal Corporation defined an APE for the Proposed Action and inventoried archaeological, cultural, and historic properties within the APE. Following the completion of the data collection and inventory process, the Renewal Corporation evaluated identified properties and made recommendations on the NRHP eligibility (defined in 36 CFR § 60.4). The identification and evaluation process completed to date is reported in the Archaeological Phase II Evaluation Report (AECOM Technical Services, Inc. [AECOM] 2022a) and Historic Built Environment Technical Report (AECOM 2022b).

This HPMP describes identified historic properties and properties recommended as eligible, measures to avoid and minimize adverse effects to historic properties, and proposed mitigation for historic properties adversely affected by the Proposed Action. In addition, this HPMP provides a summary of the regulatory context for the identification, evaluation, protection, and management of cultural resources. Lastly, the HPMP prescribes a process for consultation among the Renewal Corporation, agencies, Tribes, local jurisdictions, and other interested parties during the evaluation of cultural resources, assessment of effects, and treatment of historic properties for the duration of FERC’s hydroelectric license surrender process.

The Renewal Corporation developed this HPMP following guidelines jointly issued by FERC and the ACHP (FERC 2002) and by obtaining comments from federal and state agencies, Tribes, and other interested parties through a Cultural Resources Working Group (CRWG). The draft HPMP prepared by PacifiCorp (2006) for the Klamath Hydroelectric Project (KHP; FERC Project No. 2082) is also referenced in this document but

was never formally adopted by FERC. Because the LKP is not currently governed by an HPMP due to the age of the existing license, this HPMP is intended to manage historic properties for the remaining duration of the FERC license which include the decommissioning, removal, and restoration activities associated with the FERC LSO.

Consistent with 36 CFR 800.2(c)(4), the Renewal Corporation is responsible for managing and treating effects of the Proposed Action on historic properties. Close cooperation among all parties will be essential to protect and manage historic properties in the APE. The locations of historic properties are sensitive information required for proper management and is provided in a confidential map set (Appendix A). Implementation of this HPMP will mitigate potential adverse effects of the Proposed Action on historic properties. To support this management, subplans of the HPMP include a MIDP (Appendix B) and an LVPP (Appendix C).

The Renewal Corporation is committed to responsible stewardship of these properties by following applicable federal, state, and local laws and regulations in consultation with oversight agencies and affected Tribes and community groups. FERC remains legally responsible for all findings and determinations made while implementing this HPMP.

The HPMP consists of 11 chapters. This first chapter describes how the HPMP is intended to be used and the statutory and regulatory authority under which it has been developed.

Chapter 2 provides background information, including descriptions of the existing hydroelectric facilities and Proposed Action.

Chapter 3 describes the efforts to identify historic properties, including a description of results from completed surveys, while Chapter 4 describes known historic properties.

Chapter 5 outlines management and preservation goals and priorities for archaeological properties, Traditional Cultural Properties (TCPs), and built environment resources.

Chapter 6 details expected Proposed Action effects on historic properties.

Chapter 7 outlines mitigation and management measures for historic properties, including archaeological and built environment resources.

Chapter 8 includes provisions for archaeological procedures and resolution of adverse effects to sites, as well as procedures for responding to looting and vandalism, protection of confidentiality, and curation.

Chapter 9 details the HPMP's implementation procedures, including HPMP coordination, personnel training, internal review procedures, amendments, annual reporting, consultation meetings, and dispute resolution.

Chapter 10 lists references used in the HPMP.

Chapter 11, the final chapter, lists HPMP preparers.

Six appendices are included in this document:

- Appendix A Confidential Historic Property Maps
- Appendix B Monitoring and Inadvertent Discovery Plan
- Appendix C Looting and Vandalism Prevention Plan
- Appendix D APE Consultation Record
- Appendix E Consultation Meeting Minutes
- Appendix F Correspondence on the HPMP

1.3 Authority

1.3.1 FERC License Surrender Order

This HPMP is being prepared to satisfy the requirements of FERC's LSO issued under the agency's authority pursuant to the federal Power Act. The LSO also includes the PA pursuant to FERC's obligations under Section 106 of the NHPA. Under 36 CFR § 800.14(b)(1), the preparation of the PA is consistent with the approach used by FERC for decommissioning projects. Executed by FERC, Oregon and California SHPOs, and ACHP, the PA contains a stipulation that requires the Renewal Corporation prepare and implement this HPMP in consultation with FERC, California and Oregon SHPOs, Tribes, federal land managers, local jurisdictions, and other interested parties.

1.3.2 California AB 52 Mitigation Measures

Although the purpose of the HPMP is to support federal Section 106 regulations, the HPMP also provides information concerning mitigation developed under California Assembly Bill (AB) 52 as requested by FERC in its August 15, 2022, letter to the Renewal Corporation. Prior to federal involvement, the Renewal Corporation applied to the State Water Board for water quality certification pursuant to Section 401 of the Clean Water Act. The State Water Board is the lead agency for CEQA, which requires analysis of impacts. For the Draft and Final Environmental Impact Report (EIR) for the LKP License Surrender, the State Water Board addressed impacts to historical resources and Tribal Cultural Resources (TCRs) (State Water Board 2018, 2020). Amended Public Resources Code (PRC) Section 5097.94 requires consideration of TCRs in CEQA review. As part of the State Water Board impacts analysis, the Renewal Corporation has committed to implementing specific mitigation measures developed through consultation as part of the AB 52 process. These mitigation measures are aligned and coordinated with those proposed for FERC's approval as a term of the LKP LSO and include the following:

- Mitigation Measure TCR-1 – Develop and Implement HPMP/Tribal Cultural Resources Management Plan
- Mitigation Measure TCR-2 – Develop and Implement a Looting and Vandalism Prevention Program
- Mitigation Measure TCR-3 – Develop and Implement an Inadvertent Discovery Plan

The Renewal Corporation intends to use this HPMP and its attached LVPP and MIDP, which have been prepared under the Section 106 process, to align its obligations for Mitigation Measures TCR-1, TCR-2, and TCR-3, respectively.

- Mitigation Measure TCR-4 – Provide Endowment for Post-Project Implementation. The Renewal Corporation has provided funding for an endowment to protect and enhance TCRs that are exposed due to the Proposed Action on state and private lands in California on a long-term basis following license surrender. The endowment includes funding for monitoring, including supplementing law enforcement resources, and is available to cover measures implemented following license surrender related to looting and vandalism. The endowment is governed in a manner that is representative of Affected Tribes that are traditionally and culturally affiliated with the TCRs impacted by implementation of the Proposed Action.
- Mitigation Measure TCR-5 – Implementation on Yurok Reservation. As Mitigation Measures TCR-1 through TCR-3 do not apply on the Yurok Reservation, the Renewal Corporation recognizes that the Yurok Tribe’s Cultural Resources Ordinance and Inadvertent Discovery Policy shall apply to TCRs on the Yurok Reservation.

The HPMP does not include cultural resource management measures that directly apply to the Yurok Reservation because effects to historic properties below Humbug Creek are not anticipated based on project analyses. If project impacts expand below Humbug Creek, the consulting parties, including the Yurok Tribe, will be consulted to ensure this measure is considered.

In addition to Mitigation Measures TCR-1 through TCR-5, the California State Water Board identified three mitigation measures (TCR-6, TCR-7, and TCR-8) that could further reduce potential impacts. However, the California State Water Board did not rely on implementation of these measures because it was not clear if they would be feasible (State Water Board 2020:ATi-817). Since the Parcel B lands will be conveyed to the states of Oregon and California, it is not feasible for the Renewal Corporation to implement measures TCR-6 through TCR-8, however, an update is provided in TCR-6 concerning the State of California’s planning process for future ownership and management of the Parcel B lands.

- Mitigation Measure TCR-6 – Land Transfer. The State Water Board determined, and the Renewal Corporation acknowledges, that transfer of some Parcel B lands to an entity representative of Affected Tribes that are traditionally and culturally affiliated with TCRs on such lands, could foster tribal cultural and conservation practices and promote tribal identity; and further, that such transfer could be an appropriate measure to address past disturbance of TCRs caused during construction of Iron Gate Dam, Copco No. 1 Dam, and Copco No. 2 Dam, and to mitigate the impacts to TCRs caused by project implementation.

Consistent with FERC’s understanding of TCRs 5 through 8 (FEIS p 3-497), the ultimate disposition of Parcel B lands is dependent on the outcome of the process for Parcel B lands that is identified in KHSA Section 7.6.4. This process is expected to occur after license surrender is effective. The California Natural Resources Agency and California Department of Fish and Wildlife (collectively, the State of California) continue their consultation with Tribes to help develop a plan for the future ownership and management of California Parcel B lands. These efforts are guided by the Statement of Administration Policy on Native American Ancestral Lands released by Governor Newsom on

September 25, 2020, and the California Public Utility Commission's guidelines to implement its Tribal Land Policy.

Over the past 12 months, the State of California sent notices to 16 potentially affected Tribes that there is an opportunity to consult on the management and disposition of California Parcel B lands. The State received positive responses from three Tribes. The State held independent consultations with each of the three Tribes where updates to the process and an invitation to submit additional comments in writing were provided. A site visit is scheduled between three Tribes and the State on October 21, 2022. The parties will visit recreations sites, certain buildings, and culturally sensitive areas on Parcel B lands to help inform future management and disposition.

Once consultation with Tribes is complete, the State of California will consider input from KHSA signatories and other interested parties, reconcile differing perspectives, and finalize its decision for the future ownership and management of land.

- Mitigation Measure TCR-7 – Proposal for Land Easement and Transfer Stipulations. The State of California has initiated a stakeholder process for determining land disposition as described in KHSA Section 7.6.4, including discussions with Shasta people. For TCRs and such sites that are protected under California Public Resources Code 5097.993, land easement and transfer stipulations could ensure that protection measures described in the Mitigation Measure TCR-1 (HPMP) encumber the title for all subsequent owners for lands not returned to the Shasta people. There is also the potential to coincide public wildlife conservation management areas with lands that contain tribal cultural values to restrict public access where feasible and to promote the protection of cultural sites. These mechanisms can also provide the opportunity for Shasta people to access TCRs through creation of tribal conservation easements.
- Mitigation Measure TCR-8 – Off-site Land Transfer. The Renewal Corporation may identify parcels of land not subject to the process under KHSA Section 7.6.4, that may be appropriate for transfer to an entity representative of affected Tribes (such as the Kííacéki Land Conservancy), as off-site mitigation for impacts to TCRs. Any such transfer involving the Renewal Corporation is subject to funding availability consistent with the terms (including funding authorities) of the KHSA.
- This measure does not guarantee a particular outcome as it is contingent upon negotiations with the State of California, Tribes, property owners, and the identification of funding. This process may extend beyond the completion of the Renewal Corporation's obligations under FERC's LSO.

1.4 Statutory and Regulatory Context

In addition to Section 106 of the NHPA and the federal Power Act, the Proposed Action is subject to additional federal and state statutes and regulations governing human remains and burials, cultural resources, historic properties, and tribal outreach consultation. This section provides an overview of the NHPA as well as those additional statutes and regulations. This HPMP is intended to coordinate compliance and these additional statutes and regulations concurrently. However, the Renewal Corporation's obligations for the Proposed Action will be governed by the PA and HPMP, not by this descriptive summary of laws. If there is a conflict in commitments between the PA and HPMP, the PA governs.

1.4.1 Federal Laws, Regulations, Standards, and Guidelines

Federal laws provide for the protection and management of cultural resources for projects that are subject to federal jurisdiction, including permitting, licensing, and land management. The applicability of these laws depends upon the specific authorities of the federal agencies involved, the types of resources affected, the government-to-government relationship of federal agencies to Indian tribes, and the types of activities occurring on federal lands. The following is a list of statutes, regulations, and guidance that may apply to the LKP.

Report on Historical and Archaeological Resources

Regulations in the Report on Historical and Archaeological Resources (18 CFR § 4.51[f][4]) implement FERC's responsibilities under the federal Power Act regarding compliance with federal cultural resource protection laws in the agency's licensing of existing hydroelectric projects.

Guidelines for the Development of Historic Properties Management Plans for FERC Hydroelectric Projects (2002)

FERC prepared these guidelines in conjunction with the ACHP to assist hydropower project licensees in the development of HPMPs, in order to consider and manage the effects of the Proposed Action on historical properties.

American Indian Religious Freedom Act of 1978

The American Indian Religious Freedom Act (42 USC § 1996) promotes federal agency consultation with tribes on activities that may affect their traditional religious rights and cultural practices. These include, but are not limited to, access to sacred sites, freedom to worship through ceremonial and traditional rights, and use and possession of objects considered sacred. These rights and practices may be associated with, and lend significance to, a property. Archaeological site protection is a federal activity related to American Indian Religious Freedom Act, because it directs the various agencies to consult with Native traditional religious leaders in a cooperative effort to develop and implement policies and procedures that will aid in determining how to protect and preserve Native American cultural and spiritual traditions (Carnett 1991).

Antiquities Act of 1906

The Antiquities Act of 1906 (Public Law 59–209, 34 Stat. 225, 54 USC § 320301–320303) historically has been used as the basis for federal protection of cultural and paleontological resources on federal lands. The act authorizes the government to regulate the disturbance of objects of antiquity on federal lands through the responsible managing agency and to prosecute individuals responsible for the unauthorized damage or removal of such objects. The law also regulates and establishes a permit system for legitimate study of archeological resources and protection from looting.

Archaeological Resources Protection Act of 1979

The Archaeological Resources Protection Act (ARPA; Public Law 96–95 as amended, 93 Stat. 721, codified at 16 USC §§ 470aa–470mm) was enacted in 1979 and confers ownership of archaeological resources found on federally owned and tribal lands, with exceptions now provided in Native American Graves Protection and Repatriation Act (NAGPRA). ARPA was enacted to protect archaeological sites, artifacts, and human remains on federal lands from looting by providing effective law enforcement and penalties for convicted violators. ARPA makes it illegal to excavate or damage archaeological resources found on federal public or Native lands without a permit, and to sell, purchase, exchange, transport, or receive archaeological resources that were excavated illegally under federal, state, or local law. ARPA also calls for the preservation of objects and associated records in a suitable repository once recovered from a site. ARPA sets up guidelines for the proper procedures for obtaining permits and permission to excavate archaeological sites on public lands by qualified individuals (NPS 2019a).

Executive Order 11593 – Protection and Enhancement of the Cultural Environment (1971)

Executive Order (EO) 11593 directs the federal government to provide leadership in preserving, restoring, and maintaining the historic and cultural environment of the nation through management of federally owned sites, structures, and objects of historical, architectural, or archaeological significance. The order directs the federal government, in consultation with the ACHP, to institute procedures to assure that federal plans and programs contribute to the preservation and enhancement of non-federally owned sites, structures, and objects of historical, architectural, or archaeological significance.

Federal Land Policy and Management Act of 1976

Management of cultural resources on the public lands is primarily determined by the Federal Land Policy and Management Act of 1976 (FLPMA [Public Law 94-579; 90 Stat. 2743, USC §§ 1701-1782]). The FLPMA establishes public land policy and guidelines for its administration and provides for the management, protection, development, and enhancement of public lands. FLPMA requires that public lands administered by BLM be managed in a manner that protects the quality of their scientific values.

Bureau of Land Management 8100 and 8140 Manuals

BLM Manual Section 8100 (The Foundations for Managing Cultural Resources) provides BLM managers with basic information and general summary guidance for managing cultural resources (BLM 2004). More detailed information, policy direction, and operating procedures are found in the subsidiary Manual Sections and Handbooks in the BLM 8100 series.

BLM Manual Section 8140 (Protecting Cultural Resources) provides general guidance for protecting cultural resources from natural or human-caused deterioration; for making decisions about recovering significant cultural resource data when it is impossible or impractical to maintain cultural resources in a nondeteriorating condition; for protecting cultural resources from inadvertent adverse effects associated with BLM land use decisions, pursuant to the NHPA, the National Environmental Policy Act, EO 11593, and

the nationwide Programmatic Agreement, and for controlling unauthorized uses of cultural resources (BLM 2019).

National Historic Preservation Act of 1966

The NHPA (Public Law 89-665, 54 USC § 300101 et seq.) establishes the federal government’s policy on historic preservation and the programs, including the NRHP, through which that policy is implemented. The Act established a federal policy of cooperation with other nations, tribes, states, and local governments to protect historic sites and values. Together with its implementing regulations, the NHPA authorized the NRHP, created the ACHP, provided further considerations for National Historic Landmarks, and created procedures for approved state and local government programs (Carnett 1991). In addition, regulatory provisions accompanying the NHPA required the SHPOs to prepare and implement state historic preservation plans.²

Section 106 of the NHPA (54 USC § 300101 et seq.) and its implementing regulations, “Protection of Historic Properties” (36 CFR Part 800), require that federal agencies take into account the effects of undertakings they sponsor, authorize, or assist on historic properties (cultural resources listed in or determined eligible for inclusion in the NRHP (36 CFR § 800.1[a]) and in consultation with SHPO/THPO, tribes, NHOs, and other consulting parties. It also requires the agency to identify historic properties in the APE, assess effects, and develop steps to resolve the adverse effects. The NRHP is a list kept by the Secretary of the Interior of “districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering and culture” (36 CFR § 60.1[a]). Criteria applied in the NHPA Section 106 process to determine whether a property is eligible for nomination to the NRHP are in 36 CFR § 60.4. If significant (i.e., NRHP eligible or listed) resources are identified, then federal agencies are directed to seek ways to avoid, minimize, or mitigate any adverse effects.

Section 101(d)(6)(A) of the NHPA allows properties with traditional HPRCSITs to be determined eligible for inclusion in the NRHP. Cultural institutions, lifeways, culturally valued viewsheds, places of cultural association, and other valued places and social institutions must also be considered under the National Environmental Policy Act, EO 12898, and sometimes other authorities (EO 13006, EO 13007, NAGPRA).

Major amendments to the NHPA in 1980 provided support for archaeological resources protection through EO 11593, which required federal agencies to develop programs to inventory and evaluate historic resources (Carnett 1991). The amendments also authorized federal agencies to charge reasonable costs for such activities to federal permittees and licensees (Carnett 1991).

Native American Graves Protection and Repatriation Act of 1990

The NAGPRA (25 USC § 3001) supports consultation with Native groups when Native burials may be, or are accidentally, disturbed by an action on federal lands, and for inventorying and repatriating collections already held by federal museums and institutions. Native human remains, funerary objects, sacred objects,

² State of California historic preservation plan: <http://ohp.parks.ca.gov/pages/1069/files/10%20comb.pdf>; State of Oregon historic preservation plan: https://www.oregon.gov/oprd/HCD/docs/2018_2023_shpo_plan.pdf.

and objects of cultural patrimony as defined in NAGPRA, encountered on federal land in connection with an undertaking, shall not be intentionally excavated or removed without a permit under the ARPA (16 USC § 470cc) and consultation with the appropriate tribes. NAGPRA regulations apply only to federally managed lands.

NAGPRA is a comprehensive approach to the disposition of Native American human remains and cultural items. The Act addresses the rights of lineal descendants, Indian tribes, and Native Hawaiian organizations to Native American cultural items, including human remains, funerary objects, sacred objects, and objects of cultural patrimony. NAGPRA specifies special treatment for Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony. NAGPRA stipulates that illegal trafficking in human remains and cultural items may result in criminal penalties.

NAGPRA has two main purposes. One is to require that federal agencies and museums receiving federal funds inventory holdings of Native American funerary remains and funerary objects. They must also provide written summaries of other cultural items. This helps to forge paths for federal agencies and Native tribes to work together in identifying and returning human remains and funerary objects.

The second purpose is to give Native American burial sites greater protection. NAGPRA requires that Indian tribes and Native Hawaiian organizations be consulted when archaeological investigations are anticipated or when cultural items are unexpectedly uncovered.

Three primary components characterize NAGPRA. First, under certain circumstances, NAGPRA provides for the restitution of newly discovered human remains and associated burial items discovered on federally owned or controlled land to Native American tribes. Second, NAGPRA provides a mechanism for the restitution to Native American tribes of human remains, associated and unassociated burial goods, sacred objects, and objects of cultural patrimony that are in the collections of federal agencies and museums that receive federal funding. Third, NAGPRA prohibits trafficking in Native American human remains without the right of possession, as provided under NAGPRA, and in cultural items that were obtained in violation of NAGPRA.

Organic Act of 1897 (USFS Land)

The Organic Act (Title 16, USC §§ 473-478, 479-482, 551) is the original act governing the administration of National Forest System lands. It is one of several federal laws under which the USFS operates. Under this act, the Secretary of Agriculture may make regulations and establish services necessary to regulate the occupancy and use of National Forest System lands and preserve them from destruction. Persons violating the act or regulations adopted under it are subject to fines or imprisonment. The Organic Act is one authority used to issue Permits for Archaeological Investigations.

Prohibitions in 36 CFR Part 261

The Secretary of Agriculture's regulations (36 CFR Part 261) provide in part for regulating the occupancy and use of archaeological sites on national forest lands. ARPA sets two criteria that must be met by national

forests in considering whether a site or artifact is significant for protection: 1) The site or artifact must be at least 100 years of age; and 2) Must be of archaeological interest. However, on federal land, other statutes and regulations provide protections for resources that are not protected under ARPA.

1.4.2 State Laws and Regulations

The following state laws and regulations address protections for archaeological resources and human skeletal remains, provisions for archaeological permitting, penalties for vandalism, and other issues that are or may be applicable to non-federal lands of the LKP. These laws will also apply to historic properties in the states of California and Oregon once FERC's jurisdiction over cultural resources in the FERC Project Boundary and the protections offered by Section 106 of the NHPA ends. This list is not comprehensive but is intended to provide readers with a reference for understanding of state-level cultural resource protections on state and privately-owned lands.

California

California has several laws and regulations that protect archaeological sites and Native American tribal cultural resources.

- AB 52 (Chapter 532, Statutes 2014) establishes a consultation process with all California Native American tribes on the Native American Heritage Commission List (federally and non-federally recognized tribes). Recognizes tribal cultural resources, considers tribal cultural values in determination of project impacts and mitigation, and requires tribal notice and meaningful consultation. AB 52 required an update to CEQA Guidelines to include questions related to impacts to tribal cultural resources. More details are provided under CEQA, below.
- Public Resources Code (PRC) Section 5024.1 established the California Register of Historical Resources and criteria to determine significance, eligible properties, and nomination procedures.
- PRC Section 5097.5 makes any unauthorized removal or destruction of archaeological or paleontological resources on sites on public land a misdemeanor. Public lands are those owned by, or under the jurisdiction of, the state, or any city, county, district, authority, or public corporation, or any agency thereof.
- PRC Section 5097.9 prohibits the interference with the free expression of Native American religion as provided in the US Constitution and the California Constitution and severe or irreparable damage to any Native American-sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine on public property, except on a clear and convincing showing that the public interest and necessity so require.
- PRC Section 5097.98 states that if the county coroner determines that discovered human remains are Native American, the coroner is required to contact the Native American Heritage Commission, which is then required to determine the "Most Likely Descendant" to inspect the burial and to make recommendations for treatment or disposition of the remains and any associated burial items.
- PRC Section 5097.99 prohibits obtaining or possessing Native American artifacts or human remains taken from a grave or cairn and sets penalties for these actions.

- PRC Section 21074 defines tribal cultural resources as sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either included or determined to be eligible for inclusion in the California Register of Historical Resources, or included in a local register; a resource determined by the lead agency to be significant to a California Native American tribe.
- PRC Section 21083.2 provides that if a project may affect a resource that has not met the definition of an historical resource set forth in Section 21084, then the lead agency may determine whether a project may have a significant effect on “unique” archaeological resources; if so, an EIR shall address these resources. If a potential for damage to unique archaeological resources can be demonstrated, such resources must be avoided; if they cannot be avoided, mitigation measures shall be required. The law also discusses excavation as mitigation; discusses the costs of mitigation for several types of projects; sets time frames for excavation; defines “unique and nonunique archaeological resources”; provides for mitigation of unexpected resources; and sets financial limitations for compliance with this section.
- PRC Section 21084.1 provides that a project may have a significant effect on the environment if it causes a substantial adverse change in the significance of a historic resource; the section further defines a “historical resource” and describes what constitutes a “significant” historical resource.
- Title 14, CCR Section 4307 states that no person shall remove, injure, deface, or destroy any object of paleontological, archaeological, or historical interest or value.
- CEQA Guidelines (Title 14, CCR) include sections that address archaeological and historic resources, including Section 15126.4, “Consideration and Discussion of Mitigation Measures Proposed to Minimize Significant Effects,” which discusses impacts of a historical resource and mitigation through avoidance, preferably by preservation in place, or by data recovery through excavation conducted following an adopted data recovery plan if avoidance or preservation in place is not feasible; Section 15064.5, “Determining the Significance of Impacts to Archaeological and Historical Resources,” which defines the term “historical resources” and explains when a project may be deemed to have a significant effect on historical resources and defines terms used in describing those situations, as well as CEQA’s applicability to archaeological sites; and Section 15064.7, “Thresholds of Significance,” which encourages agencies to develop thresholds of significance to be used in determining potential impacts and defines the term “cumulatively significant.”
- California Penal Code Section 622.5 states that anyone who willfully damages an object or thing of archaeological or historic interest can be found guilty of a misdemeanor.
- California Health and Safety Code Section 7050.5 states that if human remains are discovered during construction, the person(s) responsible for the excavation or their agent is required to contact the county coroner. Section 7050.5 establishes intentional disturbance, mutilation or removal of interred human remains as a misdemeanor. This section requires that further excavation or disturbance of land, upon discovery of human remains outside of a dedicated cemetery, cease until a county coroner makes a report. The county coroner must contact the Native American Heritage Commission within 24 hours if the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the remains to be those of a Native American.

- California Health and Safety Code Section 7051 governs the removal of human remains from internment, or from a place of storage while awaiting internment or cremation, with the intent to sell them or to dissect them with malice or wantonness as a public offense punishable by imprisonment in a state prison.
- California Health and Safety Code Section 7052 stipulates felony offenses related to human remains, stating that willing mutilation of, disinterment of, removal from a place of disinterment of any remains known to be human are felony offenses.
- California Health and Safety Code Section 7054 concerns depositing human remains outside of a cemetery and exempts reburial of Native American remains pursuant to PRC Section 5097.94 from definition of a misdemeanor.
- California Health and Safety Code Sections 8010-8011 contain the provisions of the California Native American Graves Protection and Repatriation Act of 2001. This act establishes a state repatriation policy intent that is consistent with and facilitates implementation of the federal NAGPRA. The act strives to ensure that all California Indian human remains and cultural items are treated with dignity and respect. It encourages voluntary disclosure and return of remains and cultural items by publicly funded agencies and museums in California. It also states an intent for the state to provide mechanisms for aiding California Indian tribes, including non-federally recognized tribes, in filing repatriation claims and getting responses to those claims.
- California Penal Code Section 622.5 establishes as a misdemeanor the willful injury, disfiguration, defacement, or destruction of any object or thing of archaeological or historical interest or value, whether situated on private or public lands.
- California Penal Code 623 establishes as a misdemeanor the disturbing or alteration of any archeological evidence in any cave without the written permission of the owner of the cave, punishable by up to 1 year in the county jail or a fine not to exceed \$1,000, or both.
- California Penal Code 7050.5 declares the intentional disturbance, mutilation, or removal of interred human remains as a misdemeanor crime and requires that further excavation or disturbance of land must cease upon discovery of human remains outside of a dedicated cemetery, until a county coroner makes a report. The code requires a county coroner to contact the Native American Heritage Commission within 24 hours if the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the remains to be those of a Native American.

Oregon

Oregon State laws are applicable to nonfederal public and private lands in Oregon. Oregon Revised Statutes (ORS) that apply to cultural resources include the following:

- ORS 97.740–97.760, which protect Indian graves and protected objects and establish procedures for their treatment
- ORS 192.345, which protects the confidentiality of information on archaeological sites

- ORS 358.653, which requires a state agency or political subdivision responsible for real property of historic significance to institute a program to conserve the property and assure such property shall not be inadvertently transferred, sold, demolished, substantially altered, or allowed to deteriorate
- ORS 358.905–961, which provide overall policy guidance on archaeological objects and sites
- ORS 390.235, which requires a permit from the Oregon State Parks and Recreation Department before archaeological materials can be excavated from public lands or within a known archaeological site, following the Oregon Administrative Rules for the permitting (Oregon Administrative Rules 736-051-0000 to 0090).

1.5 Participants in HPMP Development

Pursuant to its responsibilities under the NHPA, FERC initiated consultation with the California and Oregon SHPOs through the “Notice of Applications” on December 10, 2016. Within the Notice, FERC designated PacifiCorp and the Renewal Corporation as the Commission’s “non-federal representative for carrying out informal consultation” pursuant to 36 CFR § 800.2(c)(4). Following that designation, the Renewal Corporation extended invitations to consult with other federal and state agencies, Tribes, local jurisdictions, and other interested parties.

1.5.1 Klamath River Renewal Corporation

The Renewal Corporation is a private, non-profit corporation. It will implement the Proposed Action, including the cultural resource protection measures contained herein and as provided in the Programmatic Agreement, facilitate consultation with the consulting parties, provide recommendations to FERC concerning alterations to the APE, eligibility of resources for the NRHP, findings of effect, and measures to avoid, minimize, and resolve adverse effects to historic properties, in addition to responding to inadvertent discoveries or unanticipated effects consistent with the undertaking’s PA and HPMP.

1.5.2 Cultural Resources Working Group

To initiate Section 106 compliance, the Renewal Corporation formed a CRWG in August 2017. The purpose of the group is to compile information to assist FERC with regulatory compliance and to ensure open communication among consulting parties. Invited members to the CRWG include PacifiCorp; the Oregon and California SHPOs, USFS (Klamath National Forest); BLM (Redding and Klamath Falls Field Offices); USACE (San Francisco District); USBR; and representatives of the Klamath Tribes, Modoc Nation (formerly Modoc Tribe of Oklahoma), Shasta Indian Nation, Shasta Nation, Karuk Tribe, Yurok Tribe, Quartz Valley Indian Community of the Quartz Valley Reservation of California, Cher’Ae Heights of the Trinidad Rancheria, Confederated Tribes of the Siletz Indian Reservation, Resighini Rancheria, and the Hoopa Valley Tribe.

CRWG meetings focused on a broad range of topics, including an overview of the Section 106 process; the Proposed Action schedule and updates; restoration and recreation planning; APE; cultural resource identification methods, NRHP evaluation of potentially affected sites (Phase II evaluation); and development of a final Section 106 agreement document, MIDP (Appendix B), LVPP (Appendix C), and this HPMP. In

conjunction with the CRWG meetings, and at the request of tribal participants, the Renewal Corporation has also hosted Tribal Caucuses, held before each CRWG meeting and open to tribal representatives only. In addition, the Renewal Corporation has taken part in meetings with individual Tribes on an as-requested basis. Individual meetings have been held with the Klamath Tribes, Modoc Nation, Shasta Indian Nation, Shasta Nation, Quartz Valley Indian Reservation, Karuk Tribe, Yurok Tribe, and Resighini Rancheria. A major goal of the CRWG has been to provide input on Section 106- compliance related draft documents and proposed management measures (Appendix D).

1.5.3 Local Jurisdictions and Other Consulting Parties

In addition to federal agencies, Tribes, and state agencies, the Renewal Corporation has also invited local jurisdictions and other potentially interested organizations to consult under Section 106 of the NHPA. While some parties expressed an interest in the project, none have attended or otherwise participated in the CRWG.

1.5.4 HPMP Consultation Procedures and Protocols

Since FERC issued its Notice of Applications on December 10, 2016, the Renewal Corporation has consulted with federal agencies, SHPOs, Tribes, and other stakeholders concerning various components of the HPMP, including the APE (Appendix D), process for identifying and evaluating historic properties, assessment of effects, MIDP, and the LVPP. Having received input from these parties during consultation meetings (Appendix E) and/or written correspondence, a Draft HPMP was distributed to the CRWG for review and comment consistent with the FERC guidelines.

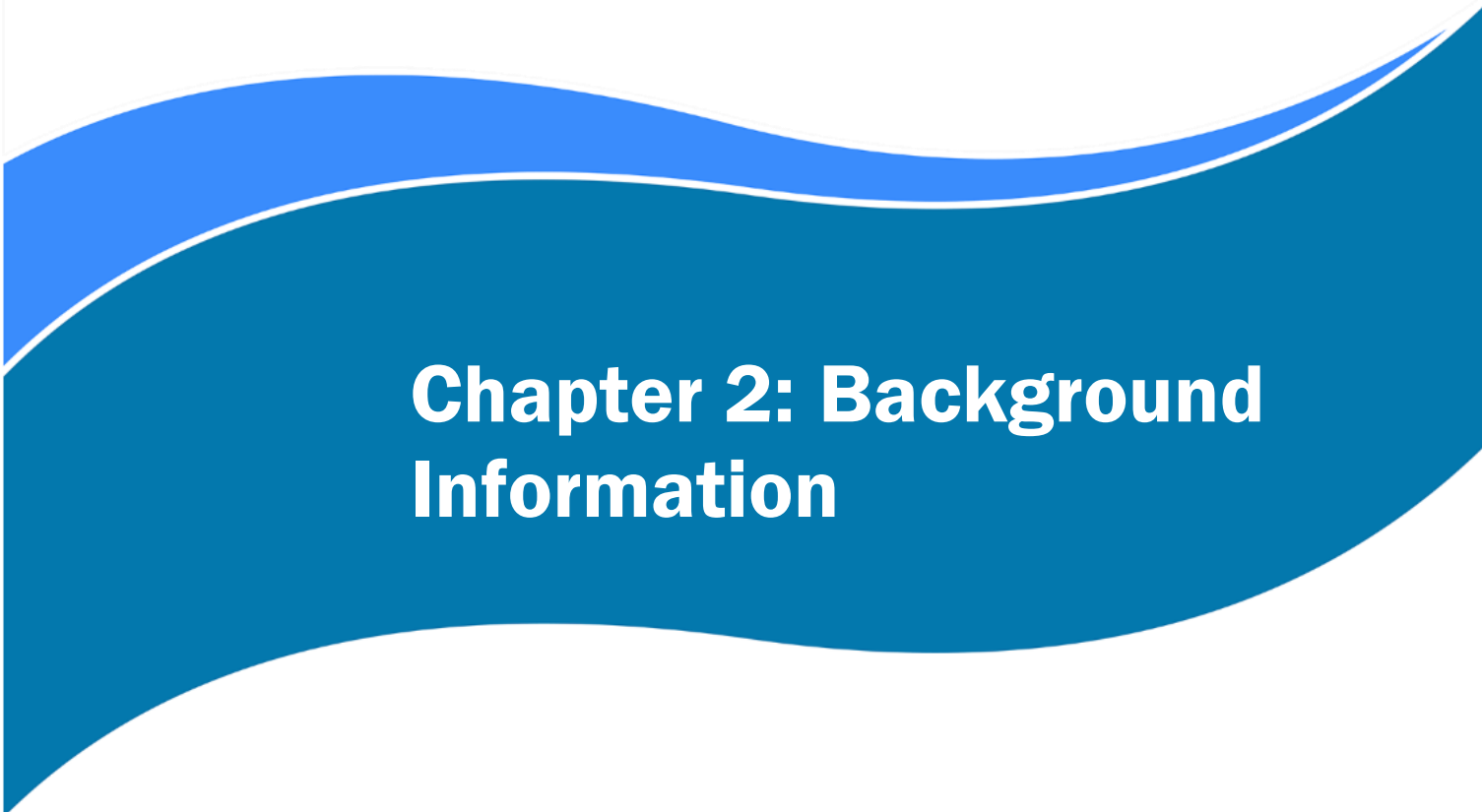
The following summarizes current review status of the HPMP:

The Renewal Corporation submitted a Draft (dated February 2021) to FERC on February 26, 2021, in conjunction with the amended license surrender application. FERC requested additional information which was supplemented with an update to Table 3-4 on May 20, 2021. The Renewal Corporation submitted this Draft to the CRWG/SHPOs in May 2021.

FERC received comments from the California SHPO (letter dated January 13, 2022, from Julianne Polanco, California State Historic Preservation Officer, to Kim Nguyen, Chief, FERC Environmental and Project Review Branch) and from the Oregon SHPO (letter dated January 21, 2022, from John Pouley, Oregon State Archaeologist, to Kim Nguyen, FERC). FERC produced a Draft Environmental Impact Statement in February 2022 and identified outstanding information needs related to the HPMP in that document.

This September 2022 version of the HPMP took into account comments received on the May 2022 and February 2021 drafts. FERC received comments from the California SHPO (July 6, 2022), ACHP (June 22, 2022), and the Shasta Indian Nation (July 1, 2022) on the May 2022 draft of the HPMP. In response to these comments, FERC issued a letter on August 15, 2022, to the Renewal Corporation with direction on changes to the HPMP and responses to these timely filed comments. In addition, on August 26, 2022, FERC issued the Final Environmental Impact Statement (FEIS) and identified additional revisions to the HPMP. At

FERC's request, the Renewal Corporation convened consultation meetings with the California SHPO (August 29, 2022), ACHP (September 2, 2022), CRWG (September 9, 2022), California SHPO, Oregon SHPO, and ACHP (September 12, 2022), and California SHPO (September 13, 2022). The September 2022 draft of the HPMP takes into account FERC's letter, FEIS, comments filed by the Shasta Indian Nation, California SHPO, and the ACHP, as well as other comments received at the consultation meetings. The summaries of the consultation meetings and the correspondence from consulting parties are found in Appendix E and Appendix F, respectively, of this HPMP.

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Chapter 2: Background Information

2. BACKGROUND INFORMATION

This section provides an overview of the Proposed Action, beginning with a general description and introduction to the four existing hydroelectric developments.

2.1 Location

The LKP is along the upper Klamath River in Klamath County, Oregon (south-central Oregon) and Siskiyou County, California (north-central California), approximately 200 miles upstream from the Pacific Ocean (Figure 2-1). The LKP encompasses the lands and waters between the upper reach of J.C. Boyle Reservoir, at river mile (RM) 234, and the toe of Iron Gate Dam, at RM 193. The nearest principal cities are Klamath Falls, Oregon, about 15 miles northeast of the upstream end of the FERC Project Boundary; Medford, Oregon, 45 miles northwest of the downstream end of the FERC Project Boundary; and Yreka, California, 20 miles southwest of the downstream end of the FERC Project Boundary. The LKP hydroelectric facility locations are shown in Figure 2-1.



Figure 2-1 Klamath Basin watershed and LKP hydroelectric facility locations

2.2 Existing Hydroelectric Facilities and Fish Hatcheries

The LKP's existing hydroelectric facilities and fish hatcheries are described in Renewal Corporation 2020, and a summary is provided below.

2.2.1 J.C. Boyle

The J.C. Boyle development (originally known as the Big Bend development) is between RM 224.7 (dam) and RM 220.4 (powerhouse) on the Klamath River in Oregon (PacifiCorp 2004). The development includes the dam and intake structure, reservoirs, water conveyance system, scour hole, and the powerhouse and substation. The J.C. Boyle Dam is a 68-foot-tall concrete and earth fill dam that is approximately 700 feet long. The dam impounds approximately 3,495 acre-feet of water, at a reservoir elevation (EL.) 3,796 feet in a narrow reservoir with a surface area of approximately 420 acres (FERC 2018). A concrete pool and weir fish ladder (approximately 569 feet long with 63 pools) are along the abutment wall between the embankment and concrete sections to provide upstream fish passage at the dam (PacifiCorp 2004). J.C. Boyle Reservoir supplies water through a concrete conveyance system comprised of a 600-foot siphon and pipeline, a 2-mile-long concrete power canal, a 1,660-foot-long low-pressure tunnel, and two 956-foot-long by 10.5-foot-diameter surface-mounted high-pressure steel penstocks. The conveyance system extends to a powerhouse containing two units with an authorized capacity of 98 megawatts (MW) (FERC 2018). There is also an eroded scour hole downstream of the forebay structure. The development includes a switchyard, substation, and transmission lines. Recreation facilities at J.C. Boyle include the Topsy Campground and boat launch, Pioneer Park east and west units and boat launches, Spring Island whitewater boating launch, and numerous dispersed shoreline recreations sites.

2.2.2 Copco No. 1

The Copco No. 1 dam and associated facilities are on the Klamath River between RM 204 and RM 198 in Siskiyou County, California. The Copco No. 1 hydroelectric facilities consist of a 230-foot-high (measured from the lowest point of the foundation excavation to the spillway crest) by 415-foot-long dam with a spillway section containing 13 Tainter gates and an abandoned and concrete-plugged diversion tunnel and concrete inlet control structure. The reservoir is 1,000 surface acres and contains about 33,724 acre-feet of total storage capacity at elevation 2,607.5 (FERC 2018). The two 10-foot-diameter (reducing to 8-foot-diameter) steel penstocks feed Unit No. 1 in the powerhouse. The right intake houses four vertical-lift gates. A single, 14-foot-diameter (reducing to two 8-foot-diameter) steel penstock close to the river feeds Unit No. 2. The powerhouse contains two units at an authorized capacity of 20 MW. The development also contains a switchyard, substation, and transmission lines (FERC 2018). Recreation facilities at Copco No. 1 include Mallard and Copco Cove with boat launches.

2.2.3 Copco No. 2

The Copco No. 2 development powerhouse is immediately downstream of Copco No. 1 at RM 198.3 in California. The Copco No. 2 reservoir is small (approximately 40 acres), with a storage capacity of 73 acre-

feet at EL. 2,483 feet) and is immediately downstream of Copco No. 1 dam. The Copco No. 2 dam is a 33-foot-high concrete gravity diversion dam with a 132-foot-long earth fill embankment section at the right abutment. The development also includes a 145-foot-long overflow spillway with five 26- by 11-foot radial (Tainter) gates and a 4,863-foot-long water conveyance system. The conveyance system includes a 2,440-foot concrete-lined tunnel, 1,313-foot wood-stave penstock, an additional 1,110 feet of concrete-lined tunnel, two steel penstocks approximately 375 feet long, and a surge tank (FERC 2018). The Copco No. 2 Powerhouse has two units, and an authorized capacity of 27 MW (FERC 2018). The Copco No. 2 development also includes a switchyard, substation, and transmission lines. The bypass reach is approximately 1.5 miles long. The Copco 2 development does not contain recreation facilities accessible by the public (PacifiCorp 2004).

2.2.4 Iron Gate

The Iron Gate facilities comprise the farthest downstream LKP development in California between RM 196.8 (dam) and RM 190.0 (powerhouse). The dam and associated facilities consist of an approximately 944 surface-acre reservoir with 58,794 acre-feet of storage capacity at EL. 2,328.0 (FERC 2018). The dam has a height of 189 feet from the rock foundation to the dam crest at EL. 2,343.0 feet mean sea level (msl). Iron Gate also has fish trapping and holding facilities situated on the random fill area at the dam toe. The top of the random fill area is at EL. 2,189.0 feet msl. High (EL. 2,310.0 feet msl) and low-level (EL. 2,250 feet msl) intakes for the fish facility water are incorporated into the dam. In 2003, PacifiCorp modified Iron Gate Dam to raise the dam crest elevation from EL. 2,343 feet msl to EL. 2,348 feet msl. The modifications included construction of a sheetpile wall extension along the dam crest, anchored into the existing dam structure. Additional riprap materials were placed on the upstream face of the dam to protect those areas inundated by higher reservoir elevations. This work included shotcrete protection at the top of the spillway and spillway chute (PacifiCorp 2004).

The spillway crest is 727 feet long and consists of a concrete ogee and slab placed over the excavated rock ridge. The upper part of the channel is partly lined with concrete. At the end of the chute, a flip-bucket terminal structure is approximately 2,150 feet downstream of the toe of the dam (PacifiCorp 2004). The Iron Gate Powerhouse has one unit with an authorized capacity of 18 MW, a switchyard, substation, and transmission lines. The powerhouse is at the base of the dam on the left bank. The Iron Gate development also includes the Iron Gate fish hatchery, which raises steelhead, coho salmon, and Chinook salmon, and includes a fish trapping and holding facility. The hatchery complex includes an office, incubator building, rearing ponds, fish ladder with trap, visitor information center, and employee residences. Up to 50 cubic feet per second (cfs) is diverted from the Iron Gate reservoir to supply the 32 raceways and fish ladder. The hatchery is operated by the California Department of Fish and Wildlife (CDFW) (PacifiCorp 2004). Recreation facilities at Iron Gate include the Fall Creek day-use area and boat launch, campgrounds, and other boat launch areas and dispersed shoreline sites.

2.2.5 Iron Gate Hatchery

Iron Gate Hatchery was constructed in 1962 to mitigate for lost anadromous salmonid spawning and rearing habitat between Copco No. 2 Dam and Iron Gate Dam. The Iron Gate Hatchery is approximately 0.5 mile

downstream of Iron Gate Dam, adjacent to the Bogus Creek tributary. The main hatchery complex includes an office, incubator building, rearing/raceway ponds, fish ladder with trap, settling ponds, visitor information center, and four employee residences. The collection facility is at Iron Gate Dam and includes a fish ladder consisting of twenty 10-foot weir-pools that terminate in a trap, a spawning building, and six 30-foot circular holding ponds. The Iron Gate Hatchery operates with a gravity-fed, flow-through system that has five discharge points into the Klamath River. The Iron Gate Hatchery obtains its water supply from Iron Gate Reservoir. Two subsurface influent points at a depth of approximately 17 feet and 70 feet, respectively, deliver water to Iron Gate Hatchery. Up to 50 cfs are diverted from the Iron Gate Reservoir to supply the 32 raceways and fish ladder. The existing spawning facility discharges through the main ladder and steelhead return line. An overflow line drains excess water from the aeration tower. The hatchery facility also has a discharge at the tailrace that supplies the auxiliary ladder or fish discharge pipe, and two flow-through settling ponds for hatchery effluent treatment that converge to a single discharge point. The historical mitigation goals include a release of 6,000,000 Chinook salmon (5,100,000 fingerlings and 900,000 yearlings), 75,000 coho salmon yearlings, and 200,000 steelhead yearlings, annually. The Southern Oregon Northern California Coast coho salmon Evolutionarily Significant Unit, which includes coho salmon produced at Iron Gate Hatchery, is listed as threatened under the federal Endangered Species Act and the California Endangered Species Act. The Renewal Corporation will demolish the existing fish collection facility at the toe of Iron Gate Dam and the water supply intake and associated infrastructure along with the dam and hydropower developments.

2.2.6 Fall Creek Hatchery

California Oregon Power Company built the Fall Creek Hatchery in 1919 as compensation for loss of spawning grounds due to the construction of Copco No. 1 Dam. Six of the original rearing ponds remain (two above Copco Road and four below the road). CDFW last used these ponds from 1979 through 2003 to raise approximately 180,000 Chinook salmon yearlings, which they released into the Klamath River at Iron Gate Hatchery. Although the raceways remain and CDFW continues to run water through them, they have not produced fish since 2003, when CDFW moved all mitigation fish production to Iron Gate Hatchery. There are two existing diversion structures (Diversion A and Diversion B). Diversion A is the primary diversion for the water supply, and Diversion B is the secondary diversion under current and future operating conditions. The facility retained its water rights but needs substantial renovation to become operational.

2.3 Description of the Proposed Action

The DDP describes the Proposed Action (Renewal Corporation 2020). To create a free-flowing river to allow volitional fish passage, the Renewal Corporation will remove the J.C. Boyle Dam and Powerhouse, Copco No. 1 Dam and Powerhouse, Copco No. 2 Dam and Powerhouse, and Iron Gate Dam and Powerhouse, as well as associated features. Associated features vary by development, but generally include powerhouse intake structures, embankments, and sidewalls, penstocks and supports, decks, piers, gatehouses, fish ladders and holding facilities, pipes and pipe cradles, spillway gates and structures, diversion control structures, aprons, sills, tailrace channels, footbridges, powerhouse equipment, distribution lines, transmission lines, switchyards, original cofferdam, portions of the Iron Gate Fish Hatchery, residential facilities, and

warehouses. The removal also includes site remediation and restoration, including areas previously inundated by the reservoirs; measures to avoid or minimize adverse downstream impacts; and all associated permitting for such actions.

The removal will be completed within an approximate 20-month period. The removal schedule includes a 9-month period of site preparation and partial drawdown at Copco No. 1. To access the dams for deconstruction, the Renewal Corporation will perform a controlled reservoir drawdown using both existing and modified infrastructure for approximately 4 to 6 months depending on water year type. Dam demolition will occur over approximately 6 to 8 months using multiple techniques, including contained blasting and hydraulic excavators.

Road maintenance, improvements, and rehabilitation; culvert replacements; and bridge protection, strengthening, or replacement will occur at numerous locations within the LKP LOW to support construction activities. The removal activities also involve the relocation of the Yreka water conveyance pipeline, Fall Creek Hatchery improvements, and the removal of recreation facilities adjacent to the reservoirs.

To meet the objective for volitional fish passage, a restoration program will be implemented in the previously inundated areas in the former reservoir footprints, on the mainstem of the Klamath River, and on high-priority tributaries within the original LKP reservoirs. Such restoration will involve assisted sediment evacuation and residual sediment stabilization; tributary reconnection, selective post-drawdown grading to provide volitional fish passage, revegetating through native plantings; and enhancing aquatic habitat.

The DDP (Renewal Corporation 2020) establishes decommissioning activities in three phases: Phase 1 Pre-Drawdown; Phase 2 Drawdown; and Phase 3 Post-Drawdown (Table 2-1). Phase 1 and Phase 2 involve activities up to the final reservoir drawdown, including those activities that occur during the final reservoir drawdown immediately prior to the physical removal of the facilities. Phase 3A includes the physical removal of the facilities from the river and in-channel grading. Phase 3B includes site restoration and other ancillary work (e.g., recreation sites, Yreka water line, and fish hatchery activities). The DDP provides the proposed schedule for the decommissioning of the LKP (Renewal Corporation 2020). This HPMP describes the DDP's phases for informational purposes, as context for scheduling the phased identification and evaluation of cultural resources, ascertaining effects to resources, and developing proposed treatments for historic properties.

During the Phase 2 Drawdown, the Renewal Corporation (through its contractor) will draw down the water surface elevation in each reservoir as low as possible to help accumulated sediment evacuation and to create a dry work area for development removal activities. Based on the stability analyses and assessments, the maximum recommended drawdown rate is 5 feet per day (Renewal Corporation 2020, 29, 35).

After the Phase 2 Drawdown is accomplished, remaining reservoir sediments will be stabilized to the extent feasible, and dam and hydropower development removal will begin under Phase 3A. Full reservoir restoration and other ancillary work will begin during Phase 3B.

Table 2-1 Phases for Decommissioning

Phase	Title	Description
Phase 1	Pre-Drawdown	Includes all activities up to the initiation of drawdown such as construction and site access and powerhouse/water conveyance modifications
Phase 2	Drawdown	Includes all activities during the initial drawdown, which will occur approximately from January 1–March 15, and the final reservoir drawdown, which will occur when the water surface elevation is at the historic coffer dam, otherwise considered the Klamath River historic channel. This phase is immediately prior to the physical removal of the facilities.
Phase 3A	Post-Drawdown Facility Removal	Includes all activities associated with removing the physical facilities, and in-channel grading.
Phase 3B	Post-Drawdown Site Restoration and Ancillary Site Improvements	Includes all activities occurring post-facility removal, including site restoration and other ancillary work (e.g., recreation sites, Yreka water line, fish hatchery activities).

Notes: Compilation of tables in Chapter 5 of the DDP (Renewal Corporation 2020).

2.3.1 Phase 1: Pre-Drawdown and Phase 2: Drawdown

Overview

The DDP describes the Phase 1 Pre-Drawdown and Phase 2 Drawdown activities related to Construction and Site Access, Powerhouse and Water Conveyance Modifications, and Reservoir Drawdown Stages for each hydroelectric facility. A summary of the activities by facility is provided in Table 2-2 (Renewal Corporation 2020).

Table 2-2 Summary of Phase 1: Pre-Drawdown and Phase 2: Drawdown Activities by Facility

Facility	Construction and Site Access Improvements	Powerhouse and Water Conveyance Modifications	Reservoir Drawdown
J.C. Boyle	None	None	Four stages
Copco No. 1	Construct and improve roads, temporary bridge, work platform at base of spillway	Construct one outlet on dam, dredge upstream, modify reservoir operations	Three stages
Copco No. 2	Develop temporary access roads/track	Remove downstream historic cofferdam, excavate material in the downstream channel at Spillway Bay No. 1, dispose of materials at approved on-site disposal location	Three stages

Facility	Construction and Site Access Improvements	Powerhouse and Water Conveyance Modifications	Reservoir Drawdown
Iron Gate	Construct access to tunnel across base of dam and work platform, access road	Partially line diversion tunnel and remove weir at outlet	Two stages

Notes:
Compiled from the DDP (Renewal Corporation 2020).

Ancillary Pre-Drawdown Site Improvements

As part of the larger dam decommissioning effort, the Renewal Corporation will install the Yreka water supply line and move fish hatchery operation to Falls Creek Fish Hatchery.

Yreka Water Supply Line

The Yreka water supply line traverses the upper end of Iron Gate Reservoir. The Renewal Corporation has reached agreement with the City of Yreka to construct a new segment of buried pipeline in the immediate vicinity of the existing waterline crossing. The new section of the pipeline will tie into the existing buried pipeline at either end. The pipeline will be temporarily routed across the Daggett Road Bridge until the new pipeline is constructed following drawdown. Following drawdown, a trench will be dug across the Klamath River for the construction of the new pipeline. The trench will be dug behind a cofferdam and will be constructed in two stages to allow the river to be routed around the work zone.

Fall Creek Hatchery Improvements

The existing Iron Gate Hatchery facilities are part of the LKP, and they are operated by CDFW. Pursuant to KHSA, the Renewal Corporation has consulted with CDFW regarding hatchery facilities. With the removal of Iron Gate Dam, the Renewal Corporation will remove the water intake and fish capture, holding, and spawning facilities of the Iron Gate Hatchery. The functions and goals of the existing Iron Gate Hatchery will be replaced by the reopening and operation of the Fall Creek Hatchery by CDFW until the license surrender is effective. The Renewal Corporation will demolish the existing fish collection facility at the toe of the Iron Gate Dam. The Renewal Corporation proposes to upgrade the plumbing and reconstruct the Fall Creek Hatchery to be operated by CDFW. The Fall Creek Hatchery will be on PacifiCorp lands outside of the boundaries of the LKP. The Renewal Corporation, PacifiCorp, and CDFW will enter into a lease or similar legal arrangement for this purpose, to ensure that the Renewal Corporation (as future licensee) has adequate control over the lands and waters associated with this facility for compliance with the applicable condition of the LSO.

2.3.2 Phase 3A: Post-Drawdown Facility Removal

Phase 3A Post-Drawdown Facility Removal includes the physical removal of the facilities from the river and in-channel grading. Each of the developments are described for activities related to: 1) Dam Removal and Volitional Fish Passage Channel Construction; 2) Water Conveyance Decommissioning; and 3) Powerhouse,

Substation, and Ancillary Facilities Removal. For Iron Gate, a fourth category is included to describe Fish Hatchery Decommissioning Activities (Renewal Corporation 2020) (Table 2-3).

Table 2-3 Summary of Phase 3A Post-Drawdown Facility Removal Activities by Facility

Facility	Dam Removal and Volitional Fish Passage Channel Construction	Water Conveyance Decommissioning	Powerhouse, Substation, and Ancillary Facilities Removal	Fish Hatchery Decommissioning Activities
J.C. Boyle	Construct and improve roads; remove dam concrete and fish ladder; remove earthfill embankment; remove cofferdam and accumulated sediment	Remove 14-foot-diameter pipeline; close the power canal and remove buildings and equipment; bury tunnel portal inlet; leave Power Canal Access Road in place; fill scour hole; dispose of steel penstocks	Remove powerhouse and all associated structures; remove J.C. Boyle village (demolish all buildings)	N/A
Copco No. 1	Complete diversion tunnel; remove concrete dam; excavate material upstream or downstream of the dam; remove the diversion tunnel cofferdam	Remove penstocks	Remove powerhouse, switchyard, transmission lines, and ancillary structures	N/A
Copco No. 2	Remove dam and embankment; construct fish passage channel and install riprap for erosion on stream banks near dam	Demolish intake structure, wood-stave penstock, and steel penstocks; backfill with local materials	Remove powerhouse and ancillary structures; remove Copco Village (demolish all buildings)	N/A
Iron Gate	Remove embankment; install riprap/erosion protection; construct fish passage channel	Remove concrete from spillway; remove penstock; fill intake and outlet of diversion tunnel opening	Remove powerhouse and ancillary structures; decommission Iron Gate substation	Remove fish facilities and piping

Notes:
Condensed from the DDP (Renewal Corporation 2020).
N/A = not applicable

2.3.3 Phase 3B: Post-Drawdown Site Restoration and Ancillary Site Improvement Activities

After the physical dam removal and the majority of in-water work occurs (Phases 1, 2, and 3A), the Renewal Corporation will implement site restoration activities, including planting, evaluating volitional fish passage barriers that may develop, and invasive exotic vegetation management, to stabilize and restore the river.

Site Restoration

Site restoration is the primary activity to support the overall habitat restoration goal for coho salmon, fall-run and spring-run Chinook salmon, winter-run and summer-run steelhead, redband trout, and Pacific lamprey. Therefore, site restoration will be an active part of all phases of the decommissioning. The restoration is primarily tied to the removal of the four dams and associated infrastructure, but there will be additional restoration of the former reservoirs as well. To be sensitive to cultural resources and minimize costly restorations in difficult access areas, the restoration will focus on the mainstem of the Klamath River, high priority tributaries, and natural springs and will include the primary restoration areas identified in the following sections. Restoration details are outlined in detail in the Reservoir Area Management Plan developed in consultation with governmental agencies and Tribes.

The site restoration effort will include streams and floodplain restoration, upland restoration, revegetation, and invasive exotic vegetation management. On floodplains, the Renewal Corporation will remove un-natural sediment stored on historic floodplains, protect streambanks from erosion, and improve hydrologic connectivity to off-channel areas and the floodplain. Upland restoration will focus on re-grading former dam sites with natural materials and using soil erosion control. Revegetation will occur in wetland, riparian, and upland planting zones. Invasive exotic vegetation management will commence during pre-removal activities and continue for 2 years after removal.

Ancillary Post-Drawdown Site Improvements

Ancillary post-removal site improvements include recreation improvements. The Renewal Corporation is drafting a Recreation Facilities Plan, in coordination with stakeholders including commercial and private boaters, anglers, and Tribes. The Renewal Corporation proposes changes to existing recreation sites included in the current license. A list of these sites is provided in Table 4-1 in the DDP (Renewal Corporation 2020, 56).

2.3.4 Transfer of Parcel B Lands

Decommissioning activities will primarily occur on lands that will be owned and managed by the Renewal Corporation at the time of implementation of this HPMP. LKP lands currently owned by PacifiCorp and subject to transfer by the Renewal Corporation to the states of California and Oregon or to a designated third-party designee once the Renewal Corporation has met all license surrender conditions are referred to as “Parcel B lands.” The process by which private Parcel B lands will be transferred is outlined in KHSA Section 7.6.4. First, PacifiCorp will transfer Parcel B lands associated with the Proposed Action to the Renewal Corporation before decommissioning begins. PacifiCorp will continue to operate and maintain the proposed LKP and will assume the financial and legal liabilities for the developments pending surrender of the transferred license. However, the Renewal Corporation alone will remove the dams. Once the Renewal Corporation has completed facilities removal and after the license surrender is complete, the Renewal Corporation will transfer ownership of these lands to the respective states. The general Proposed Action location and locations of Parcel B lands subject to transfer from the Renewal Corporation to the states are shown in Figure 2-2.

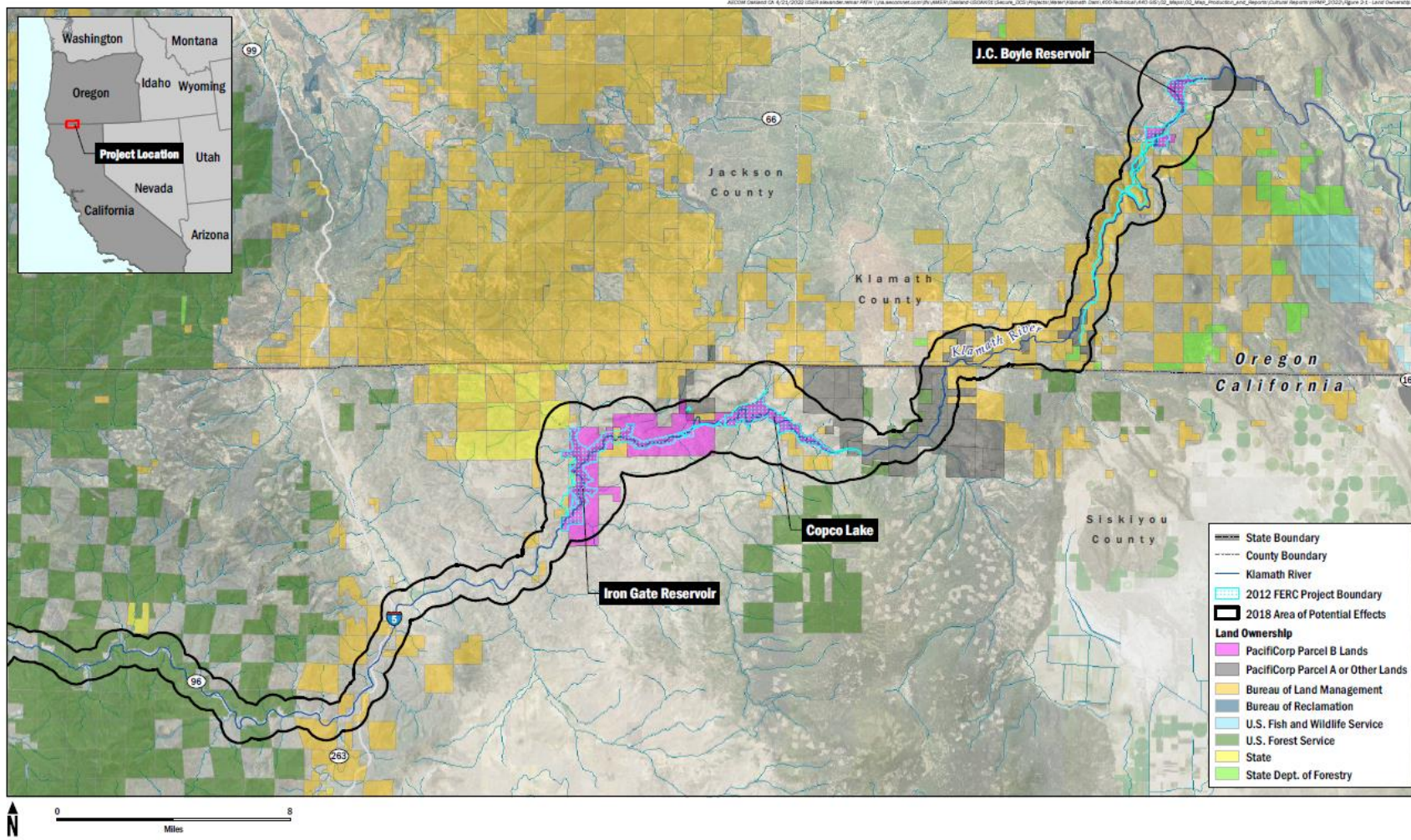


Figure 2-2 Map depicting land ownership, including Parcel B lands

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Chapter 3: Identification of Historic Properties

3. IDENTIFICATION OF HISTORIC PROPERTIES

3.1 Area of Potential Effects and Area of Direct Impacts

The Renewal Corporation, in consultation with federal agencies, Oregon and California SHPOs, Tribes, and other consulting parties, has developed an APE (Appendix D). This section describes the APE as required by 36 CFR Part 800. It then describes the Area of Direct Impacts (ADI), a nonregulatory term used for this Proposed Action to describe a subset of lands within the APE subject primarily to direct construction-related effects associated with the Proposed Action.

3.1.1 Area of Potential Effects

The APE is the geographic area within which the undertaking may directly or indirectly cause alterations in the character or use of historic properties. Defining an APE provides FERC and consulting parties with a basis for understanding the geographic extent of effects to historic properties from an undertaking, which is necessary to properly plan the level of effort for historic properties identification, evaluation, and effects assessments. To confirm the consideration of possible downstream effects below Iron Gate Dam, as well as within the river reaches between J.C. Boyle Dam and Iron Gate Reservoirs, a geographically broad APE has been defined. This APE allows for the examination of potential effects on the surrounding cultural landscape, a potentially NRHP-eligible riverscape, and other identified TCPs, Sacred Sites/HPRCSITs, and/or archaeological or historic districts within Klamath River Canyon between J.C. Boyle and Iron Gate Reservoirs. The geography of the APE represents a complex array of natural and cultural features that collectively represent a Cultural Riverscape associated with significant patterns of events in the traditional histories of the Yurok, Karuk, Hupa, Shasta, and Klamath Tribes.

The APE is primarily a 0.5-mile-wide area on each side of the Klamath River from the upper reach of the J.C. Boyle Reservoir to the river mouth at the Pacific Ocean (Figure 3-1). However, around the reservoirs where topography is more open and rolling, the APE extends at least an additional 0.5 mile to create a minimum 1-mile-wide area on each side of the reservoirs to address the potential for visual effects primarily related to viewshed alterations resultant from reservoir removal. Due to the potential for landscape-level visual changes, the APE around each reservoir occasionally extends beyond the 1-mile-wide area to include areas that are within sight lines of the reservoirs and ADI. This was determined through use of a viewshed analysis based on bare earth (e.g., no trees, vegetation, or other obstructions) inter-visibility, where geographic information system (GIS) application determines direct sight lines from one position to another considering intervening topography using a digital elevation model. Based on these results, the maximum extent of the APE has been set at 2 miles from the ADI around the reservoirs. This distance incorporates most areas with direct sight lines to each reservoir and ADI component yet excludes areas where adverse visual impacts are less likely based on distance, probability of vegetation screening, or other screening landforms.

The riverscape concept used to define the APE also acknowledges the crucial and significant role that the river and its environs play in the lifeway practices of multiple Tribes along the length of the Klamath River. The Klamath Cultural Riverscape has been recommended as retaining sufficient historical integrity and meeting the NRHP Criteria for Evaluation (King 2004). Although the Oregon and California SHPOs have not concurred with this NRHP eligibility recommendation, the riverscape concept is a useful construct in ensuring that the current APE considers the possibility of other types of effects besides physical effects that could occur outside of the ADI. The APE does not extend to include the entirety of the Klamath Cultural Riverscape as identified by King (2004) as the boundaries of the Riverscape extend northward and beyond the geographic area affected by the Proposed Action.

The ADI does not directly correspond to the FERC Project Boundary. The FERC Project Boundary is the geographic extent a licensee must own or control as a part of its licensed hydropower projects which is distinct from the APE. Due to FERC's regulatory jurisdiction, the FERC Project Boundary for the LKP (FERC Project No. 14803) is wholly included within the APE.

Within the APE, potential effects from the Proposed Action/undertaking include construction impacts to archaeological sites and TCPs/HPRCSITs, removal of historic hydroelectric buildings and structures, viewshed alterations, erosion, restoration activities, construction-related noise and vibration, atmospheric impacts from construction-related dust, adjustments to floodplain configurations downriver from Iron Gate Dam, as well as increased recreational uses and/or public access that increases the possibility for looting and vandalism. It should be noted that the APE does not include the entirety of the Klamath Cultural Riverscape as identified by King (2004) as the boundaries of the riverscape extend north along the river corridor and beyond the geographic area affected by the Proposed Action.

3.1.2 Area of Direct Impacts

The ADI is not a regulatory term but is a term used herein to explain the Renewal Corporation's approach to historic property identification work within the larger APE. This is useful because the APE covers an expansive area that extends hundreds of miles along the river to its mouth at the Pacific Ocean, but the Proposed Action would take place within a much smaller geographic area than the APE. The ADI corresponds geographically to the project's Limits of Work (LOW), which refer to the physical extent of on-the-ground construction activities associated with dam decommissioning and removal, reservoir restoration activities, safety zones, the Yreka pipeline crossing relocation, improvements to Fall Creek Hatchery, and rim stability areas around Copco Lake. However, the ADI is larger and extends beyond the LOW to include complete boundaries of archaeological sites, along with protective spatial buffers of 40 meters around these sites. The inclusion of the complete boundaries of the archaeological sites supports their evaluation for the NRHP and for consideration of impacts. The ADI does not directly correspond to the FERC Project Boundary. The ADI and FERC Project Boundary are depicted in Figure 3-2.

Physical effects will only occur in the ADI, but other types of effects (visual, auditory, or atmospheric) could occur throughout the entire APE as well as the ADI. Impacts associated with potential increased looting and vandalism or unintentional disturbance from increased public access as a result of the Proposed Action

would be most likely to occur within the ADI because this is where sites would be potentially newly uncovered as a result of reservoir drawdown.

For archaeological resources, inventory methods specifically targeted the ADI based on known and anticipated impacts from construction, reservoir dewatering/erosion, and potential increased public access/visibility. Visual impacts within the ADI could occur, at least temporarily, in conjunction with reservoir drawdown. There are TCPs and sensitive resources/HPRCSITs (with and without corresponding archaeological sites) within the ADI, and analysis of impacts to these resources is being conducted in coordination with FERC's consultation with the Tribes. For built environment resources, inventory methods specifically targeted resources that would be affected by decommissioning activities, construction, and/or demolition, roadway, culvert, and/or bridge adjustments, visual changes of historic settings, and changes in the downriver floodplain configurations.

The APE extends to the Pacific Ocean primarily to account for potential downstream effects to archaeological sites and TCPs, as well as to incorporate consideration of potential effects to the Klamath Cultural Riverscape. The Renewal Corporation initially considered Proposed Action effects in areas outside of the ADI within the APE. However, further LKP studies (i.e., sediment modeling) indicated there would be no potential downstream effects to archaeological sites beyond Humbug Creek in the ADI. Aside from resources erected during the period of hydroelectric development, such as the houses erected along the outskirts of Copco Lake, visual changes associated with the LKP would not adversely affect resources that predate hydroelectric development and would be beneficial in the long-term due to restoration activities related to fish habitat and revegetation.

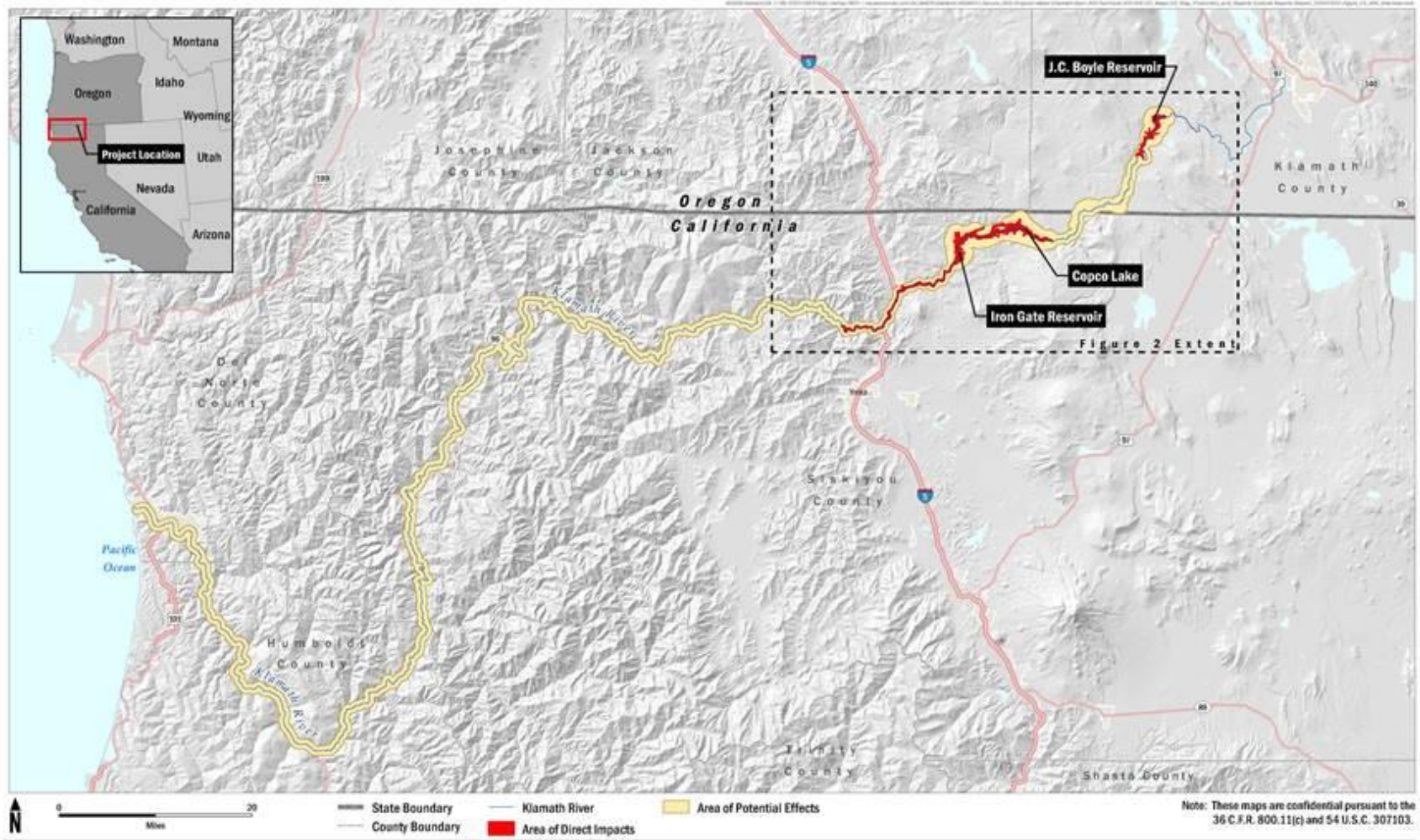


Figure 3-1 Overview of the Proposed Action APE and ADI

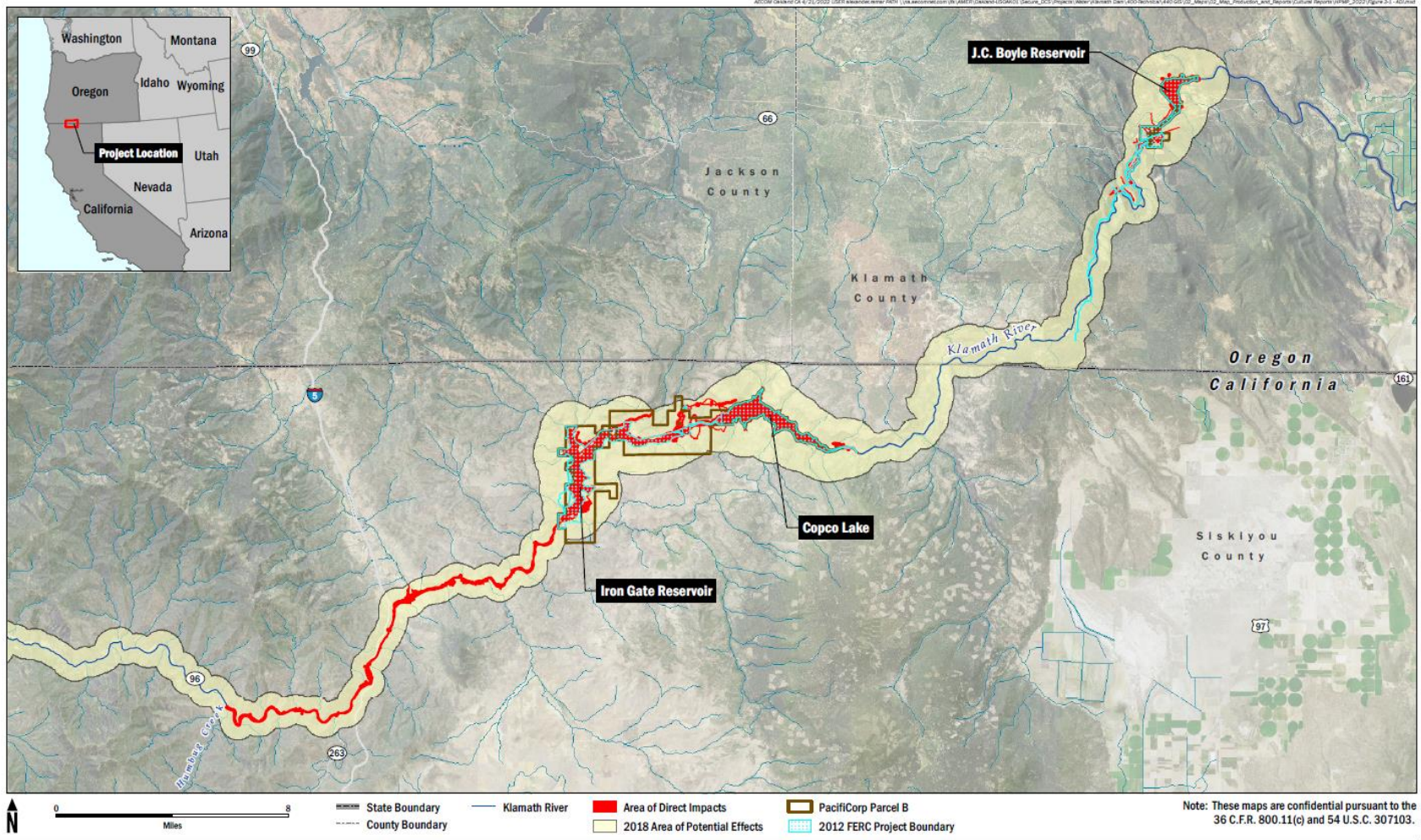


Figure 3-2 Map of APE, ADI, Parcel B Lands, and FERC Project Boundary.

3.1.3 Land Ownership and Management

The PA and HPMP apply to effects to historic properties that occur within the APE. For land and resource management purposes, this section provides a breakdown of acres by landowner.

The ADI includes 4,755.16 acres (as of January 2020). Prior to transfer to the states, the Renewal Corporation will own and manage 2,870.74 acres of Parcel B lands, which account for approximately 60.4 percent of the proposed ADI, including the land containing most of the powerhouses; portions of the transmission lines, conduits, canals, and dam facilities; and land underlying the reservoirs, Klamath River, and tributary streams. PacifiCorp will retain ownership of Fall Creek lands and other lands, totaling approximately 106 acres (2.2 percent). Approximately 304.79 acres (6.4 percent) are federally owned: portions of the J.C. Boyle canal and the entire powerhouse as well as portions of Iron Gate Reservoir are on BLM land (253.8 acres; 5.3 percent), while USFS administers lands (50.99 acres, 1.1 percent) that fall within the revised 100-year floodplain below Iron Gate Dam (exclusive of Parcel B lands). Private ownership by others accounts for 1,473.5 acres (31 percent). No state lands are included in the ADI.

Lands within the APE situated below the Iron Gate Dam are generally held by private interests but also include parcels managed by the US Bureau of Indian Affairs (BIA) and included within the reservation boundaries of the Yurok Tribe of the Yurok Reservation, Hoopa Valley Tribe, Quartz Valley Indian Tribe, and Resighini Rancheria. There are also lands held by the BIA in trust for the Karuk Tribe in addition to lands held in fee-simple status by the Karuk Tribe. Contemporary land use includes hydroelectric generation, fish management, livestock grazing, recreation, and timberlands.

A list of ADI lands is provided in Table 3-1. Land acreages calculated for use in the HPMP employed ESRI's ArcGIS (ArcMap) software. The acreages are current to the date presented on the cover of the HPMP.

Table 3-1 Lands in the ADI

Feature	Ownership Type	Acres	Percent of ADI
ADI total	N/A	4,755.16	N/A
Parcel B Lands	Renewal Corporation	2,870.74	60.37%
Fall Creek Lands	PacifiCorp	48.73	1.02%
Other PacifiCorp Lands	PacifiCorp	57.40	1.21%
BLM Lands	Federal	253.80	5.34%
USFS Lands	Federal	50.99	1.07%
All other lands	Private	1,473.50	30.99%

Notes:
There are no state or tribal lands within the ADI boundary.
ADI = Area of Direct Impact; N/A = not applicable

3.1.4 Proposed Changes to the APE

Consistent with the consultation requirements of this HPMP and the PA, federal agencies, SHPOs, Tribes, and other consulting parties will be consulted if changes to the APE are proposed by the Renewal Corporation.

3.2 Cultural Resources Studies

3.2.1 Archaeology, Ethnography, TCPs, and Klamath Cultural Landscape

Cultural resources studies conducted in support of PacifiCorp's KHP relicensing study (PacifiCorp 2004, 2006), USBR's 2010 Klamath Facilities Removal EIR (CardnoENTRIX 2012), and the Renewal Corporation's LKP provide a comprehensive overview of known and potential historic properties that may be affected by planned actions. Presented below is a description of the studies that have been completed and those that will be required to identify historic properties that may be affected by the Proposed Action. The cultural resources studies are divided into two sections: 1) archaeology, ethnography, and TCPs; and 2) built environment resources. Because many of the project's historic properties were first identified as part of an earlier KHP relicensing study (PacifiCorp 2004, 2006), a description of those cultural resources identification and evaluation efforts is also provided.

Klamath Hydroelectric Project

Cultural resources studies conducted by PacifiCorp in the early 2000s for the KHP (FERC License No. 2082) relicensing encompassed existing developments on the mainstem Klamath River, including the four dams that will be removed by the current project. PacifiCorp's 2006 HPMP summarizes the various studies that were conducted between 2003 and 2006. The studies included cultural resource background research; pedestrian field surveys to inventory and record historic and archaeological resources; preparation of cultural resource context statements to facilitate evaluation of historic and archaeological resources for NRHP eligibility; ethnographic studies conducted to identify TCPs and other sensitive cultural resources/HPRCSITs, and possible delineation of an NRHP-eligible ethnographic riverscape; a study of effects on cultural resources of processes related to geomorphology; and an evaluation of historic hydroelectric facilities. Detailed results of these technical studies and confidential cultural resource information were presented in the confidential *Final Technical Report for Cultural Resources* (PacifiCorp 2004, 2006) submitted to FERC.

KHP Archaeological Sites

For its KHP relicensing study, PacifiCorp defined a 5,775-acre Field Inventory Corridor for pedestrian cultural resources survey that included the original FERC Project Boundary (No. 2082), riparian and hydrologically connected areas along affected reaches, and culturally sensitive lands within the Klamath River Canyon from ridgetop to ridgetop. Also inventoried was a short distance of land downstream from Iron Gate Dam to just below the Iron Gate Hatchery. PacifiCorp's inventory documented 165 archaeological sites within the Field Inventory Corridor, including 112 precontact, 36 historic-period, and 13 multiple component sites. PacifiCorp

identified three levels of NRHP eligibility for identified sites: eligible (38 sites), not eligible (31.5 sites), and potentially eligible/undetermined (109.5 sites). Eligible sites included those resources that were designated as historic properties on the basis of sufficient existing information about them to draw that conclusion. Those sites identified as not eligible lack attributes necessary for their inclusion in the NRHP. Potentially eligible/undetermined sites included those that will require more intensive, subsurface investigations to obtain information necessary to determine if they are or are not eligible for the NRHP under Criterion D. Neither the California nor Oregon SHPO has concurred with the NRHP evaluations provided in the PacifiCorp Final Technical Report (FTR) (PacifiCorp 2004, 2006).

Forty-eight of the archaeological sites in the current Proposed Action's ADI consist of resources documented in PacifiCorp's KHP cultural resources inventory. A list of these resources is provided in Table 4-8. Because SHPO concurrence was not previously received for the PacifiCorp FTR sites, these are included in the Renewal Corporation's evaluation. The evaluation results were submitted to California and Oregon SHPOs in May 2022. The California SHPO concurred with 9 determinations of eligibility and did not concur with 27 eligibility determinations in a letter dated July 6, 2022. The Oregon SHPO did not respond during the review period. The HPMP may require revisions based on the results of ongoing SHPO and other agency/tribal reviews.

KHP Proposed Archaeological Districts

The draft HPMP prepared by PacifiCorp in 2006 for the Klamath Hydroelectric Project relicensing study identified three potential precontact archaeological districts within the Upper Klamath River Canyon area (PacifiCorp 2006). These three proposed districts are at: 1) the mouth of the Keno reach in the Klamath River Canyon in Oregon (at and near the mouth of Spencer Creek); 2) on and near the mouth of Shovel Creek in California; and 3) at the mouth of the Copco No. 2 reach in California, in the Klamath River Canyon (at and upstream of the mouth of Fall Creek on Iron Gate reservoir). At that time, preliminary NRHP eligibility information was based on current (2006) and past recommendations by professional archaeologists and were noted as subject to SHPO and FERC concurrence (PacifiCorp 2006).

Spencer Creek District

The proposed Spencer Creek District is at and around the mouth of Spencer Creek, in the upper J.C. Boyle Reservoir pool, in Oregon. It is composed of a series of eight archaeological sites that appeared to represent a distinct geographical area of precontact occupation and area use. The eight sites (35KL1942, 35KL2397, 35KL2399, 35KL2401, 35KL2411, 35KL2412, 35KL2428, and 35KL2430) are on both sides of J.C. Boyle Reservoir. Site activities likely included intensive fishing, hunting, and gathering of resources. Rock art (cupule boulders) at this and other proposed districts reinforce identification of these specific landscapes as communally identified places (PacifiCorp 2006).

Shovel Creek District

The second possible archaeological district was identified for the mouth of Shovel Creek, in California (PacifiCorp 2006). Termed the Shovel Creek District, this area consists of five precontact archaeological

sites considered to represent an important tribal crossroads. The sites include archaeological remains from the dense midden and rock cupules at CA-SIS-2578 (Locus 1); the bedrock milling stations, lithic scatter, and recorded house pit features at CA-SIS-2567; and the midden and lithic scatter at CA-SIS-1839H. One additional site, a salmon-calling location at the creek's mouth (CA-SIS-2578 [Locus 2]), was noted as possibly not retaining archaeological data of scientific value but might be considered to contribute to the district's importance and NRHP eligibility as a Shasta heritage site under Criterion A (PacifiCorp 2006, 6-22). The contribution of an unrecorded Modoc cremation site (identified in an 1884 photograph) was noted as unknown, although this site was considered as one of the five sites encompassing the proposed district. Although available information on these five sites was noted as limited, the area appeared to contain data that would contribute to the sum of the sites at this location (PacifiCorp 2006).

Fall Creek District

The third possible archaeological district consists of three precontact sites at the mouth of Fall Creek, in California. The Fall Creek District consists of three precontact or multiple component sites at the mouth of Fall Creek (CA-SIS-2239/3923, CA-SIS-2403, and CA-SIS-3933). The Fall Creek/Klamath River confluence area was an extensively used location of precontact period settlement and represents an important site complex within the Upper Klamath River area. The three archaeological sites contain complex surface data that allowed researchers to posit the sites eligible for the NRHP under Criterion D at the survey level (PacifiCorp 2004). In addition, the large quantity of cupule boulders at CA-SIS-3933 represents important aesthetic values of local American Indians, and PacifiCorp (2004) also considered the site eligible for the NRHP under Criterion C, although a formal determination was not made (PacifiCorp 2004).

In addition to these three proposed districts, PacifiCorp (2006) noted that several other locations along the Klamath River corridor, outside of the Klamath Relicensing FERC Project Boundary and APE, exhibited significant concentrations of potentially related archaeological sites that could be considered archaeological districts. These other locations, comprising archaeological sites in the Laik’elmi/Frain Ranch area, at Keno Dam, and around Gorr Island, are also outside of the current project area.

Summary information for PacifiCorp’s potential archaeological districts as listed in their 2006 HPMP for the Relicensing Project is provided in Table 3-3.

Table 3-2 PacifiCorp’s (2006) Proposed Archaeological Districts

Site No.	Site Type	Contribution of Site to NRHP Eligibility (No Formal Determination Consensus)
J.C. Boyle Reservoir Area, Oregon – Spencer Creek District		
35KL2399	Lithic Scatter, Food Processing	Potentially eligible (D)
35KL2401	Habitation/Village Site; Lithic Scatter, Milling Station, Petroglyph	Eligible (Criterion D)
35KL2430	Habitation/Village Site; Lithic Scatter, Petroglyph	Potentially eligible (Criterion D)
35KL1942	Lithic Scatter, Possible Pit Features	Potentially eligible (Criterion D)
35KL2397	Lithic Scatter, Food Processing, Possible Pit Features	Eligible (Criterion D)

Site No.	Site Type	Contribution of Site to NRHP Eligibility (No Formal Determination Consensus)
35KL2401	Habitation/Village Site, Lithic Scatter, Milling Station, Petroglyph	Eligible (Criterion D)
35KL2411	Lithic Scatter, Food Processing	Potentially eligible (Criterion D)
35KL2412	Lithic Scatter, Food Processing	Potentially eligible (Criterion D)
Copco Reservoir/Stateline Area, California – Shovel Creek District		
CA-SIS-1839-H	Habitation/Village Site; Lithic Scatter, Food Processing	Potentially eligible (Criterion D)
(unrecorded)	(Not recorded; contains cremation features)	(unknown)
CA-SIS-2567	Possible Pit Features; Lithic Scatter, Milling Stations	Potentially eligible (Criterion D)
CA-SIS-2578 (Locus 1)	Habitation/Village Site; Lithic Scatter, Food Processing	Eligible (Criterion D)
CA-SIS-2578 (Locus 2)	Lithic Scatter, Food Processing; Ceremonial Site	Potentially eligible (Criterion A)
Iron Gate Reservoir Area – Fall Creek District		
CA-SIS-2403	Village Site; Lithic Scatter, Food Processing, Pit Features	Eligible (Criterion D)
CA-SIS-2239/3923	Village Site; Lithic Scatter, Food Processing, Pit Features	Eligible (Criterion D)
CA-SIS-3933	Village Site; Lithic Scatter, Food Processing, Milling Stations, Petroglyphs	Eligible (Criteria C and D)

Note: Table information from PacifiCorp (2006: Table 6.1-2).

Of the three potential districts identified by PacifiCorp, two are within the current Proposed Action ADI: the Iron Gate Reservoir Area–Fall Creek District, and the J.C. Boyle Reservoir Area - Spencer Creek District. The Copco Reservoir/Stateline Area - Shovel Creek District is outside the ADI and is 7 miles from the nearest dam. The Renewal Corporation did not identify any potential effects or any sites that would contribute to this District as part of their analysis; therefore, the Shovel Creek District is not addressed in this HPMP. The Renewal Corporation will continue to consult with CA SHPO regarding potential effects.

Subsequently, the Shasta Indian Nation recently identified the Kíkacéki District TCP (Daniels 2021), which includes multiple archaeological sites and use areas, including the three sites originally included within the proposed Fall Creek Archaeological District. Therefore, Fall Creek Archaeological District is now being managed as part of the Kíkacéki District TCP for the purposes of this HPMP. AECOM recommended all three sites as individually eligible as well as contributing (AECOM 2022a). In a letter dated July 6, 2022, the California SHPO concurred that site CA-SIS-2239/3923 is eligible and withheld concurrence for CA-SIS-2403 and CA-SIS-3933 pending further development of the significance discussion. The Renewal Corporation is in the process of providing supplemental information for the significance discussion and will resubmit eligibility determinations to CA SHPO for concurrence by February 2023. Until agency concurrence is received, the Renewal Corporation will continue to manage these sites as unevaluated.

KHP Ethnographic and Traditional Cultural Property Studies

For the KHP, PacifiCorp (2004, 2006) sponsored tribal ethnographic studies, prepared by the Klamath, Shasta, Karuk, and Yurok Tribes, which combined ethnography with extensive oral interviews to identify TCPs and other sensitive cultural resources/HPRCSTs, and analyze effects on them from relicensing. The cultural significance of the Klamath River corridor was studied by Deur (2003) for the Klamath Tribes, by Daniels (2003, 2006) for the Shasta Nation, by Sloan (2003) for the Yurok Tribe, and by Salter (2003) for the Karuk Tribe. These studies focused on describing each individual Tribe's culture and relationship to the river. Some of the studies specifically identified potential TCPs that had the potential to be affected by future operations of the Klamath Hydroelectric Project relicensing. The tribal ethnographic reports discuss the data gathering methods that were used, the results of the work, and the source materials. Final tribal reports (kept confidential) were submitted to PacifiCorp and FERC. PacifiCorp submitted these to both SHPOs, either as part of the relicense application or in subsequent submissions.

The Yurok Tribe's report summarized extensive ethnographical literature and the Tribe's historical relationship to the Klamath River that were based on natural resources, cultural features, transportation, language, and relations with neighboring Tribes, and provides a "foundational report" for the concept of the Klamath River Cultural Landscape (Riverscape) (Sloan 2003). The Karuk Tribe's report also presented a discussion of natural resources of the river corridor and the importance of resources such as salmon, as well as the centrality of the river to spiritual culture and identity. The Klamath Tribes' report identified 11 settlements and fishing stations as TCPs meeting NRHP criteria (Deur 2003). These include 10 places upriver from the current APE, as well as 1 place within the ADI/APE at Big Bend, which is an important center for historical and contemporary tribal activity (Deur 2003).

The Shasta Nation report combines ethnographic research and oral histories, and presents a list of 11 locations that the Shasta consider TCPs, 9 of which have archaeological manifestations (Daniels 2006). As discussed in the following section regarding studies undertaken for the LKP, building upon this research, in 2021 Daniels recently completed another study which proposes the Kíacéki District TCP to include these multiple individual places (Daniels 2021).

The Klamath River has a pivotal and indispensable role in cultural lifeways of regional Tribes. In addition to the individual tribal reports, Dr. Thomas Gates, Yurok Tribal Heritage Preservation Officer, prepared a regulatory analysis and defined an ethnographic riverscape for the FERC relicensing study (Gates 2003; confidential Appendix 4E of the PacifiCorp 2004 FTR). National Park Service (NPS) Preservation Brief 36: Protecting Cultural Landscapes: Planning, Treatment and Management of Historic landscapes, defines an ethnographic landscape (or in this case, "riverscape") as "a landscape containing a variety of natural and cultural resources that associated people define as heritage resources. Examples are contemporary settlements, religious sacred sites, and massive geological structures. Small plant communities, animals, subsistence and ceremonial grounds are often components."

The Klamath River Inter-Tribal Fish and Water Commission then incorporated information from the tribal ethnographic studies, in addition to information provided by the Hoopa Valley Tribe from a separate study not related to the relicensing, into an integration report that focused on the Klamath River (i.e., King 2004). The entire length of the river, more than 200 miles from above the Klamath Hydroelectric Project Relicensing

area downriver to the Pacific Ocean, was identified as a type of cultural or ethnographic landscape, termed the Klamath Cultural Riverscape, due to the relationship between the Klamath Tribes, Shasta, Karuk, Hoopa, and Yurok Tribes and the river and its resources (Gates 2003; King 2004).

The characteristics that contribute to the Riverscape's cultural character include natural and cultural elements such as the river itself; its anadromous and resident fish; its other wildlife and plants; and its cultural sites, uses, and perceptions of value by the Tribes (King 2004). Gates (2003) and King (2004) recommended the Klamath Cultural Riverscape as eligible for the NRHP based on its association with broad patterns of tribal environmental stewardship, spiritual life, and relationships between humans and the non-human world.

PacifiCorp noted that the Riverscape as defined by King (2004) falls within the authority of several agencies and many private land holdings. Therefore, the report also addresses future studies or actions that could be undertaken by PacifiCorp and/or the federal agencies and states with jurisdiction in the basin (FERC; USACE; US Department of the Interior [USBR, BLM, and BIA]; USFS; US Department of Commerce [National Marine Fisheries Service]; and the states of Oregon and California) whose actions are potentially affecting historic properties. No NRHP eligibility determinations specific to the TCPs or Klamath Cultural Riverscape were submitted by a federal agency to the California or Oregon SHPOs for concurrence in conjunction with the relicensing project. For the purposes of the HPMP, the Renewal Corporation considers the Klamath Cultural Riverscape eligible so that cultural and visual resources associated with the Riverscape can be managed under the HPMP. FERC agrees with this approach pursuant to their August 15, 2022, letter. During a meeting of the CRWG on September 9, 2022, the Quartz Valley Indian Community of Quartz Valley Reservation of California, Hoopa Valley Tribe, Klamath Tribe, Yurok Tribe, Shasta Indian Nation, and Karuk Tribe, confirmed that they believe that the three TCPs (which include the Big Bend TCP, Klamath Cultural Riverscape, and Kíacacéki District TCP), as they apply to their respective cultures, are eligible for the NRHP. On September 13, 2022, in a letter to the California SHPO, the Renewal Corporation requested the Oregon and California SHPO's concurrence that these three properties are eligible for the NRHP. Consultation is ongoing.

Lower Klamath Project

Since 2017, the Renewal Corporation has completed a range of cultural resources studies to help with identification of historic properties for the LKP. Archaeological studies include supplemental inventory and site record updates, a historical landscape analysis, a submerged resources analysis, geoarchaeological sensitivity modeling, and NRHP evaluation of sites.

LKP Record Searches

As part of the KHP (FERC 2007) and Klamath River Dam Removal (USBR 2012) studies, PacifiCorp (2004) and CardnoENTRIX (2012) completed cultural resources records searches of previous archaeological research and historical information. These earlier record searches provided baseline resource data for the current LKP through 2012. In 2017, the Renewal Corporation completed an updated records search and literature review for the LKP to add information for the intervening 5-year period, or through 2017.

The 2017 the Renewal Corporation records search area extended from the outlet of the Klamath River at the southern end of Upper Klamath Lake in Klamath County, Oregon (RM 255), downstream to the confluence of Klamath River and Humbug Creek in Siskiyou County (RM 174), for a total of 81 river miles. The section of river below Iron Gate Dam (the most downstream LKP dam) was included in the first records search because this area lies within the altered 100-year floodplain following dam removal, where cultural resources were considered to have the potential to be affected. The records search area encompassed a 0.5-mile-wide zone, extending on either side of the shorelines of Lake Ewauna, Link River, J.C. Boyle Reservoir, Copco Lake, and Iron Gate Reservoir, or from the center point of the Klamath River in areas where a flowing river exists. The records search identified 502 previously recorded cultural resources, comprising a broad range of archaeological sites, built environment resources, isolated finds, and a few locations of an undetermined resource type (Table 3-3). Detailed information regarding the Renewal Corporation record searches is provided in Appendix L of the Project’s Definite Plan (2018).

Table 3-3 Summary of Previously Recorded Cultural Resources for Oregon and California (2017 Records Search)

Resource Type	Component Type					Total
	Precontact	Historic	Multiple	Ethnographic Only	Unknown	
Archaeological Site	162	83	44	--	1	290
Ethnographic	--	--	--	1	--	1
Built Environment	--	24	3	--	--	27
Isolated Find	158	17	--	--	1	176
Undetermined	--	--	--	--	8	8
Total	320	124	47	1	10	502

LKP Archaeological Inventory and Site Record Updates

Record search information specific to the LKP ADI identified 80 previously recorded archaeological sites, including 20 in Klamath County, Oregon, and 60 in Siskiyou County, California. Between 2017 and 2019, the Renewal Corporation conducted several phases of archaeological inventory to identify historic properties in previously unsurveyed areas of the LKP ADI. The Renewal Corporation’s field inventories examined a total of 137.18 acres and identified and recorded 13 new archaeological sites (LKP numbers), for a current total of 92 sites in the ADI (as of May 2022), and 1 site outside of the ADI but within the FERC Project Boundary and PacifiCorp Parcel B lands.

In addition to the inventory, the Renewal Corporation monitored and updated site records for 44 of the previously recorded archaeological sites on PacifiCorp Parcel B lands.

Individual sites are discussed further in Section 4.4.1 and are listed in Table 4-7.

Approximately 40 percent (n=38) of the 93 archaeological sites consist of precontact resources associated with Native American use (Table 3-4). The precontact sites include habitation sites such as house pit villages

and areas with cultural midden, field camps, limited occupation sites, rock feature sites, sheltered camps, and task-specific sites.

Approximately 33 percent (n=30) of the 93 archaeological sites comprise historic-period resources associated largely with European-American use. The historic-period sites are associated with themes related to agriculture and ranching, hydroelectric generation, recreation, resource extraction (lumbering and mining), rural sites, and transportation.

The remaining 27 percent (n=25) of the 93 archeological sites are multiple component properties that contain both precontact and historic-period resources.

In addition to these sites within the ADI, there is one historic can scatter archaeological site outside the ADI but within the FERC Project Boundary.

Table 3-4 Recorded Archaeological Sites in the ADI by Component Type

Area	Component Type			Total
	Precontact	Historic	Multiple	
J.C. Boyle Reservoir	11	1	11	23
Copco Lake	10	10	5	25
Iron Gate Reservoir	8	11	6	25
Iron Gate Dam to Humbug Creek	9	8	3	20
Total	38	30	25	93

Notes:

ADI = Area of Direct Impact

LKP Archaeological Districts

In 2004, PacifiCorp proposed three archaeological districts for the KHP. The Renewal Corporation reconsidered these districts as part of the LKP studies.

- The Spencer Creek District was originally documented as being comprised of 8 archaeological sites (35KL1942, 35KL2397, 35KL2399, 35KL2401, 35KL2411, 35KL2412, 35KL2428, and 35KL2430). The Renewal Corporation revisited eligibility of these sites as part of the Phase II investigation, both individually and as part of the potential District. Additional sites in the geographic area around the Spencer Creek District were also evaluated for potential contributions to the District (AECOM 2022a) and are discussed in Section 4.2, *Districts*.
- None of the five Shovel Creek sites (CA-SIS-2578 [Locus 1]; CA-SIS-2567; CA-SIS-1839H; CA-SIS-2578 [Locus 2], and an unrecorded Modoc cremation site) are within the ADI and thus were not considered for the 2021 Phase II archaeological study. The Shovel Creek District is outside the ADI and FERC Project Boundary, and more than 7 miles from the nearest dam, so visual, auditory, atmospheric or other impacts associated with the project would not occur. The Renewal Corporation did not identify sites within the ADI that would contribute to this potential District. Therefore, no management measures are included for the Shovel Creek District in the HPMP.

- The Fall Creek District was originally documented as being comprised of three sites (CA-SIS-2239/3923, CA-SIS-2403, and CA-SIS-3933). The Renewal Corporation revisited eligibility of these sites as part of the Phase II investigation, both individually and as part of a larger district—the recently documented Kíkacéki District TCP (Daniels 2021), which includes these three archaeological sites as contributing resources, as well as several others. Therefore, the proposed Fall Creek District is not addressed further in the HPMP because it would be redundant with the type and significance of resources within the more expansive Kíkacéki District TCP.

LKP Ethnographic and Traditional Cultural Property Studies

Building on an additional 16 years of scholarly research since the 2003 and 2006 ethnographic reports undertaken for the Klamath Hydroelectric Relicensing Project, in 2021, Brian Daniels, PhD, Director of Research and Programs for the University of Pennsylvania Museum of Archaeology and Anthropology, produced a report for the Shasta Indian Nation specifically for Parcel B lands proposed for transfer (Daniels 2021). The Shasta Indian Nation produced this report independently and provided a copy of the report to the Renewal Corporation for informational purposes. An overriding consideration is the identification of a potential Kíkacéki District TCP and its contributing resources on Parcel B lands. In this report, Daniels proposed the Kíkacéki District TCP as exemplifying “the continuing cultural significance of a specific traditional landscape to the identity of a Native American Tribe following its transformation by the construction of hydroelectric infrastructure in the early twentieth century” (Daniels 2021, 5). The proposed Kíkacéki District TCP crosscuts Parcel B lands and is within the ADI. The Kíkacéki District TCP is discussed further in Section 4.3, *Traditional Cultural Properties*. The Shasta Indian Nation provided this report to the Renewal Corporation and FERC.

LKP Historical Landscape Analysis

The Renewal Corporation conducted a historical landscape analysis to assist with identification of: 1) non-submerged historic properties within the ADI; and 2) archaeological resources and historic properties - that may be submerged under J.C. Boyle, Copco, and Iron Gate reservoirs. While cultural resources inventory of the ADI is complete, pedestrian survey of the submerged reservoir areas is not possible until after reservoir drawdown is finished. As part of dam decommissioning, the Renewal Corporation will complete a Post-Reservoir Drawdown Inventory that will include pedestrian survey of all previously inundated areas following standard inventory procedures. NRHP evaluation will be completed for all resources identified during the post-drawdown inventory.

The Renewal Corporation conducted a historical landscape analysis to identify locations where post 1850s-era settlement and resource developments occurred within the ADI, including for potentially submerged resources. The materials for this analysis included the review of the General Land Office records, including California plat maps (1856, 1876, 1880, and 1881) and surveyor’s notes; Oregon plat maps (1858, 1874, 1881, 1900, and 1917) and surveyor’s notes; a variety of published and manuscript resources (Beckham 2006; Boyle 1976; Kramer 2003a, 2003b; PacifiCorp 2004; and US Geological Survey (USGS) maps. Other map searches included the David Rumsey collection, Northwestern California map collection at Humboldt State University, Library of Congress digital collections, and Online Archive of California. Historical landscape information was digitized into a GIS format.

The Renewal Corporation completed the review of the J.C. Boyle Collection (MI 165306) housed at the Southern Oregon Historical Society in Medford, Oregon. This archive holds photo albums, newspaper clippings, maps, manuscripts, financial records, and Copco annual reports belonging to Copco Engineer J.C. Boyle and pertaining predominately to construction of Copco No. 1 dam and reservoir. This archive provided a valuable source of information concerning the pre-inundation historical landscape of the Copco No. 1 area and other information regarding cultural and historical resources that may be anticipated during reservoir drawdown. In addition, archival and historical landscape research was conducted at local county repositories and historical societies to supply information regarding cultural and historical resources that may be anticipated during reservoir drawdown.

LKP Submerged Resources Analysis

Bathymetric surveys completed by the Renewal Corporation in 2018 provided information regarding submerged topography and physiographic features of the Proposed Action reservoirs. Using this information, together with additional information gained from the historical landscape analysis and archival research, GIS analysis of the reservoir areas was completed to identify potential locations of submerged cultural resources. The GIS study, together with cultural resources information from tribal consultations, has identified the locations of submerged precontact and historic-period resources and TCPs. A preliminary list of potential submerged resources that have been identified to date is provided in Table 3-5. Because these resources are currently unavailable for study, their presence/absence cannot be verified and potential NRHP eligibility (and status as historic properties) for any existing remains would be unevaluated. The Renewal Corporation will maintain a GIS dataset of submerged resources, which will be used to guide the post-drawdown survey and archaeological monitoring per the MIDP (Appendix B).

For the J.C. Boyle Reservoir, anticipated submerged archaeological remains include footings from former bridges, a crib dam near Spencer Creek bridge, former road alignments, features associated with former stage stations, a segment of the Applegate Trail, and features and/or artifacts associated with the McCollum sawmill or other sawmills. Review of ethnographic literature for the J.C. Boyle Reservoir area (Spier 1930) did not identify precontact or ethnographic resources. Precontact/ethnographic resources include 15 potential Shasta Indian village sites for the Copco Lake and Iron Gate Reservoir areas identified by Heizer and Hester (1971) based on information collected by earlier ethnographers (Dixon 1907; Kroeber 1925; Merriam 1926). These village sites may manifest as areas having cultural remains such as flaked stone detritus and tools, ground stone tools, pottery, rock alignments, human burials, and culturally modified soil (midden). Anticipated submerged historic period remains for the Copco Lake and Iron Gate Reservoirs focus on the numerous ranch complexes, as well as other community, transportation, and lumbering features identified on historic maps and in archival records. Potential ranch complexes may manifest as areas containing building materials, foundations, domestic debris, livestock equipment, rock walls, and water containment remains, among others. Pilings, building materials, and railroad ties may denote transportation-related remains associated with former bridges and railroads. Although the former Beaver Creek cemetery was relocated to Hornbrook Cemetery before inundation of Copco Lake, other cemetery features may still be present beneath reservoir waters, including field stones or depressions marking potential human remains that were not relocated and have possibly been subject to water erosion.

Table 3-5 Potential Submerged Cultural Resources

ID	Potential Resource Noted	Reservoir	Source	Resource Submerged?	Resource in ADI?
JCB-1	Spencer Creek Fish Hatchery	J.C. Boyle	1952 Aerial Photograph and USGS Topographic Map	Yes	Yes
JCB-1A	LKP-2018-14, possible house pit depression	J.C. Boyle	2019 Bathymetric Review	Yes	Yes
JCB-2	LKP-2018-14, possible house pit depression	J.C. Boyle	2019 Bathymetric Review	Yes	Yes
JCB-2A	Unknown linear feature	J.C. Boyle	2019 Bathymetric Review	Yes	Yes
JCB-3	35KL2430, possible house pit depression	J.C. Boyle	2019 Bathymetric Review	Yes	Yes
JCB-3A	Unknown linear feature	J.C. Boyle	2019 Bathymetric Review	Yes	Yes
JCB-4	35KL2430, possible house pit depression	J.C. Boyle	2019 Bathymetric Review	Yes	Yes
JCB-4A	Unknown linear feature	J.C. Boyle	2019 Bathymetric Review	Yes	Yes
JCB-5	35KL2428, possible house pit depression	J.C. Boyle	2019 Bathymetric Review	Yes	Yes
JCB-5A	Applegate Trail, Emigrant Road	J.C. Boyle	Aerial photograph; 1955 USGS topographic map; 2019 Bathymetric Review	Part	Yes
JCB-6	McCollum Lumber Mill, log boom feature	J.C. Boyle	2019 Bathymetric Review	Yes	Yes
JCB-8	Oregon Route 66 bridge abutments	J.C. Boyle	2019 Bathymetric Review	Part	Yes
JCB-8A	Southern Pacific Railroad grade	J.C. Boyle	2019 Bathymetric Review	Part	Yes
JCB-9	Chase Bridge, Pokegama Sugar Pine Lumber Company crib dam and wagon bridge	J.C. Boyle	2019 Bathymetric Review	Yes	Yes
JCB-9A	Unknown linear feature	J.C. Boyle	2019 Bathymetric Review	Part	Yes
JCB-11	McCollum Lumber Mill, possible artifact	J.C. Boyle	2019 Bathymetric Review	Yes	Yes

ID	Potential Resource Noted	Reservoir	Source	Resource Submerged?	Resource in ADI?
JCB-12	McCollum Lumber Mill, possible artifact	J.C. Boyle	2019 Bathymetric Review	Yes	Yes
JCB-13	Unknown depression	J.C. Boyle	2019 Bathymetric Review	Yes	Yes
JCB-14	Unknown depression	J.C. Boyle	2019 Bathymetric Review	Yes	Yes
JCB-15	Unknown feature of interest	J.C. Boyle	2019 Bathymetric Review	Yes	Yes
JCB-49	Possible corral or building	J.C. Boyle	1952 Aerial Photograph; 2019 Bathymetric Review	Yes	Yes
JCB-106	Linear feature: ¼-Section line / Fence line	J.C. Boyle	2019 Bathymetric Review	Yes	Yes
JCB-107	Unknown linear feature	J.C. Boyle	2019 Bathymetric Review	Yes	Yes
JCB-108	Unknown linear feature	J.C. Boyle	2019 Bathymetric Review	Part	Yes
JCB-109	Unknown linear feature	J.C. Boyle	2019 Bathymetric Review	Yes	Yes
JCB-110	Unknown linear feature	J.C. Boyle	2019 Bathymetric Review	Yes	Yes
JCB-111	Unknown linear feature	J.C. Boyle	2019 Bathymetric Review	Yes	Yes
JCB-112	Unknown linear feature	J.C. Boyle	2019 Bathymetric Review	Yes	Yes
JCB-113	Unknown linear feature	J.C. Boyle	2019 Bathymetric Review	Part	Yes
JCB-117	Unknown linear feature	J.C. Boyle	2019 Bathymetric Review	Yes	Yes
JCB-118	Unknown linear feature	J.C. Boyle	2019 Bathymetric Review	Part	Yes
JCB-119	Two-track road	J.C. Boyle	1955 USGS Topographic Map; 2019 Bathymetric Review	Part	Yes
JCB-154	Two-track road	J.C. Boyle	1897 Ashland, OR 1:250000 map; 2017 Historical Landscape Review	Part	Yes
JCB-164	Applegate Trail, migrant road from 1847 to early 1870s – southern route	J.C. Boyle	1858 G.L.O. Map; 2017 Historical Landscape Review	Part	Yes
CL-2	Barn No. 4, Lennox Ranch	Copco	1910 SEP&L Company Map; 2019 Bathymetric Review	Yes	Yes
CL-3	Barn No. 2, Lennox Ranch	Copco	1910 SEP&L Company Map; 2019 Bathymetric Review	Yes	Yes
CL-4	Residence, Lennox Ranch	Copco	1910 SEP&L Company Map; 2019 Bathymetric Review	Yes	Yes

ID	Potential Resource Noted	Reservoir	Source	Resource Submerged?	Resource in ADI?
CL-5	Residence / Stagehouse, Harrison and Kitty Ward Ranch	Copco	1881 G.L.O Map; 2017 Historical Landscape Review	Yes	Yes
CL-6	Barn, Lennox Ranch	Copco	1881 G.L.O Map; 2017 Historical Landscape Review	Yes	Yes
CL-32	Possible house foundation or fenced enclosure, Raymond Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-33	Barn foundation	Copco	2019 Bathymetric Review	Yes	Yes
CL-34	Garden area, William and Mary Ward Ranch	Copco	1910 SEP&L Company Map; 2019 Bathymetric Review	Yes	Yes
CL-35	Beaver Creek Cemetery	Copco	2019 Bathymetric Review	Yes	Yes
CL-36	Unknown artifact or feature, Hahn Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-37	Two-track road, Spannaus Ranch	Copco	1910 SEP&L Company Map; 2019 Bathymetric Review	Part	Yes
CL-37A	Possible house pit village, Harrison and Kitty Ward Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-38	Rock wall, Spannaus Ranch	Copco	2019 Bathymetric Review	Part	Yes
CL-38A	Wing dam, Copco No. 1 Dam	Copco	2019 Bathymetric Review	Yes	Yes
CL-39	Wagon road, Stone-Edwards Ranch	Copco	1910 SEP&L Company Map; 2019 Bathymetric Review	Part	Yes
CL-39A	Depression, William and Mary Ward Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-40	Fence Line, Stone-Edwards Ranch	Copco	1910 SEP&L Company Map; 2019 Bathymetric Review	Yes	Yes
CL-40A	Depression, William and Mary Ward Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-41	Orchard fence line, Stone-Edwards Ranch	Copco	1910 SEP&L Company Map; 2019 Bathymetric Review	Yes	Yes
CL-41A	Depressions, Lennox Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-42	Possible feature	Copco	2019 Bathymetric Review	Yes	Yes
CL-42A	Fence line, Stone-Edwards Ranch	Copco	2019 Bathymetric Review	Yes	Yes

ID	Potential Resource Noted	Reservoir	Source	Resource Submerged?	Resource in ADI?
CL-43	Corral, Lennox ranch	Copco	1910 SEP&L Company Map; 2019 Bathymetric Review	Yes	Yes
CL-43A	Fence line, Stone-Edwards Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-44	Fence line, Stone-Edwards Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-45	Linear feature, Stone-Edwards Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-47	Fence line, Lennox Ranch	Copco	1910 SEP&L Company Map; 2019 Bathymetric Review	Yes	Yes
CL-48	Fence line, Lennox Ranch	Copco	1910 SEP&L Company Map; 2019 Bathymetric Review	Yes	Yes
CL-49	Two-track road, Stone-Edwards/Lennox Ranches	Copco	1910 SEP&L Company Map; 2019 Bathymetric Review	Yes	Yes
CL-53	Two-track road, Lennox Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-55	Two-track road, Raymond Ranch	Copco	2019 Bathymetric Review	Part	Yes
CL-55A	Possible extension of CA-SIS-3924, William and Mary Ward Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-56	Fence line, Raymond Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-57	G. Picard's Field, Parks Ranch	Copco	1881 G.L.O Map; 2017 Historical Landscape Review	Part	Yes
CL-57A	Fence line, Raymond Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-58	Fence line, Raymond Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-59	Linear feature, Raymond Ranch	Copco	1910 SEP&L Company Map; 2019 Bathymetric Review	Yes	Yes
CL-60	Linear feature, Raymond Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-61	Fence line, Lennox Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-62	Linear feature, Lennox Ranch	Copco	1910 SEP&L Company Map; 2019 Bathymetric Review	Yes	Yes
CL-63	Linear feature, Raymond Ranch	Copco	1910 SEP&L Company Map; 2019 Bathymetric Review	Yes	Yes
CL-64	Two-track road, Raymond Ranch	Copco	1910 SEP&L Company Map; 2019 Bathymetric Review	Part	Yes
CL-65	Fence line, Raymond Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-66	Two-track road, Wards Canyon	Copco	2019 Bathymetric Review	Yes	Yes
CL-67	Augustus Kempler's Meadow / Chase Ranch	Copco	1881 G.L.O. Map; 2017 Historical Landscape Review	Part	Yes

ID	Potential Resource Noted	Reservoir	Source	Resource Submerged?	Resource in ADI?
CL-67A	Fence line, Harrison and Kitty Ward Ranch	Copco	1910 SEP&L Company Map; 2019 Bathymetric Review	Yes	Yes
CL-68	Fence line, Harrison and Kitty Ward Ranch	Copco	1910 SEP&L Company Map; 2019 Bathymetric Review	Yes	Yes
CL-69	Fence line, Harrison and Kitty Ward Ranch	Copco	1910 SEP&L Company Map; 2019 Bathymetric Review	Yes	Yes
CL-70	Two-track road, Harrison and Kitty Ward Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-71	Possible rock wall, William and Mary Ward Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-72	Fence line, William and Mary Ward Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-73	Fence line, William and Mary Ward Ranch	Copco	1910 SEP&L Company Map; 2019 Bathymetric Review	Yes	Yes
CL-74	Possible fence line, Picard's Field / Parks Ranch	Copco	2019 Bathymetric Review	Part	Yes
CL-75	Linear feature, Keaton Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-76	Linear feature, Keaton Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-78	Possible rock wall, Stone-Edwards Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-89	Original location of Copco No. 1 Dam	Copco	2019 Bathymetric Review	Yes	Yes
CL-92	Fence line, Harrison and Kitty Ward Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-93	Fence line, Harrison and Kitty Ward Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-94	Fence line, Harrison and Kitty Ward Ranch	Copco	2019 Bathymetric Review	Yes	Yes

ID	Potential Resource Noted	Reservoir	Source	Resource Submerged?	Resource in ADI?
CL-95	Fence line, William and Mary Ward Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-96	Fence line, Harrison and Kitty Ward Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-96A	Corral, Lennox Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-97	Fence line, Harrison and Kitty Ward Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-97A	Barn No. 4, Lennox Ranch, alternate location	Copco	Topographic Map; 2019 Bathymetric Review	Yes	Yes
CL-98	Fence line, William and Mary Ward Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-98A	Barn No. 2, Lennox Ranch, alternate location	Copco	Topographic Map; 2019 Bathymetric Review	Yes	Yes
CL-99	Fence line, Harrison and Kitty Ward Ranch and William and Mary Ward Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-99A	Barn, Raymond Ranch	Copco	1910 SEP&L Company Map; 2017 Historical Landscape Review	Yes	Yes
CL-100	Two-track road, William and Mary Ward Ranch	Copco	1910 SEP&L Company Map; 2019 Bathymetric Review	Part	Yes
CL-100A	Residence, Raymond Ranch	Copco	1910 SEP&L Company Map; 2017 Historical Landscape Review	Yes	Yes
CL-101	Irrigation ditch, William and Mary Ward Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-101A	Barn, Stone-Edwards Ranch	Copco	1910 SEP&L Company Map; 2019 Bathymetric Review	Yes	Yes
CL-102	Fence line, Lennox Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-103	Fence line, Lennox Ranch	Copco	2019 Bathymetric Review	Yes	Yes

ID	Potential Resource Noted	Reservoir	Source	Resource Submerged?	Resource in ADI?
CL-103A	Barn, Spannaus Ranch	Copco	1910 SEP&L Company Map; 2017 Historical Landscape Review	Yes	Yes
CL-104	Fence line, Lennox Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-105	Fence line, Lennox Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-105A	Building, Spannaus Ranch	Copco	1910 SEP&L Company Map; 2017 Historical Landscape Review	Yes	Yes
CL-106	Building, Spannaus Ranch	Copco	1910 SEP&L Company Map; 2017 Historical Landscape Review	Yes	Yes
CL-124	Residence, H.P. Edwards House, Stone-Edwards Ranch	Copco	1910 SEP&L Company Map; 2017 Historical Landscape Review	Yes	Yes
CL-125	Residence, W. Stone House, Stone-Edwards Ranch	Copco	1910 SEP&L Company Map; 2017 Historical Landscape Review	Yes	Yes
CL-126	Ethnographic Shasta Indian Village #69	Copco	Literature Review	Yes	Yes
CL-126A	Outbuilding, Raymond Ranch	Copco	1910 SEP&L Company Map; 2017 Historical Landscape Review	Yes	Yes
CL-127	Ethnographic Shasta Indian Village #73	Copco	Literature Review	Yes	Yes
CL-127A	Barn, Harrison and Kitty Ward Ranch	Copco	1910 SEP&L Company Map; 2017 Historical Landscape Review	Yes	Yes
CL-128	Ethnographic Shasta Indian Village #70	Copco	Literature Review	Yes	Yes
CL-128A	Garden, Harrison and Kitty Ward Ranch	Copco	1910 SEP&L Company Map; 2017 Historical Landscape Review	Yes	Yes
CL-129	Orchard No. 1, Harrison and Kitty Ward Ranch	Copco	1910 SEP&L Company Map; 2017 Historical Landscape Review	Yes	Yes
CL-130	Orchard No. 2, Harrison and Kitty Ward Ranch	Copco	1910 SEP&L Company Map; 2017 Historical Landscape Review	Yes	Yes

ID	Potential Resource Noted	Reservoir	Source	Resource Submerged?	Resource in ADI?
CL-132	Residence, William and Mary Ward Ranch	Copco	1910 SEP&L Company Map; 2019 Bathymetric Review	Yes	Yes
CL-133	Barn, William and Mary Ward Ranch	Copco	1910 SEP&L Company Map; 2019 Bathymetric Review	Yes	Yes
CL-138	Building foundation, Lennox Ranch	Copco	1910 SEP&L Company Map; 2019 Bathymetric Review	Yes	Yes
CL-139	Foundation #1, William and Mary Ward Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-140	Foundation #2, William and Mary Ward Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-185	Chase Bridge on the Hahn Ranch	Copco	Literature Review	Part	Yes
CL-189	Bridge at the Stone-Edwards Ranch	Copco	Literature Review	Yes	Yes
CL-190	Dip wheel #1 on the Stone-Edwards Ranch	Copco	1910 SEP&L Company Map	Yes	Yes
CL-191	Dip wheel #2 on the Stone-Edwards Ranch	Copco	1910 SEP&L Company Map	Yes	Yes
CL-193	Dip wheel, Lennox Ranch	Copco	1910 SEP&L Company Map	Yes	Yes
CL-200	Ward Bridge abutments, Harrison and Kitty Ward Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-204	Ethnographic Shasta Indian Village #71	Copco	Literature Review	Yes	Yes
CL-208	Ethnographic Shasta Indian Village #72	Copco	Literature Review	Yes	Yes
IG-10	Two-track road, Aguada-Daggett Ranch	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-11	Klamath Lake Railroad Spur	Iron Gate	2019 Bathymetric Review	Part	Yes
IG-12	Linear feature, Aguada-Daggett Ranch	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-13	Two-track road	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-14	Historic Copco Road	Iron Gate	2019 Bathymetric Review	Yes	Yes

ID	Potential Resource Noted	Reservoir	Source	Resource Submerged?	Resource in ADI?
IG-15	Historic Copco Road	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-16	Structure	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-16A	Klamath Lake Railroad grade	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-17	Klamath Lake Railroad bridge abutment	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-17A	Rock wall	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-18	Steel Bridge Railroad Station	Iron Gate	2019 Bathymetric Review	Part	Yes
IG-18A	Two-track road	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-19	Unknown feature	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-19A	Linear feature	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-20	Culvert	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-20A	Rock wall	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-21	Culvert	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-21A	Rock wall	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-22	Rock wall	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-22A	Possible house pit village	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-23	Two-track road	Iron Gate	2019 Bathymetric Review	Part	Yes
IG-23A	Culvert	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-24	Rock wall	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-24A	Bridge abutments	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-25	Rock wall	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-25A	Trough	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-26	Rock wall	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-26A	Unknown feature	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-27	Constructed feature	Iron Gate	2019 Bathymetric Review	Yes	Yes

ID	Potential Resource Noted	Reservoir	Source	Resource Submerged?	Resource in ADI?
IG-27A	Two-track road	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-28	Structure	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-28A	Trail	Iron Gate	2019 Bathymetric Review	Part	Yes
IG-29	Suspension bridge	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-29A	Two-track road	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-30	Two-track road	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-30A	Klamath Lake Railroad abutments	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-31	Klamath Lake Railroad siding	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-31A	Two-track road	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-32	Two-track road	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-33	Two-track road	Iron Gate	2019 Bathymetric Review	Part	Yes
IG-35	Bulldozer cut	Iron Gate	2019 Bathymetric Review	Part	Yes
IG-36	Bulldozer cut	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-50	Alternate location for CA-SIS-326 village	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-51	Elie's Camp	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-52	Structure, Herzog's Place	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-53	Unknown feature	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-54	Road Crossing	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-56	Camp Creek Fish Egg Collection Station	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-68	Building	Iron Gate	1941 USGS Macdoel, CA topographic map; 2017 Historical Landscape Review	Yes	Yes
IG-81	Two-track road	Iron Gate	2019 Bathymetric Review	Part	Yes
IG-82	Two-track road	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-83	Klamath Lake Railroad grade	Iron Gate	2019 Bathymetric Review	Part	Yes

ID	Potential Resource Noted	Reservoir	Source	Resource Submerged?	Resource in ADI?
IG-84	Rock wall	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-85	Trail	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-105	Ethnographic Shasta Indian Village #64	Iron Gate	Literature Review	Part	Yes
IG-106	Ethnographic Shasta Indian Village #63	Iron Gate	Literature Review	Yes	Yes
IG-107	Ethnographic Shasta Village #60	Iron Gate	Literature Review	Yes	Yes
IG-108	Ethnographic Shasta Indian Village #61	Iron Gate	Literature Review	Yes	Yes
IG-109	Ethnographic Shasta Indian Village #59	Iron Gate	Literature Review	Part	Yes
IG-110	Ethnographic Shasta Indian Village #58	Iron Gate	Literature Review	Part	Yes
IG-111	Ethnographic Shasta Indian Village #57	Iron Gate	Literature Review	Part	Yes
IG-114	Linear feature	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-115	Linear feature	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-116	Linear feature	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-123	Structure	Iron Gate	1922 USGS Iron Gate topographic map; 2017 Historical Landscape Review	Yes	Yes
IG-131	Ethnographic Shasta Indian Village #66	Iron Gate	Literature Review	Part	Yes
IG-135	Lowood School	Iron Gate	1922 USGS Iron Gate topographic map; 2017 Historical Landscape Review	Yes	Yes
IG-136	Irrigation Ditch	Iron Gate	1881 G.L.O. Map; 2017 Historical Landscape Review	Yes	Yes
IG-136A	Lowood School, Alternate Location	Iron Gate	1922 USGS Iron Gate topographic map; 2017 Historical Landscape Review	Yes	Yes

ID	Potential Resource Noted	Reservoir	Source	Resource Submerged?	Resource in ADI?
IG-137	Lowood School, Alternate Location	Iron Gate	1922 USGS Iron Gate topographic map; 2017 Historical Landscape Review	Yes	Yes
IG-157	Trail	Iron Gate	1941 USGS Macdoel, CA 125000 map; 2017 Historical Landscape Review	Part	Yes
IG-159	Trail in Long Gulch	Iron Gate	1941 USGS Macdoel, CA 125000 map; 2017 Historical Landscape Review	Part	Yes
IG-159A	Copco No. 2 Dam railroad spur	Iron Gate	Literature Review	Part	Yes
IG-160	Steel truss Railroad Bridge and Station	Iron Gate	Literature Review	Part	Yes
IG-161	Thomas J. Greive Ranch	Iron Gate	Literature Review	Part	Yes
IG-162	Martin Frain and J. S. Baker Sawmill	Iron Gate	Literature Review	Yes	Yes
IG-163	Frank Miller Homestead	Iron Gate	Literature Review	Yes	Yes
IG-164	Anton DeSoza Ranch	Iron Gate	Literature Review	Yes	Yes
IG-165	Herzog's Place	Iron Gate	Literature Review	Yes	Yes
IG-166	Lowood School, Alternate Location	Iron Gate	Literature Review	Yes	Yes
IG-167	Anton Burch Ranch	Iron Gate	Literature Review	Yes	Yes
IG-168	Elie's Camp / Hearn's Flat	Iron Gate	Literature Review	Yes	Yes
IG-169	Manuel Franklin Ranch	Iron Gate	Literature Review	Part	Yes
IG-171	Wagon bridge, Burch Ranch	Iron Gate	Literature Review	Yes	Yes
IG-174	Two-track road	Iron Gate	1881 G.L.O. Map; 2017 Historical Landscape Review	Part	Yes
IG-186	Two-track road	Iron Gate	1881 G.L.O. Map; 2017 Historical Landscape Review	Part	Yes
IG-201	Possible village location (IG-1)	Iron Gate	Literature Review	Part	Yes
IG-202	Possible village location (IG-3)	Iron Gate	Literature Review	Part	Yes
IG-203	Road in Long Gulch, Manuel Franklin Ranch	Iron Gate	1922 USGS Iron Gate topographic map; 2017 Historical Landscape Review	Part	Yes

ID	Potential Resource Noted	Reservoir	Source	Resource Submerged?	Resource in ADI?
IG-205	Klamath Lake Railroad crossing at Long Gulch, Manuel Franklin Ranch	Iron Gate	Topographic Map	Yes	Yes
IG-206	Long Gulch Crossing #1	Iron Gate	Topographic Map	Yes	Yes
IG-207	Long Gulch Crossing #2	Iron Gate	Topographic Map	Yes	Yes

Notes:

ADI = Area of Direct Impacts; G.L.O. = General Land Office; SEP&L = Siskiyou Electric Power & Light Company; USGS = United States Geological Survey

LKP Geoarchaeological Sensitivity Model

The Renewal Corporation completed a geoarchaeological sensitivity model to help guide post-decommissioning cultural resources monitoring locations by addressing possible vertical depth and horizontal areas where resources would be most likely to exist. The geoarchaeological sensitivity model was created using topographic surface information, historical topographic surface information, modeled sediment thickness, geomorphic units, geologic units, currently documented cultural resource locations, and possible submerged resource locations. The Renewal Corporation will maintain a GIS dataset with this sensitivity information, which will be used to guide archaeological monitoring per the MIDP (Appendix B).

LKP NRHP Eligibility Evaluations

NRHP eligibility recommendations by PacifiCorp for the 165 archaeological sites associated with the KHP study, including those now part of the LKP, have not been formalized or concurred on by the California or Oregon SHPOs. The Renewal Corporation conducted NRHP evaluation (Phase II testing) of sites on Parcel B lands in the ADI to provide the information needed for FERC, as the Proposed Action's lead agency, in consultation with the SHPOs, to make a determination of NRHP eligibility and assess the Proposed Action's effects on historic properties in the ADI.

Current eligibility status is presented in Table 4-1, Table 4-2, and Table 7-2.

After finalization of this HPMP, any newly identified resources will be subject to the terms and protocols outlined within the PA and HPMP and its subplans.

3.2.2 Built Environment Resources

Klamath Hydroelectric Project

In 2003, PacifiCorp recognized an NRHP-eligible hydroelectric historic district for its significant association with the industrial and economic development of Southern Oregon and Northern California (Kramer 2003a, 2003b). To support this recognition, PacifiCorp completed a historic context statement for the KHP that provided background information as a prelude to conducting a review of potential historic significance under NHPA Section 106 (Kramer 2003a). The historic context traced the development of the KHP's components from the earliest history of electrical generation in the region to the completion of Iron Gate Dam in 1962. The context statement also included a brief analysis of the social, economic, and industrial history of the Southern Oregon and Northern California Klamath-Siskiyou region.

PacifiCorp also completed a Request for Determination of Eligibility report for the KHRP (Kramer 2003b). The eligibility report documented resources within the KHP's seven developments or complexes: Link River Complex, Keno Dam Complex, J.C. Boyle Complex, Copco No. 1 Complex, Copco No. 2 Complex, Fall Creek Complex, and Iron Gate Complex. PacifiCorp offered recommendations as to whether these "complexes" and their resources were eligible for the NRHP and defined the period of historic significance for the KHP as 1903–1958.

PacifiCorp's study was based on a survey of the hydroelectric development resources and excluded non-hydroelectric resources, such as bridges and residences outside of the KHP development but within the current ADI. The study also omitted transmission lines originating within the hydroelectric developments and some of the associated power substations within the ADI.

In September 2003, CH2M Hill completed survey inventory forms for California and Oregon that documented what was then called the "Klamath River Hydroelectric Project historic district" (Durio 2003). For the purposes of the Renewal Corporation's analysis, this resource is referred to as the KHP historic district (AECOM 2022b).

PacifiCorp's 2003 analysis identified the Copco No. 1, Copco No. 2, and J.C. Boyle complexes, along with most of their primary components, as contributing to the eligible historic district. In contrast, Iron Gate Complex and its constituent resources (1962) and the Iron Gate Fish Hatchery (1966) were recommended as non-historic and non-contributing. The Oregon SHPO concurred with the eligibility determinations related to J.C. Boyle complex. The California SHPO did not provide concurrence for the eligibility determinations related to Copco No. 1, Copco No. 2, and the Iron Gate complexes, or for the Fall Creek Hatchery, which was included in the evaluations of Fall Creek hydroelectric development.

In 2018, the Renewal Corporation reevaluated these four hydroelectric developments and the Fall Creek Hatchery and updated the NRHP eligibility evaluations (Section 4.2.2).

Lower Klamath Project

Historic resource studies completed by the Renewal Corporation in support of the Proposed Action include: 1) repository research; 2) select field survey of previously undocumented built environment resources in the ADI, principally associated with the private properties between Iron Gate and Humbug Creek and situated around Copco Lake; and 3) three Historic Resources Studies involving hydroelectric, transportation, and private property resources. Each of these components is detailed below. Additional information related to NRHP eligibility of hydroelectric resources is provided in Chapter 4.

Repository Research

To better understand the historic context of the built environment resources, the Renewal Corporation conducted research at the following repositories for historical information, maps, and other relevant sources. A list of the repositories is provided in Table 3-6. On-site research was conducted at all locations, except for Oregon State University, the University of Oregon, and The National Archives at Seattle, which were researched online.

Table 3-6 List of Repositories

Repositories	
Bureau of Land Management 2795 Anderson Avenue #25, Klamath Falls, OR 97603 (541) 885-4114	Klamath County Library 126 S. 3rd Street, Klamath Falls, OR 97601 (541) 882-8894
Klamath County Museum 1451 Main Street, Klamath Falls, OR 97601 (541) 882-1000	Klamath County Surveyor 305 Main Street #2, Klamath Falls, OR 97601 (541) 883-4696
Multnomah County Library 801 SW 10th Avenue, Portland, OR 97205 (503) 988-5123	National Archives at Seattle 6125 San Point Wy NE, Seattle, WA 98115 (206) 336-5125 (Obtained finding aids and research guidance via email but did not visit the facility.)
Oregon Department of Fish and Wildlife 1850 Miller Island Road West, Klamath Falls, OR 97603 (541) 883-5732	Oregon Historical Society 1200 SW Park Avenue, Portland, OR 97205 (503) 222-1741
Oregon Institute of Technology Shaw Historical Library 3201 Campus Drive, Klamath Falls, OR 97601 (541) 885-1686	Oregon State University Corvallis, OR (Research conducted on university's online database only.)
PacifiCorp 825 NE Multnomah Street Portland, Oregon 97232 (888) 221-7070	Siskiyou County Assessor 311 4th St. #108, Yreka, CA 96097 (530) 842-8036
Siskiyou County Building Department 806 S. Main St., Yreka, CA 96097 (530) 842-8260	Southern Oregon Historical Society 106 N. Central Avenue, Medford, OR 97501 (541) 773-6536
Southern Oregon University Hannon Library 1250 Siskiyou Boulevard, Ashland, OR 97520 (541) 552-6442	University of Oregon Aerial Photograph Collection https://library.uoregon.edu/maps/aerial
University of Oregon Special Collections Knight Library 1501 Kincaid Street, Eugene, OR 97403-1299 (541) 346-3053	

In addition to conducting the above repository research, the Renewal Corporation also investigated the following sources:

- Aerial photography databases (historicaerials.com)
- Archival photographs provided by PacifiCorp
- Boise State Digital Collections
- Digital photography collections (California State University at Chico, Los Angeles Public Library)

- Digital newspaper and genealogy databases: newspapers.com, genealogybank.com, ancestry.com, chroniclingamerica.loc.gov [Library of Congress], oregonnews.uoregon.edu [historic Oregon newspapers], cdnc.ucr.edu [California digital newspaper collection].
- Google Books (digitalized books, magazines, journals, newsletters)
- Google Scholar (technical and scientific articles)
- Hathitrust Digital Library
- JSTOR (scholarly and scientific articles)
- Technical and Environmental reports obtained online
- USGS maps

Field Survey

The Renewal Corporation conducted architectural inventories in the APE between Iron Gate Dam and Humbug Creek and around Copco Lake using a combination of pedestrian and windshield survey. The surveys encompassed lands within the ADI owned by PacifiCorp and by private individuals. Pedestrian surveys were conducted with permission on PacifiCorp lands (Parcel B lands). Windshield reconnaissance surveys were conducted near privately owned lands. The teams accessed the survey sites through a combination of public roads and access roads. PacifiCorp escorts provided access to facility sites not open to the public. The survey teams documented resources using geospatial technology, photography, and digital tablets. The survey teams took photographs and notes in the field to develop narrative descriptions and integrity analyses for each resource. This documentation was embedded into interactive geospatial maps.

The survey teams recorded each resource's form, design, construction materials, use, condition, historical integrity, and spatial relationship to other resources. Historic photographs and previous documentations were reviewed to assess all seven aspects of historic integrity (location, design, setting, materials, workmanship, feeling, and association). When recording resources in California, resources were recorded on California Department of Parks and Recreation (DPR) forms for primary records; building, structure, object records; and/or district records.

For the survey of any previously recorded built environment resources, the Renewal Corporation compared the existing conditions and historical integrity of previously recorded historic resources to those recorded on site forms. Updates to the survey forms were provided where significant changes to resource condition or integrity were observed.

Additional Properties in the APE

During 2019 reconnaissance-level field surveys, the Renewal Corporation performed a windshield architectural survey and aerial photography review of private properties (at least 45 years old) within the California portion of the APE between Iron Gate Dam and Humbug Creek. Associated effects in this area would be related to increases in river elevation during 100-year flood events. Moving or increasing elevation to buildings would minimize effects from changes in the river elevation but would potentially affect the integrity of resources. The properties are found along the Klamath River near Hornbrook, California; the

Klamath River Community; and along the shore of Copco Lake. For the Hornbrook Area, each identified property’s name or type, address, construction date, and buildings/structures are provided in Table 3-7 (Hornbrook) and Table 3-8 (Klamath River Community). This information was gathered through reconnaissance and intensive-level field observations, available photographs, Siskiyou County assessor data, and internet research. For the Copco Lake area, the residences in this area were evaluated collectively as a whole

Hornbrook Area

The Renewal Corporation identified five private properties in the APE near Hornbrook, California, that may be affected by the Proposed Action (Table 3-7). The properties were built between 1937 and 1983 and are situated on the north bank of the Klamath River, east of I-5 and west of Iron Gate Dam. NHPA eligibility determinations are based on architectural surveys and aerial photography. Additional field investigation cannot be conducted due to lack of site access.

On the five properties in the Hornbrook area, nine buildings were identified during the architectural survey. Of the nine buildings, two were not 45 years old; and one building was outside of the projected post-project floodplain, will not be affected by the Proposed Action, and was not evaluated. The remaining six buildings were assessed as not eligible either due to the lack of historical integrity or not meeting any of the NRHP Criteria for Evaluation.

Table 3-7 Private Properties on the Klamath River in the Hornbrook Area

Resource #	Property & Address	Date	Potential for Effect	NRHP Eligibility
FS-1, FS-2	Fish Hook Restaurant 6930 Copco Road	1983	yes	FS-1 Not eligible (out of period) FS-2 Not eligible (out of period)
FS-3	R-Ranch Klamath River Campground 225 Ditch Creek Road	1971	yes	FS-3 Not Eligible
FS-4	4824 Copco Road	1950s	no; building out of post-project floodplain	FS-4 No evaluation
FS-5, FS-6, FS-7, FS-8	Klamath River Country Estates Owners’ Association Campground Facilities and Office 4701-4799 Whitefish Place	1970s	yes	FS-5, FS-6, FS-7, FS-8 Not Eligible
FS-9	Single-Family Residence 13624 Hornbrook Road	1937	yes	FS-9 Not Eligible

Klamath River Community

The Renewal Corporation identified 18 properties in the Klamath River Community area, built between 1925 and circa (ca.) 1975 that may be affected by the Proposed Action (Table 3-8). The properties are situated

west of I-5 along State Highway 96 and Klamath River Road in an area known as the Klamath River Community. NHPA eligibility determinations are based on architectural surveys and aerial photography.

On the 18 properties in the Klamath River Community area, 29 buildings were identified during the reconnaissance level survey. Of the 29 buildings, 6 were not 45 years old and 8 buildings were outside of the projected post-project floodplain, will not be affected by the Proposed Action, and were not evaluated. The remaining 15 buildings were assessed as not eligible either due to the lack of historical integrity or not meeting any of the NRHP Criteria for Evaluation.

Table 3-8 Private Properties in the Klamath River Community Area

Resource #	Address	Date	Potential for Effect	NRHP Eligibility
FS-10 and FS-11	904 State Highway 96	1925	FS-10 (no; building out of post-project floodplain) FS-11 (yes)	FS-10 No evaluation FS-11 Not Eligible
FS-12	1131 State Highway 96	ca. 1950	FS-12 (yes)	FS-12 Not Eligible
FS-13, FS-14, & FS-15	1920 State Highway 96	ca. 1950	FS-13 (yes) FS-14 (no; building out of post-project floodplain) FS-15 (yes)	FS-13 Not Eligible FS-14 No Evaluation FS-15 Not Eligible
FS-16 and FS-17	1936 State Highway 96	1957	FS-16 (no; building out of post-project floodplain) FS-17 (yes)	FS-16 No Evaluation FS-17 Not Eligible
FS-18 and FS-19	1942 State Highway 96	ca. 1950	FS-18 (yes) FS-19 (yes)	FS-18 Not Eligible FS-19 Not Eligible
FS-20	2014 State Highway 96	ca. 1950	FS-20 (yes)	FS-20 Not Eligible
FS-21 and FS-22	2020 State Highway 96	ca. 1969	FS-21 (yes) FS-22 (yes)	FS-21 Not Eligible
FS-23	2032 State Highway 96	1950 (1983 bedroom addition)	FS-23 (yes)	FS-22 Not Eligible
FS-24	2100 State Highway 96	1974	FS-24 (yes)	FS-24 Not Eligible
FS-25 and FS-26	4617 State Highway 96	1978 (2001)	FS-25 (no) FS-26 (yes)	FS-25 & FS-26 Not Eligible (Out of Period)
FS-27 and FS-28	4830 State Highway 96	ca. 1970	FS-27 (no) FS-28 (no) Buildings on property determined to be out of post-project floodplain.	FS-27 & FS-28 No evaluation
FS-29	4834 State Highway 96	1971	FS-29 (yes)	FS-29 Not Eligible
FS-30	4730 State Highway 96	1977	FS-30 (no; building out of post-project floodplain)	FS-30 No evaluation

Resource #	Address	Date	Potential for Effect	NRHP Eligibility
FS-31 and FS-31.5	5125 Klamath River Road	1968	FS-31 (yes) FS-31.5 (yes)	FS-31 & FS-31.5 Not Eligible
FS-32 and FS-33	5215 Klamath River Road	1990	FS-32 (yes) FS-33 (yes)	FS-32 & FS-33 Not Eligible (out of period)
FS-34	Unknown (west of 5215 Klamath River Road)	1980s	FS-34 (yes)	FS-34 Not Eligible (out of period)
FS-35	5231 Klamath River Road	1998	FS-35 (yes)	FS-35 Not Eligible (out of period)
FS-36 and FS-37	5814 State Highway 96	ca. 1980s	FS-36 (no) FS-37 (no) Buildings on property determined to be out of post-project floodplain.	FS-36 & FS-37 No evaluation (no effect & out of period)

Notes:
ca. = circa

Copco Lake Area

Based on windshield survey and aerial photographs, the Renewal Corporation has identified approximately 50 properties in the Copco Lake area that may be affected by the Proposed Action. The residential/recreational properties, many with boat docks, are clustered primarily along the lakesides of Copco Road, Quail Lane, and Ager Beswick Road. Copco Road and Quail Lane extend along Copco Lake's north shore. Ager Beswick Road extends along Copco Lake's south shore. County assessor data indicates that construction dates for the Copco Lake residences date to as early as 1935, with many built in the mid to late 1960s, after completion of Iron Gate Dam and Reservoir, and the associated improvements made to sections of Copco Road.

Historic Resource Studies

The Renewal Corporation completed three Historic Resource Studies focused on historic resources that had the potential to be affected by the Proposed Action. These three studies involved the following categories of resources: 1) Hydroelectric; 2) Transportation; and 3) Private Property. The Renewal Corporation completed these surveys, inventories, and evaluations to identify historic properties within the Proposed Action APE that are eligible for and/or listed in the NRHP. These investigations were completed following the Secretary of the Interior's Standards for Archaeology and Historic Preservation under the guidance of professionals that meet the Secretary of the Interior's Standards for Archaeology and Historic Preservation Professional Qualification Standards (36 CFR Part 61).

The Hydroelectric Resource Study evaluated the KHP, which consists of seven hydroelectric developments along the Klamath River in Southern Oregon and Northern California. This study focused on the KHP and four of the hydroelectric developments within the APE: J.C. Boyle, Copco No. 1, Copco No. 2, and Iron Gate. Except for J.C. Boyle, which is in Oregon, each of the hydroelectric developments is in California. Based on the scope of this Proposed Action, the Renewal Corporation did not evaluate the Link River, Keno, and Fall Creek hydroelectric developments, which are also within the KHP but will not be impacted by the Proposed

Action. The Renewal Corporation evaluated each of the four hydroelectric developments and their built resources, including bridges, road sections, and culverts. As a result of the study, the Renewal Corporation identified five NRHP-eligible historic districts subject to effects: the KHP, J.C. Boyle, Copco No. 1, Copco No. 2, and Iron Gate. The KHP is a previously identified historic district. When the KHP historic district was identified in 2003, J.C. Boyle, Copco No. 1, Copco No. 2, and Iron Gate were evaluated as contributing or non-contributing to the KHP. The Renewal Corporation study evaluated these four hydroelectric developments as discrete historic districts within the larger KHP historic district as well as potential contributors to the KHP historic district. In addition, the Renewal Corporation identified four individually eligible resources that may be subject to the Proposed Action: Copco No. 1 dam, Copco No. 2 powerhouse, Copco No. 2 water conveyance system, and Fall Creek School (Copco No. 2).

The Transportation Resource Study evaluated bridges, road sections, and culverts within the APE but outside the boundaries of the hydroelectric historic districts. The Renewal Corporation evaluated bridges, road sections, and culverts inside the boundaries of the hydroelectric historic districts as contributing or noncontributing resources to the district. As a result of the study, the Renewal Corporation did not identify any NRHP-eligible transportation-related resources outside of the hydroelectric development historic districts.

The Private Property Resource Study focused on commercial, residential, and recreational properties within the California portion of the APE, along the Klamath River corridor. These properties are situated along the shorelines of the Klamath River (Hornbrook and Klamath River Community) and Copco Lake. Note that the Copco Lake residences have Montague addresses but are about 25 miles northeast of the City of Montague.

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Chapter 4: Historic Properties

4. HISTORIC PROPERTIES

4.1 NRHP Evaluation

Historic properties that had the potential to be affected by the Proposed Action were assessed for their NRHP eligibility based on established evaluation criteria (36 CFR Part 60), their historic significance, and integrity. The NRHP is the official federal list of historic properties, including districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering, and culture. A historic property (i.e., NRHP-eligible) may be of national, state, or local significance.

The Renewal Corporation's NRHP assessment relied on a multifaceted program that included extensive archival research, historical landscape analysis, geoarchaeological modeling, inventory and recordation of archaeological sites and built environment resources, limited subsurface testing of archaeological sites, and tribal consultation to identify TCPs and other tribal cultural resources.

The significance of a property is best judged and explained when it is evaluated within its historic context or how it relates to its geographic area, prevailing historical themes, and chronological period (Wyatt 2009). By exploring the patterns or trends by which a specific occurrence, property, or site is understood, its meaning and comparative significance within history is made clear (NPS 1997). Historic contexts serve as the framework within which NRHP criteria are applied to specific properties. A key principle of historic contexts is that resources, properties, and events do not occur in isolation but reflect larger historical developments, associations, and/or patterns.

After identifying the relevant historic context with which a property is associated, four criteria of evaluation were considered to assess NRHP significance. These criteria serve as the standards by which every property nominated to the NRHP is judged. The criteria are written broadly to recognize the nation's wide variety of historic properties and to identify the range of resources and kinds of significance that qualify properties for NRHP listing. The criteria recognize associative, design, and information values, as listed in 36 CFR Part 60.

The quality of significance in American history, architecture, archaeology, engineering and culture is present in districts, sites, buildings, structures, and objects of state and local importance that possess historic integrity, and

- Are associated with events that have made significant contributions to the broad pattern of our history (Criterion A); or
- Are associated with the lives of persons significant in our past (Criterion B); or
- Embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction (Criterion C); or
- Have yielded, or may be likely to yield, information important in history or prehistory (Criterion D).

To be listed in the NRHP, a property must not only be shown to be significant under one or more criteria, but it also must have integrity (NPS 2000). The NRHP recognizes seven aspects or qualities that, in various combinations, define integrity (NPS 1997). The seven aspects of integrity are location, design, setting, materials, workmanship, feeling, and association.

Location is the place where the historic property was constructed or the place where the historic event occurred. The actual location of a historic property, complemented by its setting, is particularly important in recapturing the sense of historic events and persons.

Setting is the physical environment of a historic property. It refers to the historic character of the place in which the property played its historical role. It involves how, not just where, the property is situated and its historical relationship to surrounding features and open space. The physical features that constitute the historic setting of a historic property can be either natural or built and include such elements as topography, vegetation, paths or fences, and the relationships between buildings and other features or open spaces

Design is the combination of elements that create the historic form, plan, space, structure, and style of a property. This includes such elements as organization of space, proportion, scale, technology, ornamentation, and materials. Design can also apply to districts and to the historic way in which the buildings, sites, or structures are related.

Materials are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property. If the property has been rehabilitated, the historic materials and significant features must have been preserved. The property must also be an actual historic resource, not a re-creation; a property whose historic features have been lost and then reconstructed is usually not eligible.

Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history. It is the evidence of artisans' labor and skill in constructing or altering a building, structure, object, or site. It may be expressed in vernacular methods of construction and plain finishes or in highly sophisticated configurations and ornamental detailing. Examples of workmanship in historic buildings include tooling, carving, painting, graining, turning, and joinery.

Feeling is a property's expression of the aesthetic or historic sense of a particular period of time. It results from the presence of physical features that, taken together, convey the property's historic character. For example, a rural historic district which retains its original design, materials, workmanship, and setting will relate the feeling of agricultural life in the nineteenth century.

Association is the direct link between an important historic event or person and a historic property. A property retains association if it is the place where the event or activity occurred and is sufficiently intact to convey that relationship to an observer. Like feeling, association requires the presence of physical features that convey a property's historic character.

Although not listed in the seven aspects of historic integrity, the NPS does allow the physical condition of a property to be taken into consideration when evaluating property type and integrity as part of the

assessment of historic context. The evaluation should state how the particular property meets the integrity requirements for its type. When a property is disqualified for loss of integrity, the evaluation statement should focus on the kinds of integrity expected for the property type, those that are absent for the disqualified property, and the impact of that absence on the property's ability to exemplify architectural, historical or research values within a particular historic context. The integrity of the property in its current condition, rather than its likely condition after a proposed treatment, should be evaluated. Factors such as structural problems, deterioration, or abandonment should be considered in the evaluation only if they have affected the integrity of the significant features or characteristics of the property (NPS 2019b).

It is recognized that all properties change over time, and it is not necessary for one to retain all historic physical characteristics or features. It must, however, retain essential physical features that enable it to convey its historic identity that define why it is significant and when it was significant (NPS 1997).

If a resource is determined eligible for the NRHP, Section 106 of the NHPA and its implementing regulations (36 CFR Part 800) require that effects of a proposed project on that resource be determined. If NRHP listed or eligible properties are identified and will be adversely affected by the project implementation, then measures to avoid, minimize, or otherwise mitigate any adverse effects must be taken. If adverse effects are anticipated, the ACHP, SHPO, Tribes (if they ascribe significance to the resource), and other consulting parties must be provided an opportunity to review and comment on these measures. The public and other applicable consulting parties must also be notified of project effects upon historic properties. The ACHP has adopted regulations (36 CFR Part 800) that implement these consultation and notice requirements.

Historic properties include those that are in ruin on or below the ground, or “Archaeological” by definition, and those that are above-ground, or “Built Environment.” Each of these categories is described separately.

4.2 Districts

This section includes several districts that are recommended as historic properties for management under the HPMP. These include one proposed archaeological district (Spencer Creek District), one proposed TCP District (Kíacéki District TCP, which is inclusive of sites previously considered as part of the Fall Creek District [PacifiCorp 2006]), and five built environment districts. Consultation regarding their eligibility for the NRHP is ongoing as of September 2022.

4.2.1 Spencer Creek Archaeological District

The Renewal Corporation has reassessed the Spencer Creek District based on recent investigations for the Proposed Action. A list of the PacifiCorp (2006) proposed sites, as well as sites the Renewal Corporation proposes to include as part of the Spencer Creek District, are provided in Table 4-1.

Phase II investigations demonstrated via surface and subsurface contexts that several sites near the Spencer Creek confluence with J.C. Boyle Reservoir are connected, notably 35KL2428 with 35KL2430 to the east and 35KL2411 to the west, and thus presumably based on data recovered, LKP-2018-14 (east of 35KL2430) and 35KL2412 (west of 35KL2411). On the southern shoreline, 35KL2399 and 35KL2401

subsurface context showed the sites connected, and thus presumably, based upon cultural materials to date, landform, and proximity to 35KL2428, directly across the reservoir, are 35KL1942 and 35KL2397. Likewise, downstream at the Spencer Creek Bridge are sites 35KL1944, 35KL1941 (same shoreline as 35KL2399, etc.) and sites 35KL1943 and LKP-2020-1 (same shoreline as 35KL2428). All have similar attributes and assemblages and it is likely that if not for inundation, cultural materials would have been visible extending along the original shoreline between these locales.

The geographic extent of the district may be better defined after the reservoirs are drawn down. There are some archaeological sites that are partially inundated, some that are likely submerged, and some that have site boundaries that likely merge. The Spencer Creek Archaeological District will be reevaluated after completion of drawdown surveys.

Table 4-1 Proposed Spencer Creek District Resources (2022)

Site No.	Site Type	Included as part of PacifiCorp 2006 Proposed District?	2022 Evaluation Status (as of September 2022*)	2022 Effects
LKP-2018-14	Habitation/Village Site, Lithic Scatter	No	Unevaluated; Renewal Corporation recommends Eligible (D)/Contributing	Reservoir drawdown, increased public access/looting
LKP-2020-1	Lithic Scatter	No	Unevaluated; Renewal Corporation recommends Eligible (D)/Contributing (Prehistoric only)	Facility removal, access route improvement, security and/or silt fence/staging or stockpiling, fire access, recreation development
35KL1941	Lithic Scatter, Historic Scatter	No	Unevaluated; Renewal Corporation recommends Eligible (D)/Contributing (Prehistoric only)	Reservoir drawdown, habitat restoration, increased public access/looting
35KL1942	Lithic Scatter, Possible Pit Features	Yes	Unevaluated; Renewal Corporation recommends Eligible (A, C, D)/Contributing	Reservoir drawdown, increased public access/looting

Site No.	Site Type	Included as part of PacifiCorp 2006 Proposed District?	2022 Evaluation Status (as of September 2022*)	2022 Effects
35KL1943	Habitation/Village Site, Historic Artifact Scatter	No	Unevaluated; Renewal Corporation recommends Eligible (D)/Contributing (Prehistoric only)	Reservoir drawdown, habitat restoration, recreation use or development, increased public access/looting
35KL1944	Lithic Scatter	No	Unevaluated; Renewal Corporation recommends Eligible (D)/Contributing (Prehistoric only)	Reservoir drawdown, increased public access/looting
35KL2397	Lithic Scatter, Food Processing, Possible Pit Features	Yes	Unevaluated; Renewal Corporation recommends Eligible (C, D)/Contributing	Reservoir drawdown, increased public access/looting
35KL2399	Lithic Scatter, Food Processing	Yes	Unevaluated; Renewal Corporation recommends Eligible (D)/Contributing	Reservoir drawdown, increased public access/looting
35KL2401	Habitation/Village Site; Lithic Scatter, Milling Station, Petroglyph	Yes	Unevaluated; Renewal Corporation recommends Eligible (C, D)/Contributing	Reservoir drawdown, increased public access/looting
35KL2411	Lithic Scatter, Food Processing	Yes	Unevaluated; Renewal Corporation recommends Eligible (D)/Contributing	Access route improvement, staging or stockpiling; reservoir drawdown, increased public access/looting
35KL2412	Lithic Scatter, Food Processing	Yes	Unevaluated; Renewal Corporation recommends Eligible (D)/Contributing	Reservoir drawdown, habitat restoration, increased public access/looting

Site No.	Site Type	Included as part of PacifiCorp 2006 Proposed District?	2022 Evaluation Status (as of September 2022*)	2022 Effects
35KL2428	Lithic Scatter, Food Processing, Possible Pit Features	Yes	Unevaluated; Renewal Corporation recommends Eligible (A, B, D)/Contributing	Access route improvement, security and/or silt fence, staging and or stockpiling, disposal site, reservoir drawdown, increased public access/looting
35KL2430	Habitation/Village Site; Lithic Scatter, Petroglyph	Yes	Unevaluated; Renewal Corporation recommends Eligible (C, D)/Contributing	Reservoir drawdown, recreation use or development, increased public access/looting

Notes:

Bold = one of the original eight sites of the proposed Spencer Creek Archaeological District (PacifiCorp 2006)

* Determinations of eligibility were sent to the Oregon SHPO in May 2022; concurrence has not yet been received.

4.2.2 Fall Creek District (now part of Kíkacéki District Traditional Cultural Property)

The Shasta Indian Nation recently proposed the Kíkacéki District TCP within the ADI (Daniels 2021). The proposed Kíkacéki District TCP consists of multiple sites and use areas, including a number of archaeological sites within the ADI. Three archaeological sites originally documented as part of the Fall Creek District (CA-SIS-2403, CA-SIS-3923, and CA-SIS-3933) are now encompassed within the proposed Kíkacéki District TCP. Additional discussion of the Kíkacéki District TCP is provided in Section 4.3.

4.2.3 Built Environment Districts

The Renewal Corporation identified five NRHP-eligible built environment historic districts that will be subject to effects from the Proposed Action. The Renewal Corporation evaluated four hydroelectric developments as individual historic districts within the larger KHP historic district. The four individual hydroelectric districts include Copco No. 1, Copco No. 2, Iron Gate (California), and J.C. Boyle (Oregon). The Renewal Corporation also evaluated the NRHP eligibility of Fall Creek Hatchery (California). These eligibility recommendations are pending final concurrence from the Oregon and California SHPOs.

The Renewal Corporation identified four individually eligible resources within the historic districts that will be subject to effects:

- Copco No. 1 dam
- Copco No. 2 powerhouse
- Copco No. 2 water conveyance system

- Fall Creek School (Copco No. 2)

NRHP regulations define historic districts (36 CFR § 60.3[d]) as follows:

A geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history.

The four hydroelectric-related historic districts in California and Oregon are now owned and operated by PacifiCorp under FERC License No. 2082. Each is a discrete historic district with significant concentrations of related resources that contributed to the early development and distribution of electricity in the Southern Oregon and Northern California region. Each discrete historic district also contributes to the larger KHP, a noncontiguous historic district that follows the Klamath River through certain areas of Southern Oregon and Northern California. The KHP and its four constituent historic districts appear to be eligible under NRHP Criterion A in the area of Commerce as components of a regionally significant, locally owned and operated private utility and in the area of Industry for substantially increasing electrical capacity to promote expansion of the regional timber, agriculture, and recreation industries (Kramer 2003b). In addition, the KHP is significant under NRHP Criterion A in the area of Conservation for its controversial role in regional fish management activities mandated as mitigation for environmental and biological harm caused by the KHP dams. The KHP is also significant under NRHP Criterion C in the area of Engineering as its hydroelectric developments embody the distinctive characteristics of early- and mid-twentieth-century hydroelectric developments that implemented technological advances in their conceptions, designs, and construction, and that demonstrate the functional interconnections of the unified KHP system. Under Criterion C, the KHP also best represents the work of master hydro-engineer John C. Boyle, who was important to regional hydroelectric development and who began his association with the KHP as a young engineer surveying Copco No. 1 for the Siskiyou Electric Power & Light Company.

Certain historic resources within the districts appear to be individually eligible for the NRHP, such as the Copco No. 1 dam, which is significant under NRHP Criterion C in the area of engineering. The Copco No. 2 powerhouse and the Fall Creek School appear to be individually eligible under NRHP Criterion C in the area of architecture.

Each of the four potential hydroelectric historic districts and their contributing resources were documented in California or Oregon SHPO historic resource documentation forms, depending upon location. Copco No. 1, Copco No. 2, and Iron Gate historic districts were documented in California DPR forms. DPR 523A (primary) forms were completed for each district and each contributing resource within a district. DPR 523D (district) forms were completed for each district, providing an overall historic context for the district and a list of contributing and noncontributing resources. DPR 523A and 523B (building, structure, object) forms were completed for each contributing resource within a district and for each individually eligible resource within a district. J.C. Boyle historic district and its contributing resources were documented in individual Oregon Historic Sites Database forms.

Fall Creek Hatchery, a potential historic district within the APE, was also recommended for NRHP eligibility. Fall Creek Hatchery has regional significance under NRHP Criterion A in the area of Conservation for its pioneering role in early twentieth-century fish management and science in Northern California. DPR 523A and 523D forms were completed for Fall Creek. Due to lack of integrity, Fall Creek Hatchery appears to be not eligible for the NRHP and, therefore, DPR 523A and 523B forms were not completed for individual resources within the district. Consultation with the California SHPO regarding the Fall Creek Hatchery Historic District is ongoing.

Hydroelectric Districts

This section briefly describes the KHP historic district and the four discrete historic districts within its boundaries. A table for each of the four historic districts includes information on the districts' contributing and noncontributing resources, including names and function, dates of construction/major alteration, previous eligibility evaluations, and updated eligibility evaluations. Detailed information beyond these brief table summaries, including recent and historic photographs, is contained in DPR and Oregon Historic Sites Database forms. The KHP historic district as well as the four historic districts within its boundaries and their contributing resources are presently identified by the KHP's DPR primary number (47-004015), which was assigned by the California SHPO in 2003. In addition, the California SHPO has assigned individual primary numbers to the Copco No. 1 powerhouse (47-002267), Copco No. 1 guest house remains (CA-515-2824), and Copco No. 2 powerhouse (47-002266).

Klamath Hydroelectric Project (KHP) Historic District (Klamath County, Oregon and Siskiyou County, California)

The remaining hydroelectric developments of the KHP were built between 1903 and 1962 by Copco and its successor Pacific Power. The KHP historic district was previously evaluated as eligible for the NRHP but is not currently listed in the NRHP.

The Renewal Corporation has identified four NRHP-eligible hydroelectric developments within the KHP's boundaries that constitute individual historic districts, with each contributing to the larger KHP historic district: J.C. Boyle (Oregon), Copco No. 1 (California), Copco No. 2 (California), and Iron Gate (California). Summaries of the NRHP evaluations for the four historic districts and the resources they contain are provided in the tables below.

J.C. Boyle Hydroelectric Development District (Klamath County, Oregon)

J.C. Boyle was completed in 1958 as the final hydroelectric development that Copco completed along the Klamath River before the company was acquired by Pacific Power in 1961 (Figure4-1). J.C. Boyle is not currently listed in the NRHP.



Figure4-1 J.C. Boyle powerhouse

Based on the Renewal Corporation’s evaluation, the J.C. Boyle hydroelectric development is eligible for the NRHP as a historic district. J.C. Boyle also contributes to the larger KHP historic district. A summary of the eligibility recommendations for the J.C. Boyle historic district and its resources is provided in Table 4-2.

Table 4-2 J.C. Boyle Hydroelectric Development District NRHP Eligibility Recommendations

Resource	Function	Construction /Alterations	PacifiCorp NRHP Determination and Criteria ¹	Renewal Corporation Determination and Criteria ²
J.C. Boyle Hydroelectric Development (historic district)	Generate hydropower for regional customers.	1958	Contributing: Criterion A	Eligible historic district: Criteria A and C. Contributes to the larger KHP historic district: Criteria A and C.
Dam	Impound J.C. Boyle Reservoir to enable generation of hydropower.	1958	Contributing: Criterion A	Contributes to the J.C. Boyle historic district: Criterion A. Dam, water conveyance system, and powerhouse collectively contribute to the J.C. Boyle historic district: Criterion C.
Water Conveyance System	Convey water impounded by J.C Boyle reservoir through the dam and into powerhouse.	1958	Contributing: Criterion A	Contributes to the J.C. Boyle historic district: Criterion A. Dam, water conveyance system, and powerhouse collectively contribute to the J.C. Boyle historic district: Criterion C.

Resource	Function	Construction /Alterations	PacifiCorp NRHP Determination and Criteria ¹	Renewal Corporation Determination and Criteria ²
Powerhouse	House the massive machinery that generates the facility's hydropower.	1958	Contributing: Criterion A	Contributes to the J.C. Boyle historic district: Criterion A. Dam, water conveyance system, and powerhouse collectively contribute to the J.C. Boyle historic district: Criterion C.
Armco Warehouse	Storage and support facility for construction and operations.	1957	Contributing: Criterion A [Durio 2003] and Not Contributing [Kramer 2003]	Contributes to the J.C. Boyle historic district: Criterion A.
Red Barn	Administrative building.	1958/1978	Not Contributing	Noncontributing: Lacks historic integrity.
Truck Shop/Fuel Station and Waste Storage Area	Vehicle storage and repair/ vehicle fueling station.	1991	Not Contributing	Noncontributing: Out of Period.
Fire System Control	Fire system control with electric pump.	ca. 1995	Not Contributing	Noncontributing: Out of Period.
Dam Communication	Contain equipment for communication with PacifiCorp's Merwin Dam facility.	ca. 1995	Not Contributing	Noncontributing: Out of Period.
Operator Residences (2)	Worker residences.	ca. 1975 and ca. 1985	Not Contributing	Noncontributing: Out of Period.
Domestic Well house	Well house containing pump.	1958/ ca. 1997	Not Contributing	Noncontributing: Out of Period.
Timber Bridge	Bridge over Klamath River between dam and flume areas.	1956, 1971, 2003 (rebuilt)	Not Contributing	Noncontributing: Out of Period.
Powerhouse Residence Site	Previous site of worker residences near powerhouse.	ca. 1958, 1995	Not Contributing	Noncontributing: Lacks historic integrity.

Notes:

ca. = circa

KHP = Klamath Hydroelectric Project

NRHP = National Register of Historic Places

¹ Durio 2003; Kramer 2003, 2003b. Oregon SHPO concurred on March 16, 2004.

² Oregon SHPO concurrence received on January 21, 2022.

The Renewal Corporation has completed Oregon Historic Site Forms that provide a detailed description of J.C. Boyle, a discussion of the historic context, and evaluations for significance and integrity.

Copco No. 1 Hydroelectric Development District (Siskiyou County, California)

Copco No. 1, placed into operation in 1918 and expanded in 1922, was the first hydroelectric development constructed by Copco after the company was organized in 1912 (Figure 4-2). Copco No. 1 is not currently listed in the NRHP.



Figure 4-2 Copco No. 1, showing powerhouse, dam, and gatehouse no. 1

Based on the Renewal Corporation's evaluation, the Copco No. 1 hydroelectric development is eligible for the NRHP as a historic district. Copco No. 1 also contributes to the larger KHP historic district. In addition, the Copco No. 1 dam is individually eligible. A summary of the eligibility recommendations for the Copco No. 1 historic district and its resources is provided in Table 4-3.

Table 4-3 Copco No. 1 Hydroelectric Development District NRHP Eligibility Recommendations

Resource	Function	Construction/ Alterations	PacifiCorp NRHP Determination and Criteria ¹	Renewal Corporation Determination and Criteria
Copco No. 1 Hydroelectric Development (historic district)	Generate hydropower for regional consumers.	1918/1922	Contributing: Criterion A	Eligible historic district: Criteria A and C. Contributes to the larger KHP historic district: Criteria A and C.
Dam	Impound Copco Lake reservoir to enable generation of hydropower.	1918/1922	Contributing: Criterion A	Contributes to the Copco No. 1 historic district: Criterion A. Dam, water conveyance system, and powerhouse collectively contribute to the Copco No. 1 historic district: Criterion C. Individually eligible: Criterion C.
Water Conveyance System	Convey water impounded by Copco Lake through the dam and into powerhouse.	1918/1922	Contributing: Criterion A	Contributes to the Copco No. 1 historic district: Criterion A. Dam, water conveyance system, and powerhouse collectively contribute to the Copco No. 1 historic district: Criterion C.
Powerhouse/ 47-002267	House the massive machinery that generates the facility's power.	1918/1922	Contributing: Criterion A	Contributes to the Copco No. 1 historic district: Criterion A. Dam, water conveyance system, and powerhouse collectively contribute to the Copco No. 1 historic district: Criterion C.
Warehouse 1112	Support facility for construction and operations.	ca. 1913/ unknown	Contributing: Criterion A	Contributes to the Copco No. 1 historic district: Criterion A.
Guesthouse Remains/ CA-SIS-2824H	Company officer and guest residence.	ca. 1916/ ca. 1980 (demolished)	Contributing: Criterion A	Contributes to the Copco No. 1 historic district: Criterion A.
Bungalows 1107 and 1108 (2)	Worker residences.	Circa 1925	Contributing: Criterion A	Contributes to the Copco No. 1 historic district: Criterion A.

Notes:

ca. = circa

KHP = Klamath Hydroelectric Project

NRHP = National Register of Historic Places

¹ Durio 2003; Kramer 2003, 2003b. No concurrence received from the California SHPO.

The Renewal Corporation has completed State of California DPR forms that provide a detailed description of Copco No. 1, a discussion of the historic context, and evaluations for significance and integrity.

Copco No. 2 Hydroelectric Development District (Siskiyou County, California)

Copco No. 2 was completed in 1925, three years after the Copco No. 1 expansion (Figure 4-3). Copco No. 2 is not currently listed in the NRHP.



Figure 4-3 Copco No. 2, showing powerhouse and penstock

Based on the Renewal Corporation's evaluation, the Copco No. 2 hydroelectric development is recommended as eligible for the NRHP as a historic district. Copco No. 2 also contributes to the larger KHP historic district. In addition, the Copco No. 2 powerhouse, Copco No. 2 water conveyance system, and Fall Creek School are individually eligible. A summary of the eligibility recommendations for the Copco No. 2 historic district and its resources is provided in Table 4-4.

Note: An oil and gas storage house previously recommended as eligible by Kramer (and as not eligible by Durio) was demolished ca. 2015 and was, therefore, not evaluated by the Renewal Corporation. The demolished oil and gas storage house is not included in Table 4-4. The radio station near the Copco No. 2 powerhouse area was not previously recorded and is included in Table 4-4.

Table 4-4 Copco No. 2 Hydroelectric Development District NRHP Eligibility Recommendations

Resource	Function	Construction/Alterations	PacifiCorp NRHP Determination and Criteria ¹	Renewal Corporation Recommendation and Criteria (Determinations are pending final concurrence from the California SHPO)
Copco No. 2	Operate in conjunction with Copco No. 1 to generate hydropower for regional consumers.	1925	Contributing: Criterion A	Eligible historic district: Criteria A and C. Contributes to the larger KHP historic district: Criteria A and C.
Dam	Impound small, unnamed reservoir to enable generation of hydropower.	1925/1996 (headgate rebuilt)	Contributing: Criterion A	Contributes to the Copco No. 2 historic district: Criterion A. Dam, water conveyance system, and powerhouse collectively contribute to the Copco No. 2 historic district: Criterion C.
Water Conveyance System	Convey water impounded in Copco Lake and small unnamed reservoir through the dam and into the powerhouse.	1925	Contributing: Criterion A	Contributes to the Copco No. 2 historic district: Criterion A. Dam, water conveyance system, and powerhouse collectively contribute to the Copco No. 2 historic district: Criterion C. Individually eligible: Criterion C.
Powerhouse/ 47-002266	House the massive machinery that generates the facility's power.	1925	Contributing: Criterion A	Contributes to the Copco No. 2 historic district: Criterion A. Dam, water conveyance system, and powerhouse collectively contribute to the Copco No. 2 historic district: Criterion C. Individually eligible: Criterion C.
Substation	Transforms voltage for transmission and distribution of electrical power generated at powerhouse.	ca. 2000 (rebuilt after major fire in early 2000s)	Not contributing	Noncontributing: Out of Period
Daggett Road Bridge	Bridge over Klamath River between Copco Road and Copco No. 2 powerhouse area.	1924/1960 (raised)/1981 (rebuilt)	None	Noncontributing: Out of Period
Radio Station	Microwave radio communication station building and radio tower operated by PacifiCorp.	ca. 1950	None	Contributes to the Copco No. 2 and KHP historic districts: Criterion A.
Control Center	Automated control center for Copco No. 1 and Copco No. 2.	1966	Not Contributing	Contributes to the Copco No. 2 and KHP historic districts: Criterion A.

Resource	Function	Construction/Alterations	PacifiCorp NRHP Determination and Criteria ¹	Renewal Corporation Recommendation and Criteria (Determinations are pending final concurrence from the California SHPO)
Maintenance Building	Vehicle/equipment maintenance and storage.	1991	Not Contributing	Noncontributing: Out of Period
Former Cookhouse/Bunkhouse	Multi-worker residence and kitchen.	1941	Contributing: Criterion A	Contributes to the Copco No. 2 historic district: Criterion A.
Bungalow	Worker residence.	ca. 1925	Contributing: Criterion A	Contributes to the Copco No. 2 historic district: Criterion A.
Fall Creek School	Former School and community center. Present PacifiCorp training facility.	1965	Not Contributing	Contributes to the Copco No. 2 historic district: Criterion A. Individually eligible: Criterion C.
Modern Bunkhouse	Multi-worker residence.	1964	Not Contributing	Contributes to the Copco No. 2 historic district: Criterion A.
Ranch Houses (4)	Worker residences.	1967 and 1968	Not Contributing	Contribute to the Copco No. 2 historic district: Criterion A.
Modular Residences (3)	Worker residences.	1985	Not Contributing	Noncontributing: Out of Period
Garage	Vehicle storage for now-demolished cottages.	1971	Not Contributing	Noncontributing: Lacks integrity
Modern Garage	Vehicle storage.	ca. 2009	None	Noncontributing: Out of Period
Fuel Service Station	Fuel station.	ca. 2010	None	Noncontributing: Out of Period

Notes:

ca. = circa

KHP = Klamath Hydroelectric Project

NRHP = National Register of Historic Places

¹ Durio 2003; Kramer 2003, 2003b. No concurrence received from California SHPO.

The Renewal Corporation has completed State of California DPR forms that provide a detailed description of Copco No. 2, a discussion of the historic context, and evaluations for significance and integrity.

Iron Gate Hydroelectric Development (Siskiyou County, California)

The Iron Gate hydroelectric development was completed in 1962, the year after Pacific Power acquired Copco (Figure 4-4). At the time when PacifiCorp completed its NRHP evaluations for the KHP in 2003, the Iron Gate hydroelectric development, including the fish hatchery, was less than 45 years old and not considered of sufficient age (50 years) for NRHP eligibility. The Renewal Corporation has updated the NRHP eligibility of the Iron Gate hydroelectric development because its resources are now over 50 years of age and has designated a 1970 end date for the period of significance.



Figure 4-4 Iron Gate, showing dam site

Based on the Renewal Corporation's evaluation, the Iron Gate hydroelectric development is eligible for the NRHP as a historic district. Iron Gate also contributes to the larger KHP historic district. Furthermore, the Iron Gate hydroelectric development contains the Iron Gate fish hatchery. The hatchery is evaluated as a component of the Iron Gate historic district rather than a separate historic district, because the hatchery's functions are inextricably bound to fish management facilities at the Iron Gate dam site. A summary of the eligibility recommendations for the Iron Gate historic district and its resources is provided in Table 4-5. The Renewal Corporation has completed State of California DPR forms that provide a detailed description of the Iron Gate hydroelectric development, a discussion of the historic context, and evaluations for NRHP significance and integrity.

Table 4-5 Iron Gate Hydroelectric Development District NRHP Eligibility Recommendations

Resource	Function	Construction/ Alterations	PacifiCorp NRHP Determination and Criteria ¹	Renewal Corporation Recommendation and Criteria (Determinations are pending final concurrence from the California SHPO)
Iron Gate	Re-regulate downstream water flow and generate hydropower.	1962	Not Contributing	Eligible historic district: Criteria A and C Contributes to the larger KHP historic district: Criteria A and C.
Dam	Impound Iron Gate reservoir to enable regulation of downstream water flow and generation of hydropower.	1962	Not Contributing	Contributes to the Iron Gate historic district: Criterion A. Dam, water conveyance system, and powerhouse collectively contribute to the Iron Gate historic district: Criterion C.
Water Conveyance System	Convey water impounded by Iron Gate reservoir through the dam and into the powerhouse.	1962	Not Contributing	Contributes to the Iron Gate historic district: Criterion A. Dam, water conveyance system, and powerhouse collectively contribute to the Iron Gate historic district: Criterion C.
Powerhouse	Contain fish trapping facilities and house the massive machinery that generates the facility's power.	1962	Not Contributing	Contributes to the Iron Gate historic district: Criterion A. Dam, water conveyance system, and powerhouse collectively contribute to the Iron Gate historic district: Criterion C.
Substation	Transforms voltage for transmission and distribution of electrical power generated at powerhouse.	1962	Not previously evaluated	Contributes to the Iron Gate historic district: Criterion A.
Dam Fish Facilities	Trap and spawn fish.	1962	Not Contributing	Contributes to the Iron Gate historic district: Criterion A.
Communication Building	Communication and controls.	1962	Not Contributing	Contributes to the Iron Gate historic district: Criterion A.

Resource	Function	Construction/ Alterations	PacifiCorp NRHP Determination and Criteria ¹	Renewal Corporation Recommendation and Criteria (Determinations are pending final concurrence from the California SHPO)
Restroom Building	Visitor and worker restroom.	1962	Not Contributing	Contributes to the Iron Gate historic district: Criterion A.
Operator Residences (2)	Worker residences.	1963	None	Contributes to the Iron Gate historic district: Criterion A.
Hatchery Building	Contains equipment used to rear fish from egg to fry stage.	1966	Not Contributing	Contributes to the Iron Gate historic district: Criterion A.
Hatchery Raceways (8) and Settling Ponds (2)	Structures for rearing fry (raceways). Treat water drained from raceways (settling ponds).	1966	Not Contributing	Contributes to the Iron Gate historic district: Criterion A.
Hatchery Fish Feed Silos	Store fish feed.	1966	Not Contributing	Contributes to the Iron Gate historic district: Criterion A.
Hatchery Auxiliary Trap and Fish Ladder	Fish trap and ladder.	1984	Not Contributing	Noncontributing: Out of Period
Hatchery Office	Visitor reception/administrative area.	1966	Not Contributing	Contributes to the Iron Gate historic district: Criterion A.
Hatchery Shop	Equipment storage/repairs.	1966	Not Contributing	Contributes to the Iron Gate historic district: Criterion A.
Hatchery Modern Shed	Support facility.	ca. 1994	Not Contributing	Noncontributing: Out of Period
Hatchery Gas Shed	Gasoline storage.	1966	Not Contributing	Contributes to the Iron Gate historic district: Criterion A.

Resource	Function	Construction/ Alterations	PacifiCorp NRHP Determination and Criteria ¹	Renewal Corporation Recommendation and Criteria (Determinations are pending final concurrence from the California SHPO)
Hatchery Picnic and Visitor Center	Hatchery visitor facilities.	ca. 1994	Not Contributing	Noncontributing: Out of Period
Hatchery Residences (4)	Hatchery worker residences.	1966	Not Contributing	Contributes to the Iron Gate historic district: Criterion A.
Lakeview Road Bridge	Bridge over Klamath River between Copco Road and Iron Gate.	1960	None	Contributes to the Iron Gate historic district: Criterion A.

Notes:

ca. = circa

KHP = Klamath Hydroelectric Project

NRHP = National Register of Historic Places

¹ Durio 2003; Kramer 2003, 2003b. No concurrence received from the California SHPO.

Fall Creek Hatchery (Siskiyou County, California)

Fall Creek Hatchery is included in this discussion of hydropower resources because it was surveyed in 2003 as a component of Fall Creek hydroelectric development, within the larger KHP historic district. The hatchery was completed in 1919 as mitigation for the Copco No. 1 dam, which blocked upstream anadromous fish migration. The hatchery, shown in Figure 4-5, is not currently listed in the NRHP.



Figure 4-5 Fall Creek Hatchery, 1937 raceways and former incubation shed

During PacifiCorp's evaluations, the Fall Creek Hatchery resources were recommended as contributing to the KHP historic district. The Renewal Corporation evaluated the Fall Creek Hatchery as a potential historic district under the NRHP. Based on the Renewal Corporation's evaluation, the Fall Creek Hatchery is not eligible for the NRHP as a historic district and does not contribute to the larger KHP historic district. Although the hatchery appears to have local or statewide significance under Criterion A in the area of Conservation, the hatchery has lost its historic integrity. Historic fish holding ponds built in 1937 are still present at the hatchery; however, the original hatchery building, worker cottages, and holding ponds no longer exist. The absence of these key resources substantially detracts from the hatchery's historic integrity.

The Renewal Corporation has completed State of California DPR forms that provide a detailed description of the Fall Creek Hatchery and its components, a discussion of the historic context, and evaluations for significance and integrity.

4.3 Traditional Cultural Properties

In response to hydroelectric relicensing studies and the current decommissioning studies, Tribes have identified several potential TCPs and other sensitive cultural resources/HPRCSITs and use areas within the Klamath River corridor, a place of distinctive cultural and historical tribal significance (Daniels 2003, 2006, 2021; Duer 2003; Gates 2003; King 2004; Salter 2003; Sloan 2003). Fishing, harvesting, subsistence gardening, spiritual, and ceremonial sites are found along the river and surrounding landscape.

Potential TCPs specifically addressed herein are those that overlap the ADI/APE and include the Big Bend TCP, identified by the Klamath Tribes as part of the PacifiCorp Klamath Hydroelectric Project relicensing study (Deur 2003); the Kíkacéki District TCP, recently summarized by the Shasta Indian Nation as part of an independent study for the California Natural Resources Agency and California Department of Fish and Wildlife (Daniels 2021); and the Klamath Cultural Riverscape, which was also identified during the Klamath Hydroelectric Project relicensing (King 2004). Further insight may be sought from FERC's continued consultation with Tribes. This further consultation will maintain awareness of confidentiality and sensitivity concerns for Tribes and any associated information will remain confidential and protected from public disclosure specifically under 36 CFR 800.11(c) and Section 304 of the NHPA.

As stated in the Phase II Testing Report (AECOM 2022), the Renewal Corporation considers the Big Bend TCP, Klamath Cultural Riverscape, and the Kíkacéki District TCP eligible so that cultural and visual resources associated with these resources can be managed under the HPMP. FERC agrees with this approach pursuant to their August 15, 2022, letter. During a meeting of the CRWG on September 9, 2022, the Quartz Valley Indian Community of Quartz Valley Reservation of California, Hoopa Valley Tribe, Klamath Tribe, Yurok Tribe, Shasta Indian Nation, and Karuk Tribe, confirmed that they believe that the three TCPs, as they apply to their respective cultures, are eligible for the NRHP. On September 13, 2022, in a letter to the California SHPO, the Renewal Corporation requested the Oregon and California SHPO's concurrence that these three properties are eligible for the NRHP. Consultation is ongoing.

4.3.1 Big Bend Traditional Cultural Property

In the relicensing proceeding for the Klamath Hydroelectric Project, the Klamath Tribes identified the Big Bend area, extending along the river as well as along the rim of the canyon, as an important center of historical and contemporary tribal activity and as a potential TCP (Deur 2003). Fishing, hunting and plant gathering take place along the river, adjacent riparian areas, and uplands. The Tribes use this area for many different types of activities in addition to subsistence activities. Specific corresponding archaeological sites are not called out in the Klamath Tribes' discussion, and the TCP is not specifically delineated. The Renewal Corporation is considering the vicinity of Big Bend (i.e., a placename depicted on USGS topographic maps downstream from J.C. Boyle dam near the power plant) as an eligible TCP within the ADI and APE. Consultation with the California and Oregon SHPOs concerning the NRHP eligibility of the Big Bend Cultural Property is ongoing.

4.3.2 Kíkácéki District Traditional Cultural Property

The Shasta Indian Nation has recently identified the Kíkácéki District TCP (Daniels 2021). Their study is separate from the Renewal Corporation's investigations and is a stand-alone document that was reviewed by the Renewal Corporation for informational purposes. The proposed Kíkácéki District TCP consists of multiple sites and use areas. The TCP exemplifies continuing cultural significance of a traditional landscape to the Shasta Indian Nation along with the landscape's transformation by the introduction of hydroelectric infrastructure in the early twentieth century. The Kíkácéki District TCP also exemplifies "the historical processes that California Indians employed to reclaim their culture, lands, identity, and autonomy in the aftermath of California's devastating Gold Rush" (Daniels 2021). For these reasons, the Shasta Indian Nation proposes that the Kíkácéki District TCP may be eligible for listing on the NRHP (Daniels 2021:5).

The Kíkácéki District TCP consists of multiple locations that are addressed as contributing or noncontributing to the district. The proposed TCP is within the ADI and crosscuts Parcel B lands near Fall Creek, the Copco No. 1 and No. 2 Dams, and Copco Lake. Several archaeological sites within the ADI correspond to the Kíkácéki District TCP (Table 4-6). Three of the sites were also previously proposed to be part of the archaeological Fall Creek District (PacifiCorp 2006).

The current Proposed Action overlaps the Kíkácéki District TCP. In a CRWG meeting on September 9, 2022, the Shasta Indian Nation confirmed they will consult separately about this TCP, and will submit additional comments about effects.

For the purposes of this HPMP, the Renewal Corporation considers the Kíkácéki District to be an eligible TCP within the ADI and APE. Consultation with the California and Oregon SHPOs concerning the NRHP eligibility of the Kíkácéki District Cultural Property is ongoing.

Table 4-6 Summary of Kíkacéki District TCP

Contributing Resources on Parcel B Lands	Corresponding Archaeological Sites	NRHP Eligibility*
K'účasčas	CA-SIS-1670 CA-SIS-2403 CA-SIS-3923 CA-SIS-3930 (possibly) CA-SIS-3933	Prehistoric and Historic Contributing
K'úč'áwa-k	N/A. Hydroelectric development drilled through and installed pipes into this resource. An associated village is submerged by Copco Dam waters (Heizer and Hester Village #69 (1970, 124)	Prehistoric and Historic Contributing
Ík-wík	CA-SIS-2825 (possibly)	Prehistoric and Historic Contributing
K'uč'uxwárax	CA-SIS-3915 (possibly) CA-SIS-3920 CA-SIS-3921 CA-SIS-3924 CA-SIS-3925 CA-SIS-3926	Prehistoric and Historic Contributing

Notes:

NRHP = National Register of Historic Places

* As recommended in Shasta Indian Nation confidential document (Daniels 2021).

Bold = These three sites were part of the proposed Iron Gate Reservoir-Fall Creek Archaeological District (PacifiCorp 2006)

4.3.3 Klamath Cultural Riverscape

Previous ethnographic studies sponsored by PacifiCorp for the relicensing of the KHP, including the “First Salmon” report (King 2004), applied the evaluation process set forth in National Register Bulletin 38 and make the case that more than 200 miles of the Klamath River corridor from above the FERC Project Boundary downriver to the Pacific Ocean constitute a type of NRHP-eligible TCP referred to as a landscape, or more aptly termed, “riverscape” (Gates 2003; King 2004). The Klamath Cultural Riverscape is associated with significant patterns of events in the traditional histories of the Yurok, Karuk, Hupa, Shasta, and Klamath Tribes, and is used for gathering, transportation, human habitation, ceremonial activities, and other functions (Duer 2003; Gates 2003; King 2004). Contributing elements of the riverscape include the river and its associated landforms (floodplain, terraces, islands, rapids, etc.), water, fish, wildlife, plants, surrounding hills slopes and ridges (topography), and specific cultural locations (King 2004). Noncontributing elements were not provided as it was considered unnecessary for the analysis of effects. Likewise, a boundary was not delineated, although if it were to be necessary, the author recommended it be set generally along the 500-year floodplain for the purposes of FERC’s impact analysis related to relicensing (King 2004, 13-14).

In spite of past impacts, Tribes view the river as having integrity of condition, and regularly expressed the desire for dam removal and other actions to restore the river (King 2004, 23). The Klamath Cultural Riverscape is associated with broad patterns of traditional cultural activity and beliefs including the

relationship with salmon, ritual activities, environmental stewardship, and the relationship between humans and the nonhuman world (King 2004). Although the riverscape is most obviously eligible under Criterion A, each of the other criteria likely also apply (King 2004).

The Proposed Action occupies a part of the riverscape as described by Gates (2003) and King (2004). The riverscape and/or ethnographic reports and eligibility determination have not been submitted by a federal agency to the Oregon and California SHPOs for NRHP-eligibility concurrence (USBR and CDFW 2012: Vol. 1, 3.13-29), and a Riverscape Management/Treatment Plan has never been developed. The concept of moving this study forward and proceeding with formal evaluation of the riverscape has been raised in meetings with affected Tribes as part of consultation conducted for the Proposed Action. The Tribes stated unanimously in a CRWG meeting on September 9, 2022, that after 20 years since the study was sponsored by the Tribes, the report is still valid and no further evaluation work is needed. For the purposes of this HPMP, the Renewal Corporation is considering the Klamath Cultural Riverscape as an eligible TCP within the ADI and APE. The Renewal Corporation recognizes that this potential TCP extends beyond the FERC Project Boundary. Consultation with the California and Oregon SHPOs concerning the NRHP eligibility of the Klamath Cultural Riverscape is ongoing.

4.4 Individual Resources

4.4.1 Archaeological Sites

The HPMP addresses **93 archaeological sites** identified through record searches, site record updates, and archaeological inventories conducted by the Renewal Corporation (2017–2019), PacifiCorp (2004), and other Upper Klamath River researchers (Table 4-6). There are 92 sites within the ADI, and 1 site outside the ADI but within the FERC Project Boundary and Parcel B lands. The geographic distribution of these sites consists of 23 sites in the J.C. Boyle Reservoir area, in Oregon, and 70 sites in California, including 26 in the Copco Lake area, 24 in the Iron Gate Reservoir area, and 20 in the area between Iron Gate Dam and Humbug Creek.

Of the 93 archaeological sites:

- 84 sites are unevaluated and are treated as historic properties;
- 7 sites are determined not eligible with California SHPO concurrence;
- 2 sites are determined eligible with California SHPO concurrence.

A summary of the archaeological sites and current NRHP-eligibility determinations for archaeological sites within the ADI, and outside the ADI but within the FERC Project Boundary and Parcel B lands, are provided in Table 4-7 and Table 4-8. Sites determined not eligible (if concurred upon by Oregon and California SHPOs) are not required to be managed under the guidelines of this HPMP but are provided as a complete data set of known archaeological sites and recommended eligibility. The Renewal Corporation will treat sites that are unevaluated for the NRHP as potential historic properties until determinations of eligibility are made, with SHPO concurrence. Unevaluated sites will be subject to interim protection measures to ensure construction, looting, and vandalism do not occur as the resources are being evaluated and project effects are determined

in consultation with FERC, SHPOs, Tribes, and consulting parties. Additional archaeological sites are anticipated to be encountered over the Proposed Action’s duration.

Table 4-7 FERC Archaeological Site Eligibility Determinations with SHPO Concurrence

FERC Eligibility Determinations with SHPO Concurrence (as of September 2022)		
Eligible	Not Eligible	Unevaluated
CA-SIS-2239/3923, CA-SIS-3922	CA-SIS-3928 CA-SIS-3934 CA-SIS-3937 CA-SIS-3942 LKP-2017-2 LKP-2018-15 LKP-2019-3	35KL0013, 35KL0014, 35KL0015, 35KL1408, 35KI1472, 35KL1941, 35KL1942, 35KL1943, 35KL1944, 35KL2435, 35KI2397, 35KL2398, 35KL2399, 35KL2401, 35KL2411, 35KL2412, 35KL2428, 35KI2430, 35KL2434, 35KL2981 CA-SIS-155, CA-SIS-156, CA-SIS-157, CA-SIS-158, CA-SIS-159, CA-SIS-161, CA-SIS-264, CA-SIS-326, CA-SIS-328, CA-SIS-329, CA-SIS-522, CA-SIS-536, CA-SIS-632, CA-SIS-873, CA-SIS-1670, CA-SIS-1671, CA-SIS-1840, CA-SIS-2129, CA-SIS-2264, CA-SIS-2403, CA-SIS-2579, CA-SIS-2824, CA-SIS-2825, CA-SIS-3913, CA-SIS-3914, CA-SIS-3915, CA-SIS-3916, CA-SIS-3917, CA-SIS-3918, CA-SIS-3919, CA-SIS-3920, CA-SIS-3921, CA-SIS-3924, CA-SIS-3925, CA-SIS-3926, CA-SIS-3927, CA-SIS-3930, CA-SIS-3933, CA-SIS-3935, CA-SIS-3936, CA-SIS-3938, CA-SIS-3939, CA-SIS-3940, CA-SIS-3943, CA-SIS-3944, CA-SIS-3945, CA-SIS-4134, 47-002126 (CA-SIS-2126), 47-004303 (CA-SIS-4303), 47-004427 (CA-SIS-4427), 47-004999 (CA-SIS-4999), 47-005000 (CA-SIS-5000), CA-SIS-5255, CA-SIS-5256 LKP-2019-4, LKP-2019-5, LKP-2018-6, LKP-2018-7, LKP-2018-8, LKP-2019-10, LKP-2018-11, LKP-2018-14, LKP-2019-9, LKP-2020-1
Total = 2	Total = 7	Total = 84

Bold = California SHPO concurrence received July 6, 2022.

Table 4-8 Individual Archaeological Sites

Site No.	Location	Site Type	Submerged	Situated within? (PA/APE/ ADI/LOW/PaB)	Landowner	In 2006 KHP Study (Y/N)	2006 KHP NRHP Eligibility Recommendation	In 2021 NRHP Phase II (Y/N)	2022 Renewal Corporation NRHP Eligibility Recommendation	Current NRHP Eligibility Status (Sept. 2022)	Comments
35KL0013	J.C. Boyle	P	Part	PA/APE/ ADI/LOW/ PaB	Licensee / Private	Y	E (D)	Y	E ¹ (C,D)	U	N/A
35KL0014	J.C. Boyle	P	Part	PA/APE/ ADI/LOW/ PaB	Licensee / Private	Y	E (D)	Y	E ¹ (C, D)	U	N/A
35KL0015	J.C. Boyle	M	No	PA/APE/ ADI/LOW/ PaB	Licensee / Private	Y	E (D)	Y	E ¹ [P] (D) NE [H]	U	Historic component not contributing / lack of information or research potential
35KL1408	J.C. Boyle	P	No	ADI	Private	N	N/A	N	TE	U	N/A
35KL1472	J.C. Boyle	P	No	ADI/LOW	Private	N	N/A	N	TE	U	N/A

Site No.	Location	Ste Type	Submerged	Situated within? (PA/APE/ ADI/LOW/PaB)	Landowner	In 2006 KHP Study (Y/N)	2006 KHP NRHP Eligibility Recommendation	In 2021 NRHP Phase II (Y/N)	2022 Renewal Corporation NRHP Eligibility Recommendation	Current NRHP Eligibility Status (Sept. 2022)	Comments
35KL1941	J.C. Boyle	M	Part	PA/APE/ ADI/LOW/ PaB	Licensee / Private	Y	E (D)	Y	E [P] (D) NE [H]	U	Historic component not contributing / lack of information or research potential / lack of integrity. Site is within proposed Spencer Creek District.
35KL1942	J.C. Boyle	M	Part	PA/APE/ ADI/LOW/ PaB	Licensee / Private	Y	E (D)	Y	E ² [P] (A, C, D) NE [H]	U	Historic component not contributing / lack of information or research potential. Site is within proposed Spencer Creek District.
35KL1943	J.C. Boyle	M	Part	PA/APE/ ADI/LOW/ PaB	Licensee / Private	Y	E (D)	Y	E ² [P] (D) NE [H]	U	Historic component not contributing / lack of information or research potential. Site is within proposed Spencer Creek District.
35KL1944	J.C. Boyle	M	No	PA/APE	Licensee / Private	N	N/A	Y	E [P] (D) NE [H]	U	Historic component not contributing / lack of information or research potential. Site is within proposed Spencer Creek District.
35KL2397	J.C. Boyle	P	Yes	ADI/LOW/ PaB	Licensee	Y (CB-20)	E (D)	Y	E ^{1,2} (C, D)	U	Site is within proposed Spencer Creek District.

Site No.	Location	Site Type	Submerged	Situated within? (PA/APE/ ADI/LOW/PaB)	Landowner	In 2006 KHP Study (Y/N)	2006 KHP NRHP Eligibility Recommendation	In 2021 NRHP Phase II (Y/N)	2022 Renewal Corporation NRHP Eligibility Recommendation	Current NRHP Eligibility Status (Sept. 2022)	Comments
35KL2398	J.C. Boyle	M	No	PA/APE/ ADI/PaB	Licensee	Y (CB-06)	E (D)	Y	NE	U	Lack of information or research potential / lack of integrity
35KL2399	J.C. Boyle	M	No	PA/APE/ ADI/LOW/ PaB	Licensee / Private	Y (CB-03)	E (D)	Y	E ² [P] (D) NE [H]	U	Historic component not contributing / lack of information or research potential. Site is within proposed Spencer Creek District.
35KL2401	J.C. Boyle	M	No	PA/APE/ ADI/PaB	Licensee / Private	Y (CB-02)	E (D)	Y	E ² [P] (C, D) NE [H]	U	Historic component not contributing / lack of information or research potential. Site is within proposed Spencer Creek District.
35KL2411	J.C. Boyle	P	Part	PA/APE/ ADI/LOW/ PaB	Licensee	Y (JC03- 09)	E (D)	Y	E ¹ (D)	U	Site is within proposed Spencer Creek District.
35KL2412	J.C. Boyle	P	Part	PA/APE/ ADI/LOW/ PaB	Licensee	Y (JC03- 10)	E (D)	Y	E ¹ (D)	U	Site is within proposed Spencer Creek District.

Site No.	Location	Site Type	Submerged	Situated within? (PA/APE/ ADI/LOW/PaB)	Landowner	In 2006 KHP Study (Y/N)	2006 KHP NRHP Eligibility Recommendation	In 2021 NRHP Phase II (Y/N)	2022 Renewal Corporation NRHP Eligibility Recommendation	Current NRHP Eligibility Status (Sept. 2022)	Comments
35KL2428	J.C. Boyle	M	Part	PA/APE/ ADI/LOW/ PaB	Licensee / Private	Y (JS-05)	E (D)	Y	E ² [P] (A, D) NE [H]	U	Historic component not contributing / lack of information or research potential. Site is within proposed Spencer Creek District.
35KL2430	J.C. Boyle	P	Part	PA/APE/ ADI/LOW/ PaB	Licensee / Private	Y (JS-07)	E (D)	Y	E ¹ (C, D)	U	Site is within proposed Spencer Creek District.
35KL2434	J.C. Boyle	H	No	PA/APE/ ADI/LOW	Federal	Y (LA-01)	E (A, D)	N	TE	U	N/A
35KL2435	J.C. Boyle	P	No	PA/APE/ ADI/LOW/ PaB	Licensee / Private	Y (RM-01)	E (D)	Y	NE	U	Lack of information or research potential / lack of integrity
35KL2981	J.C. Boyle	P	No	PA/APE/ ADI/LOW/ PaB	Licensee	N	N/A	N	NE ¹	U	Noncultural

Site No.	Location	Site Type	Submerged	Situated within? (PA/APE/ ADI/LOW/PaB)	Landowner	In 2006 KHP Study (Y/N)	2006 KHP NRHP Eligibility Recommendation	In 2021 NRHP Phase II (Y/N)	2022 Renewal Corporation NRHP Eligibility Recommendation	Current NRHP Eligibility Status (Sept. 2022)	Comments
CA-SIS-155	Iron Gate Dam to Humbug Creek	P	No	ADI	Private	N	N/A	N	TE	U	N/A
CA-SIS-156	Iron Gate Dam to Humbug Creek	P	No	ADI	Private	N	N/A	N	TE	U	N/A
CA-SIS-157	Iron Gate Dam to Humbug Creek	P	No	ADI	Private	N	N/A	N	TE	U	N/A
CA-SIS-158	Iron Gate Dam to Humbug Creek	P	No	ADI	Private	N	N/A	N	TE	U	N/A
CA-SIS-159	Iron Gate Dam to Humbug Creek	P	No	ADI	Private	N	N/A	N	TE	U	N/A

Site No.	Location	Site Type	Submerged	Situated within? (PA/APE/ ADI/LOW/PaB)	Landowner	In 2006 KHP Study (Y/N)	2006 KHP NRHP Eligibility Recommendation	In 2021 NRHP Phase II (Y/N)	2022 Renewal Corporation NRHP Eligibility Recommendation	Current NRHP Eligibility Status (Sept. 2022)	Comments
CA-SIS-161	Iron Gate Dam to Humbug Creek	P	No	ADI	Federal / Private	N	N/A	N	TE	U	N/A
CA-SIS-264	Iron Gate Dam to Humbug Creek	P	No	ADI	State	N	N/A	N	TE	U	N/A
CA-SIS-326	Iron Gate	P	Part	PA/APE/ ADI/LOW/ PaB	Licensee	Y	E (D)	Y	E ¹ (A, D)	U	N/A
CA-SIS-328	Iron Gate Dam to Humbug Creek	P	No	ADI	Private	N	N/A	N	TE	U	N/A
CA-SIS-329/H	Iron Gate Dam to Humbug Creek	M	No	ADI	Private	N	N/A	N	TE	U	N/A

Site No.	Location	Site Type	Submerged	Situated within? (PA/APE/ ADI/LOW/PaB)	Landowner	In 2006 KHP Study (Y/N)	2006 KHP NRHP Eligibility Recommendation	In 2021 NRHP Phase II (Y/N)	2022 Renewal Corporation NRHP Eligibility Recommendation	Current NRHP Eligibility Status (Sept. 2022)	Comments
CA-SIS-522	Iron Gate Dam to Humbug Creek	H	No	ADI	Private	N	N/A	N	TE	U	N/A
CA-SIS-536	Iron Gate Dam to Humbug Creek	H	No	ADI	Private	N	N/A	N	TE	U	N/A
CA-SIS-632	Iron Gate Dam to Humbug Creek	M	No	ADI	Federal	N	N/A	N	TE	U	N/A
CA-SIS-873	Iron Gate Dam to Humbug Creek	P	No	ADI/LOW	Federal / Private	N	N/A	N	TE	U	N/A
CA-SIS-1670	Iron Gate	P	No	ADI/LOW/ PaB	Licensee	N	N/A	Y ³	E ¹ (A, D)	U	Site is within Kikacéki District TCP.

Site No.	Location	Site Type	Submerged	Situated within? (PA/APE/ ADI/LOW/PaB)	Landowner	In 2006 KHP Study (Y/N)	2006 KHP NRHP Eligibility Recommendation	In 2021 NRHP Phase II (Y/N)	2022 Renewal Corporation NRHP Eligibility Recommendation	Current NRHP Eligibility Status (Sept. 2022)	Comments
CA-SIS-1671	Copco / Iron Gate	H	No	PA/APE/ ADI/LOW/ PaB	Licensee / Private	N	N/A	Y	E ¹ (A, D)	U	N/A
CA-SIS-1840	Copco	P	No	PA/APE/ ADI/LOW	Licensee	N	N/A	N	TE	U	N/A
CA-SIS-2129	Iron Gate	H	No	PA/APE/ ADI/LOW/ PaB	Licensee / Federal	N	N/A	Y ⁴	E ⁴ (D)	U	N/A
CA-SIS-2239/ 3923	Iron Gate	M	Part	PA/APE/ ADI/LOW/ PaB	Licensee	Y (JC03- 01)	E (D)	Y	TE (H) E ² (P) (A, D)	E	Site is within Kikacéki District TCP. California SHPO NRHP eligibility concurrence received July 2022.
CA-SIS-2264	Copco	P	No	ADI	Licensee / Private	N	N/A	N	TE	U	N/A

Site No.	Location	Site Type	Submerged	Situated within? (PA/APE/ ADI/LOW/ PaB)	Landowner	In 2006 KHP Study (Y/N)	2006 KHP NRHP Eligibility Recommendation	In 2021 NRHP Phase II (Y/N)	2022 Renewal Corporation NRHP Eligibility Recommendation	Current NRHP Eligibility Status (Sept. 2022)	Comments
CA-SIS-2403	Iron Gate	M	Part	PA/APE/ ADI/LOW/ PaB	Licensee	Y	E (D)	Y	E [P] (A, D) NE [H]	U	Historic component not contributing / lack of information or research potential / lack of integrity. Site is within Kí'akac'éki District TCP.
CA-SIS-2579	Copco	P	No	PA/APE/ ADI/LOW/ PaB	Licensee / Private	N	N/A	N	TE	U	N/A
CA-SIS-2824	Copco	H	No	PA/APE/ ADI/LOW/ PaB	Licensee	Y	E (A, D)	Y ⁴	E ^{1, 4} (A, D)	U	Historic component nonstructural remains (e.g., refuse scatters) are considered eligible
CA-SIS-2825	Copco	M	No	PA/APE/ ADI/LOW/ PaB	Licensee	Y (CB-29)	E (P) (D) E (H) (A)	Y	E ¹ (P) (D) E ¹ (H) (D)	U	Historic component nonstructural remains (e.g., refuse scatters) are considered eligible. Site is within K'íkac'é-ki District TCP.
CA-SIS-3913	Copco	P	Part	PA/APE/ ADI/LOW/ PaB	Licensee	Y (CB-15)	E (D)	Y	E ¹ (C, D)	U	N/A

Site No.	Location	Site Type	Submerged	Situated within? (PA/APE/ ADI/LOW/PaB)	Landowner	In 2006 KHP Study (Y/N)	2006 KHP NRHP Eligibility Recommendation	In 2021 NRHP Phase II (Y/N)	2022 Renewal Corporation NRHP Eligibility Recommendation	Current NRHP Eligibility Status (Sept. 2022)	Comments
CA-SIS-3914	Copco	P	Part	PA/APE/ ADI/LOW/ PaB	Licensee	Y (CB-16)	E (D)	Y	E ¹ (D)	U	N/A
CA-SIS-3915	Copco	P	Part	PA/APE/ ADI/LOW/ PaB	Licensee	Y (CB-17)	E (D)	Y	E ¹ (A, D)	U	Site is within Kíkacéki District TCP.
CA-SIS-3916	Copco	H	No	APE/ ADI/LOW/ PaB	Licensee	Y (CB-18)	NE	N	TE	U	
CA-SIS-3917	Copco	H	No	PA/APE/ ADI/PaB	Licensee	Y (CB-19)	NE	N	TE	U	
CA-SIS-3918	Copco	H	No	PA/APE/ ADI/LOW/ PaB	Licensee / Private	Y (CB-27)	E (A, D)	Y ⁴	E ¹ (D)	U	N/A

Site No.	Location	Site Type	Submerged	Situated within? (PA/APE/ ADI/LOW/ PaB)	Landowner	In 2006 KHP Study (Y/N)	2006 KHP NRHP Eligibility Recommendation	In 2021 NRHP Phase II (Y/N)	2022 Renewal Corporation NRHP Eligibility Recommendation	Current NRHP Eligibility Status (Sept. 2022)	Comments
CA-SIS-3919	Iron Gate	P	No	PA/APE/ ADI/LOW/ PaB	Licensee	Y (FH-03)	E (D)	Y ³	E ¹ (D)	U	N/A
CA-SIS-3920	Copco	M	Part	PA/APE/ ADI/LOW/ PaB	Licensee / Private	Y (FH-06)	E (D)	Y	E ¹ [P] (D) NE [H]	U	Historic component not contributing / Not Relevant/Not Significant in Illustrating Context / lack of information or research potential. Site is within Kíacacéki District TCP.
CA-SIS-3921	Copco	P	Part	PA/APE/ ADI/LOW/ PaB	Licensee / Private	Y (FH-07)	E (D)	Y	E ¹ (A, D)	U	Site is within Kíacacéki District TCP.
CA-SIS-3922	Copco	H	Part	PA/APE/ ADI/LOW/ PaB	Licensee / Private	Y (FH-21)	E (D)	Y	E (A, D)	E	California SHPO NRHP eligibility concurrence received July 2022.
CA-SIS-3924	Copco	P	Part	PA/APE/ ADI/LOW/ PaB	Licensee / Private	Y (JC03-06)	E (D)	Y	E ¹ (A, D)	U	Site is within Kíacacéki District TCP.

Site No.	Location	Site Type	Submerged	Situated within? (PA/APE/ ADI/LOW/PaB)	Landowner	In 2006 KHP Study (Y/N)	2006 KHP NRHP Eligibility Recommendation	In 2021 NRHP Phase II (Y/N)	2022 Renewal Corporation NRHP Eligibility Recommendation	Current NRHP Eligibility Status (Sept. 2022)	Comments
CA-SIS-3925	Copco	P	No	PA/APE/ ADI/LOW/ PaB	Licensee / Private	Y (JC03- 07)	E (D)	Y	E ¹ (A, D)	U	Site is within Kikacéki District TCP.
CA-SIS-3926	Copco	M	Part	PA/APE/ ADI/LOW/ PaB	Licensee / Private	Y (JC03- 08)	E (D)	Y	E ¹ [P] (A, D) NE [H]	U	Historic component not contributing / lack of information or research potential. Site is within Kikacéki District TCP.
CA-SIS-3927	Copco	H	No	APE/ADI/L OW	Licensee	Y (JC03- 25)	NE	Y ⁴	E ^{1,4} (A, D)	U	N/A
CA-SIS-3928	Copco	H	No	APE/ADI/L OW	Licensee / Private	Y (JC03- 26)	NE	Y ⁴	NE ⁴	NE	Not Relevant/Not Significant in Illustrating Context California SHPO NRHP eligibility concurrence received July 2022.
CA-SIS-3930	Iron Gate	P	Part	PA/APE/ ADI/LOW/ PaB	Licensee	Y (FH-01)	E (D)	Y	E ¹ (A, D)	U	Site is within Kikacéki District TCP.

Site No.	Location	Ste Type	Submerged	Situated within? (PA/APE/ ADI/LOW/ PaB)	Landowner	In 2006 KHP Study (Y/N)	2006 KHP NRHP Eligibility Recommendation	In 2021 NRHP Phase II (Y/N)	2022 Renewal Corporation NRHP Eligibility Recommendation	Current NRHP Eligibility Status (Sept. 2022)	Comments
CA-SIS-3933	Iron Gate	M	Part	PA/APE/ ADI/LOW/ PaB	Licensee	Y (CB-10)	E (C, D)	Y	E ² [P, H] (A, C, D)	U	Historic component not contributing / lack of information or research potential. Site is within Kikacéki District TCP.
CA-SIS-3934	Iron Gate	H	No	PA/APE/ ADI/LOW/ PaB	Licensee	Y (CB-11)	NE	Y ⁴	NE ^{1,4}	NE	Not Relevant/Not Significant to Illustrating Context California SHPO NRHP eligibility concurrence received July 2022.
CA-SIS-3935	Iron Gate	P	No	PA/APE/ ADI/LOW/ PaB	Licensee	Y (CB-12)	E (D)	N	TE	U	N/A
CA-SIS-3936	Iron Gate	H	No	PA/APE/ ADI/PaB	Licensee	Y (CB-13)	NE	N	TE	U	N/A
CA-SIS-3937	Iron Gate	H	No	PA/APE/ ADI/PaB	Licensee	Y (CB-14)	NE	Y ⁴	NE ^{1,4}	U	Not Relevant/Not Significant to Illustrating Context California SHPO NRHP eligibility concurrence received July 2022.

Site No.	Location	Site Type	Submerged	Situated within? (PA/APE/ ADI/LOW/PaB)	Landowner	In 2006 KHP Study (Y/N)	2006 KHP NRHP Eligibility Recommendation	In 2021 NRHP Phase II (Y/N)	2022 Renewal Corporation NRHP Eligibility Recommendation	Current NRHP Eligibility Status (Sept. 2022)	Comments
CA-SIS-3938	Iron Gate	P	No	PA/APE/ ADI/PaB	Licensee	Y (FH-02)	E (D)	Y ³	E ^{1, 4} (D)	U	N/A
CA-SIS-3939	Iron Gate	M	No	PA/APE/ ADI/PaB	Licensee	Y (FH-04)	E [P] (D) NE [H]	N	TE	U	N/A
CA-SIS-3940	Iron Gate	M	Part	PA/APE/ ADI/LOW/ PaB	Licensee	Y (FH-05)	NE	Y	E ² [P] (C, D) E [H] (A, D)	U	N/A
CA-SIS-3942	Iron Gate	H	Part	PA/APE/ ADI/LOW/ PaB	Licensee	Y (JC03- 02)	NE	Y ⁴	NE ⁴	NE	Not Relevant/Not Significant to Illustrating Context California SHPO NRHP eligibility concurrence received July 2022.
CA-SIS-3943	Iron Gate	H	No	PA/APE/ ADI/PaB	Licensee	Y (JC03- 03)	NE	N	TE	U	N/A

Site No.	Location	Ste Type	Submerged	Situated within? (PA/APE/ ADI/LOW/PaB)	Landowner	In 2006 KHP Study (Y/N)	2006 KHP NRHP Eligibility Recommendation	In 2021 NRHP Phase II (Y/N)	2022 Renewal Corporation NRHP Eligibility Recommendation	Current NRHP Eligibility Status (Sept. 2022)	Comments
CA-SIS-3944	Iron Gate	H	No	PA/APE/ ADI/PaB	Licensee	Y (JC03- 04)	NE	N	TE	U	N/A
CA-SIS-3945	Iron Gate	H	No	PA/APE/ ADI/LOW/ PaB	Licensee	Y (JC03- 05)	NE	Y ⁴	NE ^{1,4}	U	Not Relevant/Not Significant to Illustrating Context
CA-SIS-4134	Iron Gate Dam to Humbug Creek	M	No	APE/ADI	Federal	N	NE	N	TE	U	N/A
47-002126 (CA-SIS-2126)	Copco	H	No	PA/PaB	Licensee	N	N/A	N	TE	U	N/A
47-004303 (CA-SIS-4303)	Iron Gate Dam to Humbug Creek	H	No	APE/ADI	Federal	N	N/A	N	TE	U	N/A

Site No.	Location	Site Type	Submerged	Situated within? (PA/APE/ ADI/LOW/PaB)	Landowner	In 2006 KHP Study (Y/N)	2006 KHP NRHP Eligibility Recommendation	In 2021 NRHP Phase II (Y/N)	2022 Renewal Corporation NRHP Eligibility Recommendation	Current NRHP Eligibility Status (Sept. 2022)	Comments
47-004427 (CA-SIS-4427)	Iron Gate Dam to Humbug Creek	H	No	APE/ADI	Federal	N	N/A	N	TE	U	N/A
47-004999 (CA-SIS-4999)	Iron Gate Dam to Humbug Creek	H	No	APE/ADI	Federal / Private	N	N/A	N	TE	U	N/A
47-005000 (CA-SIS-5000)	Iron Gate Dam to Humbug Creek	H	No	APE/ADI	Private	N	N/A	N	TE	U	N/A
CA-SIS-5255	Iron Gate Dam to Humbug Creek	H	No	APE/ADI	Private	N	N/A	N	TE	U	N/A
CA-SIS-5256	Iron Gate Dam to Humbug Creek	H	No	APE/ADI	Private	N	N/A	N	TE	U	N/A

Site No.	Location	Site Type	Submerged	Situated within? (PA/APE/ ADI/LOW/PaB)	Landowner	In 2006 KHP Study (Y/N)	2006 KHP NRHP Eligibility Recommendation	In 2021 NRHP Phase II (Y/N)	2022 Renewal Corporation NRHP Eligibility Recommendation	Current NRHP Eligibility Status (Sept. 2022)	Comments
LKP-2017-2	Iron Gate	H	No	APE/ ADI/LOW/ PaB	Licensee	N	N/A	N	NE ¹	NE	Not Relevant/Not Significant to Illustrating Context / Lack of information or research potential California SHPO NRHP eligibility concurrence received July 2022.
LKP-2018-6	Iron Gate	P	No	PA/APE/ ADI/LOW/ PaB	Licensee	N	N/A	Y ³	E ¹ (D)	U	N/A
LKP-2018-7	Iron Gate	P	No	PA/APE/ ADI/LOW/ PaB	Licensee	N	N/A	Y ³	E ¹ (D)	U	N/A
LKP-2018-8	Copco	M	No	PA/APE/ ADI/LOW/ PaB	Licensee	N	N/A	Y	NE [P] E [H] (D)	U	Historic component nonstructural remains (e.g. refuse scatters) are considered eligible; Precontact component not contributing / lack of information or research potential / lack of integrity
LKP-2018-11	Copco	M	No	APE/ ADI/LOW/ PaB	Licensee	N	N/A	Y	E [P] (D) NE [H]	U	Historic component not contributing / lack of information or research potential

Site No.	Location	Site Type	Submerged	Situated within? (PA/APE/ ADI/LOW/PaB)	Landowner	In 2006 KHP Study (Y/N)	2006 KHP NRHP Eligibility Recommendation	In 2021 NRHP Phase II (Y/N)	2022 Renewal Corporation NRHP Eligibility Recommendation	Current NRHP Eligibility Status (Sept. 2022)	Comments
LKP-2018-14	J.C. Boyle	P	No	PA/APE/ ADI/LOW/ PaB	Licensee	N	N/A	Y	E ¹ (D)	U	Site is within proposed Spencer Creek District.
LKP-2018-15	Iron Gate	H	No	PA/APE/ ADI/LOW/ PaB	Licensee / Federal	N	N/A	Y ⁴	NE ⁴	NE	Not Relevant/Not Significant to Illustrating Context California SHPO NRHP eligibility concurrence received July 2022.
LKP-2019-3	Copco	M	No	PA/APE/ ADI/LOW	Licensee	N	N/A	Y	NE	NE	Lack of information or research potential / Lack of integrity California SHPO NRHP eligibility concurrence received July 2022.
LKP-2019-4	Copco	H	No	PA/APE/ ADI/LOW/ PaB	Licensee / Private	N	N/A	N	TE	U	N/A
LKP-2019-5	Copco	H	No	PA/APE/ ADI/LOW/ PaB	Licensee / Private	N	N/A	N	TE	U	N/A

Site No.	Location	Site Type	Submerged	Situated within? (PA/APE/ ADI/LOW/PaB)	Landowner	In 2006 KHP Study (Y/N)	2006 KHP NRHP Eligibility Recommendation	In 2021 NRHP Phase II (Y/N)	2022 Renewal Corporation NRHP Eligibility Recommendation	Current NRHP Eligibility Status (Sept. 2022)	Comments
LKP-2019-9	Iron Gate	M	No	PA/APE/ ADI/LOW/ PaB	Licensee	N	N/A	Y	E [P] (D) NE [H]	U	Historic component not contributing / Not Relevant/Not Significant to Illustrating Context
LKP-2019-10	J.C. Boyle	M	No	PA/APE/A DI	Private	N	N/A	Y	NE [P] NE [H]	U	Lack of information or research potential / Lack of integrity
LKP-2020-1	J.C. Boyle	M	No	PA/APE/ ADI/LOW/ PaB	Licensee	N	N/A	Y	E [P] [D] NE [H]	U	Lack of information or research potential / Lack of integrity. Site is within proposed Spencer Creek District.

Notes:

ADI = Area of Direct Impact

APE = Area of Potential Effect

LOW = Limits of Work

PA = Project Area [FERC Project Boundary]

PaB = Parcel B

N/A = Not Applicable

KHP = Klamath Hydroelectric Project

NRHP = National Register of Historic Places

TCP = Traditional Cultural Property

P = Precontact; H = Historic; M = Multicomponent

NE = Not Eligible; E = Eligible; TE = Treat as Eligible; U = Unevaluated

¹ Eligibility statements were formulated with available research to date that may include Phase II surface investigations; no Phase II subsurface work has been performed.

² Eligibility statement was formulated from limited Phase II surface and subsurface investigative efforts.

³ Site is within the LKPADI, but no related impacts have been identified at the 100 percent design phase.

⁴ Included in 2021 NRHP Phase II archival research only: no subsurface.

4.4.2 Built Environment Resources

Transportation Resource Study

The Renewal Corporation evaluated the NRHP eligibility for all transportation resources, including bridges and culverts, in the APE. The evaluation involved field work where each transportation resource was identified and photographed, as well as review of prior documentation of history and NRHP eligibility. Transportation resources within the boundaries of a hydroelectric historic district were evaluated as contributing or noncontributing resources to the district. For example, the Daggett Road bridge was evaluated as a contributing resource to Copco No. 2, and the Lakeview Road bridge was evaluated as a contributing resource to Iron Gate.

A list of the bridges and culverts evaluated during this study is provided in Table 4-9. The “Resource” column in Table 4-9 provides each specific bridge type. All culverts observed during field survey were modern corrugated steel pipe structures, apparently less than 40 years of age. When possible, the “State (number)” column in Table 4-9 provides the California DPR Primary number, California Department of Transportation number, or other identifying number for each resource. For resources built after 1975, the NRHP recommendation (last column) is “Out of Period,” indicating that the resource was built outside of the historic period by at least 5 years.

The Renewal Corporation conducted field survey of the Klamath River Bridge (California DPR Primary #47-004212, State Bridge No. 02-0015) on August 29, 2019. As noted in Table 4-9 (row 3), a replacement bridge was completed in 2021 and the older 1931 bridge was removed. The 1931 bridge, therefore, is no longer eligible for the NRHP.

Table 4-9 Transportation Resources

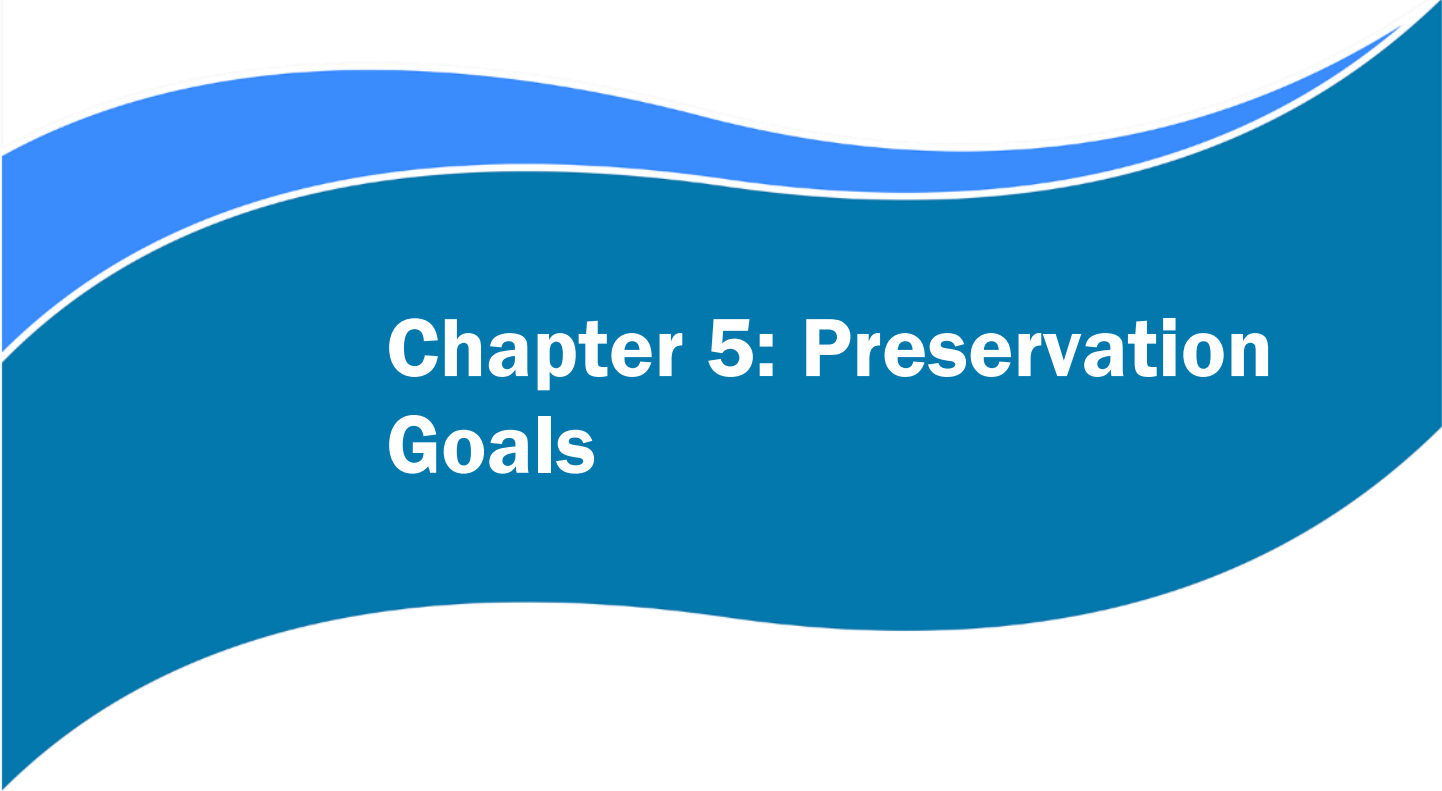
Resource	State (number)	Construction/ Alterations	Previous NRHP Recommendation and Criteria	Renewal Corporation NRHP Recommendation and Criteria
Bridges				
Dry Creek Bridge (single-span timber beam and deck with asphalt overlay)	California (02C0144)	1960	Not Eligible; California Department of Transportation Bridge Inventory (2022) (Local Agency Bridges, District 02)	Not Eligible
Ash Creek Bridge (Baltimore petit truss)	California (DPR Primary #47- 04414, Public Law- 96-04)	1901 (replaced in 2012)	Eligible: Criteria A and C. This evaluation occurred in 2000 before the original bridge was replaced.	Not Eligible: Out of Period (replacement bridge that does not conform to the Secretary of the Interior Standards)

Resource	State (number)	Construction/ Alterations	Previous NRHP Recommendation and Criteria	Renewal Corporation NRHP Recommendation and Criteria
Klamath River Bridge (six-span concrete t- beam)	California (DPR Primary #47- 004212, State Bridge No. 02-0015)	1931 (demolished and replaced in 2021)	Eligible: Criteria A and C. This evaluation occurred in 2004 before construction began on the replacement bridge.	Not Eligible. (Demolished 2021)
Spencer Bridge (three-span continuous welded steel plat girder)	Oregon (Department of Transportation Bridge No. 19789)	2005	None	Not Eligible: Out of Period
Cottonwood Creek Bridge (single-span reinforced concrete slab)	California (02C0257)	1980	None	Not Eligible: Out of Period
Brush Creek Bridge (single-span reinforced concrete slab)	California (02C0224A)	1976	None	Not Eligible: Out of Period
Jenny Creek Bridge (single-span precast prestressed deck bulb tee girder)	California (02C0280A)	2008	None	Not Eligible: Out of Period
Fall Creek Bridge (single-span timber beam with concrete deck)	California (02C0198)	1969	Not Eligible (California Department of Transportation Bridge Inventory 2022)	Not Eligible
Copco Road Bridge (two-span cast-in- place post-tensioned concrete box girder)	California (02C0039)	1988	Not Eligible (California Department of Transportation Bridge Inventory 2022)	Not Eligible: Out of Period
FS-B-1; Pedestrian Bridge (cable suspension bridge)	California (privately owned)	Circa 1954	None	Not Eligible
FS-B-2; Pedestrian Bridge (cable suspension bridge)	California (privately owned by Klamath River Country Estates)	Circa 1954	None	Not Eligible
Central Oregon and Pacific Railroad Bridge (seven-span ballasted concrete bridge)	California	1900, Rebuilt in 1980 Unknown	None	Not Eligible: Out of Period (1900 bridge failed in 1980, new bridge installed 1980)

Resource	State (number)	Construction/ Alterations	Previous NRHP Recommendation and Criteria	Renewal Corporation NRHP Recommendation and Criteria
Culverts				
Topsy Road Grade Culvert at unnamed creek	California	Post-1980	None	Not Eligible: Out of Period
Unnamed Culvert at unnamed road near J.C. Boyle	California	Post-1980	None	Not Eligible: Out of Period
Copco Road Culvert at Raymond Gulch	California	Post-1980	None	Not Eligible: Out of Period
Copco Road Culvert at Beaver Creek	California	Post-1980	None	Not Eligible: Out of Period
Patricia Avenue Culvert at Camp Creek	California	Post-1980	None	Not Eligible: Out of Period
Copco Road Culvert at Camp Creek	California	Post-1980	None	Not Eligible: Out of Period
Copco Road Culvert at Scotch Creek	California	Post-1980	None	Not Eligible: Out of Period
Copco Road Drainage Culverts between Brush Creek and Camp Creek	California	Post-1980	None	Not Eligible: Out of Period

Notes:

DPR = Department of Parks and Recreation; NRHP = National Register of Historic Places

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Chapter 5: Preservation Goals

5. PRESERVATION GOALS

5.1 General Management Philosophy

The preferred approach adopted by the Renewal Corporation for all known historic properties and unevaluated cultural resources is preservation and protection. The Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (*Federal Register*, Vol. 48, No. 190, Part IV) discuss preservation standards and procedures. Specific management measures for the Proposed Action are discussed in Chapter 7.

The Renewal Corporation will implement the preservation measures in consideration of economic and technical feasibility and balanced with project objectives. This philosophy will guide future actions by the Renewal Corporation throughout its project ownership.

The Renewal Corporation's goals for preserving, protecting, and managing historic properties and other unevaluated cultural resources that may be identified during implementation of the Proposed Action include the following:

- Ensure safety and efficiency while effectively managing and maintaining the integrity of historic properties to the extent feasible.
- Avoid project-related effects on historic properties where feasible. If avoidance is not possible, create a means for monitoring, recording impacts, minimizing impacts, and/or preparing mitigation measures.
- Maintain the confidentiality of the locations of sensitive archaeological sites and TCPs.
- Ensure consistency with federal, state, and local cultural resource regulations and statutes, in particular Section 106 of the NHPA as well as applicable resource management plans.
- Maintain the coordination and compatibility of historic property management with other resource goals such as those related to aquatic and terrestrial resources, recreation, aesthetics, and land management.
- Demonstrate good stewardship of historic properties by monitoring vulnerable eligible resources, supporting enhancement opportunities, encouraging personnel and public awareness of historic properties, reducing potential for vandalism, and supporting educational opportunities.
- Implement cost-effective protection measures for historic properties that meet regulatory requirements in consultation with the consulting parties.
- Maintain engagement and clear lines of communication and consultation between the Renewal Corporation and consulting parties, in a manner consistent with the PA.
- Ensure consultation with the applicable parties concerning potential project effects and strategies for avoiding, minimizing, and/or mitigating adverse effects as well as responding to inadvertent discoveries and unanticipated effects.

5.2 Archaeological Historic Properties and Traditional Cultural Properties

The goal for the protection of archaeological historic properties and TCPs is the preservation of the resource within its environment and its important characteristics where feasible. The principal approach to preserve archaeological sites and TCPs is protection and stabilization from ground disturbance, which may be associated with planned projects, vandalism, looting, or natural causes.

The Renewal Corporation will consider prevention of harmful effects as the first and least damaging avenue of site stabilization, even though this will not be possible in every instance. In addition, as outlined in Section 8.2, the Renewal Corporation will evaluate the NRHP eligibility of certain resources. FERC will make the determination of eligibility and the SHPOs, following consultation with Tribes and Interested Parties, will be provided an opportunity to review and concur or not concur.

5.3 Built Environment

Currently, several historic structures are proposed by the Renewal Corporation to be retained after decommissioning. For these resources, the primary principle upon which the preservation measures are based is the desire to protect, maintain, and repair historic materials and retain a structure's form as it has evolved over time, and consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties. This approach will ensure retention of the character-defining features of those historic properties that are currently slated for retention. As the Proposed Action proposes to decommission hydroelectric facilities that are also historic properties, the conservation of these resources must be balanced with the objectives of the Proposed Action and FERC's regulatory requirements for decommissioning. While conservation will not be possible for any of the dam structures, the Renewal Corporation will make a good faith effort to identify the adaptive use potential for retained historic properties in the APE and provide meaningful mitigation for the local community and at the state level.

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Chapter 6: Project Effects

6. PROJECT EFFECTS

The Proposed Action will have effects on historic properties in the APE. An effect constitutes an “alteration to the characteristics of a historic property qualifying it for inclusion in or eligibility for the National Register” (36 CFR § 800.16[i]). An adverse effect occurs when Proposed Action activities “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. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance, or be cumulative” 36 CFR § 800.5(a)(1).

Within the APE, potential effects from the Proposed Action/undertaking include construction impacts to archaeological sites, removal of historic hydroelectric buildings and structures, viewshed alterations, erosion, restoration activities, construction-related noise and vibration, atmospheric impacts from construction-related dust, and increased recreational uses and/or public access that increases the possibility for looting and vandalism.

For this undertaking, FERC considers historic properties within the FERC Project Boundary to be adversely affected by the Proposed Action due to the transfer of property out of FERC’s control (36 CFR 800.5[a][2][vii]) and the concurrent loss of Section 106 regulatory protections after license surrender is complete, if there are not adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the property’s historic significance (this does not apply to federal lands within the FERC Project Boundary that will continue to be managed by BLM). Consultation regarding the effects of the Proposed Action on historic properties are ongoing. The consultation process for effects from the Proposed Action is included in Table 9-1.

The Renewal Corporation has distinguished impacts to individual archaeological sites, architectural resources, Districts, and TCPs to help resolve adverse effects. Adverse effects will be resolved by implementing the treatment measures in this HPMP. Findings of effect to historic properties and Historic Property Treatment Plans (HPTPs) prepared for historic properties adversely affected by the Proposed Action will be subject to consultation periods consistent with those proposed in Section 9.13 of this HPMP.

6.1 Effects on Archaeological Properties

Historically, the construction of hydroelectric developments impacted archaeological sites, as summarized in the Phase II Research Design (AECOM 2020). It is anticipated that the remnants of some resources that were submerged after reservoirs were created will become visible during drawdown.

Effects to archaeological historic properties within the ADI and FERC Project Boundary could include those caused by:

- Slope instability related to the reservoir drawdown;

- Burial and/or erosion of sites caused by the reservoir drawdown;
- Disturbance or destruction and removal caused by construction elements;
- Unanticipated effects during post-review discoveries;
- An increase in susceptibility to intentional looting and vandalism or unintentional disturbances as sites may be exposed or areas opened to increased public access in non-designated areas (e.g., off-road vehicle use, camping, latrines);
- A change in ranching and livestock operations and fences; and
- Visual changes to the setting once the reservoirs are no longer present, which could affect resources for which the reservoir setting has been of cultural significance since they were constructed beginning in the early 1900s.

A summary of the potential effects to archaeological and tribal historic properties is provided in Table 6-1.

Table 6-1 Types of Effects to Archaeological Sites/TCPs

Potential Impacts	Description
Slope instability/landslip erosion caused by reservoir drawdown	Archaeological sites along the reservoir rim or embankments could be subject to slumping, wave action, siltation or other impacts during the reservoir drawdown (Lenihan et al. 1981).
Burial or erosion caused by reservoir drawdown	Currently submerged archaeological sites, both known and undocumented, could be affected by sediment accumulation that is deposited during the reservoir drawdown, or sediment could erode and cultural materials could be exposed and displaced as sediment is washed downstream by the water. Some known sites may no longer be observable on the ground surface, and some undocumented sites may never be detected in the first place, if there is sediment accumulation as the waters recede. Sites experiencing sediment accumulation may be protected from other impacts, which could be beneficial. Other sites could be newly exposed and erode (wash downstream) with the sediment release. Erosion would be expected to affect integrity of these sites.
Damage or displacement caused by construction	Direct construction impacts would be associated with several ground-disturbing elements including removal of power generation facilities, water intake structures, canals, pipelines, and ancillary buildings; road and bridge modifications; staging areas and disposal sites; transmission line removal; Yreka Water Supply improvements; recreation facilities removal and potential development; fish hatchery improvements; reservoir restoration; and implementation of other plans (e.g., fire management, emergency response). Historic properties that cannot be avoided by these activities would be directly impacted through removal, displacement, and destruction of archaeological materials. These impacts would affect the integrity of archaeological historic properties.
Inadvertent discoveries during construction	Undocumented human remains and/or archaeological resources may be unexpectedly encountered as a result of ground-disturbing actions. Impacts could range from no effect to adverse effect depending on the discovery situation.
Increased susceptibility to looting and vandalism	Archaeological historic properties may be subject to increased looting and vandalism as a result of increased exposure after the reservoir drawdown, and/or as a result of changes in public access post-decommissioning.

Potential Impacts	Description
Damage from dispersed recreational use (e.g., camping, off-road vehicle use)	As the river is reestablished, and as recreation facilities are developed, public access may change so that there is an increase in camping, off-road vehicle use, and other activities in non-designated areas that directly occur within sensitive resources.
Impacts from ranching/livestock operations	As the river is reestablished, ranching and livestock operations by private parties may be altered. Livestock and agricultural operations may affect archaeological sites through trampling and erosion or creation of irrigation features as formerly submerged lands become potentially arable.
Alluvial impacts downstream of Iron Gate Dam	Potential effects in the river channel downstream of Iron Gate Dam include aggradation at tributaries, which could bury archaeological sites; lateral channel migration, which could affect sites within old channels, and slope instability. The Klamath River is predominantly a bedrock-controlled river and naturally has very little migration and bank erosion, and the Renewal Corporation does not anticipate management of downstream lateral migration. Based on sediment modeling studies, the Renewal Corporation does not expect reservoir drawdown to cause erosion or subsequent slope instability downstream of Iron Gate Dam. Aggradation at some archaeological sites could be considered a beneficial effect because they would be buried and less susceptible to erosion or looting.
Visual changes to setting	After reservoir drawdown, there will be a change to the reservoir viewshed. Resources with spiritual or other tribal significance associated with views of the reservoir since their creation may be impacted. There may be long-term beneficial effects to archaeological sites that pre-date the reservoir because the river setting will be restored. Historic archaeological sites for which the hydroelectric setting contributes to significance may be impacted.
Future management uncertainties	After the Renewal Corporation transfers Parcel B lands to the states of Oregon and California, future disposition or use is unpredictable, and management of historic properties will be out of the Renewal Corporation's control.

Some effects of the Proposed Action to individual archaeological sites could be beneficial, while others could be adverse. FERC is engaging in government-to-government consultation with the Tribes. Based on the outcomes of this ongoing consultation, the Renewal Corporation will address how effects to any specific archaeological historic properties can be further avoided, minimized, or mitigated. Impacts and specific proposed management measures for each historic property/potential historic property are provided in Section 7.1 and Table 7-2.

6.2 Effects on Archaeological Districts

6.2.1 Effects on Spencer Creek Archaeological District

Currently, the Renewal Corporation is considering 13 archaeological sites to be potentially contributing elements of the Spencer Creek Archaeological District. All of these sites will be subject to varying levels of effects caused by the Proposed Action. Approximately half of the sites would be impacted by reservoir drawdown and a potential for increased public access and looting. The other half would be subject to

physical impacts associated with removal, access route improvements, staging and stockpiling, and/or habitat restoration.

The Proposed Action would remove the hydroelectric developments that have impaired traditional uses and contributed to erosion and inundation of the sites. Restoration of the original river channel after drawdown of the reservoirs will restore access to archaeological sites within previously inundated areas. Restoration of the river system will enhance the Spencer Creek District because it will return the river to a more natural condition. Habitat restoration will enhance natural resources (e.g., culturally important fish, viewsheds, plants, wildlife, and water quality) with which the archaeological sites are interrelated. The restoration of the natural river corridor and improvements in habitat and water quality will be beneficial for restoring tribal access and perhaps enhancing sacred/spiritual/visual/aesthetic values of the Spencer Creek District.

After decommissioning, cultural sites along the river that contribute to the District will no longer be subject to erosion caused by dam-controlled water fluctuations. This HPMP considers the impact of erosion observed at archaeological historic properties through long-term monitoring and through planning for erosion control. As a result of the final reservoir drawdown associated with the Proposed Action, further erosion, which would be a negative impact on a site, or deposition of sediment, which would be a potentially beneficial impact on a site, could occur. The Renewal Corporation will complete a post-drawdown survey to document newly exposed cultural sites, which will be managed according to the provisions in this HPMP. Impacts to individual archaeological sites that contribute to the District's significance will be mitigated on a site-by-site basis.

While the Renewal Corporation has determined that the decommissioning would have beneficial effects, the Proposed Action overall would result in an **adverse effect** to the Spencer Creek District due to impacts to individual sites and due to the loss of Section 106 regulatory protections associated with FERC's jurisdiction within the FERC Project Boundary. This adverse effect would be resolved by implementation of the HPMP and other restoration plans associated with decommissioning. This adverse effect would also be minimized through an endowment toward long-term management of cultural sites, and by enforcement of existing California and Oregon state laws and regulations governing the protection of cultural resources within the District such as those mentioned in the LVPP. FERC is engaging in government-to-government consultation with the Tribes. Based on the outcomes of this ongoing consultation, the Renewal Corporation will address how effects to any specific resources of concern that contribute to the Spencer Creek District's significance can be further avoided, minimized, or mitigated.

6.2.2 Effects on Fall Creek District (now part of Kíkácéki District Traditional Cultural Property)

Sites previously proposed as part of the Fall Creek District (PacifiCorp 2006), are now discussed as part of the more expansive Tribal-proposed Kíkácéki District TCP in Section 6.3.2.

6.3 Effects on Traditional Cultural Properties

The consulting Tribes have stated that the HPMP needs to address the impacts that tribal peoples have experienced to their lifeways and resources since dams were constructed along the Klamath River. Hydropower development displaced Tribal peoples from traditional fishing and village sites to less desirable locations, and rising reservoir or lake waters inundated natural features or areas that for millennia had been recognized as integral to the sustenance of physical and spiritual lifeways. Aspects of trade and traditional commerce were interrupted by a reduced integral resource (salmon), resulting in a loss of connection between groups residing along the river who used to gather annually to exchange and celebrate the resources. With hydropower came further settlement and infrastructure development of the area, which further curtailed access to portions of the landscape that once provided resources incorporated into seasonal rounds. Access was often limited by construction of the dams and associated facilities themselves, the railroads, the vastness of the body of water to cross since rising backwaters, and the various roads and fences and other exclusionary devices erected across the landscape.

Dams have blocked anadromous fish access to native spawning grounds, manipulated natural river water levels, and impacted water quality. Impacts on fisheries and their environments have disrupted Tribal culture and subsistence, which depends on salmon. Completion of Iron Gate Dam in 1962 eliminated 16 additional miles of natural spawning grounds downstream of Copco No. 1 and Copco No. 2 (Hamilton et al. 2005:10-11). These effects to TCPs are discussed in the Phase II Testing Report (AECOM 2022) as well as this HPMP.

Tribal leadership, from the Yurok on the lower Klamath, the Karuk of the mid-Klamath, the Klamath Tribes in Oregon around the Upper Klamath, and other Tribes and partner organizations, have worked for decades to remove the dams. The Tribes see the benefits of dam removal as far outweighing any potential adverse effects to individual traditional cultural properties.

Effects of the Proposed Action to TCPs are discussed for the proposed Big Bend TCP, the proposed Kikacéki District TCP, and the proposed Klamath Cultural Riverscape. The Renewal Corporation addresses how effects to the TCPs can be further avoided, minimized, or mitigated.

6.3.1 Effects on Big Bend Traditional Cultural Property

The Proposed Action will affect the proposed Big Bend TCP. Effects of the proposed decommissioning would be beneficial to the potential Big Bend TCP through rehabilitation and restoration of the landscape and riverscape within the ADI. The Proposed Action would remove the hydroelectric developments that have impaired traditional uses and contributed to obstructions of fish passage and water quality. Restoration of the original river channel after drawdown of the reservoirs will restore access to cultural sites within previously inundated areas. Restoration of the river system will enhance the TCP because it will return the river to a more natural condition. Habitat restoration will enhance natural resources (e.g., culturally important fish, viewsheds, plants, wildlife, and water quality) with which the TCP is interrelated.

Implementation of the Restoration Plan's Vegetation Management Plan would incorporate significant native plant species in revegetation projects and would provide tribal members with opportunities to help maintain

native plants in selected locations. The restoration of the natural river corridor and improvements in habitat and water quality will be beneficial for restoring tribal access and perhaps enhancing sacred/spiritual/visual/aesthetic values of the TCP. Based on a CRWG consultation meeting (September 9, 2022), the Renewal Corporation has modified its recommendation on effects in the Phase II Testing Report (AECOM 2022) and recommends a finding of **no adverse effect** to the Big Bend TCP.

6.3.2 Effects on Kíkácéki District Traditional Cultural Property

The Proposed Action will affect the proposed Kíkácéki District TCP, which consists of multiple locations. The TCP crosscuts Parcel B lands near Fall Creek, the Copco No. 1 and No. 2 Dams, and Copco Lake. Several archaeological sites within the ADI correspond to the Kíkácéki District TCP and would be subject to various effects (Table 6-2).

Table 6-2 Summary of Kíkácéki District TCP

Contributing Resources on Parcel B Lands	Corresponding Archaeological Sites	Proposed Action Potential Effects
K'účasčas	CA-SIS-1670	None identified
	CA-SIS-2403	Access route improvement, transmission line and/or pole removal, staging or stockpiling, increased public access/looting
	CA-SIS-3923	Access route improvement, reservoir drawdown, City of Yreka pipeline relocation, increased public access/looting; near staging or stockpiling
	CA-SIS-3930 (possibly)	Reservoir drawdown, increased public access/looting
	CA-SIS-3933	Reservoir drawdown, habitat restoration, City of Yreka pipeline relocation, increased public access/looting
K'úč'áwa-k	N/A. An associated village is submerged by Copco Dam waters (Heizer and Hester Village #69 (1970, 124))	Demolition of hydroelectric facilities, bypasses filled in. Potential auditory increase from recreational use. Reservoir drawdown, increased public access/looting of potential associated archaeological site.
Ík-wík	CA-SIS-2825 (possibly)	Access route improvement
K'úč'ux-wárax	CA-SIS-3915 (possibly)	Reservoir drawdown, increased public access/looting
	CA-SIS-3920	Reservoir drawdown, habitat restoration, recreation use or development, increased public access/looting
	CA-SIS-3921	Reservoir drawdown, habitat restoration, increased public access/looting
	CA-SIS-3924	Reservoir drawdown, habitat restoration, increased public access/looting

Contributing Resources on Parcel B Lands	Corresponding Archaeological Sites	Proposed Action Potential Effects
	CA-SIS-3925	Access route improvement, security and/or silt fence, staging or stockpiling, reservoir drawdown, habitat restoration, increased public access/looting
	CA-SIS-3926	Access route improvement, reservoir drawdown, habitat restoration, increased public access/looting

* As recommended in Shasta Indian Nation confidential document (Daniels 2021).

Effects of the proposed decommissioning would be beneficial to the potential Kíkacéki District TCP through rehabilitation and restoration of the landscape and river system within the ADI. The Proposed Action would remove the hydroelectric developments that have impaired traditional uses and contributed to obstructions of fish passage and water quality. Restoration of the original river channel after drawdown of the reservoirs will restore access to cultural sites within previously inundated areas. Restoration of the river system will enhance the Kíkacéki District TCP because it will return the river to a more natural condition. Habitat restoration will enhance natural resources (e.g., culturally important fish, viewsheds, plants, wildlife, and water quality) with which the Kíkacéki District TCP is interrelated. Implementation of the Restoration Plan’s Vegetation Management Plan would incorporate significant native plant species in revegetation projects and would provide Tribal members with opportunities to help maintain native plants in selected locations. The restoration of the natural river corridor and improvements in habitat and water quality will be beneficial for restoring tribal access and perhaps enhancing sacred/spiritual/visual/aesthetic values of the TCP. The projected views of the landscape after dam removal are shown in Figure 6-1.

After decommissioning, cultural sites along the river that contribute to the Kíkacéki District TCP will no longer be subject to erosion caused by dam-controlled water fluctuations. This HPMP considers the impact of erosion observed at archaeological historic properties through long-term monitoring and through planning for erosion control. As a result of the final reservoir drawdown associated with the Proposed Action, further erosion, which would be a negative impact on a site, or deposition of sediment, which could be a potentially beneficial impact on a site, could occur. The Renewal Corporation will complete a post-drawdown survey to document newly exposed cultural sites, which will be managed according to the provisions in this HPMP. effects to individual archaeological sites that contribute to the TCP’s significance will be mitigated on a site-by-site basis through the use of an HPTP.

While the Renewal Corporation has recommended that the decommissioning would have beneficial effects to the proposed Kíkacéki District TCP, the Proposed Action overall would result in an **adverse effect** to this potential TCP due to effects to individual sites and due to the loss of Section 106 regulatory protections associated with FERC’s jurisdiction within the FERC Project Boundary. This adverse effect would be resolved by implementation of the HPMP and other restoration plans associated with the project decommissioning. This adverse effect would also be minimized by enforcement of existing California and Oregon state laws and regulations governing the protection of cultural resources such as those mentioned in the LVPP. If findings of effect are prepared for the Kíkacéki District TCP, the findings will include a discussion of loss of Section 106 regulatory protections for those historic properties located on lands subject to FERC’s federal jurisdiction.

6.3.3 Effects on the Klamath Cultural Riverscape

Fishing, harvesting, subsistence gardening, spiritual, and ceremonial sites are found along the river as part of the Klamath Cultural Riverscape (Gates 2003; King 2004). The Klamath Cultural Riverscape has not been formally evaluated for the NRHP at this time, and an Ethnographic Riverscape Management/Treatment Plan has not been developed to articulate how the riverscape would be managed in relation to preservation, rehabilitation, restoration, and reconstruction goals. However, the ethnographic riverscape report commissioned by Tribes, the *First Salmon* report by King (2004), considered effects of the Klamath Hydroelectric Project on the Riverscape and concluded that there was a cumulative pattern of adverse effects that the hydroelectric project contributed to, including obstructions to fish passage; alterations in water quality, quantity, and temperature; inundation and erosion of significant cultural sites along the river; and others. Cultural sites were physically destroyed during construction, road building, and other hydroelectric activities. Tribal access to the river was altered after reservoir construction. Fish passage was blocked by the dams. There have been impacts to fish and plants from insufficient water flows, polluted waters, increased sedimentation, and other factors. Tribal access to fishing and swimming are also affected. Because of the cumulative effects, the report recommended that FERC “give serious consideration to not relicensing the Klamath Hydroelectric Project, or to relicensing it with conditions requiring the removal of facilities that appear to contribute most to ongoing impacts” (King 2004).

Tribal studies have also noted that hydroelectric facilities along the Klamath River have created structural and visual impacts that impair traditional uses of the landscape. These tribal ethnographic studies concluded that resumption of traditional uses would ensure integrity of locations that have been affected by hydroelectric developments (Daniels 2003, 2021; Deur 2003, 18; Sloan 2003).

Based on the impacts to the Riverscape discussed in the Draft EIS and by FERC staff, as noted in the First Salmon Report (King 2004:56), and based on collected input from the Tribes through meetings and consultation, effects of the proposed decommissioning would be overall beneficial to the potential Klamath Cultural Riverscape through rehabilitation and restoration of the landscape in the ADI. The Proposed Action would remove the hydroelectric developments that have impaired traditional uses and contributed to obstructions of fish passage and water quality. Restoration of the original river channel after drawdown of the reservoirs will restore access to cultural sites within previously inundated areas. Restoration of the river system will enhance the Riverscape because it will return the river to a more natural condition. Habitat restoration will enhance natural resources (e.g., culturally important fish, viewsheds, plants, wildlife, and water quality) with which the Riverscape is interrelated. Implementation of the Restoration Plan’s Vegetation Management Plan would incorporate significant native plant species in revegetation projects and would provide Tribal members with opportunities to help maintain native plants in selected locations. The restoration of the natural river corridor and improvements in habitat and water quality will be beneficial for restoring tribal access and perhaps enhancing sacred/spiritual/visual/aesthetic values of the TCP. The projected views of the landscape after dam removal are shown in Figure 6-1.

After decommissioning, cultural sites along the river will no longer be subject to erosion caused by dam-controlled water fluctuations. This HPMP considers the impact of erosion observed at archaeological historic properties through long-term monitoring and through planning for erosion control. As a result of the final

reservoir drawdown associated with the Proposed Action, further erosion, which would be a negative impact on a site, or deposition of sediment, which would be a potentially beneficial impact on a site, could occur. The Renewal Corporation will complete a post-drawdown survey to document newly exposed cultural sites, which will be managed according to the provisions in this HPMP. Effects to individual archaeological sites, which could contribute to the Riverscape's significance, will be mitigated on a site-by-site basis.

Based on Tribal consultation, the decommissioning would be beneficial to the proposed Klamath Cultural Riverscape. In a CRWG meeting on September 9, 2022, the Tribes unanimously stated that after more than 20 years of Tribal-led advocacy, they consider removal of the dams urgent, essential, and beneficial, and reiterated that the past, present, and future effects of dam construction and operation has caused significant impacts that uniquely affect the Tribes; their culture, traditions, and people. The Tribes commissioned the First Salmon report (King 2004) that indicates the Klamath Cultural Riverscape is eligible for the NRHP as a TCP. The Tribes confirmed to the Renewal Corporation and the Oregon and California SHPOs, as well as the ACHP, that they believe the riverscape is eligible for the NRHP. Based on the discussion during the September 9, 2022 CRWG consultation meeting, the Renewal Corporation has modified its recommendation on effects in the Phase II Testing Report (AECOM 2022) and recommends a finding of **no adverse effect** to the Big Bend TCP.



Existing View Looking Downstream from Iron Gate Narrows

Existing view of Iron Gate Narrows



Future Condition after Dam Removal Looking Downstream from Iron Gate Narrows

Future conditions after dam removal at Iron Gate Narrows



Existing View Looking across Copco Lake from near Janice Avenue

Existing view of Copco Lake



Future Condition after Dam Removal Looking across Copco Lake from near Janice Avenue

Future conditions after dam removal at Copco Lake



Existing view of J.C. Boyle



Future conditions after dam removal at J.C. Boyle

Note: This is an artist's conception of the desired future conditions and is not intended to convey a plan to achieve a specific visual outcome.

Figure 6-1 Projected landscapes after dam removal at Iron Gate Narrows, Copco Lake, and J.C. Boyle

6.4 Effects on Hydroelectric-Related Historic Properties

6.4.1 Klamath Hydroelectric Project Historic District (Klamath County, Oregon, and Siskiyou County, California)

The KHP is an eligible NRHP historic district that consists of multiple hydroelectric developments within Southern Oregon and Northern California. The KHP contains the J.C. Boyle, Copco No. 1, Copco No. 2, and Iron Gate hydroelectric developments, which are subject to the Proposed Action. The Proposed Action involves decommissioning and removal of the dams, powerhouses, and water conveyance systems, as well as other associated resources, at J.C. Boyle, Copco No. 1, Copco No. 2, and Iron Gate. The Proposed Action would therefore substantially compromise the KHP's overall integrity of design, setting, materials, workmanship, feeling, and association, causing a direct adverse effect to the KHP historic district.

The Proposed Action would result in an **adverse effect** to the KHP historic district.

6.4.2 J.C. Boyle Hydroelectric Development (Klamath County, Oregon)

The J.C. Boyle hydroelectric development is an eligible NRHP historic district (J.C. Boyle historic district) that also contributes to the larger KHP historic district. The Proposed Action involves decommissioning and removal of J.C. Boyle's contributing resources including the dam, powerhouse, and water conveyance system, which are the district's primary components. J.C. Boyle Reservoir, the reservoir impounded by the dam, would also be dewatered. The Proposed Action would substantially compromise J.C. Boyle's integrity of design, setting, materials, workmanship, feeling, and association, causing a direct adverse effect to the historic district and its contributing resources.

The Proposed Action would result in an **adverse effect** to J.C. Boyle historic district, a discrete historic district that also contributes to the larger KHP historic district.

6.4.3 Copco No. 1 Hydroelectric Development (Siskiyou County, California)

The Copco No. 1 hydroelectric development is an eligible NRHP historic district (Copco No. 1 historic district) that also contributes to the larger KHP historic district. The Proposed Action involves decommissioning and removal of Copco No. 1's contributing resources, including the dam, powerhouse, and water conveyance system, which are the district's primary components. Copco Lake, the reservoir impounded by the dam, would also be dewatered. Proposed Action activities would substantially compromise Copco No. 1's integrity of design, setting, materials, workmanship, feeling, and association, causing a direct adverse effect to the historic district and its contributing resources. The Proposed Action would also cause a direct adverse effect to an individually eligible resource within the district—Copco No. 1 dam.

The Proposed Action would result in an **adverse effect** to Copco No. 1 historic district, a discrete historic district that also contributes to the larger KHP historic district. In addition, the Proposed Action would result

in an **adverse effect** to the Copco No. 1 dam, an individually eligible resource within the Copco No. 1 historic district.

6.4.4 Copco No. 2 Hydroelectric Development (Siskiyou County, California)

The Copco No. 2 hydroelectric development is an eligible NRHP historic district (Copco No. 2 historic district) that also contributes to the larger KHP historic district. The Proposed Action involves decommissioning and removal of Copco No. 2's contributing resources, including the dam, powerhouse, and water conveyance system, which are the district's primary components. Proposed Action activities would substantially compromise Copco No. 2's integrity of design, setting, materials, workmanship, feeling, and association, causing a direct adverse effect to the historic district and its contributing resources. The Proposed Action would also cause a direct adverse effect to individually eligible resources within the district—Copco No. 2 powerhouse, Copco No. 2 water conveyance system, and Fall Creek School.

The Proposed Action would result in an **adverse effect** to the Copco No. 2 historic district, a discrete historic district that contributes to the larger KHP historic district. In addition, the Proposed Action would result in **adverse effects** to the Copco No. 2 powerhouse, Copco No. 2 water conveyance system, and Fall Creek School, individually eligible resources within the Copco No. 2 historic district.

6.4.5 Iron Gate Hydroelectric Development (Siskiyou County, California)

The Iron Gate hydroelectric development is an eligible NRHP historic district (Iron Gate historic district) that also contributes to the larger KHP historic district. The Proposed Action involves decommissioning and removal of Iron Gate's contributing resources, including the dam, powerhouse, and water conveyance system, which are the district's primary components. The Proposed Action activities would substantially compromise Copco No. 2's integrity of design, setting, materials, workmanship, feeling, and association, causing a direct adverse effect to the historic district and its contributing resources, including the Iron Gate hatchery. Buildings and structures within the Iron Gate hatchery area will remain in place; however, by removing the Iron Gate hydroelectric facilities and dam fish facilities, the Proposed Action would substantially diminish the hatchery's integrity of setting and association.

The Proposed Action would result in an **adverse effect** to the Iron Gate historic district, a discrete historic district which also contributes to the larger KHP historic district.

6.4.6 Fall Creek Hatchery (Siskiyou County, California)

The Fall Creek Hatchery was evaluated as a potential historic district (distinct from the Fall Creek Hydroelectric development) based on its location within the KHP boundaries, association with the construction of Copco No. 1 dam, and significant role in California's early twentieth-century fish management practices. As part of the Proposed Action, Fall Creek Hatchery will be renovated with construction of new structures such as fish-holding tanks. A survey and investigation of Fall Creek Hatchery revealed that this potential historic district lacks integrity and, therefore, is not eligible for the NRHP as a discrete historic district or as a contributor to the KHP historic district.

Because the Fall Creek Hatchery is not eligible for the NRHP, no effect analysis is necessary.

6.5 Effects on Transportation-Related Historic Properties

No transportation resources have been recommended as eligible for the NRHP in the Historic Built Environment Technical Report (AECOM 2022). No effects NRHP-eligible transportation-related historic properties are anticipated.

6.6 Effects on Historic Private Properties

The historic-period private properties in the APE may be affected by visual changes to the existing setting caused by the removal of the hydroelectric facilities as well as the dewatering of the reservoirs. While removing the physical and visual characteristics related to the hydroelectric developments that have existed along the Klamath River since the early twentieth century, the removals would somewhat return the area to its pre-development landscape appearance and thus serve as a beneficial effect to historic properties in the APE that predate the hydroelectric developments.

The Copco Lake recreational residences were evaluated as a potential district based on its location in the KHP boundaries, association with the construction of Copco No. 1 dam, and significant role in the development of recreational properties in the region during the mid-twentieth century. A survey and investigation of the Copco Lake recreational residences revealed that this potential historic district consists of more noncontributing resources than contributing resources and therefore, is not eligible for the NRHP as a discrete historic district or as a contributor to the KHP historic district. The Proposed Action would result in **no effects** to the Copco Lake recreational residences.

In addition, an architectural survey was performed on private properties in the Hornbrook area and Klamath River Community that had the potential to be affected by adjustments to the floodplain from sediment transport downriver of the Iron Gate Dam. The 38 buildings in this area were either not eligible for the NRHP, not yet 45 years old, or would not be affected by the Proposed Action. Consultation regarding the eligibility of the Copco Lake recreational residences and Project effects is ongoing.

A decorative banner with a wavy, ribbon-like shape, split into two shades of blue: a lighter blue on top and a darker blue on the bottom. The banner is positioned horizontally across the middle of the page.

Chapter 7: Mitigation and Management Measures

7. MITIGATION AND MANAGEMENT MEASURES

Consistent with the requirements of Section 106 of the NHPA, FERC is required to consider alternatives when historic properties are likely to be adversely affected by a federal undertaking. While the Renewal Corporation has obligations as FERC’s nonfederal representative, FERC is the lead agency with consultation authority. The federal undertaking in this case is FERC granting an LSO for the LKP (FERC Project No. 14803). If FERC were to grant the LSO, adverse effects would occur to the NRHP-eligible historic hydroelectric facilities at the J.C. Boyle, Copco No. 1, Copco No. 2, and Iron Gate locations, and other historic properties.

Following a finding of adverse effect on a historic property, efforts must be made “to develop and evaluate alternatives or modifications to the undertaking that could avoid, minimize, or mitigate adverse effects on historic properties” (36 CFR § 800.6). Resolution of adverse effects will require further consultation with consulting and interested parties. As part of this process, the Renewal Corporation has considered the ACHP recommendations that resolution of adverse effects consider: 1) the public interest; 2) the interests of consulting parties and those who ascribe importance and value to the property; 3) how mitigation designed to advance knowledge about the past will be provided to the community and professionals; and 4) whether mitigation will enhance the preservation and management of listed or eligible resources in a region (ACHP 2022).

7.1 Treatment Measures – Archaeological

The following sections describe archaeological treatment measures that the Renewal Corporation will implement for archaeological historic properties in the course of implementing the Proposed Action.³ These treatment measures reflect CRWG working sessions and the Renewal Corporation’s consultation with individual Tribes and SHPOs since 2017. Application of the treatment measures with respect to certain sites, including sites discovered after reservoir drawdown, is subject to ongoing consultation between the Renewal Corporation, FERC, Tribal representatives, SHPOs, and other parties to the Programmatic Agreement.

It is important to note that the Proposed Action, once commenced, will involve the removal of facilities on a constrained timeframe, and implementation cannot be materially delayed or stopped once commenced due to public safety as well as engineering and biological considerations. Thus, treatment measures may be constrained by these inherent limitations.

³ The HPMP, in coordination with the PA, has primacy over reports (e.g., Phase II Archaeological Report [AECOM 2022a]; Built Environment Technical Report [AECOM 2022b] prepared in the past during consultation between FERC, other federal agencies, SHPOs, tribes, and other consulting parties. The HPMP states the legally binding requirements for resolution of adverse effects to historic properties caused by the undertaking.

At present, a full understanding of the characteristics of some archaeological sites, particularly those that are submerged, has not been achieved and cannot be achieved until the Proposed Action is underway. The Renewal Corporation will determine treatment measures on a case-by-case basis through the use of HPTPs for each historic property affected by the Proposed Action. In some instances where effects to historic properties are similar, such as sites located in the drawdown area, a single HPTP may be used to address effects to similarly situated resources. The HPTP will prescribe avoidance, minimization, and mitigation measures that the Renewal Corporation will implement for each site or group of similar sites. Appropriate measures will be adapted to changing conditions, such as to drawdown schedules, seasonal changes in public use, and observed issues such as illicit artifact collection. The HPTPs may include a combination of measures.

Effects that may result from the Proposed Action, as well as response and treatment options that the Renewal Corporation will choose from are provided in Table 7-1. HPTP procedures are discussed in further detail in Section 8.2, *Process for NRHP Evaluation and Resolution of Adverse Effects to Archaeological Sites*.

Table 7-1 Archaeological Treatment Measures: Effects, and Responses

Potential Scenario(s)	Primary Impact Identified	Response and Treatment Measures
A <u>new submerged archaeological site</u> is identified during reservoir drawdown	Water Erosion	<ul style="list-style-type: none"> • Detailed survey, mapping and photography • Site condition monitoring via detailed drone imagery or site inspections, depending on safe access • If drawdown alters historic properties in a manner that would diminish integrity pursuant to 36 CFR § 800.5(a)(1), emergency data recovery, if access is possible • Erosion control, if access is possible • Limited shovel probing and Phase II evaluation if archaeological deposits are suspected and avoidance is not possible • If access is unsafe and protective measures are not possible, alternative mitigation
	Sediment Deposition	<ul style="list-style-type: none"> • Detailed survey, mapping and photography • Site condition monitoring via detailed drone imagery or site inspections, depending on safe access
A <u>new submerged historic feature</u> (e.g., rock wall, fence, irrigation ditch, weir, bridge abutment, foundation) is identified during reservoir drawdown	Water Erosion	<ul style="list-style-type: none"> • Detailed survey, mapping and photography • Site condition monitoring via detailed drone imagery or site inspections, depending on safe access • Additional archival research • Erosion control, if access is possible • Shovel probing and Phase II evaluation if archaeological deposits are suspected and avoidance is not possible

Potential Scenario(s)	Primary Impact Identified	Response and Treatment Measures
	Sediment Deposition	<ul style="list-style-type: none"> • Detailed survey, mapping and photography • Site condition monitoring via detailed drone imagery or site inspections, depending on safe access • Enhanced oral histories
A <u>previously documented archaeological site</u> along the reservoir rim begins to erode	Landslip Erosion	<ul style="list-style-type: none"> • Site condition monitoring and photographic comparison • If erosion alters historic properties in a manner that would diminish integrity pursuant to 36 CFR § 800.5(a)(1), emergency data recovery, if access is possible • Erosion control, if access is possible • Temporary or permanent site protection measures (e.g., cap resource) • If access is unsafe and protective measures are not possible, alternative mitigation
A <u>new archaeological site</u> is encountered during construction/restoration	Damage/ Displacement	<ul style="list-style-type: none"> • Detailed survey, mapping and photography • Shovel probing and Phase II evaluation if archaeological deposits are suspected and avoidance is not possible • Sample collection • Emergency data recovery • Erosion control • Temporary or permanent site protection measures (e.g., cap resource) • Avoidance through strategic routing of project elements (e.g., roads, recreation sites)
A <u>new archaeological isolate</u> is encountered during construction/restoration	Damage/ Displacement	<ul style="list-style-type: none"> • Detailed survey, mapping and photography • Limited probing to determine status as isolate
An incidence of looting and/or vandalism is observed at an archaeological site	Damage/ Displacement/ Loss	<ul style="list-style-type: none"> • Implement Looting and Vandalism Prevention Plan, including Damage Assessment for criminal investigation • Temporary or permanent site protection measures (e.g., cap resource, strategic plantings, install signage) • Increase site security (e.g., install surveillance cameras, increase patrols) • Site restoration • Emergency data recovery • Reevaluate and restrict public access to or visibility of vulnerable sites
An increase in unauthorized vehicle and recreational uses resulting from the Proposed Action are observed at an archaeological site	Damage/ Displacement	<ul style="list-style-type: none"> • Site condition monitoring and photographic comparison • Temporary or permanent site protection measures (e.g., cap resource, strategic plantings, install signage) • Reevaluate and restrict public access to or visibility of vulnerable sites

Potential Scenario(s)	Primary Impact Identified	Response and Treatment Measures
Evidence of livestock damage resulting from the Proposed Action is observed at an archaeological site	Damage/ Displacement	<ul style="list-style-type: none"> • Site condition monitoring and photographic comparison • Temporary or permanent site protection measures (e.g., cap resource, strategic plantings, erect fence) • Reevaluate and restrict livestock access to vulnerable sites

Notes:

CFR = Code of Federal Regulations

Certain types of historic features would not be appropriate candidates for treatment measures such as data recovery or capping. Initial response measures for these types of resources will be focused on detailed recordation and photographic documentation.

Based on these potential scenarios, the Renewal Corporation will manage historic properties and potential historic properties using a variety of measures tailored to each site. The treatment measures include: post-drawdown survey; enhanced oral history; site condition monitoring; construction monitoring; public access restrictions; avoidance, elimination or modification of existing roads, recreation sites and livestock operations; strategic plantings; installation of strategic signage; erosion control; capping/armoring; data recovery; enforcement patrols; and alternative mitigation. Each of these measures is discussed below.

A summary of historic properties and potential historic properties that the Renewal Corporation will manage under the HPMP (as of September 2022) is provided in Table 7-2. Sites determined to be not eligible (if concurred upon by Oregon or California SHPOs) are not required to be managed under the guidelines of this HPMP. However, there are some special circumstances where not eligible sites could be monitored (for example, if the archaeological sensitivity model indicates deeply buried sites could be present). The full list of noneligible sites is provided in Table 4-7. Additional archaeological sites may be encountered during implementation of the Proposed Action.

Table 7-2 Proposed Management Measures for Archaeological Historic Properties

Site No	Location	Site Type	Sub-merged	In Parcel B Lands?	Known and Potential Project Effects 2022	2022 Renewal Corporation NRHP Recommendation	Current NRHP Status (Sept. 2022)	Post-Drawdown Survey	Enhanced Oral History	Site Condition Monitoring	Construction Monitoring	Public Access Restrictions	Avoidance	Modify roads, recreation, or livestock operations	Strategic Plantings	Erect Signage	Erosion Control	Cap with Gravel	Data Recovery	Enforcement Patrols	Alternative Mitigation	Comments	HPMP Reference	Appendix B Map Sheet	
35KL0013	J.C. Boyle	P	Part	Yes	Reservoir drawdown, increased public access/looting,	E ¹ (P) (C, D)	U (Oregon SHPO concurrence pending)	X		X		X	X	X									Proposed measures are post-drawdown survey, site condition monitoring, public access restrictions (currently accessed by boat), avoidance, and modification of livestock use (to reduce trampling).	Chapter 4 Chapter 7 Appendix A	2
35KL0014	J.C. Boyle	P	Part	Yes	Reservoir drawdown, increased public access/looting	E ¹ (P) (C, D)	U (Oregon SHPO concurrence pending)	X		X		X	X		X		X						Proposed measures are post-drawdown survey, site condition monitoring, public access restrictions, avoidance, strategic plantings (to obscure shelter), erosion control (steep cut bank).	Chapter 4 Chapter 7 Appendix A	2
35KL0015	J.C. Boyle	M	No	Yes	Access route improvement, increased public access/looting, near recreational use or development	E ¹ (P) (D)	U (Oregon SHPO concurrence pending)				X		X	X		X							Proposed measures are construction monitoring to ensure avoidance, road modifications (block vehicles from parking), and signage at nearby boat launch.	Chapter 4 Chapter 7 Appendix A	2
35KL1408	J.C. Boyle	P	No	No	No known from current undertaking	TE	U				X		X										Proposed measures are construction monitoring to ensure avoidance.	Chapter 4 Chapter 7 Appendix A	1
35KL1472	J.C. Boyle	P	No	No	No known from current undertaking	TE	U				X		X										Proposed measures are construction monitoring to ensure avoidance.	Chapter 4 Chapter 7 Appendix A	1
35KL1941	J.C. Boyle	M	Part	Yes	Pre-drawdown facility removal/access route removal and restoration, reservoir drawdown, habitat restoration, increased public access/looting	E (P) (D)	U (Oregon SHPO concurrence pending)	X		X	X		X	X	X	X							Proposed measures are post-drawdown survey, site condition monitoring, avoidance, OHV use modification, strategic plantings (erosion/screening), and signage. Prepare HPTP if effects cannot be avoided. Consider data recovery or alternative mitigation. Site is within Spencer Creek District.	Chapter 3 Chapter 4 Chapter 7 Appendix A	2
35KL1942	J.C. Boyle	M	Part	Yes	Reservoir drawdown, increased public access/looting	E ² (P) (A, C, D)	U (Oregon SHPO concurrence pending)	X		X			X				X						Proposed measures are post-drawdown survey, site condition monitoring, erosion control prior to drawdown due to steep bank. Site is within Spencer Creek District.	Chapter 3 Chapter 4 Chapter 7 Appendix A	1

Site No	Location	Site Type	Sub-merged	In Parcel B Lands?	Known and Potential Project Effects 2022	2022 Renewal Corporation NRHP Recommendation	Current NRHP Status (Sept. 2022)	Post-Drawdown Survey	Enhanced Oral History	Site Condition Monitoring	Construction Monitoring	Public Access Restrictions	Avoidance	Modify roads, recreation, or livestock operations	Strategic Plantings	Erect Signage	Erosion Control	Cap with Gravel	Data Recovery	Enforcement Patrols	Alternative Mitigation	Comments	HPMP Reference	Appendix B Map Sheet
35KL1943	J.C. Boyle	M	Part	Yes	Reservoir drawdown, habitat restoration, recreation use or development, increased public access/looting	E ² (P) (D)	U (Oregon SHPO concurrence pending)	X		X			X		X		[?]					Proposed measures are post-drawdown survey, site condition monitoring, avoidance, strategic plantings for embankment stabilization prior to drawdown due to steep bank. Prepare HPTP if effects cannot be avoided. Consider additional erosion control based on site condition monitoring observations. Site is within Spencer Creek District.	Chapter 3 Chapter 4 Chapter 7 Appendix A	2
35KL1944	J.C. Boyle	P	No	No	Reservoir drawdown, increased public access/looting	E (P) (D)	U (Oregon SHPO concurrence pending)	X		X			X									Proposed measures are post-drawdown survey, site-condition monitoring, and avoidance. Site is within Spencer Creek District.	Chapter 3 Chapter 4 Chapter 7 Appendix A	1
35KL2397	J.C. Boyle	P	Yes	Yes	Reservoir drawdown, increased public access/looting	E ^{1,2} (P) (C, D)	U (Oregon SHPO concurrence pending)	X		X			X									Proposed measures are post-drawdown survey, site-condition monitoring, and avoidance. Site is within Spencer Creek District.	Chapter 3 Chapter 4 Chapter 7 Appendix A	1
35KL2398	J.C. Boyle	M	No	Yes	Staging or stockpiling	NE	U (Oregon SHPO concurrence pending)						X									Avoid while Oregon SHPO concurrence is pending.	Chapter 3 Chapter 4 Chapter 7 Appendix A	2
35KL2399	J.C. Boyle	M	No	Yes	Reservoir drawdown, increased public access/looting	E ² (P) (D)	U (Oregon SHPO concurrence pending)	X		X			X									Proposed measures are post-drawdown survey, site-condition monitoring, and avoidance. Site is within Spencer Creek District.	Chapter 3 Chapter 4 Chapter 7 Appendix A	1
35KL2401	J.C. Boyle	M	No	Yes	Reservoir drawdown, increased public access/looting	E ² (P) (C, D)	U (Oregon SHPO concurrence pending)	X		X			X									Proposed measures are post-drawdown survey, site-condition monitoring, and avoidance. Site is within Spencer Creek District.	Chapter 3 Chapter 4 Chapter 7 Appendix A	1
35KL2411	J.C. Boyle	P	Part	Yes	Access route improvement, staging or stockpiling; reservoir drawdown, increased public access/looting	E ¹ (P) (D)	U (Oregon SHPO concurrence pending)	X		X			X	X	X	X	[?]					Proposed measures are post-drawdown survey, site-condition monitoring, road modification (vehicle use), avoidance, strategic plantings (for erosion control), and signage. Consider long-term erosion control based on site condition monitoring. Prepare HPTP if effects cannot be avoided. Consider data recovery or alternative mitigation. Site is within Spencer Creek District.	Chapter 3 Chapter 4 Chapter 7 Appendix A	1

Site No	Location	Site Type	Sub-merged	In Parcel B Lands?	Known and Potential Project Effects 2022	2022 Renewal Corporation NRHP Recommendation	Current NRHP Status (Sept. 2022)	Post-Drawdown Survey	Enhanced Oral History	Site Condition Monitoring	Construction Monitoring	Public Access Restrictions	Avoidance	Modify roads, recreation, or livestock operations	Strategic Plantings	Erect Signage	Erosion Control	Cap with Gravel	Data Recovery	Enforcement Patrols	Alternative Mitigation	Comments	HPMP Reference	Appendix B Map Sheet	
35KL2412	J.C. Boyle	P	Part	Yes	Reservoir drawdown, habitat restoration, increased public access/looting	E ¹ (P) (D)	U (Oregon SHPO concurrence pending)	X		X			X	X	X	X							Proposed measures are post-drawdown survey, site-condition monitoring, and signage. Consider livestock fencing based on site condition monitoring. Prepare HPTP if effects cannot be avoided and consider data recovery or alternative mitigation based on post-drawdown survey observations. Site is within Spencer Creek District.	Chapter 3 Chapter 4 Chapter 7 Appendix A	1
35KL2428	J.C. Boyle	M	Part	Yes	Access route improvement, security and/or silt fence, staging and or stockpiling, disposal site, reservoir drawdown, increased public access/looting	E ² (P) (A, B, D)	U (Oregon SHPO concurrence pending)	X		X			X	X	X	X							Proposed measures are post-drawdown survey, site-condition monitoring, signage to deter access. Consider livestock fencing based on site condition monitoring. Prepare HPTP if effects cannot be avoided. Consider data recovery or alternative mitigation. Site is within Spencer Creek District.	Chapter 3 Chapter 4 Chapter 7 Appendix A	1
35KL2430	J.C. Boyle	P	Part	Yes	Reservoir drawdown, recreation use or development, increased public access/looting	E ¹ (P) (C, D)	U (Oregon SHPO concurrence pending)	X		X		X	X	X	X	X							Proposed measures are post-drawdown survey, site-condition monitoring, public access restrictions, avoidance, modification of roads/recreation (OHVs, vehicles, camping), and signage. Prepare HPTP if effects cannot be avoided and consider data recovery or alternative mitigation based on post-drawdown survey observations. Site is within Spencer Creek District.	Chapter 3 Chapter 4 Chapter 7 Appendix A	1
35KL2434	J.C. Boyle	H	No	No	No known from current undertaking	TE	U				X		X									Proposed measures are construction monitoring to ensure avoidance.	Chapter 4 Chapter 7 Appendix A	2	
35KL2435	J.C. Boyle	P	No	No	Increased public access/looting	NE	U (Oregon SHPO concurrence pending)						X									Avoidance while Oregon SHPO concurrence is pending.	Chapter 4 Chapter 7 Appendix A	2	
35KL2981	J.C. Boyle	P	No	Yes	No known from current undertaking	NE	U (Oregon SHPO concurrence pending)						X									Avoidance while Oregon SHPO concurrence is pending.	Chapter 4 Chapter 7 Appendix A	2	

Site No	Location	Site Type	Sub-merged	In Parcel B Lands?	Known and Potential Project Effects 2022	2022 Renewal Corporation NRHP Recommendation	Current NRHP Status (Sept. 2022)	Post-Drawdown Survey	Enhanced Oral History	Site Condition Monitoring	Construction Monitoring	Public Access Restrictions	Avoidance	Modify roads, recreation, or livestock operations	Strategic Plantings	Erect Signage	Erosion Control	Cap with Gravel	Data Recovery	Enforcement Patrols	Alternative Mitigation	Comments	HPMP Reference	Appendix B Map Sheet
CA-SIS-155	Iron Gate Dam to Humbug Creek	P	No	No	No known from current undertaking	TE	U						X									Avoidance	Chapter 4 Chapter 7 Appendix A	13
CA-SIS-156	Iron Gate Dam to Humbug Creek	P	No	No	No known from current undertaking	TE	U						X									Avoidance	Chapter 4 Chapter 7 Appendix A	13
CA-SIS-157	Iron Gate Dam to Humbug Creek	P	No	No	No known from current undertaking	TE	U						X									Avoidance	Chapter 4 Chapter 7 Appendix A	14
CA-SIS-158	Iron Gate Dam to Humbug Creek	P	No	No	No known from current undertaking	TE	U						X									Avoidance	Chapter 4 Chapter 7 Appendix A	15
CA-SIS-159	Iron Gate Dam to Humbug Creek	P	No	No	No known from current undertaking	TE	U						X									Avoidance	Chapter 4 Chapter 7 Appendix A	16
CA-SIS-161	Iron Gate Dam to Humbug Creek	P	No	No	No known from current undertaking	TE	U						X									Avoidance	Chapter 4 Chapter 7 Appendix A	16
CA-SIS-264	Iron Gate Dam to Humbug Creek	P	No	No	No known from current undertaking	TE	U						X									Avoidance	Chapter 4 Chapter 7 Appendix A	14
CA-SIS-326	Iron Gate	P	Part	Yes	Reservoir drawdown, increased public access/looting	E ¹ (P) (A, D)	U	X		X			X		X		[?]					Proposed measures are post-drawdown survey, site-condition monitoring, avoidance, strategic plantings (for immediate erosion control). Consider long-term erosion control measures based on site condition monitoring-Site may be more isolated after reservoir drawdown.	Chapter 4 Chapter 7 Appendix A	10
CA-SIS-328	Iron Gate Dam to Humbug Creek	P	No	No	No known from current undertaking	TE	U						X									Avoidance	Chapter 4 Chapter 7 Appendix A	15

Site No	Location	Site Type	Sub-merged	In Parcel B Lands?	Known and Potential Project Effects 2022	2022 Renewal Corporation NRHP Recommendation	Current NRHP Status (Sept. 2022)	Post-Drawdown Survey	Enhanced Oral History	Site Condition Monitoring	Construction Monitoring	Public Access Restrictions	Avoidance	Modify roads, recreation, or livestock operations	Strategic Plantings	Erect Signage	Erosion Control	Cap with Gravel	Data Recovery	Enforcement Patrols	Alternative Mitigation	Comments	HPMP Reference	Appendix B Map Sheet
CA-SIS-329/H	Iron Gate Dam to Humbug Creek	M	No	No	No known from current undertaking	TE	U						X									Avoidance	Chapter 4 Chapter 7 Appendix A	15
CA-SIS-522	Iron Gate Dam to Humbug Creek	H	No	No	No known from current undertaking	TE	U						X									Avoidance	Chapter 4 Chapter 7 Appendix A	17
CA-SIS-536	Iron Gate Dam to Humbug Creek	H	No	No	No known from current undertaking	TE	U						X									Avoidance	Chapter 4 Chapter 7 Appendix A	14
CA-SIS-632	Iron Gate Dam to Humbug Creek	M	No	No	No known from current undertaking	TE	U						X									Avoidance	Chapter 4 Chapter 7 Appendix A	15
CA-SIS-873	Iron Gate Dam to Humbug Creek	P	No	No	No known from current undertaking	TE	U						X									Avoidance	Chapter 4 Chapter 7 Appendix A	12
CA-SIS-1670	Iron Gate	P	No	Yes	No known from current undertaking	E ¹ (P) (A, D)	U						X									Avoidance. Site is within Kíkácéki District TCP.	Chapter 3 Chapter 4 Chapter 7 Appendix A	9
CA-SIS-1671	Copco / Iron Gate	H	No	Yes	Access route improvement, transmission line and/or pole removal	E ¹ (H) (A, D)	U						X									Avoidance. Prepare HPTP if effects cannot be avoided.	Chapter 4 Chapter 7 Appendix A	7, 8, 9
CA-SIS-1840	Copco	P	No	No	No known from current undertaking	TE	U						X									Avoidance	Chapter 4 Chapter 7 Appendix A	4, 5, 6
CA-SIS-2129	Iron Gate	H	No	Yes	Transmission line and/or pole removal	E ⁴ (H) (A)	U				X		X									Proposed measures are construction monitoring to ensure avoidance. Prepare HPTP if effects cannot be avoided. Consider enhanced oral history.	Chapter 4 Chapter 7 Appendix A	8, 9, 10, 11
CA-SIS-2239/3923	Iron Gate	M	Part	Yes	Access route improvement, reservoir drawdown, City of Yreka pipeline relocation, increased	E ² (P) (A, D) TE (H)	E	X		X	X	X	X	X	X		[?]			X		Proposed measures are pPost-drawdown survey, site-condition monitoring, construction monitoring, public access restrictions, modification of roads (public access	Chapter 3 Chapter 4 Chapter 7 Appendix A	8, 9

Site No	Location	Site Type	Sub-merged	In Parcel B Lands?	Known and Potential Project Effects 2022	2022 Renewal Corporation NRHP Recommendation	Current NRHP Status (Sept. 2022)	Post-Drawdown Survey	Enhanced Oral History	Site Condition Monitoring	Construction Monitoring	Public Access Restrictions	Avoidance	Modify roads, recreation, or livestock operations	Strategic Plantings	Erect Signage	Erosion Control	Cap with Gravel	Data Recovery	Enforcement Patrols	Alternative Mitigation	Comments	HPMP Reference	Appendix B Map Sheet
					public access/looting; near staging or stockpiling																	restrictions), livestock access modifications, strategic plantings (erosion/screening), and enforcement patrols. Prepare HPTP if effects cannot be avoided. Consider enhanced oral history, data recovery and/or alternative mitigation. Consider long-term erosion control based on site condition monitoring. Site is within Kikacéki District TCP (also within original proposed Fall Creek District). California SHPO NRHP eligibility concurrence July 2022.		
CA-SIS-2264	Copco	P	No	No	No known from current undertaking	TE	U						X									Avoidance	Chapter 4 Chapter 7 Appendix A	6
CA-SIS-2403	Iron Gate	M	Part	Yes	Pre-drawdown staging within newly defined stie boundary, access route improvement, transmission line and/or pole removal, staging or stockpiling, increased public access/looting	E (P) (A, D)	U	X		X	X	X	X	X	X	X	[?]			X		Proposed measures are post-drawdown survey, site-condition monitoring, construction monitoring, public access restrictions (roads), avoidance, livestock access restrictions, strategic plantings (erosion/screening), and enforcement patrols. Prepare HPTP if effects cannot be avoided. Consider data recovery and/or alternative mitigation. Consider long-term erosion control based on site condition monitoring. Site is within Kikacéki District TCP (also within original proposed Fall Creek District).	Chapter 3 Chapter 4 Chapter 7 Appendix A	8
CA-SIS-2579	Copco	P	No	Yes	No known from current undertaking	TE	U						X									Avoidance	Chapter 4 Chapter 7 Appendix A	5
CA-SIS-2824	Copco	H	No	Yes	No known from current undertaking	E ^{1.4} (H) (A, D) (refuse component)	U						X									Avoidance	Chapter 4 Chapter 7 Appendix A	8

Site No	Location	Site Type	Sub-merged	In Parcel B Lands?	Known and Potential Project Effects 2022	2022 Renewal Corporation NRHP Recommendation	Current NRHP Status (Sept. 2022)	Post-Drawdown Survey	Enhanced Oral History	Site Condition Monitoring	Construction Monitoring	Public Access Restrictions	Avoidance	Modify roads, recreation, or livestock operations	Strategic Plantings	Erect Signage	Erosion Control	Cap with Gravel	Data Recovery	Enforcement Patrols	Alternative Mitigation	Comments	HPMP Reference	Appendix B Map Sheet
CA-SIS-2825	Copco	M	No	Yes	Access route improvement	E ¹ (P) (D) E ¹ (H) (D)	U				X		X									Proposed measures are construction monitoring to ensure avoidance. Prepare HPTP if site cannot be avoided. Site is within Kikacéki District TCP.	Chapter 3 Chapter 4 Chapter 7 Appendix A	8
CA-SIS-3913	Copco	P	Part	Yes	Reservoir drawdown, habitat restoration, increased public access/looting	E ¹ (P) (C, D)	U	X		X			X		X		[?]					Proposed measures are post-drawdown survey, site condition monitoring, avoidance, strategic plantings (erosion control). Prepare HPTP if effects cannot be avoided and consider long-term erosion control measures based on site condition monitoring.	Chapter 4 Chapter 7 Appendix A	6
CA-SIS-3914	Copco	P	Part	Yes	Reservoir drawdown, increased public access/looting	E ¹ (P) (D)	U	X		X			X				[?]					Proposed measures are post-drawdown survey, site condition monitoring, and avoidance. Prepare HPTP if effects cannot be avoided and consider strategic plantings and erosion control measures based on site condition monitoring.	Chapter 4 Chapter 7 Appendix A	6
CA-SIS-3915	Copco	P	Part	Yes	Reservoir drawdown, increased public access/looting	E ¹ (P) (A, D)	U	X		X			X				[?]					Proposed measures are post-drawdown survey, site condition monitoring, and avoidance. Prepare HPTP if effects cannot be avoided and consider strategic plantings and erosion control measures based on site condition monitoring. Site is within Kikacéki District TCP.	Chapter 3 Chapter 4 Chapter 7 Appendix A	6
CA-SIS-3916	Copco	H	No	Yes	No known from current undertaking	TE	U						X									Avoidance	Chapter 4 Chapter 7 Appendix A	8
CA-SIS-3917	Copco	H	No	Yes	No known from current undertaking	TE	U						X									Avoidance	Chapter 4 Chapter 7 Appendix A	8
CA-SIS-3918	Copco	H	No	Yes	No known from current undertaking	E ¹ (H) (D)	U						X									Avoidance	Chapter 4 Chapter 7 Appendix A	8
CA-SIS-3919	Iron Gate	P	No	Yes	No known from current undertaking	E ¹ (P) (D)	U						X									Avoidance	Chapter 4 Chapter 7 Appendix A	9

Site No	Location	Site Type	Sub-merged	In Parcel B Lands?	Known and Potential Project Effects 2022	2022 Renewal Corporation NRHP Recommendation	Current NRHP Status (Sept. 2022)	Post-Drawdown Survey	Enhanced Oral History	Site Condition Monitoring	Construction Monitoring	Public Access Restrictions	Avoidance	Modify roads, recreation, or livestock operations	Strategic Plantings	Erect Signage	Erosion Control	Cap with Gravel	Data Recovery	Enforcement Patrols	Alternative Mitigation	Comments	HPMP Reference	Appendix B Map Sheet
CA-SIS-3920	Copco	M	Part	Yes	Reservoir drawdown, habitat restoration, recreation use or development, increased public access/looting	E ¹ (P) (A, D)	U	X		X			X							X		Proposed measures are post-drawdown survey, site condition monitoring, avoidance, and enforcement patrol priority (looting is apparent). Prepare HPTP if effects cannot be avoided and consider data recovery or alternative mitigation based on post-drawdown survey observations. Site is within Kikacéki District TCP.	Chapter 3 Chapter 4 Chapter 7 Appendix A	5
CA-SIS-3921	Copco	P	Part	Yes	Reservoir drawdown, habitat restoration, increased public access/looting	E ¹ (P) (A, D)	U	X		X			X				[?]			X		Proposed measures are post-drawdown survey, site condition monitoring, avoidance, and enforcement patrol priority (looting is apparent). Prepare HPTP if effects cannot be avoided and consider data recovery, erosion control, or other measures based on post-drawdown survey observations. Site is within Kikacéki District TCP.	Chapter 3 Chapter 4 Chapter 7 Appendix A	7
CA-SIS-3922	Copco	H	Part	Yes	Pre-drawdown facility removal, temporary barge access improvement, temporary access route removal and restoration, access route improvement, habitat restoration, increased public access/looting	E (H) (A, D)	E				X		X									Proposed measures are construction monitoring and avoidance. Prepare HPTP if effects cannot be avoided. Consider interpretive signage, data recovery, and/or alternative mitigation. California SHPO NRHP eligibility concurrence received July 2022.	Chapter 4 Chapter 7 Appendix A	8
CA-SIS-3924	Copco	P	Part	Yes	Reservoir drawdown, habitat restoration, increased public access/looting	E ¹ (P) (A, D)	U	X		X		X	X	X		X	[?]			X		Proposed measures are post-drawdown survey, site condition monitoring; public access restrictions (roads), avoidance, road modifications, signage, and enforcement patrol priority (looting is apparent). Prepare HPTP if effects cannot be avoided; consider data recovery or alternative mitigation, and consider erosion control based	Chapter 3 Chapter 4 Chapter 7 Appendix A	7

Site No	Location	Site Type	Sub-merged	In Parcel B Lands?	Known and Potential Project Effects 2022	2022 Renewal Corporation NRHP Recommendation	Current NRHP Status (Sept. 2022)	Post-Drawdown Survey	Enhanced Oral History	Site Condition Monitoring	Construction Monitoring	Public Access Restrictions	Avoidance	Modify roads, recreation, or livestock operations	Strategic Plantings	Erect Signage	Erosion Control	Cap with Gravel	Data Recovery	Enforcement Patrols	Alternative Mitigation	Comments	HPMP Reference	Appendix B Map Sheet
																						on site condition monitoring. Site is within Kíacéki District TCP.		
CA-SIS-3925	Copco	P	No	Yes	Reservoir drawdown, habitat restoration, increased public access/looting	E ¹ (P) (A, D)	U	X		X	X	X	X	X		X	[?]			X		Proposed measures are post-drawdown survey, site condition monitoring, construction monitoring, public access restrictions (roads), avoidance, road modifications, signage, and enforcement patrol priority (looting is apparent). Prepare HPTP if effects cannot be avoided. Consider data recovery or alternative mitigation, and consider erosion control based on site condition monitoring. Site is within Kíacéki District TCP.	Chapter 3 Chapter 4 Chapter 7 Appendix A	7
CA-SIS-3926	Copco	M	Part	Yes	Reservoir drawdown, habitat restoration, increased public access/looting	E ¹ (P) (A, D)	U	X		X			X	X	X	X	[?]			X		Proposed measures are post-drawdown survey, site condition monitoring, avoidance, road modifications, signage, strategic plantings, and enforcement patrol priority (looting is apparent). Prepare HPTP if effects cannot be avoided. Consider data recovery or alternative mitigation, and consider erosion control based on site condition monitoring. Site is within Kíacéki District TCP.	Chapter 3 Chapter 4 Chapter 7 Appendix A	7
CA-SIS-3927	Copco	H	No	No	Access route improvement, transmission line and/or pole removal	E ^{1,4} (H) (A, D)	U				X		X	X								Proposed measures are construction monitoring to ensure avoidance and road modifications. Prepare HPTP if effects cannot be avoided; consider data recovery or alternative mitigation.	Chapter 4 Chapter 7 Appendix A	8
CA-SIS-3930	Iron Gate	P	Part	Yes	Reservoir drawdown, increased public access/looting	E ¹ (P) (A, D)	U	X		X			X		X		[?]					Proposed measures are post-drawdown survey, site condition monitoring, avoidance, strategic plantings). Consider erosion control based on site condition monitoring; site is within Kíacéki District TCP.	Chapter 3 Chapter 4 Chapter 7 Appendix A	9

Site No	Location	Site Type	Sub-merged	In Parcel B Lands?	Known and Potential Project Effects 2022	2022 Renewal Corporation NRHP Recommendation	Current NRHP Status (Sept. 2022)	Post-Drawdown Survey	Enhanced Oral History	Site Condition Monitoring	Construction Monitoring	Public Access Restrictions	Avoidance	Modify roads, recreation, or livestock operations	Strategic Plantings	Erect Signage	Erosion Control	Cap with Gravel	Data Recovery	Enforcement Patrols	Alternative Mitigation	Comments	HPMP Reference	Appendix B Map Sheet
CA-SIS-3933	Iron Gate	M	Part	Yes	Pre-drawdown facility removal, reservoir drawdown, habitat restoration, City of Yreka pipeline relocation, increased public access/looting	E ² (P, H) (A, C, D)	U	X		X	X	X	X	X	X		[?]			X		Proposed measures are post-drawdown survey, site condition monitoring, construction monitoring, public access restrictions (roads), avoidance, road modifications, signage, and enforcement patrol priority. Prepare HPTP if effects cannot be avoided. Consider enhanced oral history, data recovery, and/or alternative mitigation. Consider erosion control based on site condition monitoring. Site is within Kikacéki District TCP (also within original proposed Fall Creek District)	Chapter 3 Chapter 4 Chapter 7 Appendix A	9
CA-SIS-3935	Iron Gate	P	No	Yes	No known from current undertaking	TE	U						X									Avoidance	Chapter 4 Chapter 7 Appendix A	10
CA-SIS-3936	Iron Gate	H	No	Yes	No known from current undertaking	TE	U						X									Avoidance	Chapter 4 Chapter 7 Appendix A	10
CA-SIS-3938	Iron Gate	P	No	Yes	No known from current undertaking	E ^{1.4} (P) (D)	U						X									Avoidance.	Chapter 4 Chapter 7 Appendix A	10
CA-SIS-3939	Iron Gate	M	No	Yes	No known from current undertaking	TE	U						X									Avoidance	Chapter 4 Chapter 7 Appendix A	12
CA-SIS-3940	Iron Gate	M	Part	Yes	Reservoir drawdown, habitat restoration	E ² (P) (C, D) E (H) (A, D)	U	X		X			X									Proposed measures are post-drawdown survey, avoidance, and site-condition monitoring. Prepare HPTP if effects cannot be avoided and consider enhanced oral history, data recovery and/or alternative mitigation.	Chapter 4 Chapter 7 Appendix A	11
CA-SIS-3943	Iron Gate	H	No	Yes	No known from current undertaking	TE	U						X									Avoidance	Chapter 4 Chapter 7 Appendix A	10
CA-SIS-3944	Iron Gate	H	No	Yes	No known from current undertaking	TE	U						X									Avoidance	Chapter 4 Chapter 7 Appendix A	10

Site No	Location	Site Type	Sub-merged	In Parcel B Lands?	Known and Potential Project Effects 2022	2022 Renewal Corporation NRHP Recommendation	Current NRHP Status (Sept. 2022)	Post-Drawdown Survey	Enhanced Oral History	Site Condition Monitoring	Construction Monitoring	Public Access Restrictions	Avoidance	Modify roads, recreation, or livestock operations	Strategic Plantings	Erect Signage	Erosion Control	Cap with Gravel	Data Recovery	Enforcement Patrols	Alternative Mitigation	Comments	HPMP Reference	Appendix B Map Sheet
CA-SIS-3945	Iron Gate	H	No	Yes	Transmission line and/or pole removal	NE	U						X									Avoid until SHPO concurrence.	Chapter 4 Chapter 7 Appendix A	
CA-SIS-4134	Iron Gate Dam to Humbug Creek	M	No	No	No known from current undertaking	TE	U						X									Avoidance	Chapter 4 Chapter 7 Appendix A	17
47-002126 (CA-SIS-2126)	Copco	H	No	Yes	No known from current undertaking	TE	U						X									Avoidance	Chapter 4 Chapter 7 Appendix A	8
47-004303 (CA-SIS-4303)	Iron Gate Dam to Humbug Creek	H	No	No	No known from current undertaking	TE	U						X									Avoidance	Chapter 4 Chapter 7 Appendix A	15
47-004427 (CA-SIS-4427)	Iron Gate Dam to Humbug Creek	H	No	No	No known from current undertaking	TE	U						X									Avoidance	Chapter 4 Chapter 7 Appendix A	17
47-004999 (CA-SIS-4999)	Iron Gate Dam to Humbug Creek	H	No	No	No known from current undertaking	TE	U						X									Avoidance	Chapter 4 Chapter 7 Appendix A	17
47-005000 (CA-SIS-5000)	Iron Gate Dam to Humbug Creek	H	No	No	No known from current undertaking	TE	U						X									Avoidance	Chapter 4 Chapter 7 Appendix A	17
CA-SIS-5255	Iron Gate Dam to Humbug Creek	H	No	No	No known from current undertaking	TE	U						X									Avoidance	Chapter 4 Chapter 7 Appendix A	16
CA-SIS-5256	Iron Gate Dam to Humbug Creek	H	No	No	No known from current undertaking	TE	U						X									Avoidance	Chapter 4 Chapter 7 Appendix A	15, 16
LKP-2018-6	Iron Gate	P	No	Yes	No known from current undertaking	E ¹ (P) (D)	U						X									Avoidance	Chapter 4 Chapter 7 Appendix A	12
LKP-2018-7	Iron Gate	P	No	Yes	No known from current undertaking	E ¹ (P) (D)	U						X									Avoidance	Chapter 4 Chapter 7 Appendix A	12

Site No	Location	Site Type	Sub-merged	In Parcel B Lands?	Known and Potential Project Effects 2022	2022 Renewal Corporation NRHP Recommendation	Current NRHP Status (Sept. 2022)	Post-Drawdown Survey	Enhanced Oral History	Site Condition Monitoring	Construction Monitoring	Public Access Restrictions	Avoidance	Modify roads, recreation, or livestock operations	Strategic Plantings	Erect Signage	Erosion Control	Cap with Gravel	Data Recovery	Enforcement Patrols	Alternative Mitigation	Comments	HPMP Reference	Appendix B Map Sheet	
LKP-2018-8	Copco	M	No	Yes	Pre-drawdown staging and stockpiling, facility removal, access route improvement, transmission line and/or pole removal, staging or stockpiling	E (H) (D)	U				X		X										Proposed measures are construction monitoring and avoidance. Prepare HPTP if effects cannot be avoided. Consider interpretive signage and data recovery.	Chapter 4 Chapter 7 Appendix A	8
LKP-2018-11	Copco	M	No	Yes	Access route improvement	E (P) (D)	U						X										Avoidance	Chapter 4 Chapter 7 Appendix A	8
LKP-2018-14	J.C. Boyle	P	No	Yes	Reservoir drawdown, increased public access/looting	E ¹ (P) (D)	U (Oregon SHPO concurrence pending)	X		X		X	X		X		[?]						Proposed measures are post-drawdown survey, site-condition monitoring, public access restrictions, avoidance, and strategic plantings (erosion/screening). Prepare HPTP if effects cannot be avoided and consider data recovery and/or alternative mitigation. Consider erosion control based on site condition monitoring. Site is within Spencer Creek District.	Chapter 3 Chapter 4 Chapter 7 Appendix A	1
LKP-2019-4	Copco	H	No	Yes	No known from current undertaking	TE	U						X										Avoidance	Chapter 4 Chapter 7 Appendix A	7
LKP-2019-5	Copco	H	No	Yes	No known from current undertaking	TE	U						X										Avoidance	Chapter 4 Chapter 7 Appendix A	7
LKP-2019-9	Iron Gate	M	No	Yes	Transmission line and/or pole removal	E (P) (D)	U				X		X										Proposed measures are construction monitoring and avoidance.	Chapter 4 Chapter 7 Appendix A	10
LKP-2019-10	J.C. Boyle	M	No	No	Access route improvements, recreation use or development, increased public access and looting	NE	U (Oregon SHPO concurrence pending)						X										Avoidance while SHPO concurrence is pending	Chapter 4 Chapter 7 Appendix A	2
LKP-2020-1	J.C. Boyle	M	No	Yes	Pre-drawdown facility removal, access route removal and restoration, security and/or silt fence/staging or	E (P) (D)	U (Oregon SHPO concurrence pending)	X		X	X		X										Proposed measures include post-drawdown survey, site condition monitoring, construction monitoring and avoidance. Prepare HPTP if effects cannot be avoided. Consider data recovery and/or alternative	Chapter 3 Chapter 4 Chapter 7 Appendix A	2

Site No	Location	Site Type	Sub-merged	In Parcel B Lands?	Known and Potential Project Effects 2022	2022 Renewal Corporation NRHP Recommendation	Current NRHP Status (Sept. 2022)	Post-Drawdown Survey	Enhanced Oral History	Site Condition Monitoring	Construction Monitoring	Public Access Restrictions	Avoidance	Modify roads, recreation, or livestock operations	Strategic Plantings	Erect Signage	Erosion Control	Cap with Gravel	Data Recovery	Enforcement Patrols	Alternative Mitigation	Comments	HPMP Reference	Appendix B Map Sheet
					stockpiling, fire access, recreation development																	mitigation. Site is within Spencer Creek District.		

Notes:
 NRHP = National Register of Historic Places; OHV = off-highway vehicle; TCP = Traditional Cultural Property; N/A = Not Applicable; [?] = Flag for possible measure, pending future observations
 P = Precontact; H = Historic; M = Multicomponent; U = Unevaluated; NE = Not Eligible; E = Eligible; TE = Treat as Eligible
¹ Eligibility statements were formulated with available research to date that may include Phase II surface investigations; no Phase II subsurface work has been performed.
² Some eligibility statements were formulated from limited Phase II surface and subsurface investigative efforts - site is within ADI.
³ Site is within the ADI, but no project-related impacts have been identified at the 100 percent design phase. The Phase II testing program outlined below for this site will only be conducted if project plans change and effects are identified.
⁴ Included in 2021 NRHP Phase II archival research only: no subsurface.

7.1.1 Post-Drawdown Survey (Detailed Mapping and Photography)

The Renewal Corporation will perform a post-drawdown survey of eligible and not evaluated archaeological sites along the shorelines, as well as for locations where sites are suspected (Table 3-6) (see Section 8.1, *Post-Drawdown Survey and Phase II Testing*). The Renewal Corporation will perform detailed mapping and photography for newly documented discoveries and for previously documented historic properties where such mapping and photography has not previously been fully completed and will add value to the preservation record. Individual features/artifacts will be drawn, photographed, and mapped to state standards for archaeological reporting and recordation.

7.1.2 Enhanced Oral History

The Renewal Corporation will capture additional oral history accounts for certain historic-era archaeological resources for which initial investigations identified knowledgeable descendants that may be able to provide new insights into history of use.

7.1.3 Site Condition Monitoring

“Site condition monitoring” refers to repeat, periodic site inspections to an individual archaeological site to assess changes over time to site integrity as a result of the Proposed Action. During repeat inspections, the cultural resource specialist (CRS) and monitor and/or tribal advisor will physically visit each at-risk archaeological historic property (including any resources not evaluated and assumed eligible) and document any observable changes on a standardized form. Periodic inspections may observe evidence of erosion, deflation, aggradation, looting and vandalism, or no discernible changes over time. The goal of this plan is to assess adverse effects by detecting and measuring changes to a site’s physical condition over time that could potentially alter its eligibility.

The plan and schedule for site condition monitoring is presented in the MIDP (Appendix B).

The CRS will maintain a preliminary Site Inspection Summary Table that can be transmitted to consulting parties in a timely manner in the event treatment measures are needed for threatened or damaged sites. The table will include information such as site number, site type, eligibility status, monitoring date, water elevation (if applicable), site impacts or concerns, and recommendations. The CRS will prepare an annual summary report that includes the results of site condition monitoring.

Site inspection frequency is expected to vary by Proposed Action phase. The MIDP outlines the proposed schedule and frequency for site inspections that will look for evidence of effects to archaeological historic properties. This applies to potentially significant post-review discoveries such as submerged resources.

Sites needing the highest level of site condition monitoring intensity are anticipated to be those sites that are exposed during reservoir drawdown in the Iron Gate, Copco, and J.C. Boyle pools. Sites on the north side of the Klamath River in California, between Copco and Stateline, are less accessible to the general public and have much less need for site condition monitoring related to looting and vandalism concerns. Areas

near PacifiCorp's Copco Village I and Village II are close to facilities where the Renewal Corporation personnel can effectively monitor public activity on a routine basis during the reservoir drawdown.

The sites where monitoring will be less frequent are generally inaccessible to vehicular traffic and/or have relatively difficult public access and are not in a potential reservoir erosion zone. Lack of easy public access helps limit potential ground disturbance.

7.1.4 Construction Monitoring

"Construction monitoring" refers to direct oversight of ground-disturbing activities by a qualified monitor/tribal advisor within areas where there is a medium to high potential for inadvertent discoveries and/or where historic properties are known to exist and must be avoided. During construction, qualified archaeological and/or tribal advisors will flag cultural No Work Zones and monitors will observe excavation and soil removal for the presence of cultural materials and features during ground-disturbing construction. Locations for construction monitoring will include 1) locations of medium to high sensitivity based on the geoarchaeological sensitivity model and impact areas; and 2) buffered locations of historic properties, including unevaluated, eligible, and listed archaeological resources.

Construction monitoring is anticipated to begin in conjunction with Phase 1 Pre-Drawdown activities and extend through all subsequent phases of the Proposed Action. The CRS will prepare an annual summary report that includes the results of construction monitoring.

The Renewal Corporation has developed an MIDP (Appendix B) with procedures to be followed during monitoring of construction activities. The Renewal Corporation CRS will oversee the construction monitoring program.

7.1.5 Public Access Restrictions

The Renewal Corporation will restrict public access during the drawdown and dam removal process through fencing/gates, public notification, and signage for purposes of public safety. Security measures include an on-site presence by security personnel during drawdown and decommissioning at construction areas. The Renewal Corporation will use existing fence and gates and erect additional fence and gates, as necessary, to temporarily or permanently restrict access to construction work areas.

Renewal Corporation/Kiewit On-Site Personnel

The Renewal Corporation and their prime construction contractor, Kiewit Corporation, will retain on-site personnel and other security measures during drawdown and decommissioning of dams for construction operations. Site safety personnel will be on-site for 10-hour work shifts, 6 days a week throughout the construction duration, excepting holidays.

Erect Fences/Barriers/Gates along Roadways

The Renewal Corporation will provide signage and erect vehicular access barricades to temporarily or permanently restrict access to roadway construction areas and at designated reservoir access points as applicable to construction areas. Locations of these temporary or permanent physical barriers will align with the construction areas per Kiewit's Construction Drawings fence layout.

In addition to this overall approach, the Renewal Corporation will manage certain archaeological historic properties where public access is already occurring and causing damage to archaeological sites, or where public access may increase as a result of the Proposed Action (Table 7-2).

7.1.6 Avoidance

The Renewal Corporation will coordinate appropriate avoidance of archaeological historic properties and unevaluated resources. To ensure avoidance by ground-disturbing activity that will occur within 100 feet of a historic property or unevaluated resource, the Renewal Corporation's CRS will be responsible for flagging cultural No Work Zones, when feasible, at least 2 weeks prior to the planned construction activities. The CRS will establish a method for flagging to visibly delineate the site plus a buffer, such as lath staking with color-coded flagging tape or other similar method. The archaeological monitor and tribal monitor will ensure this flagging is in place immediately prior to construction and during construction. Staking, flagging, and other markings used to identify historic properties will be removed as soon as possible after the undertaking has been completed and avoidance has been achieved. The Renewal Corporation will provide monitors and tribal advisors during ground-disturbing activities construction to ensure avoidance of these areas. Some sites are able to be avoided completely, while others may only be partially avoided and have other mitigation measures such as an archaeological monitor. One example of a historic property that could not be feasibly avoided is where a long, linear resource such as an eligible railroad alignment will have a new access road placed on top of it along a short length. The Renewal Corporation has considered Proposed Action impacts on a site-by-site basis and will attempt full avoidance when possible. For those sites where avoidance is not possible, a site-specific HPTP will be prepared.

7.1.7 Eliminate or Modify Existing Roads, Recreation Sites, Livestock Operations

Archaeological studies have documented evidence of impacts to archaeological historic properties associated with existing roads, recreational usage, and/or livestock operations. The Renewal Corporation has identified priority sites where existing access roads, particularly for off-road vehicles, traverse sensitive archaeological sites. Recreational uses such as boat ramps, high-use fishing areas, and day camping occur in some sensitive areas. Livestock operations are affecting certain archaeological sites through trampling and erosion.

As a mitigation measure, the Renewal Corporation will consider ways to discourage use of these access roads, recreation activities, and livestock operations. For example, cattle exclusion fencing is to be included in the DDP's Reservoir Area Management Plan and will prevent cattle access from reservoir restoration

areas where they abut grazing land. The Renewal Corporation will continue to coordinate the Reservoir Area Management Plan fence installation with management of historic properties. If evidence of livestock impacts resulting from the Proposed Action is observed at a historic property that is supposed to be avoided, the Renewal Corporation will implement additional measures such as rerouting or modifying the fencing so that livestock would not impact the historic property. The Renewal Corporation has provided information to the states of Oregon and California on sensitive locations during planning for development of recreation areas and associated access roads to reduce or avoid impacts where feasible, but additional routing of existing access roads and recreation activities around an archaeological site will be considered and could be accomplished through various complimentary mitigation measures such as fencing, gates, signage, and/or strategic plantings. If mitigation measures are needed to resolve adverse effects to a historic property, an HPTP will be prepared for review by the consulting parties.

7.1.8 Strategic Plantings

Strategic plantings may be used to naturally deter looting and vandalism by obscuring the ground surface and/or providing a physical deterrent. Although hydroseeding will occur immediately after the water drawdown, additional types of screening vegetation, or vegetation that naturally discourages use (such as poison oak or thorny plants), may be appropriate to make areas leading to sensitive sites such as rock shelters or rock art less noticeable and less likely to be used by casual recreators or visitors. The Renewal Corporation will develop such plantings in coordination with the consulting parties and the Reservoir Area Management Plan, and in consultation with the agencies and Tribes. For those planting strategies that have the potential for effects to historic properties, findings of effect will be prepared and, if applicable, an HPTP will be prepared for consultation and review.

7.1.9 Install Signage

The Renewal Corporation will install strategic signage to deter looting and vandalism. This measure can take many forms but will generally indicate that an area is closed to public use/access, stating ecological or natural resource restoration as the primary reason. These signs may directly address looting and vandalism by citing penalties and encouraging reporting of suspicious activities. These signs may also state that persons collecting, harming or destroying resources will be prosecuted under local trespassing laws. Informative signs that specify ARPA or state laws and penalties can be posted at entry or access points; this “posting” or “noticing” helps law enforcement convict looters. The Renewal Corporation will develop appropriate signs and designate locations in coordination with the Recreation Facilities Plan, and in consultation with the consulting parties. The Renewal Corporation has identified certain archaeological sites in proximity to recreation sites and proposes to include signage at the recreation sites as a management measure.

7.1.10 Erosion Control

The Renewal Corporation has highlighted certain archaeological historic properties as being priority for erosion control based on existing erosional cut banks along the shoreline. The Renewal Corporation will

prioritize site condition monitoring for known historic properties as outlined in the MIDP. MIDP Section 5.1.7, *Response and Treatment Measures*, provides the steps the Renewal Corporation will take in the event of observations of erosion adversely affecting an archaeological historic property or potential historic property during routine site condition monitoring.

However, where a post-review discovery is observed eroding during or after drawdown, the Renewal Corporation will take interim protective actions designed to minimize impacts if feasible. This process will only be implemented in extreme circumstances where a failure to take immediate action will result in additional harm to the resource and is also only anticipated to be potentially applicable during the drawdown phase. After implementing protective measures, the Renewal Corporation will consult with FERC, SHPO, Tribes, the land manager, and other consulting parties regarding further evaluation and implementation of other treatment measures such as long-term approaches to reduce erosion.

Potential methods for erosion control include:

- Fiber logs/straw bales placed by hand (or heavy equipment staged in a low-impact location)
- Erosion control blanket
- Jute erosion control cloth
- Other ideas per erosion and sediment control specialists and Stormwater Pollution Prevention Plan/Erosion Control Plan

The Renewal Corporation will continue to coordinate cultural resources concerns with the Restoration Plan and Stormwater Pollution Prevention Plan.

7.1.11 Capping/Armoring

Archaeological testing of the site and reaching an NRHP eligibility determination may be preferable, or necessary, as an action in lieu of, or in addition to, capping or armoring a site. In some instances, capping or armoring sites can be considered an adverse effect. If shoreline armoring is deemed necessary and prudent, it should be applied as a component of a comprehensive long-term erosion control program. Any plan to test, evaluate, and define erosional forces should be coordinated with an archaeologist, geomorphologist, and erosion control specialist. Erosion at reservoir sites may be a combination of forces at the toe of underwater slopes. Erosion that is due to current, sloughing, liquefaction, seeps, and wave action may require different monitoring and stabilization techniques (Fay 1989; Keown et al. 1977; Thorne 1985).

Armoring may take the form of a bulkhead (a wooden or concrete wall-like structure) or a revetment (a structure combining filter cloth and graded layers of stones, with smaller stones armored with overlaying larger stones). Either of these methods retains or prevents land from sliding into the water or protects the landform from further wave damage. Other shoreline protection measures, such as emplacement of in-water wave booms, geotextile fabric on shorelines, or gabion baskets on shorelines, are useful methods to protect sites from fluctuating pool levels, which exacerbate localized erosion of exposed archaeological deposits.

Capping a site is typically a last-resort measure that is applied if other, less costly measures fail to protect the subject site or if an extremely harmful incompatible land use cannot be eliminated. Disguising or burying an archaeological site to make it less conspicuous and accessible is also an effective site protection strategy. Hydroseeding and mulch are already planned as part of the Restoration Plan and will help prevent looting/vandalism by obscuring exposed surface artifacts. Hydroseeding will be aerially dispersed along exposed landforms immediately after de-watering and before these areas can be safely accessed by foot. In addition, sediment may be naturally deposited over archaeological sites following the drawdown. A sediment covering may be considered a net benefit to protect near-surface resources from looting and vandalism.

At this time, the Renewal Corporation is not proposing capping/armoring as a mitigation measure for known historic properties. However, the Renewal Corporation will consider intentional capping of a historic property (e.g., dirt or gravel over geotextile fabric) as an emergency response to recurrent incidents of looting or vandalism at a site. Prior to capping a resource in response to looting or vandalism, the Renewal Corporation will consult with FERC, SHPO, affected Tribes, the landowner and other consulting parties. Capping may be considered an effect to a historic property but is not necessarily adverse depending on the resource and methods used. The CRS will coordinate any capping of sites with the Renewal Corporation Erosion Control Specialists.

7.1.12 Data Recovery

Certain archaeological historic properties with remaining information potential (Criterion D of the criteria for NRHP eligibility) cannot be avoided by all Proposed Action elements and may be mitigated through data recovery. For these sites, the Renewal Corporation will provide 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. The Renewal Corporation will propose data recovery as part of an HPTP distributed to FERC, SHPO, Tribes, the land manager, and other consulting parties (see Section 8.2.5).

Mitigation protocols for direct effects to historic properties eligible for listing in the NRHP under criteria other than or in addition to Criterion D will 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.

If an eligible or potentially eligible resource is at risk of imminent damage or destruction, and the CRS determines there are no feasible alternatives for site protection, the CRS will immediately enact an emergency data recovery program to recover as much of the at-risk site materials as possible. If emergency data recovery were needed on federal land, the associated land management agency will formally consult with the appropriate tribal government and SHPO. The CRS will write a data recovery report summarizing the results.

7.1.13 Enforcement Patrols

The Renewal Corporation will sponsor law enforcement trainings and as part of those trainings will coordinate priority areas for enforcement patrols. Those sites currently undergoing looting and vandalism, or those identified as part of site condition monitoring, will be prioritized. If law enforcement is unable to conduct enforcement patrols, the Renewal Corporation may use private security for such patrols. The Renewal Corporation will report to the consulting parties within two months of FERC's LSO of the feasibility of enforcement patrols.

7.1.14 Alternative Mitigation

The Renewal Corporation will consider additional options for mitigation in consultation with consulting parties. One alternative mitigation option may be an archaeological "data banking" program. For example, this could include the acquisition and preservation of an archaeological site(s) away from the FERC Project Boundary in return for doing little or no direct mitigation on the site(s) affected by the Proposed Action. The Renewal Corporation will consult with FERC, SHPOs, Tribes, and other consulting parties about alternative mitigation measures prior to implementation through the use of HPTPs as discussed in Section 8.2.

7.2 Treatment Measures – Built Environment

This section includes proposed treatment measures for potential adverse effects to historic properties. Once consultation on NRHP eligibility and effects have been completed, an HPTP will be prepared to implement these proposals following the consultation requirements outlined in Table 8-1.

7.2.1 Hydroelectric Resources

National Park Service Documentation

The NPS program known as Historic American Buildings Survey/Historic American Engineering Record/Historic American Landscapes Survey (HABS/HAER/HALS) traces its origins to the act of Congress commonly known as the Historic Sites Act of 1935, now codified at 54 USC §§ 320101-320106, which, among things, directs the Secretary of the Interior to "secure, collate, and preserve drawings, plans, photographs, and other data of historic and archeologic sites, buildings, and objects" (54 USC § 320102[b]). Congress subsequently granted the Secretary additional authorities and responsibilities with respect to documenting historic properties, notably in the NHPA. More particularly, the NHPA directs the Secretary to promulgate regulations "establishing a uniform process and standards for documenting historic properties by public agencies and private parties for purposes of incorporation into, or complementing, the national historical architectural and engineering records within the Library of Congress" (54 USC § 302107). The NHPA defines "historic property" broadly to mean "any prehistoric or historic district, site, building, structure, or object included on, or eligible for inclusion on, the National Register [of Historic Places]" (54 USC § 300308). The collection of national historical architectural and engineering records in the Library of Congress is now known informally as the HABS/HAER/HALS collection (NPS 2016).

According to the NPS, the Library of Congress represents the gold standard in caring for, and providing access to, our important documents, fulfilling the intent of the Historic Sites Act of 1935 and the NHPA. This is why Congress stipulated the "Architecture and Engineering Collection at the Library of Congress" as the final repository for mitigation documentation. Since the collection was designed to be "a complete résumé of the builders' art," as expressed by NPS landscape architect Charles Peterson in 1933, it is the appropriate repository for mitigation documentation of NRHP-listed or eligible sites of state and local, as well as national, significance (NPS 2016).

Based on the NPS guidance, the Renewal Corporation proposes HABS/HAER/HALS documentation as a critical treatment for mitigating the Proposed Action's adverse effects on the five NRHP-eligible hydroelectric historic districts evaluated in Section 6.2. the Renewal Corporation will ensure that these historic districts, the districts' contributing resources, and individually eligible resources within the districts are recorded following the HABS/HAER/HALS standards consistent with 54 USC §§ 302107 and 306103 and in consultation with the NPS. HABS/HAER/HALS documentation generally involves production of a historic narrative report, resource drawings, and large format photographs.

Procedures for HABS/HAER/HALS Recordation

Prior to the commencement of decommissioning, the Renewal Corporation shall contact the regional HABS/HAER/HALS coordinator at the National Park Service Interior Regions 8,9,10, and 12 Regional Office (NPS) to request that NPS stipulate the level and procedures for completing the documentation. Within 10 days of receiving the NPS stipulation letter, the Renewal Corporation shall send a copy of the letter to all consulting parties for their information.

The Renewal Corporation will ensure that all recordation documentation activities are performed or directly supervised by architects, historians, photographers, and/or other professionals meeting the qualification standards in the Secretary of the Interior's Professional Qualification Standards (36 CFR 61, Appendix A).

Upon receipt of the NPS written acceptance letter that accepts the documentation for submittal to the Library of Congress, the Renewal Corporation will make any archival, digital and bound library-quality copies of the documentation and provide them to FERC, Tribes, California and Oregon SHPOs, Oregon Institute of Technology, PacifiCorp, Southern Oregon University, Oregon State University, Southern Oregon Historical Society, University of Oregon (Special Collections), Klamath County Historical Society, Siskiyou County Historical Society, City of Yreka, Siskiyou County Library, Klamath County Library, Northeast Information Center (California State University Chico), College of the Redwoods, and University of California Berkeley.

The Renewal Corporation shall notify the FERC, as well as the California and Oregon SHPO that the documentation is complete and all copies distributed as outlined above and include the completion of the documentation in the Annual Report (as specified in the PA). All documentation shall be completed prior to the commencement of the decommissioning.

Adaptive Reuse Plan

In addition to the HABS/HAER/HALS documentation described above, the Renewal Corporation will make a reasonable and good faith effort to develop, in consultation with consulting parties, an adaptive plan for potential adaptive reuse of the Copco No. 2 powerhouse (historic), Fall Creek School (historic), Red Barn (nonhistoric; J.C. Boyle), Truck Shop (nonhistoric; J.C. Boyle), and 12 operator residences (historic and nonhistoric) within the KHP. The operator residences include two nonhistoric ranch houses at J.C. Boyle (Oregon), a historic ranch bunkhouse at Copco No. 2 (California), four historic ranch houses at Copco No. 2, three nonhistoric modular residences at Copco No. 2, and two historic ranch houses at Iron Gate (California). Based on its massive size, the Copco No. 2 powerhouse (Figure 7-1) will remain in place for educational, recreational, or interpretive use. The Fall Creek School (Figure 7-2) and operator residences (Figure 7-3) will remain in place or be moved to other locations for residential, educational, commercial, or recreational use.

The potential retention of these historic properties will be subject to consultation with the State of Oregon or the State of California as the successor landowner consistent with the requirements of Exhibit I of the *Amended Application for Surrender of License for Major Project and Removal of Project Works* (Amended December 15, 2021). If not removed, these structures will be transferred to the State of Oregon or State of California (as applicable) for active usage and maintenance. The adaptive reuse plan will guide this active usage and maintenance. The plan's component will include the following sections: Introduction (Plan Purpose and Process; Historic Context; Local/State/Federal Preservation Standards and Guidelines; Land Use; Transportation; Economic Development; Organizational Structures for Facility Management; Capital and Noncapital Planning and Funding Strategies; and Schedule for Decisions and Action.



Figure 7-1 Copco No. 2 powerhouse, shown in 2018 (left) and 1924 (right)



Figure 7-2 Fall Creek School, 2018 (left) and circa 1965 (right)



Figure 7-3 From top left and clockwise: modern bunkhouse (Copco No.2), ranch house no. 4 (Copco No. 2), operator residence no. 1 (Iron Gate), and operator residence no. 1 (J.C. Boyle)

Interpretation

The Renewal Corporation will develop an interpretative plan featuring the KHP and the interconnected history of hydroelectric energy and fish management in the region. The interpretative plan will address methods of historic resource interpretation, plan implementation, and a proposed schedule. The historic resources interpretative plan will be developed in consultation with the SHPOs, Tribes, local communities, regional historical societies and museums, preservation organizations, and other interested parties.

As part of the interpretive plan, the Renewal Corporation will evaluate Iron Gate hatchery as a potential site for interpretive materials. The hatchery already hosts a small visitor center next to the Klamath River, a picnic area, and parking facilities. The evaluation of Iron Gate Hatchery as a site for interpretive materials will incorporate the Parcel B transfer process and also be conducted in consultation with the CDFW. The Renewal Corporation will also evaluate the Klamath County Museum, Oregon Institute of Technology, Siskiyou County Historical Society, and other potential repositories for interpretive materials.

7.2.2 Transportation Resources

No transportation resources have been recommended as eligible for the NRHP in the Historic Built Environment Technical Report (AECOM 2022). No mitigation is currently recommended. Consultation regarding the eligibility of transportation-related resources is ongoing.

7.2.3 Private Property Resources

No private property resources have been recommended as eligible for the NRHP in the Historic Built Environment Technical Report (AECOM 2022). No mitigation is currently recommended. Consultation regarding the eligibility of transportation-related resources is ongoing.

7.3 Treatment Measures – Other Programs

7.3.1 Law Enforcement Coordination and Agency Training Opportunities

For the period of the applicability of this HPMP, nearly all at-risk archaeological historic properties fall on private land that will be administered by the Renewal Corporation. Law enforcement response will therefore be expected to lie primarily with the Siskiyou County Sheriff's Office (California) and Klamath County Sheriff's Office (Oregon) for vandalism and looting observations. The Renewal Corporation will also communicate to the extent feasible with additional state and federal law enforcement personnel, including USFS law enforcement officers, BLM rangers, California and Oregon fish and wildlife officers, and Oregon state parks staff, who have jurisdiction or routine patrol capabilities along the river corridor.

County Law Enforcement Outreach/Training Program

No less than 1 month prior to Phase 1 Pre-Drawdown construction activities, the Renewal Corporation will reach out to the Siskiyou County Sheriff's Office and Klamath County Sheriff's Office to identify a primary

point of contact to respond to an incidence of looting and vandalism. The Renewal Corporation project management and the CRS and interested consulting parties will request a meeting with the proper law enforcement personnel to discuss concerns and strategy for reporting and timely law enforcement response to archaeological crimes.

State Law Enforcement (State Patrol)

For the period of the applicability of this HPMP, response by state law enforcement agencies (Oregon State Police and California State Highway Patrol) is not anticipated for looting and vandalism crimes. The exception might be if human remains are involved, in which case human remains findings are reported to the state police. This is covered in the MIDP (Appendix B). However, to ensure that local law enforcement is collectively aware of the problem, the CRS will also report any incidences of looting and vandalism to state law enforcement as per the LVPP (Appendix C).

Federal Law Enforcement

The ADI has little land in federal ownership, and therefore looting and vandalism of sites affiliated with the Proposed Action have only limited ability to pertain to federal laws and regulations. However, some laws such as trafficking could invoke a federal law enforcement response even if not on federal land. The BLM/USFS heritage managers will be actively involved in any law enforcement activity regarding at-risk sites on federal land. However, to ensure that local law enforcement is collectively aware of the problem, the CRS will also report any incidences of looting and vandalism to federal law enforcement.

No less than 1 month prior to construction activities, the Renewal Corporation will develop a presentation and offer an annual training opportunity for local law enforcement officers and agencies (e.g., Klamath County, Oregon, and Siskiyou County, California, law enforcement) to enhance their knowledge and understanding of state and federal laws protecting historic properties, human burials, and other cultural resources. The Renewal Corporation shall sponsor such training sessions or may provide grants to local agencies for officers to attend existing training programs. The Renewal Corporation shall coordinate with the consulting parties and will offer this training annually until FERC determines that the license surrender is effective.

7.3.2 Public Education

Immediately after issuance of the LSO, the Renewal Corporation will begin to develop education and interpretation materials. These materials are intended to help members of the public understand the importance of cultural and natural resources. Education efforts with the general public will include the development and distribution of various materials and programs.

The Renewal Corporation will develop a general educational brochure about the need to protect archaeological sites and other cultural resources. One or more drafts of this brochure will be provided for review and comment to the SHPOs, Tribes, land manager, and other consulting parties within 6 months after issuance of the LSO. The Renewal Corporation will make the brochure available at recreation facilities and

will provide copies of it at public speaking engagements that include mention of cultural resources. Other possible actions might include preparation of a historic road tour kiosk/guide, a traveling interpretive display (for schools, libraries, public events), publication and distribution of small booklets, and implementation of a site stewardship program ("adopt-a-site") with qualified volunteers.

Potential interpretive displays will educate visitors about the Klamath River region and the Proposed Action, including the archaeology and history of the region, and effects of the dams and decommissioning process from a tribal perspective. Displays or brochures may be developed through this information to educate the public about these resources, and the laws that protect them and penalties for violation. The displays or brochures will include information about the See-and-Say Program outlined below.

7.3.3 Public Reporting See-and-Say Program

After the issuance of the LSO, the Renewal Corporation will provide a designated Renewal Corporation phone number for public reporting of suspicious looting and vandalism observations ("If you see something, say something!"). The Renewal Corporation will post signs along major access routes, at certain recreation areas, and in areas where looting and vandalism occurs. The signs will provide the following type of language:

- *Cultural resources are important to our heritage and are protected by law. No digging or artifact collecting is permitted. (Signs will cite laws and penalties for violations so that suspects cannot say they were ignorant of the laws.)*
- *If you see suspicious looting or vandalism activities, call [Renewal Corporation phone number to be determined]. Report who you saw, what you saw, when you saw it, where it occurred, and why it is suspicious.*
- *The Renewal Corporation is offering a \$1,000 reward to informants whose tips lead to the identification, citation, or arrest of a looter or vandal.*

The Renewal Corporation will provide one or more drafts of proposed signage and locations for review and comment to the Tribes and the California and Oregon SHPOs within 3 months of the issuance of the LSO. After a 30-day review period is complete and language on the proposed signage has been approved by consulting parties, the Renewal Corporation will install signs with the designated phone number within 6 months of issuance of the LSO.

7.3.4 Culturally Significant Plant Enhancement Program

The culturally significant plant enhancement program is part of the Reservoir Area Management Plan. The Renewal Corporation will incorporate and enhance native plant species that are culturally significant to Native Americans into Proposed Action-related re-vegetation projects. The Renewal Corporation has consulted with interested Tribes in the selection of appropriate native species and planting sites. In cooperation with interested Tribes, BLM, and USFS, the Renewal Corporation shall provide opportunities to tribal members and interested members of the public to assist in maintaining these native plants and in harvesting food and other products from these plants. These measures will assist in minimizing visual

effects caused by drawdown to TCPs and certain archaeological sites and will provide longer term management opportunities related to landscape maintenance. The Reservoir Area Management Plan implements this program.

7.3.5 Endowment

As mitigation for anticipated long-term effects to historic properties as a part of the AB 52 consultation process, the Renewal Corporation has committed to creating an endowment for long-term management of historic properties of affected Tribes. This endowment meets the objectives of AB 52 Mitigation Measure TCR-4 – Endowment for Post-Project Implementation. The Renewal Corporation will provide funding for an endowment or other appropriate organization (e.g., a nonprofit mutual benefit organization) to protect and enhance TCPs or other tribal-affiliated sites that are exposed due to the Proposed Action implementation on state and private lands in California, on a long-term basis following license surrender. This endowment shall include funding for monitoring, including supplementing or enhancing law enforcement resources, and shall also be available to cover measures that will be implemented following license surrender, including measures related to looting and vandalism protections. The endowment shall be governed in a manner that is representative of affected Tribes that are traditionally and culturally affiliated with the resources impacted by Proposed Action implementation. The endowment will assist in minimizing effects caused by the Proposed Action.

Tribal Stewardship Program

An inter-tribal stewardship program may be initiated by interested Tribes. The Renewal Corporation will facilitate inter-tribal access to Parcel B lands for the duration of its ownership responsibilities for the purposes of tribal site condition monitoring, ceremonial, spiritual, and fisheries, plant harvesting, or other traditional uses. Access by individual tribal members to such resource areas after the Renewal Corporation's obligations end will be coordinated through the Tribal Stewardship Program to the post-Renewal Corporation landowner(s).

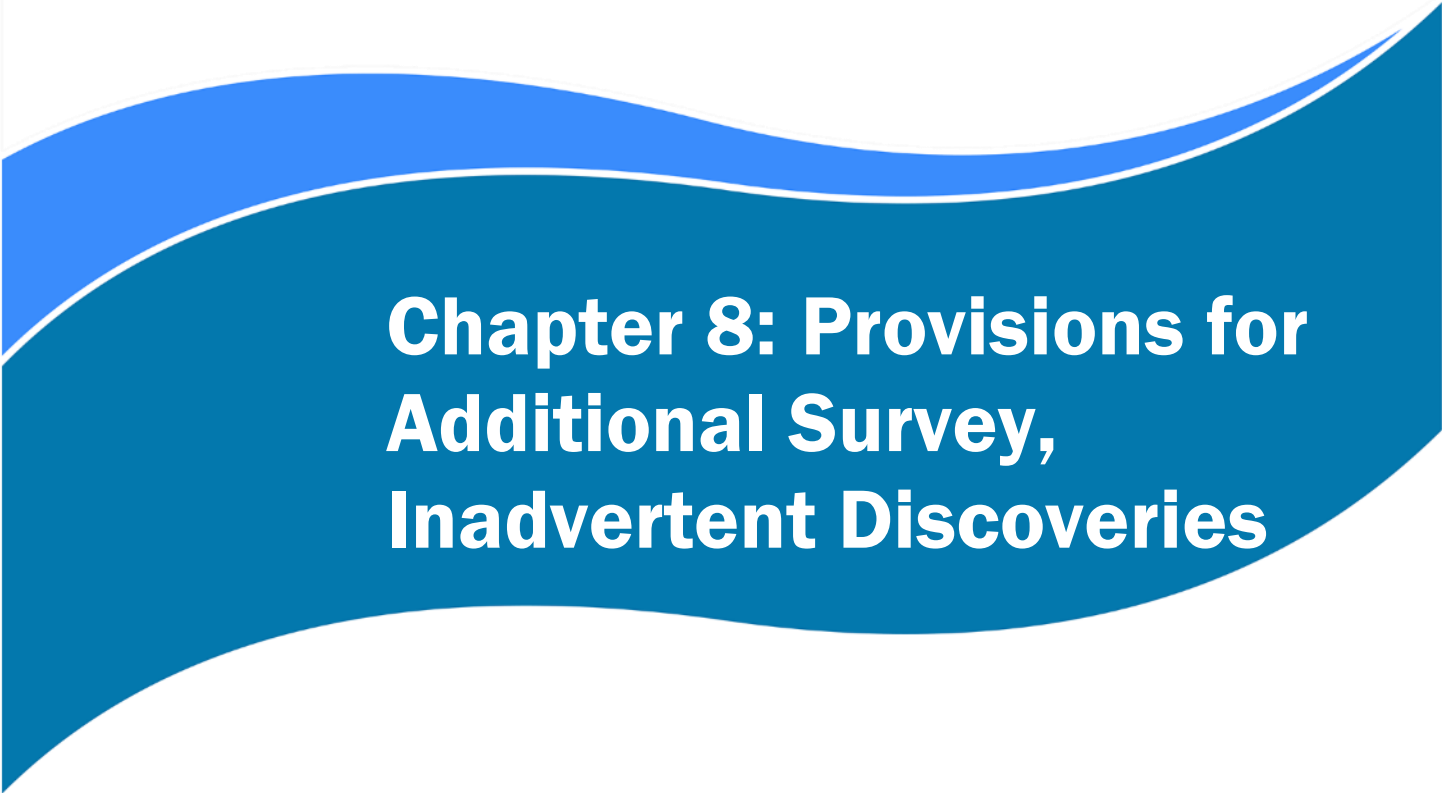
The goal of the Tribal Stewardship Program will be continuation of site condition monitoring and patrolling, as well as providing protection of other traditional and customary places, spiritual, cultural, and medicinal places that may or may not have an archaeological component.

University Student Scholarship Program

The Renewal Corporation may reach out to the University of Oregon, Klamath Falls Community College, Humboldt State University, or other regional university and discuss funding a scholarship program for a graduate student studying a discipline related to Native American studies, anthropology, history, fisheries, wildlife, etc. as related to the Klamath River.

Recreation Education Program

The Renewal Corporation may endow a nonprofit group affiliated with rafting, fishing, or other recreation activities to promote preservation of cultural resources through education of recreationalists and voluntary stewardship (reporting of any observations of suspicious looting/vandalism to the Tribal Stewardship Program).

A decorative banner with a wavy, ribbon-like shape. It features a light blue outer layer and a darker blue inner layer. The text is centered within the darker blue section.

Chapter 8: Provisions for Additional Survey, Inadvertent Discoveries

8. PROVISIONS FOR ADDITIONAL SURVEY, INADVERTENT DISCOVERIES, TREATMENT OF HUMAN REMAINS

8.1 Post-Drawdown Survey and Phase II Testing

Following completion of the Phase 2 Drawdown (Table 2-1), the Renewal Corporation will complete archaeological field surveys of previously inundated areas beginning within 3 months after drawdown is complete, and as soon as field conditions are stabilized, as determined by the Proposed Action health and safety lead. These studies will be carried out using standard field survey techniques. Additional archaeological surveys will be led by a qualified crew chief and each crew may be accompanied by a tribal advisor. Newly exposed features and materials may be discovered and require further survey to complete recordation and NRHP evaluation. The archaeological crew will update existing site forms, revise maps, and photograph and record additional observations.

This work will include previously identified sites that were proposed as part of the Phase II Testing Plan (AECOM 2020) but could not be accessed during subsequent field sessions due to lack of drawdown. This Phase II work will occur within 3 months after drawdown is complete.

The CRS will prepare a summary report within 6 months of completion of the fieldwork. The CRS will follow accepted professional standards for documentation and reporting. If technical analyses are pending, this an interim report will be prepared. FERC, SHPO, Tribes, landowner, and other consulting parties will have 30 days to respond to report findings and recommendations. The Renewal Corporation will provide determinations of eligibility, findings of effect, and resolution of adverse effects following the Standard Review Process outlined below in Section 8.2. See Table 8-1 for consultation and review periods.

8.2 Process for NRHP Evaluation and Resolution of Adverse Effects to Archaeological Sites

During implementation of the Proposed Action, the Renewal Corporation may need to evaluate archaeological resources for NRHP eligibility, determine effects, and resolve adverse effects to historic properties.

Scenarios for which an NRHP eligibility evaluation may be necessary include the following:

- When resources are potentially affected by erosion

- When resources are potentially affected by looting and/or vandalism
- When Proposed Action elements are anticipated to affect historic properties or potential historic properties
- When post-review discoveries are made and eligibility is not previously determined

Adverse effects can occur when archaeological sites, structures, or objects listed in or eligible for listing in the NRHP are subjected to the following effects:

- Physical destruction of or damage to all or part of the property
- Alteration of a property
- Removal of the property from its historic location
- Change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance
- Introduction of visual, atmospheric, or audible elements that diminish the integrity of the property's significant historic features
- Neglect of a property that causes its deterioration
- Transfer, lease, or sale of the property that reduces the level of regulatory protections

The Renewal Corporation will follow different processes for evaluation and resolution of adverse effects on historic properties, including: a Standard Review Process when prior planning is possible; a Post-Review Discovery Process following 36 CFR § 800.13 (b)(3) for unanticipated discoveries when prior planning is not possible; and a Looting and Vandalism Response Process for observations of looting and vandalism at an archaeological site. Table 8-1 summarizes the process for consultation and review times under each of these processes.

8.2.1 Standard Review Process

The Renewal Corporation will review known archaeological sites that have not been evaluated for the NRHP and that will be subject to effects from the Proposed Action following the "Standard Review Process" outlined in this HPMP. In addition to currently known sites, the Renewal Corporation anticipates new sites will be revealed during drawdown based on the historical landscape analysis and submerged resources analysis. These potential sites have not been field verified because these locations are currently submerged, but nonetheless a response can generally be pre-planned.

For sites where pre-planning is possible, the Renewal Corporation will identify and assess the potential significance of a resource based on NRHP eligibility per 36 CFR § 800.4. The Renewal Corporation will implement identification and evaluation methods consistent with the Phase II Research Design (AECOM 2020). A property may be significant under one or more criteria and the Renewal Corporation will consider significance under all four NRHP Criteria, if possible, in order to identify all aspects of its historical value (NPS 1997:11). The Renewal Corporation will submit NRHP eligibility recommendations to FERC for distribution to SHPO, Tribes, land manager, and other consulting parties who will have 30 days to agree or

disagree. If FERC/SHPO do not agree on eligibility, 36 CFR 800.4(c)(2) will apply, and FERC, the ACHP, or SHPO may appeal to the NPS Keeper under a 45-day consultation period (35 CFR 63).

For historic properties or potential historic properties, the Renewal Corporation will apply the criteria of adverse effect, and to resolve adverse effects select measures from the HPMP and provide a HPTP (see Section 8.2.5). The Renewal Corporation will provide these recommendations to FERC who will distribute the findings of effect along with applicable HPTP to SHPO, Tribes, the land manager, and other consulting parties for review. Consulting parties will have 30 days to respond to the effects assessment and applicable HPTP to resolve adverse effects to a historic property. The Renewal Corporation will address comments and if revisions to the effects assessment or HPTP are required, the Renewal Corporation will submit revised documents to these same parties, who will have 10 days to respond to the revisions.

The Renewal Corporation will also submit fieldwork reports, site forms, and annual reports to FERC, who will distribute them to SHPO, Tribes, land manager, and other consulting parties. These parties will have 30 days for review. The Renewal Corporation will address comments and if revisions are required, the Renewal Corporation will submit revised documents to these same parties, who will have 15 days to respond to the revisions.

This Standard Review Process will apply to non-federal lands. If the resource is on federal lands, the Renewal Corporation will provide this documentation to FERC and the federal land manager, who will be responsible for all consultation, determinations, and findings.

8.2.2 Post-Review Discovery Process (36 CFR § 800.13)

Although the Renewal Corporation has taken steps to identify historic properties within the ADI, additional archaeological materials could be encountered during construction or in conjunction with reservoir drawdown activities for which no pre-planning has occurred. The Proposed Action's approach to post-review archaeological discoveries are stated in the MIDP (Appendix B). The MIDP:

- Describes the procedures the Renewal Corporation and other personnel will follow for post-review archaeological discoveries;
- Complies with applicable federal and state laws and regulations, particularly 36 CFR § 800.13 (Post-Review Discoveries)

Post-Review Archaeological Discoveries

In the event an archaeological resource is unexpectedly discovered as a result of implementation of the Proposed Action, the CRS will make an initial evaluation of significance of the discovery based on NRHP eligibility per 36 CFR § 800.4(c). The Renewal Corporation and FERC may assume a newly discovered property to be eligible for the NRHP for purposes of Section 106 (36 CFR § 800.13[c]). The Renewal Corporation will notify FERC, SHPO, Tribes, the land manager, and other consulting parties within 48 hours of the discovery with an assessment of eligibility and proposed actions to resolve adverse effects (36 CFR § 13 (b)(3)). These parties will have 48 hours to respond.

Post Review Human Remains Discoveries

The Renewal Corporation’s approach to post-review human remains discoveries is stated in the MIDP (Appendix B). The Renewal Corporation will help develop a treatment plan or similar document to guide the appropriate course of action, which may involve excavation and/or *in situ* stabilization of the human remains.

8.2.3 Looting and Vandalism Incident Response Process

The Renewal Corporation’s approach to incidents of looting and vandalism is stated in the LVPP (Appendix C) after an observation of looting or vandalism. Steps include addressing damage, notifying law enforcement, FERC, SHPO, Tribes, land manager, and other consulting parties, and implementing treatment measures in consultation.

8.2.4 Summary of Process for Consultation and Review Times

Table 8-1 summarizes the process for consultation and review times.

Table 8-1. Process for Consultation and Review Times

Process/Actions	Supporting Information/ Conditions*	Sender	Reviewer	Review/ Consultation Time	Renewal Corporation Review Time for Revisions
Standard Review Process					
Amending the APE	Description/map of proposed modification	Proponent to FERC	S/CP	30-day review	As needed
Determinations of Eligibility	NRHP eligibility recommendations	Proponent to FERC	S/CP and SHPO	30-day review	As needed
	If FERC/SHPO do not agree on eligibility, 36 CFR 800.4(c)(2) will apply	FERC, ACHP, or SHPO	NPS Keeper	45-day consultation (36 CFR 63)	As needed
Findings of Effect and Resolution of Adverse Effect	Findings of effect report with Historic Property Treatment Plan(s) (as applicable)	Proponent to FERC	S/CP and SHPO	30-day review	10-day review (as applicable)
Reporting and Review of Documentation	Reports, site forms, annual reports	Proponent to FERC	S/CP and SHPO	30-day review	15-day review (as applicable)
Post-Review Discovery Process (36 CFR 800.13)					
Post-Review Discovery Determinations of Eligibility, Findings of Effect, and Resolution of Adverse Effects**	Eligibility may be assumed (36 CFR 800.13(c)) Refer to Monitoring and Inadvertent Discovery Plan	Proponent to FERC/S/CP/SHPO within 48 hours	FERC/S/CP/SHPO	48 hours	24-hours
Looting and Vandalism Response Process					
Document, report, and assess looting or vandalism incident at an archaeological site	Initial damage assessment, eligibility determination, and proposed actions	Proponent to law enforcement, FERC/S/CP/SHPO within 48 hours	FERC/S/CP/SHPO	48 hours	24-hours

Notes:

APE = Area of Potential Effects; ARPA = Archaeological Resources Protection Act; CFR = Code of Federal Regulations; FERC = Federal Energy Regulatory Commission, LVPP = Looting and Vandalism Prevention Plan; S = Signatories; CP = Consulting Parties; SHPO = State Historic Preservation Office

* If a resource is found on federal lands, this process may be modified, as the federal land manager will be responsible for all consultation, findings, and determinations.

** Reservoir drawdown activities will not be able to stop once initiated. If a post-review discovery is made in the affected drawdown zone and the discovery is at-risk for immediate effects, suspending or stopping work to further assess a site and consult with agencies and Tribes may not be possible. As feasible, the Renewal Corporation will implement temporary erosion control as an interim protective measure for at-risk resources until consultation can occur. See Section 7.1.10, Erosion Control.

8.2.5 Historic Property Treatment Plans

In response to an adverse effect to a historic property, the Renewal Corporation will prepare a HPTP. The HPTP will refer to the historic contexts developed as part of the Phase II Research Design and further discussed in the Phase II Testing Report (AECOM 2020, 2022). The HPTP will describe the affected historic property or group of properties, including characteristics that qualify them for the National Register; provide a description of the undertaking's effects; and provide an explanation of criteria of adverse effect, including any conditions or future actions that the Renewal Corporation proposes to avoid, minimize or mitigate adverse effects.

The Renewal Corporation will distribute the HPTP to FERC, SHPO, Tribes, applicable federal land managers, and other consulting parties, who will have 30 days to review this information and provide comments on the Renewal Corporation's recommendations (Table 8-1).⁴

8.2.6 Research Design

To support NRHP evaluations, the Renewal Corporation will develop a research design. The State of Oregon archaeological permit process requires a research design as part of the permit application, and California SHPO and the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation also recommend that archaeological investigations be guided by a research design. As highlighted in *National Register Bulletin 36, Guidelines for Evaluating and Registering Archaeological Properties* (Little et al. 2000), research questions are dynamic and affected by current research domains in anthropology and archaeology. The appropriate way to present research questions is within a research design. The research design will present the historic context of the site, what information is currently known, what information is anticipated within archaeological deposits, the field and laboratory methods for obtaining this information, and the method of reporting this information. The Research Design and Testing Plan prepared for the pre-decommissioning Phase II NRHP evaluation of known sites, as supplemented by the post-fieldwork summary Phase II NRHP evaluation report, serve as the framework for development of a research program for resources identified during implementation of the Proposed Action (AECOM 2020, 2022).

8.2.7 Subsurface Excavations

For the duration of PA implementation, the Renewal Corporation's approach will be to avoid resources wherever feasible. When avoidance is not possible, the Renewal Corporation will conduct subsurface archaeological investigations to assess site eligibility on a case-by-case basis.

Permitting

Following federal law, any excavation on federal land requires an ARPA permit. Following state law in Oregon (ORS 358.920(1)(a) and ORS 390.235), an archaeological excavation permit is needed to conduct

⁴ For inadvertent discoveries and the resolution of associated effects, see Appendix B.

archaeological investigations within known sites on nonfederal public or private land;⁵ a similar requirement is not stated in California state law.

The Renewal Corporation will complete the requirements for obtaining an archaeological excavation permit under state and federal regulations. A research design will be prepared that identifies the historic context, preliminary research questions, and methodologies that will be employed to evaluate the resource(s) for eligibility to the NRHP. The appropriate SHPO and tribe(s) will have the opportunity to comment on the research design. Once the appropriate permit is obtained and all comments on the research design have been addressed, the Renewal Corporation will implement the research design. The Renewal Corporation will work with the appropriate SHPO and tribe(s) to provide information regarding the results of the investigations on a schedule to be determined by the specific needs for each site being evaluated.

Methods

Archaeological sites that cannot be fully evaluated based on visible archaeological remains may be tested using subsurface investigation techniques to determine whether those remains exist. Subsurface techniques typically include, but are not limited to, shovel tests, test units, hand or mechanically excavated test trenches, mechanical stripping to identify features, large-scale "block" excavations, and geophysical borings.

Hand-excavated subsurface tests may measure no less than 50 by 50-centimeter square. One- by one-meter test units are the standard technique, but larger test units may also be appropriate. In some cases, round, 30-centimeter-diameter shovel probes may be proper for determining or verifying site boundaries. Levels will typically be excavated in 10-centimeter arbitrary units, or stratigraphically, once site stratigraphy has been determined. Soils removed during excavations should be passed through 1/8th-inch hardwire mesh screen; however, other screen sizes may be appropriate depending on the goals of the research design and the research questions to be addressed.

All sites subject to excavation will have an established site datum that can be relocated in the future. The datum is the mapping point to which all horizontal and vertical site data are associated to allow for re-creation of the site's horizontal and vertical measurement. A site grid will be established, and all excavation units should be numbered with reference to the grid. Provenience information (referencing the grid coordinates and depth of excavations) will be recorded for all archaeological materials collected. In many cases, special samples may be taken as well, particularly those that could aid in the evaluation of the site's significance and integrity. Radiocarbon-14 samples, for example, will aid in establishing the chronological age and period of significance of the site.

The Renewal Corporation will collect tangible cultural resources discovered during monitoring, once necessary state and/or federal archaeological permits are in place. All precontact and historic artifacts collected will be analyzed, catalogued, and temporarily curated at a preselected and secure location.

⁵ Detailed instructions on how to apply for an archaeological permit in the State of Oregon can be found at: http://www.oregon.gov/OPRD/HCD/ARCH/arch_excavationperms.shtml.

Once archaeological materials are collected, they must be analyzed appropriately within the confines of the research design. Artifact analysis for NRHP significance evaluation need not be as exhaustive as for data recovery investigations because the level of effort necessary for significance evaluation is to show the research potential of the site, not necessarily to fully investigate that potential. Generally, certain laboratory procedures will be followed. All artifacts will be bagged in 4-millimeter self-sealing polyethylene bags. A descriptive tag will be enclosed in each artifact bag denoting the provenience information. Artifacts will be bagged by provenience and by artifact class. Identification tags for boxes or bags will be prepared. Tags will be made of an inert, waterproof, archivally sound material and marked with ink that is fade-proof, waterproof, and archivally stable. The bags containing the artifacts will be labeled as well. All information on the exterior of the bag will be repeated on an internal tag of the type described above.

Artifact analysis will follow appropriate regional classification schemes and typologies. Certain basic attributes will be recorded, including provenience, material (e.g., lithic, ceramic, glass), class (e.g., projectile point, sherd, bead), count and/or weight, as appropriate, dimensions, if appropriate, type (e.g., Clovis, Creamware), and noteworthy attributes (e.g., form, decoration, method of use, internal or external dating). Additional, more detailed information, such as artifact weight, dimensions, specific ware patterns, and other attributes may also be appropriate depending on the goals of the specific research design. The collection and storage of all artifacts will be consistent with Oregon and California state guidelines as well as those of 36 CFR Part 79.

Reporting of the results of the site evaluations will follow available federal and state reporting guidelines. Data presented in the report will include, but not be limited to, photographs and maps depicting the horizontal and vertical extent of archaeological deposits and their integrity, a map showing the site's boundaries on a topographic map, artifact analysis by horizontal and vertical provenience, a discussion of the site's potential to address the research questions outlined in the research design, and an updated site form.

8.3 Provisions to Protect Confidentiality

The Renewal Corporation has taken several steps to ensure the confidentiality of known cultural resources in compliance with NHPA (as found in 54 USC § 307103[a]), as implemented in 36 CFR § 800.11[c]). Enough information regarding historic properties needs to be shared with consulting parties in order for them to understand the basis of determinations and assessments. The NHPA requires that federal agencies shall withhold from public disclosure information about the location, character, or ownership of a historic property when disclosure may cause a significant invasion of privacy; risk harm to the historic property; or impede the use of a traditional religious site by practitioners. In addition, when considering the presence of cultural resources on federal properties in the APE, federal agencies are required under the ARPA to ensure that the “nature and location of archaeological resources” be held as confidential. In addition, in the role of the Cultural and Heritage Cooperation Authority under Section 8106 of the 2008 Farm Bill, USFS must hold as confidential information related to sacred sites, resources, as well as cultural items or uses.

To ensure that the state and federal agencies remain in compliance with these statutes and regulations, the Renewal Corporation shall keep information regarding the location and contents of archaeological historic properties confidential, following current professional standards and the requirements of the laws, to reduce the risk of purposeful looting or vandalism. The Renewal Corporation shall work to ensure that contractors are sensitive to the confidentiality requirements under the NHPA and ARPA. The Renewal Corporation shall only release such information to contractors, planners, or other personnel on a “need to know” basis and in consultation with the FERC, SHPO, and other consulting parties. If FERC, SHPO, affected Tribes, or other consulting parties have concerns about the release of potentially sensitive information, FERC shall seek the input of the ACHP and Secretary of the Interior, in consultation consistent with 36 CFR § 800.11(c). Following this consultation process, the ACHP shall provide its advice to the Secretary and FERC of its decision.

8.4 Curation

Collections from previous investigations on BLM-managed lands in Oregon and California and on PacifiCorp lands in California currently reside in a variety of locations, including the following:

- Several artifact collections are managed by the Research Division and housed at the Natural History Museum in the University of Oregon, Geology Department. These collections include those from the work of Luther S. Cressman in the Upper Klamath River Canyon in the 1950s and 1960s, Frank Leonhardy at CA-SIS-326, and Joanne Mack in the Upper Klamath River Canyon (including extensive excavations at CA-SIS-1721) since the early 1990s.
- Collections by BLM personnel and contractors have been limited, but some minor collections and/or field notes and primary data from the Proposed Action area are held in the Redding and Klamath Falls Resource offices.

The Renewal Corporation will place any new collections obtained through the Proposed Action into approved facilities meeting the requirements of 36 CFR Part 79 (Curation of Federally Owned and Administered Archaeological Collections). At each Annual Meeting, the Renewal Corporation will consult about the placement of the artifacts collected during the annual reporting year by the Renewal Corporation into the approved facility(ies). Artifacts and associated documents resulting from any data recovery investigations, including maps, photographs, field notes, bone, shell, soil samples, wood and other botanical samples, and fire-modified rock, will be curated following analysis. Artifacts, samples, and records will be prepared for curation.

Ultimate disposition of cultural materials (not applicable to human remains) will be determined by the applicable landowner. Artifacts and other cultural resources not classified as human remains or funerary objects are the property of the landowner.

The Renewal Corporation will work through the NAHC (California) and the CIS (Oregon), who will determine MLDs and will direct appropriate treatment and disposition of human remains, funerary objects, sacred objects, and objects of cultural patrimony.

The Renewal Corporation will complete curation within 1 year of completion of all analysis and reporting conducted as a result of mitigation of Proposed Action effects. The Renewal Corporation will summarize actions taken for curation in an Annual Report.

8.5 Coordination of Other Plans

The HPMP is one of 16 Management Plans implementing the DDP (Table 8-1). The Renewal Corporation will ensure coordination of these plans with this HPMP in order to minimize accidental disturbances to historic properties associated with implementation of those plans.

Table 8-2 Lower Klamath Project Management Plans

1. Aquatic Resources Management Plan	9. Remaining Facilities Plan
2. Construction Management Plan	10. Reservoir Area Management Plan
3. Erosion and Sediment Control Plan	11. Reservoir Drawdown and Diversion Plan
4. Hatcheries Management and Operations Plan	12. Sediment Deposit Remediation Plan
5. Health and Safety Plan	13. Terrestrial and Wildlife Management Plan
6. Historic Properties Management Plan	14. Waste Disposal and Hazardous Materials Management Plan
7. Interim Hydropower Operations Plan	15. Water Quality Monitoring and Management Plan
8. Recreation Facilities Plan	16. Water Supply Management Plan

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Chapter 9: Implementation Procedures

9. IMPLEMENTATION PROCEDURES

The Renewal Corporation will manage historic properties in the Project boundary in a spirit of partnership among involved Tribes, BLM Klamath Falls Resource Area, BLM Redding Field Office, California SHPO, and Oregon SHPO. Management measures address the effects identified in Chapter 6, as well as such long-term issues as monitoring, archaeological site protection and data recovery, operations and maintenance, project developments, curation, and education.

9.1 HPMP Coordinator (Renewal Corporation Cultural Resources Specialist)

The Renewal Corporation will manage historic properties and potential effects to those properties in compliance with applicable FERC regulations and other federal (i.e., NHPA and 36 CFR part 800) and state cultural resource laws. The Renewal Corporation will appoint or hire a CRS. This individual will be responsible for administering the HPMP and will meet qualifications as provided in the MIDP (Appendix B).

9.2 Cultural and Tribal Resources Training Program

All Renewal Corporation personnel (including contractors) must attend a cultural resources sensitivity training. This training will provide information regarding applicable archaeological laws and regulations and the roles and responsibilities of cultural resources personnel and other field personnel. The aim of this training program is to develop a reasonable resource identification and monitoring process while minimizing the potential for adverse effects from the Proposed Action to known and previously unidentified historic properties. In addition to cultural resources training, safety and environmental training will also be provided to all personnel working on construction.

The Renewal Corporation will develop the cultural and tribal resources training program, in coordination with tribal advisors, no less than 1 month prior to Phase 1 Pre-Drawdown construction. Training will familiarize personnel with the types of archaeological resources that may be encountered and the steps to be followed in the event of an archaeological or human remains discovery.

Orientation and training will cover a variety of legal and ethical topics. The training program will at a minimum include: 1) guidance on identifying potential cultural materials and human remains; 2) cultural sensitivity training including respect for tribal advisors; 3) communication procedures and protocols that must be followed immediately when unanticipated archaeological resources or human remains are encountered; 4) safety protocols; and 5) steps to take and a notification process for observations of looting and vandalism (active or past).

Training will outline legal penalties for violation of laws/vandalism/looting, as well as the Renewal Corporation's internal cultural resource policy of penalties for personnel who violate these procedures. The

Renewal Corporation will train contractors in the importance of contractor specifications including a requirement to stay within designated work areas. The Renewal Corporation will ensure personnel (including contractors) are provided a confidentiality statement for signature, prepared by the Renewal Corporation legal team, which informs personnel of laws regarding vandalism/looting and restrictions regarding providing any confidential information (including site location information) that could be relayed as part of the Proposed Action.

Also, no less than 1 month prior to Phase 1 Pre-Drawdown construction the Renewal Corporation will adopt an internal policy for treating violations caused by the Renewal Corporation personnel and subcontractors. The Renewal Corporation's internal action plan will call for legal prosecution against all people committing cultural resources violations. The Renewal Corporation's internal action plan will also call for possible disciplinary action including—but not limited to—suspension and/or termination for any personnel caught in the intentional act of vandalism or looting.

9.3 Internal Review Procedures

9.3.1 Archaeological Resources

Although most of the lands within the ADI will have been surveyed, future actions may warrant pre-construction review. Changes in surface conditions (caused by reservoir drawdown, changed vegetation cover, etc.) will likely expose archaeological resources in areas where current survey results indicate that no archaeological resources are present. The Renewal Corporation will conduct a thorough review of all new actions responsive to unforeseen circumstances; this will include checking existing data and maps, applying archaeological surveys and site monitoring protocols noted in the MIDP and LVPP, and implementing provisions of this HPMP (for example, employing avoidance measures, conducting investigations to determine resource eligibility for listing in the NRHP, implementing data recovery if other measures are not feasible, and monitoring construction activities).

To ensure that the undertaking does not harm historic properties, the Renewal Corporation will take the following actions to protect NRHP-unevaluated, eligible and listed historic properties:

- The Renewal Corporation's CRS will consult maps and the GIS database of historic properties to note whether any occur in or near the LOW. The CRS will work with the Renewal Corporation personnel in charge of planning work within the LOW to avoid affecting historic properties. If avoidance is not feasible, the Renewal Corporation will follow procedures to resolve adverse effects (Section 8.2.
- If a potentially NRHP-eligible or California-eligible resource is within 100 feet of a planned decommissioning action, the Renewal Corporation will make every effort to designate a protective buffer. The CRS will arrange for a qualified professional archaeologist and tribal advisor to perform monitoring of ground-disturbance activities that could affect archaeological materials. If construction activities encounter archaeological materials or human remains, the Renewal Corporation will follow protocols discussed in the MIDP (Appendix B).

9.3.2 Traditional Cultural Properties

The Renewal Corporation will continue to consult with FERC, SHPO, and affected Tribes to ensure that measures are taken to avoid effects to NRHP-eligible TCPs. The Renewal Corporation will consult with BLM and USFS if such resources are identified on their respective lands.

9.3.3 Built Environment

Effects to the built environment (buildings and structures) will be mitigated under the PA. Therefore, review procedures are not anticipated, and rehabilitation standards and an oversight protocol are not applicable for this HPMP.

9.4 Actions Requiring Consultation

Activities requiring additional consultation with the SHPO/THPO, Tribes, federal land managers, and other consulting parties under the HPMP, per the timelines specified in the PA and MIDP (Appendix B) include:

- Post-review discoveries
- Resolution of adverse effects to post-review discoveries or other potentially affected resources

9.5 Project Milestone Meetings

In addition to consultation undertaken for post-review discoveries, incidents of looting and vandalism, and site condition monitoring alerts, the Renewal Corporation will consult with FERC, SHPO, Tribes, and other consulting parties at the onset of each decommissioning phase to discuss the status of historic properties management, plans for management activities during the upcoming phase, and potential future modification to management measures. The Renewal Corporation will schedule meetings at least 3 months prior to the start of each milestone. The Renewal Corporation will host group meetings in person and/or remotely.

9.6 Status Update Emails

To ensure communication, the CRS will email periodic status updates to FERC, SHPO, affected Tribes, and other consulting parties regarding current construction activities and an overview of any cultural resources responses while the decommissioning is underway. Periodic updates may occur on a monthly or other periodic basis but on no less than a quarterly basis.

9.7 Annual Meeting and Reporting

The Renewal Corporation will provide an annual written report within 30 calendar days of the anniversary of the LSO issuance summarizing the status of cultural resource management activities for the Proposed Action. The first Annual Report will be filed in the first year after Phase 1 activities begin. The annual report will summarize potentially affected historic properties, including any avoidance, NRHP evaluations, or

mitigation measures. The Renewal Corporation will discuss consultations, reports of looting or vandalism and resultant measures to address them, and planned activities for the upcoming year.

The Renewal Corporation will provide a Draft Report for review to FERC, SHPOs, affected Tribes, land managers, and other consulting parties. After a 30-day review period, the Renewal Corporation will make revisions, if applicable, and provide a Final Report to each of these parties, who will have a 15-day review period. The Renewal Corporation will produce annual reports until FERC determines that the license surrender is effective that signals the end of federal jurisdiction.

In conjunction with the Annual Report, the Renewal Corporation will host annual meetings. The annual meetings will be scheduled within 60 calendar days of the anniversary of the LSO. The Renewal Corporation will distribute the annual report prior to the annual meeting so that consulting parties will have an opportunity to comment at the annual meeting. The Renewal Corporation will convene annual meetings until FERC determines that the license surrender is effective that signals the end of federal jurisdiction.

9.8 Adoption of the HPMP through a Programmatic Agreement

The Renewal Corporation is implementing this HPMP as a term of the PA executed among FERC, ACHP, and California and Oregon SHPOs.

9.9 Amendment Procedures

Situations may arise during the implementation of the Proposed Action warranting revision to the HPMP. HPMP revisions proposed by interested parties (Renewal Corporation, FERC, SHPOs, Tribes, ACHP, and other consulting parties) will be resolved as provided in the PA.

New parties may emerge in the future and request to be included in consultation. The Renewal Corporation will include and consult with these parties in the same way as the signatory parties.

9.10 Duration

The HPMP will remain effective for the duration of the PA. The PA will remain in effect during the Implementation Period, which is defined as the period between the issuance and the effective date of the license surrender order. Following the effective date, the PA will have no further force or effect unless it is amended or terminated prior to that time.

9.11 Dispute Resolution

If at any time during the implementation of the PA and this HPMP, any signatory or consulting party objects to any actions proposed or the manner in which the terms of this HPMP are implemented, they may file a

written objection with FERC following the steps listed in the PA stipulation. If there is a conflict between the HPMP and the PA, the language in the PA prevails.

9.12 Revisions to the HPMP

The Renewal Corporation will revise this HPMP every 6 months for the first 2 years after issuance of the LSO. The Renewal Corporation will provide these updates to FERC, SHPOs, Tribes, and other consulting parties for a 30-day review. The Renewal Corporation will have 15 days to address comments. After the first two years, the Renewal Corporation will update the HPMP annually and provide those updates, if any, in the Annual Report for review by FERC, SHPOs, Tribes, and other consulting parties. The HPMP will be subject to updates until the license surrender order is effective.

9.13 Implementation Requirements and Schedule

As of September 2022, the Renewal Corporation is in the process of responding to comments received by California SHPO on July 6, 2022, regarding NRHP eligibility concurrence from the Phase II Testing Report and the Historic Built Environment Technical Report.

The Renewal Corporation will undertake phased identification of cultural resources. The first phase will include fieldwork performed in November 2022 for those sites where the Renewal Corporation anticipates potential project effects based upon the 100% engineering design for pre-drawdown construction. This includes accessible upland sites. The Renewal Corporation will provide the fieldwork summary report that will also include updated NRHP eligibility recommendations for some sites identified in the Phase II Testing Report by February 2023.

For the second identification phase, the Renewal Corporation will undertake a field survey and Phase II evaluation work on previously submerged sites within 3 months after completion of drawdown. The Renewal Corporation will submit to FERC an identification and evaluation report for the submerged resources within 6 months after completion of the fieldwork. Additional phases of identification may be required if project modifications occur or additional previously unsurveyed areas become accessible. The necessary identification and evaluation work, effects assessment, and resolution of adverse effects, as well as the related consultation, will be completed prior to the commencement of work that may affect a newly identified historic property.

In addition to performing phased identification, the Renewal Corporation will implement other components of this HPMP consistent with the timelines included in Table 9-1. The Renewal Corporation shall implement the measures stipulated in this document, which includes commitments in the MIDP and LVPP, until FERC determines that license surrender is effective.

Table 9-1. Implementation Requirements and Schedule

Requirement	HPMP Section	Schedule	Report Timing
Implement internal Cultural and Tribal Resources Training Program	9.2	1 month prior to Phase 1 Pre-Drawdown construction and at time of employee/contractor hire	N/A
Adopt internal policy for treating cultural resources violations	9.2	1 month prior to Phase 1 Pre-Drawdown construction	N/A
Phase 1 Pre-Drawdown site condition monitoring baseline visit	MIDP Section 5.3	3 months prior to Phase 2 Drawdown	Document in first Annual Report
Phase 2 Drawdown site condition monitoring	MIDP Section 5.3	Weekly inspections during Phase 2 Drawdown (for as long as drawdown occurs)	Document in Annual Report
Phase 3a Post-Drawdown Facility Removal site condition monitoring	MIDP Section 5.3	Monthly inspections until completion of facility removal (beginning month after drawdown is complete)	Document in Annual Report
Phase 3b Post-Drawdown Site Restoration site condition monitoring	MIDP Section 5.3	Quarterly inspections for 2 years	Document in Annual Report
Flag historic properties for avoidance	7.1.4, MIDP	Ongoing during all project Phases; at least 2 weeks prior to construction	N/A
Implement law enforcement coordination and training program	7.3.1	No less than 1 month prior to Phase 1 Pre-Drawdown construction and offer annually	N/A
Develop and implement public education and interpretation efforts	7.3.2	Begin after issuance of LSO	Draft materials to S/CP for review within 6 months of LSO issuance
Develop and implement public reporting “See-and-Say” program	7.3.3	Begin after issuance of LSO	Draft materials to S/CP for review within 3 months of LSO and install signs within 6 months of LSO issuance
Complete Phase II evaluations for known and suspected submerged resources	3.2.1, Table 3-5, MIDP, Phase II Research Design (AECOM 2020)	Begin within 3 months after drawdown is complete	Report within 6 months of completion of fieldwork (may be interim report)
Complete Post-Drawdown Survey	7.1.1	Begin within 3 months after drawdown is complete	Report within 6 months of completion of fieldwork (may be interim report)

Resolve Adverse Effects (HPTPs)	7, 8.2.5	Ongoing through all project phases	Ongoing; HPTPs as needed
Construction Monitoring	7.1.4 and MIDP	Beginning with Pre-Drawdown and extending through all phases	Document in Annual Report within 30 calendar days of anniversary of LSO issuance
Curation	8.5	Within 1 year of completion of all analysis and reporting	Document in Annual Report
Milestone Meetings	9.5	At least 3 months prior to the start of each milestone	N/A
Status Update Emails	9.6	Ongoing during construction, no less than quarterly basis	N/A
Annual Reporting	9.7	Annually, to include site condition monitoring results, construction monitoring results, looting and vandalism response, resolution of adverse effects, and other management measures implemented during the previous year	Within 30 calendar days of anniversary of LSO issuance
Annual Meeting	9.7	Annually, after the draft annual report has been distributed for review	Within 60 calendar days of anniversary of LSO issuance
Update HPMP	9.12	Every 6 months for first 2 years, then annually	Within 30 calendar days of anniversary of executed agreement document

Notes:

CP = Consulting Parties; HPTP = Historic Property Treatment Plan; LSO = License Surrender Order; LVPP = Looting and Vandalism Prevention Plan; MIDP = Monitoring and Inadvertent Discovery Plan; S = Signatories

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Chapter 10: References

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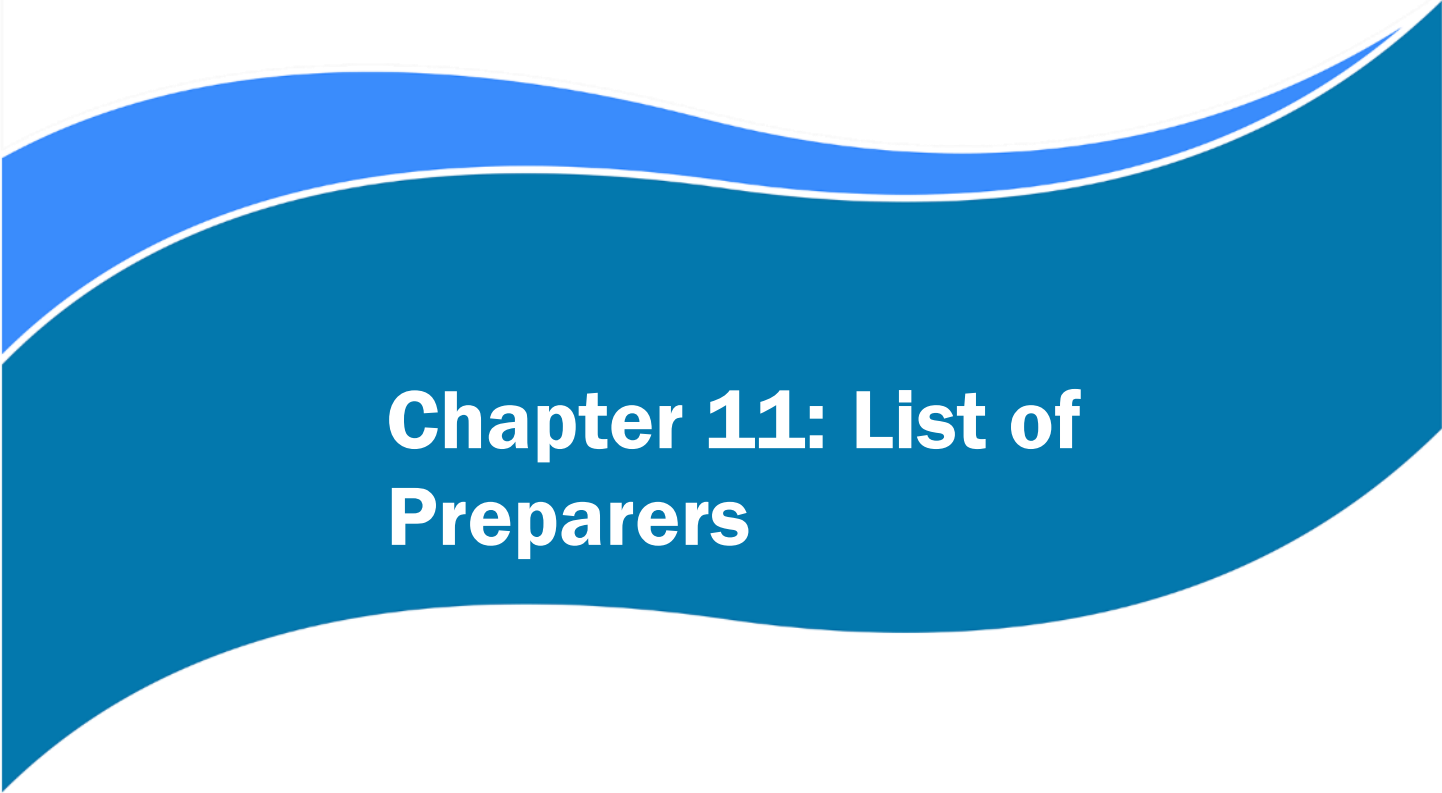
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APPENDIX A CONFIDENTIAL HISTORIC PROPERTY MAPS

PRIVILEGED AND CONFIDENTIAL INFORMATION: DO NOT RELEASE

HPMP APPENDIX A

Confidential Historic Property Maps

REDACTED: Appendix A consists in its entirety of information about the location, character, or ownership of historic resources that, if disclosed, may cause a significant invasion of privacy; cause a risk of harm to the historic resource; or impede the use of a traditional religious site by practitioners. Appendix A is labeled as “Privileged” in accordance with 18 C.F.R. § 388.112, 18 C.F.R. § 388.107 and 36 CFR § 800.11(c).

APPENDIX B MONITORING AND INADVERTENT DISCOVERY PLAN



Lower Klamath Project

Archaeological Monitoring and Inadvertent Discovery Plan

September 2022



Prepared for:

Klamath River Renewal Corporation
Federal Energy Regulatory Commission
Lower Klamath Project Cultural Resources Working Group

Prepared by:

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Appendices

Appendix A **CONFIDENTIAL Sensitivity Model Mapset**

ACRONYMS AND ABBREVIATIONS

ACHP	Advisory Council on Historic Preservation
ADI	Area of Direct Impacts
APE	Area of Potential Effects
BLM	Bureau of Land Management
CCR	California Code of Regulations
CFR	Code of Federal Regulations
CHRIS	California Historic Resources Inventory System
CIS	Commission on Indian Services
CRS	Cultural Resource Specialist
FERC	Federal Energy Regulatory Commission
HPMP	Historic Properties Management Plan
IDP	Inadvertent Discovery Plan
KHSA	Klamath Hydroelectric Settlement Agreement
LKP	Lower Klamath Project
LVPP	Looting and Vandalism Prevention Plan
MLD	Most Likely Descendant
MIDP	Monitoring and Inadvertent Discovery Plan
NAGPRA	Native American Graves and Repatriation Act
NAHC	Native American Heritage Commission
NHPA	National Historic Preservation Act
NRHP	National Register of Historic Places
OAR	Oregon Administrative Rules
ORS	Oregon Revised Statutes
PA	Programmatic Agreement
PRC	Public Resources Code
RM	river mile
SHPO	State Historic Preservation Officer
TCP	Traditional Cultural Property
USFS	U.S. Forest Service
U.S.C.	United States Code

KEY DEFINITIONS

This Monitoring and Inadvertent Discovery Plan (MIDP) uses several terms to describe the location of the Proposed Action and cultural resources. The following definitions describe these terms and their uses in this document, which are intended to be consistent with federal and state laws.

Archaeological isolate: An archaeological isolate in Oregon is defined as one to nine artifacts discovered in a location that appears to reflect a single event, loci, or activity (Oregon Revised Statutes [ORS] 192.005). The presence of any feature advances the find into a site status. Similar guidelines will be followed in California, where a written policy for isolate definition is not provided. Alternatively, on lands managed by federal agencies, the policies of those agencies will be followed.

Archaeological object: The federal definition of an object is a material thing of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment (36 CFR § 60.3). The State of Oregon defines an object as comprising the physical evidence of an indigenous and subsequent culture, including material remains of past human life including monuments, symbols, tools, facilities, and technological by-products, that is at least 75 years old¹ (Oregon Revised Statutes [ORS] 192.005). California defines an object as a manifestation primarily artistic in nature, or relatively small in scale and simply constructed. Although it may be movable by nature or design, an object must be associated with a specific setting or environment. The “object” should be in a setting appropriate to its significant historical use, role, or character; for example, a fountain or boundary marker (14 California Code of Regulations [CCR] Appendix A).

Archaeological site: The federal definition of a site is the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical or archaeological value regardless of the value of any existing structure (36 CFR § 60.3). The term “archaeological site” refers to those sites that are eligible for or are listed on the NRHP (historic properties) as well as those that do not qualify for the NRHP. Oregon defines a site as 10 or more artifacts (including lithic debitage) or a feature likely to have been generated by patterned cultural activity within a surface area reasonable to that activity (a form of density measure), that is at least 75 years old¹ (ORS 358.905). California defines an archaeological site as a bounded area of a resource containing archaeological deposits or features defined in part by the character and location of such deposits or features (14 CCR Appendix A).

Area of Direct Impact (ADI): The ADI is not a regulatory term but is a term used herein to explain the Klamath River Renewal Corporation’s approach to focused historic property identification work within the much larger Area of Potential Effects (APE). This is useful because the APE covers an expansive area that extends hundreds of miles along the river to its mouth at the Pacific Ocean, but the Proposed Action would take place within a much smaller geographic area. The ADI corresponds geographically to the Limits of Work

¹ Because Section 106 of the NHPA applies, this Project will use the NRHP guideline of 50 years.

(LOW) but extends beyond the LOW to include complete boundaries of archaeological sites, along with protective spatial buffers of 40 meters around these sites.

Area of Potential Effects (APE): The geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties (36 CFR § 800.16[d]). The Proposed Action APE is primarily established as a 0.5-mile-wide area extending from the shoreline of each side of the Klamath River from the upper reach of the J.C. Boyle Reservoir to the river mouth at the Pacific Ocean. However, around the reservoirs where topography is more open and rolling, the APE extends at least an additional 0.5 mile to create a minimum 1-mile-wide area in these locations to address potential for visual effects primarily related to viewshed alterations from reservoir removal. Due to the potential for landscape-level visual changes, the APE around each reservoir extends to a 2-mile-wide area to include areas that are within sightlines of the reservoirs and the Area of Direct Impact (ADI).

Associated funerary object: Objects reasonably believed to have been placed with human remains as part of a death rite or ceremony. The use of the adjective "associated" refers to the fact that these items retain their association with the human remains with which they were found and that these human remains can be located. It applies to all objects that are stored together as well as objects for which adequate records exist permitting a reasonable reassociation between the funerary objects and the human remains that they were buried with (25 U.S.C. 3001 (3)(A)).

Burial site: Any natural or prepared physical location, whether originally below, on, or above the surface of the earth, into which as part of the death rite or ceremony of a culture, individual human remains are deposited (25 U.S.C. § 3001 (1); ORS 358.905).

Construction area: Areas where construction activities will occur.

Construction monitoring: Direct oversight of ground-disturbing activities by a qualified monitor/tribal advisor within areas where there is a medium to high potential for post-review discoveries, and/or where historic properties or potential historic properties are known to exist and must be avoided.

Consulting parties: 36 CFR § 800.2 defines participants in the Section 106 process as: (a) agency official, (b) the Advisory Council on Historic Preservation, (c) consulting parties, including the State Historic Preservation Officer, Indian tribes and Native Hawaiian organizations, representatives of local governments, applicants for federal assistance, permits, licenses, and other approvals, and additional consulting parties; and (d) the public.

Cultural patrimony: An object having ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual Native American, and which, therefore, cannot be alienated, appropriated, or conveyed by any individual regardless of whether or not the individual is a member of the Indian tribe or Native Hawaiian organization and such object shall have been considered inalienable by such Native American group at the time the object was separated from such group (25 USC § 3001 (3)(D)).

Cultural resources: Locations of human activity, occupation, or use. Cultural resources are not defined in federal law but include archaeological, historic, or architectural sites, structures, or places with important public and scientific uses and locations of traditional cultural or religious importance to specific social or cultural groups

Definite Decommissioning Plan: The Proposed Action's Definite Decommissioning (2020) details removal limits construction access, staging and disposal sites, demolition methods, imported materials, and waste disposal for each of the four dam facilities. Other key components include measures to reduce effects to aquatic and terrestrial resources, road and bridge improvements, relocation of the City of Yreka's pipeline across Iron Gate Reservoir and associated diversion facility improvements, demolition of various recreation facilities adjacent to the reservoirs, recreation improvements, downstream flood control improvements, groundwater system improvements, water supply improvements, and fish hatchery modifications and improvements.

FERC Project Boundary: The geographic extent a licensee must own or control on behalf of its licensed hydropower projects.

Historic property: This term is defined in 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..." The 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 and Indian tribe or Native Hawaiian organization and that meet the National Register criteria."

Historic Properties Management Plan (HPMP): As defined by the Federal Energy Regulatory Commission, an HPMP is a plan for considering and managing effects on historic properties of activities associated with hydropower projects.

Human remains: The States of California and Oregon define the term human remains or "remains" as the body of a deceased person, regardless of its stage of decomposition, and cremated remains (California Code § 7001; ORS 97.010. The regulations of the Native American Graves and Repatriation Act (NAGPRA; Public Law 101-601; 25 U.S.C. §§ 3001-3013) define human remains as the physical remains of the body of a person of Native American ancestry. The term does not include remains or portions of remains that may reasonably be determined to have been freely given or naturally shed by the individual from whose body they were obtained, such as hair made into ropes or nets. For the purposes of determining cultural affiliation, human remains incorporated into a funerary object, sacred object, or object of cultural patrimony must be considered as part of that item (43 CFR § 10.2 (d)(1)).

Inadvertent discovery: Any discoveries of human skeletal remains, artifacts, archaeological sites, or any other cultural resources during ground-disturbing or monitoring activities associated with Project implementation. The Native American Graves Protection and Repatriation Regulations (43 CFR § 10.2 (g)(4)) define an inadvertent discovery as the unanticipated encounter or detection of human remains, funerary objects, sacred objects, or objects of cultural patrimony found under or on the surface of federal or tribal lands pursuant to Section 3 (d) of NAGPRA.

Limits of Work (LOW): Refers to the physical extent of on-the-ground construction activities associated with dam decommissioning and removal, reservoir restoration activities, safety zone, the Yreka pipeline crossing relocation, and improvements to Fall Creek Hatchery. The LOW also includes rim stability areas around Copco Lake and the floodproofing of habitable structures within the modeled post-dam removal floodplain, which occur between Iron Gate Dam and the Klamath River-Humbug Creek confluence in California.

Looted: A looted antiquity is one recovered from the ground in an unscientific manner. The antiquity is decontextualized, and physical integrity is jeopardized (Gerstenblith 2016). The term “looting” is applied to illegal excavation and artifact theft at archaeological sites (USFS 2015).

Lower Klamath Project (LKP) (FERC no. 14803): Refers to four hydroelectric developments (J.C. Boyle, California–Oregon Power Company (Copco) No. 1, Copco No. 2, and Iron Gate) placed in a new license pursuant to the “Order Amending License and Deferring Consideration of Transfer Application,” 162 FERC ¶ 61,236 (March 15, 2018). The Renewal Corporation has applied to FERC to surrender the license for the LKP for the purpose of implementing the Klamath Hydroelectric Settlement Agreement.

Parcel B lands: Project lands subject to transfer by Renewal Corporation to the States or to a designated third-party designee once Renewal Corporation has met all surrender license conditions.

Programmatic Agreement (PA): A document that records the terms and conditions agreed upon to resolve the potential adverse effects of a federal agency program, complex undertaking or other situations in accordance with 36 CFR § 800.14(b).

Proposed Action: The Renewal Corporation’s comprehensive plan to physically remove the Lower Klamath River Project and achieve a free-flowing condition and volitional fish passage, site remediation and restoration, and avoidance of adverse downstream impacts.

Sacred object: Specific ceremonial objects which are needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents (25 USC 3001 (3)(C)).

Site condition monitoring: Repeat, periodic site inspections to an individual archaeological site to assess changes over time to site integrity as a result of the Proposed Action (site inspections).

Traditional Cultural Property (TCP): A property that is eligible for inclusion in the NRHP based on its associations with the cultural practices, traditions, beliefs, lifeways, arts, crafts, or social institutions of a living community. TCPs are rooted in a traditional community’s history and are important in maintaining the continuing cultural identity of the community.

Unassociated funerary object: Items that “...as a part of a death rite or ceremony of a culture are reasonably believed to have been placed with individual human remains either at the time of death or later...”, but for which the human remains are not in the possession or control of the museum or Federal agency. These objects also must meet one of two further conditions. They must be identified by a preponderance of the evidence as either “... related to specific individuals or families or to known human remains...” or “...as

having been removed from a specific burial site of an individual culturally affiliated with a particular Indian tribe (25 U.S.C. 3001 (3)(B)).

Undertaking: 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)). FERC's consideration and issuance of the License Surrender Order (LSO) for the LKP under the Federal Power Act (16 USC Part 12) is a federal action that makes the "Proposed Action" an undertaking subject to review by FERC under Section 106 (54 USC 306108) of the National Historic Preservation Act (NHPA) (54 USC 300101 et seq.) and its implementing regulations (36 CFR Part 800).

Vandalism: The willful destruction or spoiling of archaeological and historic sites, including graffiti, defacement, demolition, removal, and other criminal damage (USFS 2015).

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Chapter 1: Introduction

1. INTRODUCTION

1.1 Purpose

The Lower Klamath River Project (LKP) (Federal Energy Regulatory Commission [FERC] No. 14803) consists of four hydroelectric developments on the Klamath River: J.C. Boyle, Copco No. 1, Copco No. 2, and Iron Gate. The reach between J.C. Boyle dam and Iron Gate dam is known as the Hydroelectric Reach. In September of 2016, the Klamath River Renewal Corporation (Renewal Corporation) filed an Application for Surrender of License for Major Project and Removal of Project Works, FERC Project Nos. 2082-063 & 14803-001 (License Surrender). The Renewal Corporation filed the License Surrender Application as the dam removal entity for the purpose of implementing the Klamath River Hydroelectric Settlement (KHS), as amended.

In November of 2020, the Renewal Corporation filed its Definite Decommissioning Plan (DDP) as Exhibits A-1 and A-2 to its Amended License Surrender Application (ALSA). The DDP is the Renewal Corporation's comprehensive plan to physically remove the LKP and achieve a free-flowing condition and volitional fish passage, site remediation and restoration, and avoidance of adverse downstream impacts (Proposed Action). The Proposed Action includes the deconstruction of the J.C. Boyle Dam and Powerhouse, Copco No. 1 Dam and Powerhouse, Copco No. 2 Dam and Powerhouse, and Iron Gate Dam and Powerhouse, as well as associated features. Associated features vary by development, but generally include powerhouse intake structures, embankments and sidewalls, penstocks and supports, decks, piers, gatehouses, fish ladders and holding facilities, pipes and pipe cradles, spillway gates and structures, diversion control structures, aprons, sills, tailrace channels, footbridges, powerhouse equipment, distribution lines, transmission lines, switchyards, original cofferdams, portions of the Iron Gate Fish Hatchery, residential facilities, and warehouses. Facility removal will be completed within an approximately 20-month period.

The Limits of Work (LOW) is a geographic area that encompasses dam removal and restoration related activities associated with the Proposed Action. The LOW may extend beyond the FERC boundary associated with the LKP (FERC Project Boundary) where specifically noted.

FERC's consideration and issuance of the License Surrender Order (LSO) for the LKP under the Federal Power Act (16 USC Part 12) is a federal action that makes the "Proposed Action" an undertaking (as defined pursuant to 36 Code of Federal Regulations [CFR] 800.16[y]) subject to review by FERC under Section 106 (54 USC 306108) of the National Historic Preservation Act (NHPA) (54 USC 300101 et seq.) and its implementing regulations (36 CFR Part 800). Section 106 of the NHPA requires federal agencies to take into account the effect of the undertakings they sponsor, authorize, or assist on historic properties.

A Programmatic Agreement (PA) is being executed among consulting parties for the Proposed Action and stipulates the implementation of a Historic Property Management Plan (HPMP) to guide the Proposed Action's compliance with Section 106 of the NHPA. The Renewal Corporation has developed the HPMP to reduce, avoid, and minimize impacts to historic properties.

This Monitoring and Inadvertent Discovery Plan (MIDP) is a subplan of the HPMP and provides procedures and guidance to be followed during archaeological monitoring and after a post-review discovery of archaeological resources or human remains. Refer to the HPMP for cultural resource regulations and information on historic properties affected by the Proposed Action (AECOM Technical Services, Inc. [AECOM] 2022a).

1.2 Overview

Cultural resources inventories conducted for the previous Klamath Hydroelectric Project (KHP) relicensing effort (PacifiCorp 2004, 2006) and the current LKP (AECOM 2022b), and others have identified archaeological sites that are considered eligible or potentially eligible (unevaluated) for listing in the National Register of Historic Places (NRHP). These are referred to as “historic properties.”

The Proposed Action, or undertaking, has the potential to affect archaeological historic properties, including both known resources and other unknown resources that may be discovered during implementation of the undertaking. Looting and vandalism or unauthorized excavation by the public and unintentional disturbance caused by unauthorized recreational uses are some of the potential impacts that could adversely affect archaeological historic properties.

To identify historic properties, the Renewal Corporation first defined a geographically expansive Area of Potential Effect (APE), the geographic area within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties (36 C.F.R. § 800.16(d)). The APE is primarily established as a minimum 0.5-mile-wide to maximum 2.0-mile-wide area extending from the shoreline of each side of the Klamath River from the upper reach of the J.C. Boyle Reservoir to the river mouth at the Pacific Ocean.

The Renewal Corporation then defined an Area of Direct Impact (ADI) within the APE. The ADI is not a regulatory term but is a term used to explain the Renewal Corporation’s approach to focused historic property identification work within the larger APE where there may be impacts to historic properties due to construction activities. This is useful because the APE covers an expansive area that extends hundreds of miles along the river to its mouth at the Pacific Ocean, but the Proposed Action would take place within a much smaller geographic area. The ADI corresponds geographically to the Project’s LOW, but extends beyond the LOW to include complete boundaries of archaeological sites, and buffers around these sites. The inclusion of the complete boundaries of the archaeological sites supports their evaluation for the NRHP and management as historic properties.

This MIDP applies to all historic properties and potential historic properties, including those that will likely be encountered during implementation of the Proposed Action, that the Renewal Corporation will manage following the HPMP and PA.

1.3 Location

The LKP is along the upper Klamath River in Klamath County, Oregon (south-central Oregon) and Siskiyou County, California (north-central California), approximately 200 miles upstream from the Pacific Ocean (Error! Reference source not found.). The LKP encompasses the lands and waters between the upper reach of J.C. Boyle Reservoir, at river mile (RM) 234, and the toe of Iron Gate Dam, at RM 193. The nearest principal cities are Klamath Falls, Oregon, about 15 miles northeast of the upstream end of the Proposed Action; Medford, Oregon, 45 miles northwest of the downstream end of the Proposed Action; and Yreka, California, 20 miles southwest of the downstream end of the Proposed Action. The LKP hydroelectric facility locations are shown in Figure 1-1.

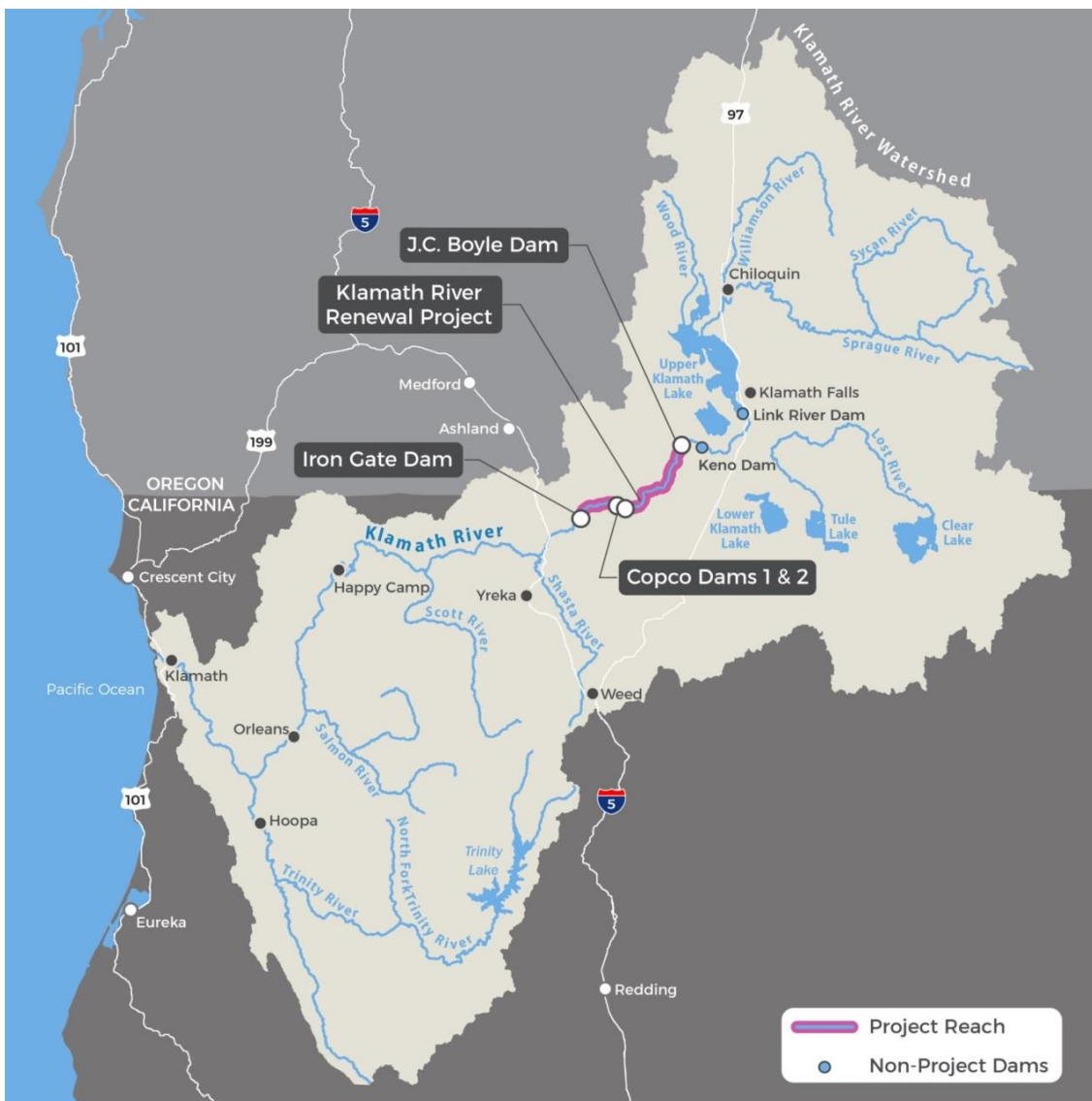


Figure 1-1: Klamath Basin watershed and Project facility locations.

1.4 Land Ownership and Management

This section provides a breakdown of acres by landowner for land and resource management purposes. As discussed in Section 2, Statutory and Regulatory Context, MIDP measures and responses will be based in part upon land ownership and jurisdictional authority.

The Proposed Action will primarily occur on lands that will be owned and managed by the Renewal Corporation at the time of implementation of this HPMP. LKP lands currently owned by PacifiCorp and subject to transfer by the Renewal Corporation to the States of California and Oregon once the Renewal Corporation has met all license surrender conditions are referred to as “Parcel B lands.” The process by which private Parcel B lands will be transferred is outlined in KHSa Section 7.6.4. First, PacifiCorp will transfer Parcel B lands associated with the Proposed Action to the Renewal Corporation before decommissioning begins. Once the Renewal Corporation has completed facilities removal and after the license surrender is complete, the Renewal Corporation will transfer ownership of these lands to the respective States.

The ADI boundary includes 4,755.16 acres (as of September 2022). Prior to transfer to the States, the Renewal Corporation will own and manage 2,870.74 acres of Parcel B lands, which account for approximately 60.4 percent of the proposed ADI, including the land containing most of the powerhouses; portions of the transmission lines, conduits, canals, and dam facilities; and land underlying the reservoirs, Klamath River, and tributary streams. PacifiCorp will retain ownership of Fall Creek lands and other lands, totaling approximately 106 acres (2.2 percent). Approximately 304.79 acres (6.4 percent) are federally owned: portions of the J.C. Boyle canal and the entire powerhouse as well as portions of Iron Gate Reservoir are on BLM land (253.8 acres; 5.3 percent), while the USFS administers lands (50.99 acres, 1.1 percent) that fall within the revised 100-year floodplain below Iron Gate Dam (exclusive of Parcel B lands). Private ownership by others accounts for 1,473.5 acres (31 percent). No state lands are included in the ADI.

Lands within the APE situated below the Iron Gate Dam are generally held by private interests but also include parcels managed by the U.S. Bureau of Indian Affairs (BIA) and included within the reservation boundaries of the Yurok Tribe of the Yurok Reservation, Hoopa Valley Tribe, Quartz Valley Indian Tribe, and Resighini Rancheria. There are also lands held by the BIA in trust for the Karuk Tribe in addition to lands held in fee-simple status by the Karuk Tribe. Contemporary land use includes hydroelectric generation, fish management, livestock grazing, recreation, and timberlands.

ADI lands are listed in Table 1-1. Land acreages calculated for use in the HPMP employed ESRI’s ArcGIS (ArcMap) software. An overview of land ownership is provided in Figure 1-2.

Table 1-1: Lands within the ADI

Feature	Ownership Type	Acres	Percent of ADI
ADI Boundary	N/A	4,755.16	N/A

Feature	Ownership Type	Acres	Percent of ADI
Parcel B Lands	Renewal Corporation	2,870.74	60.37%
Fall Creek Lands	PacifiCorp	48.73	1.02%
Other PacifiCorp Lands	PacifiCorp	57.40	1.21%
BLM Lands	Federal	253.80	5.34%
USFS Lands	Federal	50.99	1.07%
All other lands	Private	1,473.50	30.99%

Notes: There are no state or tribal lands within the ADI boundary. ADI = Area of Direct Impact; N/A = not applicable

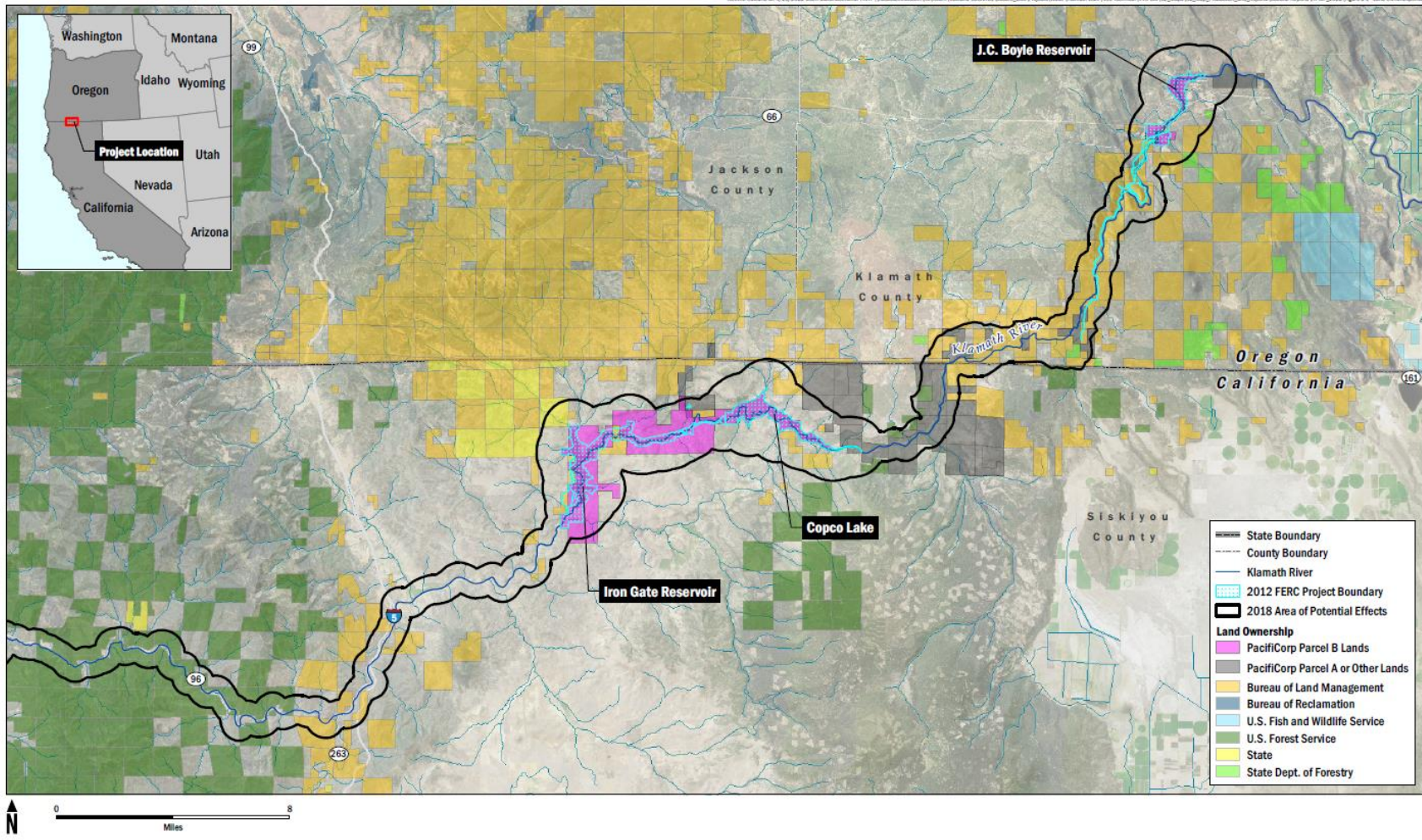


Figure 1-2: Map depicting land ownership, including Parcel B lands.

1.5 Document Organization

Chapter 1 of this document provides an overview of the Proposed Action.

Chapter 2 describes the statutory and regulatory context as it applies to post-review discoveries.

Chapter 3 describes the roles and responsibilities of the individuals and organizations who will implement the procedures in this MIDP, as well as qualifications and training requirements.

Chapter 4 provides the methods that the Renewal Corporation will follow for construction monitoring, which is monitoring that will occur during ground-disturbing construction activities and may lead to post-review discoveries.

Chapter 5 summarizes the methods that the Renewal Corporation will follow for site condition monitoring, which involves repeat site inspections of documented historic properties to identify potential impacts caused by the Proposed Action.

Chapter 6 describes the approach to recordation and documentation resulting from monitoring.

Chapter 7 describes protocol the Renewal Corporation will follow in the event of an archaeological discovery, including assessment and treatment of such discoveries.

Chapter 8 describes protocol the Renewal Corporation will follow in the event of a human remains discovery.

Chapter 9 describes the Renewal Corporation's approach to collection, curation, and permitting based on land ownership.

Chapter 10 provides current contact information for those parties who may need to be contacted under this MIDP.

Chapter 11 lists the references cited.

Chapter 12 lists the preparers of this report and their qualifications.

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Chapter 2: Statutory and Regulatory Context

2. STATUTORY AND REGULATORY CONTEXT

Cultural resources are protected by federal, state, local, and tribal laws, regulations, guidelines, and customs. The purpose of these laws is to protect and manage cultural resource locations and human remains, including those that may be accidentally or “inadvertently” discovered as a result of construction or other ground-disturbing activities. However, the Renewal Corporation’s obligations for the Proposed Action will be governed by the PA and HPMP, not by this summary of laws.

2.1 Laws and Land Ownership

Applicable laws and penalties are based in part on land ownership. While federal law is consistently applied across the nation, state, local, and tribal law differ from place to place.

Work to be conducted for will occur primarily on private lands and fall within the States of California and Oregon. State laws and regulations apply to these private lands. States have authority for state-owned lands and locally owned private lands. Federal laws, regulations, and guidance apply to lands that intersect with federal ownership by the BLM and USFS. Agency-specific instructions apply to federal lands.

There is a division of legal authority between federal and state agencies. Agency-specific instructions apply to federal and tribal lands that will guide compliance with federal laws and regulations, particularly the Archaeological Resources Protection Act and Native American Graves and Repatriation Act (NAGPRA; Public Law 101-601; 25 U.S.C. §§ 3001-3013), in the event cultural resources and/or human remains are encountered on these lands.

Select state and federal laws with applicability to post-review discoveries are presented in Table 2-1. Refer to the HPMP for additional details about these and other cultural resources laws and regulations.

2.2 Regulations for Post-Review Discoveries of Archaeological Resources

2.2.1 Federal Land

Portions of the Proposed Action fall within lands managed by the BLM or the USFS. Federal laws, regulations, and guidance regarding post-review discoveries on BLM and USFS land apply at these locations. The Archaeological Resources Protection Act of 1979 (ARPA) (Public Law 96-95 as amended, 93 Stat. 721, codified at 16 U.S.C. §§ 470aa- 470mm) was enacted to provide more effective law enforcement to protect public archeological sites. ARPA provides more detailed descriptions of the prohibited activities over the Antiquities Act and larger civil and criminal penalties for convicted violators. The Act describes the range of

prohibited actions, including damage or defacement in addition to unpermitted excavation or removal. Selling, purchasing, and other trafficking activities whether within the United States or internationally are also prohibited.

The NHPA (16 U.S.C. 470 et seq.) was enacted to preserve historical and archaeological sites. The NHPA created the NRHP, the list of National Historic Landmarks, and the State Historic Preservation Offices (SHPOs). The law was amended in 1992 to allow federally recognized Indian tribes to take on formal responsibility for the preservation of significant historic properties on tribal lands. The Act also requires federal agencies to evaluate the impact of all federally funded or permitted projects on historic properties through the Section 106 Review process (36 CFR 800). The Section 106 process addresses post-review discoveries under 36 CFR 800.13. This allows for subsequent discoveries to be addressed using a programmatic agreement (PA) to govern the actions to be taken when historic properties are discovered during implementation of an undertaking (36 CFR 800.13(a)). The Renewal Corporation will adhere to a PA for the Proposed Action.

2.2.2 California

California has several laws and regulations that protect Native American heritage. While the treatment and disposition of native American human remains and associated grave goods are addressed by California codes, other native American cultural items or artifacts are not, and culturally affiliated tribes should be consulted. For resources that may be discovered on private land and public parks or places, Penal Code 6221/2 (destruction, defacement of objects of archaeological or historical interest) states that every person who willfully injures or destroys any object of archaeological or historical interest or value is guilty of a misdemeanor. On California public land, under Public Resources Code (PRC) Section 5097.5 no person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface, any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, rock art, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over the lands. Violation is subject to a misdemeanor. Under PRC Section 5097.99 (Possession of Native American Artifacts or Human Remains), knowingly or willfully obtaining or possessing native American artifacts or human remains taken from a grave or cairn on or after January 1, 1984, unless authorized under PRC sections 5097.94 or 5097.98, is a felony. Additional laws and regulations apply to human remains and associated grave artifacts, as discussed in the following section.

2.2.3 Oregon

Several Oregon statutes and regulations (ORS 97.740, ORS 358.905-358.961, ORS 390.235, Oregon Administrative Rules (OAR) 736-051-0090) protect significant archaeological sites on non-federal public (state, county, city) and private lands. Significance is based on the potential of an archaeological site to be eligible for inclusion on the NRHP, which means the site possesses important archaeological information on a local, regional, or national level. Under Oregon law, an archaeological site can be determined significant in writing by a Native American tribe. Archaeological sites are considered significant until their eligibility for the NRHP can be evaluated. Under state law, damage to archaeological sites is a Class B Misdemeanor.

Disturbance of Native American human remains or associated funerary objects is considered a Class C Felony. The artifacts from a site on private lands are also the property of the landowner, except for Native American human remains, burials, associated funerary objects, sacred objects, and objects of cultural patrimony (ORS 97.740).

2.3 Regulations for Inadvertent Discoveries of Human Remains

2.3.1 Federal Land

NAGPRA (25 U.S.C. §§ 3001 et seq.) and its implementing regulations (43 CFR § 10), require that any person who inadvertently discovers Native American human remains, funerary objects, sacred objects, or objects of cultural patrimony on federal lands must notify the responsible federal official. The responsible federal official then has consultation obligations to follow consistent with NAGPRA requirements and internal agency protocols. These protocols also typically involve immediate work stoppage, initiation of consultation with the Project proponent and tribes as soon as possible but no later than 3 working days (43 CFR § 10.4 (d)(1)), and the development of recovery plans, all of which align with and can be integrated into the protocols outlined in this MIDP. Under NAGPRA, the activity that resulted in the inadvertent discovery may resume 30 days after certification by the notified federal agency of receipt of the written confirmation of notification of inadvertent discovery if the resumption of the activity is otherwise lawful. The activity may also resume, if otherwise lawful, at any time that a written, binding agreement is executed between the federal agency and the affiliated Indian tribes or Native Hawaiian organizations that adopts a recovery plan for the excavation or removal of the human remains, funerary objects, sacred objects, or objects of cultural patrimony following 43 CFR § 10.3 (b)(1) of these regulations. The disposition of all human remains, funerary objects, sacred objects, or objects of cultural patrimony must be carried out following 43 CFR § 10.6.

2.3.2 California

If human remains are found on private or state lands in California, the county coroner shall be notified in accordance with the procedures stated in California Health and Safety Code § 7050.5(b) to the extent feasible, and the Renewal Corporation will circulate a letter report to affected tribes, the Native American Heritage Commission (NAHC), and other appropriate land management agencies, within 72 hours of the discovery. When possible, the affected tribe shall be notified and allowed, pursuant to PRC § 5097.98(a), to (1) inspect the site of the discovery and (2) make determinations as to how the human remains and funerary objects should be treated and reinterred of with appropriate dignity. The tribe shall complete its inspection and make treatment recommendations within 48 hours of gaining access to the site. The tribe shall have the final determination as to the disposition and treatment of human remains and funerary objects. Said determination may include avoidance of the human remains, reburial on-site, or reburial on tribal or other lands that will not be disturbed in the future.

If the coroner determines that the remains are Native American, not subject to the coroner's authority, and are located on private or state land, the coroner has 24 hours to notify the NAHC of the determination. The NAHC is required under PRC § 5097.98 to identify a Most Likely Descendant (MLD), notify that person, and request that they inspect the remains and make recommendations for treatment and/or disposition. Work will be suspended in the area of the find until the land manager or lead agency, as applicable, approves the proposed mitigation and treatment of the human remains. If the NAHC is unable to identify a descendent, or the descendent identified fails to make a recommendation, or the recommendation of the MLD is rejected and the mediation provided for in PRC § 5097.94(k) fails to provide measures acceptable to the landowner, the human remains and associated burial items will be reburied, with appropriate dignity, on the property in a location not subject to further subsurface disturbance.

The tribe may wish to rebury human remains and funerary objects or ceremonial and cultural items on or near the site of their discovery, in an area that will not be subject to future disturbances. Reburial of human remains shall be accomplished in compliance with PRC §§ 5097.98(a) and (b). Unless otherwise required by law, the site of any reburial of Native American human remains will not be governed by public disclosure requirements of the California Public Records Act, California Government Code § 6250 et seq. The Medical Examiner shall withhold public disclosure of information related to such reburial pursuant to the specific exemption set forth in California Government Code § 6254(r). The location of the reburial will be recorded with the California Historic Resources Inventory System ("CHRIS") on a form that is acceptable to the CHRIS center. A clause regarding the confidentiality of site information will be attached to the title on the property.

2.3.3 Oregon

Native American ancestral remains, funerary objects, sacred objects, and objects of cultural patrimony associated with Oregon tribes are protected under Oregon state law, including the potential to assess criminal penalties (ORS 97.740-.760 & 358.905-.961). The laws recognize and codify the tribes' rights in the decision-making process regarding ancestral remains and associated objects. Therefore, both the discovered ancestral remains and their associated objects should be treated in a sensitive and respectful manner by all parties involved.

If human remains that are inadvertently discovered are not clearly modern, then there is high probability that the remains are Native American and therefore ORS 97.745(4) applies, which requires immediate notification to State Police, the SHPO, Commission on Indian Services (CIS), and all appropriate Native American tribes. To determine who the "appropriate Native American tribe" is, the Renewal Corporation shall contact the Legislative CIS within 24 hours (or the next business day). To determine whether the human remains are Native American, the Renewal Corporation shall contact the appropriate Native American tribes (as defined by the CIS) at the initial discovery. There may be more than one appropriate Native American tribe to be contacted.

Table 2-1: Select Federal and State Laws and Regulations Applicable to Archaeological and Human Remains Discoveries

Jurisdiction	Law/Statute	Summary of Regulations	Penalties for Violation
Federal	Archaeological Resource Protection Act (ARPA) of 1979	Public Law 96-95 as amended, 93 Stat. 721, codified at 16 U.S.C. §§ 470aa- 470mm, was enacted to provide more effective law enforcement to protect public archeological sites. Prohibited actions include damage or defacement in addition to unpermitted excavation or removal. Selling, purchasing, and other trafficking activities are also prohibited. ARPA establishes a permit process on public and Native American lands. Site location information is confidential.	Violations carry misdemeanor to felony criminal penalties including a maximum fine of \$10,000 and 1-year imprisonment (for damages less than \$500), up to a \$20,000 fine and 2 years imprisonment (for damages over \$500), and up to a \$100,000 fine and 5 years imprisonment for a second violation (16 United States Code § 470ee(d)).
Federal	National Historic Preservation Act (NHPA)	The NHPA (16 U.S.C. 470 et seq.) was enacted to preserve historical and archaeological sites. The Section 106 Review process (36CFR 800) addresses post-review discoveries under 36 CFR 800.13. This allows for subsequent discoveries to be addressed using a programmatic agreement (PA) when historic properties are discovered during implementation of an undertaking (CFR 800.13(a)). Where no agreements are in place, the agency official must determine actions to resolve adverse effects and notify the SHPO, any Indian tribe that might attach religious and cultural significance to the affected property, and the ACHP, within 48 hours of the discovery (CFR 800.13(b)(3)). The SHPO, Indian tribes, and ACHP shall respond within 48 hours of the notification. For post-review discoveries, the federal agency, in consultation with the SHPO/THPO, may assume a newly-discovered property to be eligible for the NRHP for purposes of Section 106 (CFR 800.13(c)).	-

Jurisdiction	Law/Statute	Summary of Regulations	Penalties for Violation
Federal	Native American Graves Protection and Repatriation Act (NAGPRA) of 1990	NAGPRA (25 U.S.C. §§ 3001 et seq.) and its implementing regulations (43 CFR § 10) require that any person who inadvertently discovers Native American human remains, funerary objects, sacred objects, or objects of cultural patrimony on federal lands must notify the responsible federal official. Protocols typically involve immediate work stoppage, consultation with the Project proponent and tribes no later than 3 working days (43 CFR § 10.4 (d)(1)), and the development of recovery plans. The activity that resulted in the inadvertent discovery may resume 30 days after certification by the notified federal agency, or at any time that a written, binding agreement is executed between the federal agency and the affiliated Indian tribes that adopts a recovery plan following 43 CFR § 10.3 (b)(1). The disposition of all human remains, funerary objects, sacred objects, or objects of cultural patrimony must be carried out following 43 CFR § 10.6.	Penalties for a first offense may reach 12 months imprisonment and a \$100,000 fine.
Federal	36 Code of Federal Regulations § 261 (U.S. Forest Service land)	36 C.F.R. § 261 prohibits damaging any natural feature or other property of the United States as well as removing any natural feature or other property of the United States and digging in, excavating, disturbing, injuring, destroying, or in any way damaging any prehistoric, historic, or archaeological resource, structure, site, artifact, or property or removing any prehistoric, historic, or archaeological resource, structure, site, artifact, or property.	Violations of these prohibitions are punishable by a fine of not more than \$5,000 or imprisonment of not more than 6 months or both.
State of California	Archaeological Sites Removal or Destruction; prohibition (Public Resources Code [PRC] Section 5097.5)	No person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface, any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, rock art, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over the lands.	Violation is subject to a misdemeanor charge punishable by a fine not exceeding \$10,000, or by imprisonment, or both.
State of California	Discovery of Native American Remains (PRC 5097.98)	Provides for notification to most likely descendant Native Americans from the deceased native American. The descendants shall complete their inspection and state preferences for treatment within 48 hours of being granted access to the site. The landowner shall ensure that the immediate vicinity of the discovery is not further disturbed by development activity until after discussion and conferring with descendants.	-

Jurisdiction	Law/Statute	Summary of Regulations	Penalties for Violation
State of California	Possession of Native American Grave Goods or Human Remains (PRC Section 5097.99)	It is a felony to obtain or possess Native American remains or associated grave goods on or after 1984/1988, or to remove without authority of law Native American artifacts or human remains from a Native American grave or cairn with an intent to sell or dissect or with malice or wantonness.	Violation is subject to a felony charge punishable by imprisonment in the state prison.
State of California	Native American Historic Resource Protection Act (Senate Bill 1816; PRC Section 5097.993-.994)	Provides that any person who unlawfully and maliciously excavates upon, removes, destroys, injures, or defaces a Native American historic, cultural, or sacred site, situated on private land or within any public park or place, is guilty of a misdemeanor, if the person knew or should have known that it was a Native American site, art object, inscription, or feature.	Violation is subject to imprisonment in the county jail for up to 1 year, to a fine not to exceed \$10,000, or both. A person found guilty of a violation of those provisions may also face a civil penalty in an amount not to exceed \$50,000 per violation.
State of California	California Health and Safety Code § 7050.5(b)	If human remains are found on private or state lands in California, the county coroner shall be notified. The affected tribes, the Native American Heritage Commission (NAHC), and other appropriate land management agencies must be notified within 72 hours of the discovery. This code provides the process for identifying a Most Likely Descendant and mitigation/mediation and disposition.	-
State of California	Destruction of Historic Properties (Penal Code 6221/2)	Every person, not the owner thereof, who willfully injures, disfigures, defaces, or destroys any object or thing of archaeological or historical interest or value, whether situated on private lands or within any public park or place, is guilty of a misdemeanor.	Violation is subject to a misdemeanor charge punishable by a fine not exceeding \$10,000, or by imprisonment, or both.
State of Oregon	Indian Graves and Protected Objects (Oregon Revised Statutes [ORS] 97.740-97.760)	Defines prohibited acts and protects all Native American cairns and graves and associated cultural items and establishes procedures for their treatment. ORS 97.745(4) requires immediate notification to State Police, the SHPO, Commission on Indian Services (CIS), and all appropriate Native American tribes.	Violation is a Class C felony (ORS 97.740-760) with a maximum fine of \$125,000 and up to 5 years imprisonment (ORS 161.605 and 161.625).
State of Oregon	Archaeological Objects and Sites (ORS 358.905-358.961)	Law provides definitions of archaeological sites, significance, and objects of cultural patrimony; prohibits the sale and exchange of cultural items or damage to archaeological sites on public and private lands. A permit is needed before any activity that will excavate, injure, destroy, or alter an archaeological site or object, or remove an archaeological object from private or non-federal public land. Indian tribe(s) must be notified of excavations associated with a prehistoric or historic American Indian archaeological site.	Violation is a Class B misdemeanor (ORS 358.905-955) with a maximum fine of \$2,500 and up to 6 months imprisonment (ORS 161.615 and 161.635).

Jurisdiction	Law/Statute	Summary of Regulations	Penalties for Violation
State of Oregon	Permit and Conditions for Excavation or Removal of Archaeological or Historical Materials (ORS 390.235-390.237)	A state permit is required to make an exploratory subsurface investigation on public lands or to excavate within a known archaeological site (Oregon Administrative Rules for Archaeological Permits for Public and Private Lands [OAR 736-051-0000 through 0090]).	Violation of the provisions of subsection (1)(a) of this section is a Class B misdemeanor. [Formerly 273.705; 1993 c.459 §12; 1995 c.543 §7; 1995 c.588 §2; 2015 c.767 §171]

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Chapter 3: Roles and Training

3. ROLES AND TRAINING

Cultural resources monitoring will be used as a treatment measure to help minimize the potential for adverse effects on known, newly identified, and inadvertently discovered cultural resources and historic properties. All ground-disturbing activities in archaeologically sensitive areas within the Proposed Action footprint require the presence of cultural resources monitors to minimize impacts to the practical extent feasible and implement procedures detailed in the MIDP. Cultural resources not identified during preconstruction inventory will be treated in a planned and systematic manner to minimize adverse effects. Multiple concurrent operations will be undertaken to complete the Proposed Action. This will require multiple on-site archaeological monitoring teams. Cultural resources monitoring will be completed by archaeologists and tribal advisors.

This MIDP identifies the roles, responsibilities and qualifications of the cultural resource monitors. Tribal advisors will participate as members of monitoring teams and will observe construction and ground-disturbing activities, will help coordinate compliance with the inadvertent discovery protocols, and will work closely with the cultural resources monitors and environmental compliance specialists.

The Renewal Corporation will be responsible for the tribal advisors' program, including managing the contracting and arranging employment opportunities.

3.1 Roles and Responsibilities

This section reviews the roles and responsibilities of key parties involved with cultural resources monitoring. In addition to the Renewal Corporation and tribal advisors, other entities (e.g., BLM, USFS, SHPO, other state agencies and commissions, ACHP, and tribes) are integrally involved the process, and their roles upon the post-review discovery of cultural resources are explained in the following sections.

3.1.1 FERC

FERC serves as the lead federal agency for purposes of compliance with Section 106 of the NHPA. FERC has authorized the Renewal Corporation to initiate consultation with the SHOP and others. FERC will ensure the Renewal Corporation implements the measures committed to in the MIDP.

3.1.2 Klamath River Renewal Corporation

The Renewal Corporation is a private, non-profit corporation. It will implement the Proposed Action, including the cultural resource protection measures contained herein and as provided in the Programmatic Agreement, facilitate consultation with the consulting parties, provide recommendations to FERC concerning alterations to the APE, eligibility of resources for the NRHP, findings of effect, and measures to avoid, minimize, and resolve adverse effects to historic properties, in addition to responding to inadvertent discoveries or unanticipated effects consistent with the undertaking's PA and HPMP.

3.1.3 Prior to construction, the Renewal Corporation will designate the Cultural Resources Specialist (CRS) position. Cultural Resource Specialist

The Renewal Corporation will manage historic properties and potential effects to those properties in compliance with applicable FERC regulations and other federal (i.e., NHPA and 36 CFR part 800) and state cultural resource laws. The Renewal Corporation will appoint or hire a Cultural Resources Specialist (CRS). This individual will be responsible for administering the HPMP.

Cultural resources monitoring will be supervised by a designated CRS who will meet federal-level qualification standards for archaeologists as described in *The Secretary of Interior's Standards and Guidelines Professional Qualification Standards* (36 CFR § Part 61). A minimum of 5 years of experience in the capacity as a project manager or principal investigator (PI) with Pacific Northwest regional experience will be required, as well as demonstrated familiarity with human osteology and the identification of Native American remains and sacred objects. State qualification standards will also be applicable (e.g., OAR § 736-051-0070(19)).

The CRS will design and implement Project-specific training requirements and ensure that on-site monitors retain necessary qualifications. The CRS will be familiar with the geoarchaeological sensitivity analysis, and have demonstrable familiarity with the regional archaeology, archaeological monitoring, and maintain working knowledge of relevant background and archaeological context documents (e.g., Definite Decommissioning Plan, Phase II Evaluation Report, HPMP, PA).

The Renewal Corporation-designated CRS will coordinate and supervise monitoring teams and retains authority to implement the MIDP. It is the responsibility of the CRS to coordinate with FERC, Oregon and/or California SHPOs, the Renewal Corporation/PacifiCorp, Indian tribes, landowners, and other consulting parties, including county coroners and other law enforcement officials when necessary.

3.1.4 Cultural Resources Monitors

On-site cultural resources monitors will have a minimum of 5 years of regional experience as a crew chief in the identification, evaluation, and treatment of cultural resources under Section 106 processes, including previous field monitoring experience. Cultural resources monitors act as the on-site representatives of the CRS and may be required to make eligibility recommendations, guide avoidance and treatment measures, and document incidences of looting and vandalism.

Professionally qualified cultural resources monitors will be present during ground-disturbing activities in areas designated as requiring cultural resources monitoring. The types of disturbances, situations, and locations that require monitoring are described below. Cultural resources monitors act as the on-site representatives of the CRS and may conduct periodic monitoring visits to known sensitive sites under the supervision of the CRS.

Cultural resources monitors have the authority to suspend construction, if feasible, for suspected or actual discoveries to be inspected, recorded, evaluated, and treated, including for incidences of looting and

vandalism. The cultural resources monitors will coordinate with construction personnel and the CRS to perform the secure, notify, and support functions detailed in this MIDP and the HPMP's Looting and Vandalism Prevention Plan (LVPP) (AECOM 2022c). Actions for each on-site monitor will be directed and managed by the CRS. On-site monitors will be responsible for maintaining daily logs and following documentation protocols.

3.1.5 Tribal Advisors

Tribal advisors will be selected by each affected tribe. One tribal advisor will be requested to accompany each archaeological team or cultural resources monitor and shall be present as feasible and appropriate pursuant to the schedule for different phases of the Proposed Action, to address unknown resources that are exposed. Tribal advisors will provide guidance to the monitoring team if cultural resources are encountered during ground-disturbing activities and will work through the cultural resources monitor and CRS in the event looting or vandalism is observed. Each tribal advisor must complete the Renewal Corporation Cultural and Tribal Resources Training prior to field mobilization, which will be administered by the CRS. Other qualifications or training standards for the tribal advisors will be provided by their respective tribes prior to field mobilization of the tribal advisor (e.g., the Klamath Tribes offers a 40-hour training program; other tribes have similar internal training programs).

3.1.6 Construction Field Supervisors/Contractor

These individuals will represent the contracting companies who will be involved with construction. Like the CRS and monitors, these individuals will have the responsibility and authority to suspend work. Construction Field Supervisors will enforce CRS recommendations and will report to the prime contractor's Project Manager.

3.1.7 Geologist/Erosion Control Specialist

This individual, assigned by Renewal Corporation or the contractor, will be trained in use of erosion control methods and installation. The CRS will coordinate pre-approved emergency erosion control needs with the Geologist/Erosion Control Specialist. This person(s) will be responsible for advising and installing appropriate erosion control measures as determined on a site-by-site basis.

3.2 Training

Prior to construction, all Renewal Corporation personnel will receive cultural resources training and health and safety training. Individual tribes may also require their own training programs for tribal advisors.

3.2.1 Cultural and Tribal Resources Training Program

All Renewal Corporation personnel (including contractors) must attend a cultural resources sensitivity training. This training will provide information regarding applicable archaeological laws and regulations and

the roles and responsibilities of cultural resources personnel and other field personnel. The aim of this training program is to develop a reasonable resource identification and monitoring process while minimizing the potential for adverse effects from the Proposed Action to known and previously unidentified historic properties. In addition to cultural resources training, safety and environmental training will also be provided to all personnel working on construction. Details about the Cultural and Tribal Resources Training Program are provided in the HPMP.

3.2.2 Tribal Training Programs

Individual tribes may require training programs for their tribal advisors to be qualified for accompanying the archaeological monitoring teams. This training is separate from the Renewal Corporation's training program and respective tribes will provide tribal training for their participating personnel.

3.2.3 Health and Safety Training

Cultural resources monitors and tribal advisors will have health and safety training. The CRS will work with the construction supervisors and health and safety lead to assess safe conditions and locations for monitoring activities. For example, monitoring during reservoir drawdown is expected to primarily occur from roadways and other established surfaces outside the dewatering/dewatered zone. Access into the dewatered area will not be permitted until allowed by soil conditions, after exposed sediments have sufficiently dried, as determined by the construction team's health and safety lead.

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Chapter 4: Construction Monitoring

4. CONSTRUCTION MONITORING

The Renewal Corporation will conduct two types of monitoring: construction monitoring and site condition monitoring. “Construction monitoring” refers to direct oversight of ground-disturbing activities by a qualified monitor/tribal advisor within areas where there is a moderate to high potential for post-review discoveries, and/or where historic properties are known to exist and must be avoided. “Site condition monitoring” refers to repeat, periodic site inspections to an individual archaeological site to assess changes over time to site integrity as a result of the Proposed Action. These methods of monitoring achieve different goals and are therefore differentiated in this plan, although many of the response procedures will be the same.

The goals of construction monitoring include the following:

- Ensuring unanticipated effects to historic properties do not occur during construction
- Identifying new resources
- Ensuring laws and regulations are followed in the event of a post-review discovery

4.1 Avoidance of Historic Properties

The Renewal Corporation and CRS will coordinate appropriate avoidance of archaeological historic properties and potential historic properties.

To ensure avoidance by ground-disturbing activity that will occur within 100 feet of a historic property or potential historic property, the Renewal Corporation’s CRS or qualified monitor/tribal advisor will be responsible for flagging cultural No Work Zones at least 2 weeks prior to the planned construction activities. The CRS will establish a method for flagging to visibly delineate the site plus a buffer, such as lath staking with color-coded flagging tape or other similar method. Staking, flagging, and other markings used to identify historic properties will be removed as soon as possible after the undertaking has been completed and avoidance has been achieved. The Renewal Corporation will provide monitors and tribal advisors during ground-disturbing activities construction to assist with avoidance of these areas. The on-site monitor/advisor will ensure the flagging is still appropriately placed before ground-disturbing construction activities begin.

4.2 Construction Monitoring Methods

Cultural resources monitors will observe excavation and soil removal for the presence of cultural materials and features during ground-disturbing construction. Monitoring will occur alongside working construction equipment and will require close communication with construction supervisors and equipment operators. At the discretion of the cultural resources monitor, ground-disturbing activities may be slowed or suspended (exclusive of certain activities such as reservoir drawdown, which will not be able to be stopped) at any time that a suspected cultural resource is encountered, to allow the monitor to confirm and/or assess any apparent discoveries. The monitor may request assistance from the on-site excavation team, including the equipment operators, at locations where cultural resources may be present. The monitor may also request

permission to enter excavation areas to clean and examine profile walls, obtain matrix samples, or record stratigraphy at locations where archaeological resources are present and only when access conditions are safe. At the request of the monitor, excavation may be slowed or otherwise modified to provide exposures of subsurface deposits, features, and stratigraphic profiles.

4.2.1 Screening

Newly exposed soils and on-site spoil piles will be visually examined concurrently with monitoring excavations. Occasional samples of excavated soils may be collected by the monitor and screened through ¼-inch mesh screen prior to disposal. If potentially significant cultural resources are identified in excavated soils or spoil piles, a screening station may be set up adjacent to the spoil piles for screening of cultural materials. Mesh size will be 1/8-inch mesh screen or smaller when archaeological materials are encountered.

4.2.2 Documentation

The cultural resources monitors will record the details of the activities on daily monitoring forms. Activities recorded will include descriptions of the construction area and methods, cultural materials, soil profiles, sketches, and photographs. Areas of native soil and fill will also be noted on the monitoring forms in order to develop a chronology of fill placement and filling techniques. See Chapter 6 for additional information on recordation and documentation, including annual summary monitoring reports.

4.2.3 Communication

The CRS will provide weekly or other periodic updates to consulting parties while construction monitoring is underway. The frequency interval may be adjusted if no findings are made and depending on the construction schedule; however, the purpose is to ensure effective communication is occurring throughout the duration of monitoring.

4.2.4 Response and Treatment Measures

Cultural resources monitors and the CRS will follow procedures in Chapters 7 and 8 for post-review discoveries of archaeological resources and human remains identified during construction monitoring.

4.3 Construction Monitoring Locations

Locations for construction monitoring will include: (1) locations of medium to high sensitivity based on a geoarchaeological sensitivity model, impact areas, and the historical landscape and submerged resources analyses; and (2) locations of historic properties, including eligible, treated as eligible, and listed archaeological sites. Refer to the HPMP for additional information on the list of currently known historic properties.

4.3.1 Monitoring of Medium to High Sensitivity Areas (Geoarchaeological Sensitivity Model)

Although PacifiCorp and the Renewal Corporation have taken steps to identify historic properties, additional cultural resources may be encountered. Based on the evidence presented by known archaeological sites, archival research, and input from consulting parties, the Klamath River corridor has a high potential for encountering undocumented cultural resources such as archaeological sites, historic-era sites, and human remains.

Standard archaeological surveys are effective at identifying surface and near-surface archaeological sites. However, the Proposed Action has the potential to expose currently submerged cultural resources during the reservoir drawdown, and to encounter buried resources along shorelines and terraces during ground-disturbing construction. The post-review discovery of cultural resources is particularly likely within the currently inundated lands under each reservoir at J.C. Boyle, Copco No. 1, and Iron Gate.

To address these issues and to guide monitoring, the Renewal Corporation developed a geoarchaeological sensitivity model. The model considers possible vertical depth and horizontal areas where resources would be most likely to exist. The geoarchaeological sensitivity model was created using topographic surface information, historical topographic surface information, modeled sediment thickness, geomorphic units, geologic units, currently documented cultural resource locations, historical landscape features, and possible submerged resource locations.²

The CRS will administer a GIS dataset that includes the sensitivity model information. Multiple layers of information are included in the GIS dataset and are expected to change, including construction areas, locations of post-review discoveries, and priority monitoring areas. The CRS will be responsible for securely storing and updating the model as new resources are identified.

The current geoarchaeological sensitivity model map set is attached in Appendix A.

² Historical landscape features and possible submerged resource locations are listed in the HPMP (Table 3-5) because of the probability that they will be encountered during implementation of the Proposed Action. These are not yet documented and will be treated as post-review discoveries.

4.3.2 Eligible, Treated as Eligible, and Listed Archaeological Historic Properties

The Renewal Corporation will monitor ground-disturbing activities within 100 feet of a previously recorded NRHP eligible, treated as eligible, and listed archaeological historic property, and within potential submerged resources identified as part of the Renewal Corporation's landscape analysis and submerged resources analysis. If monitoring in these areas identifies an expansion of the previously recorded site boundary with similar archaeological materials, the standard monitoring protocols will apply (i.e., the monitor will collect the materials and document the findings). The Renewal Corporation will follow avoidance procedures if feasible. If avoidance is not possible, the Renewal Corporation will follow steps for the resolution of adverse effects in the PA.

4.3.3 Monitoring of Not Eligible Archaeological Resources

Archaeological resources that are determined not eligible, as concurred with by SHPO, for the NRHP will not be monitored. However, it is possible that construction monitoring will overlap a site determined not eligible because the geoarchaeological sensitivity model indicates the landform has medium to high sensitivity for other resource types (e.g., a historic archaeological site is not eligible, but the geoarchaeological sensitivity model suggests pre-contact resources could be deeply buried beneath the historic site). Artifacts will not be collected from the not eligible resources and no further management will be required. The CRS will also consider requests by Tribal Advisors to monitor sensitive sites regardless of eligibility.

4.3.4 Monitoring of Demolition of Built Environment Resources

The Klamath Hydroelectric Project facilities were constructed between 1903 and 1958 by the California Oregon Power Company and its predecessors, and historic hydroelectric facilities include various diversion dams, support structures, flumes, canals, tunnels, and other related buildings and structures. These historic built environment resources comprise a Historic District and could have associated archaeological sites 50 years old or older that are exposed during demolition or other construction activities. The Renewal Corporation will generally not monitor activities associated with the demolition and removal of built environment historic properties (e.g., dams, intake structures) unless associated ground-disturbing areas occur within a high sensitivity area (based on the geoarchaeological sensitivity model and known site locations). However, the Renewal Corporation will complete periodic inspection of ground-disturbed areas at the discretion of the CRS and cultural resources monitors.

Contextually associated infrastructure (e.g., buried utilities, foundations, industrial debris) will not be considered archaeological discoveries and will not require recordation or further treatment. However, if intact, unexpected historic features or precontact materials are encountered, these will be evaluated and treated as post-review discoveries.

4.4 Construction Monitoring Schedule

Construction monitoring will occur as needed based on the geoarchaeological sensitivity model and specific construction activities. Construction monitoring is anticipated to begin in conjunction with Phase 1: Pre-Drawdown and extend through all subsequent Phases.

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Chapter 5: Site Condition Monitoring

5. SITE CONDITION MONITORING

Archaeological historic properties may need additional monitoring over time to assess the effects from erosion and/or changes in visitation and land use once the reservoirs are replaced with an active river corridor. The Renewal Corporation will conduct site condition monitoring, also known as routine site inspections, to assess these potential effects. Site condition monitoring is differentiated herein from construction monitoring, which occurs only when ground-disturbing construction activities are occurring, as described in the preceding chapter.

Site condition monitoring includes repeated visits to an archaeological site in order to measure physical changes over time. The goal of this plan is to identify possible site impacts by detecting and measuring changes to a historic property's physical condition over time that could potentially alter its eligibility through the following:

- Standardized field monitoring forms
- Procedures for baseline and routine monitoring
- Standardized GPS data collection
- Consistent, quality repeat photographs

5.1 Site Condition Monitoring Methods

The collection of accurate data is important for comparability over time and for effective management of impacts that might alter a site's eligibility. Methods used in this document are patterned after measures developed for the Federal Columbia River Power System project along the Columbia River and elsewhere (Jenevein 2014; Sampson 2009; Solimano et al. 2013).

5.1.1 Baseline Inspection

The CRS with a monitor and/or tribal advisor will complete a baseline visit to all archaeological historic properties and potential historic properties prior to reservoir drawdown. The purpose will be to provide details regarding current site condition. The CRS will document current site impacts in detail so that future changes to the site condition may be detected. Overview photographs will be taken, and specific photograph points will be selected and documented by GPS. Inclinometers and/or erosion stakes will be installed at this time for those historic properties that may be subject to reservoir erosion (Renewal Corporation 2018:144). During the baseline visit, a preexisting permanent feature or installed datum (i.e., capped rebar) will be used as a photo point to take photos from in multiple directions. All required photographs and site measurements will be duplicated during repeat inspections.

Photo points will be established in areas currently impacted or threatened by future damage, to compare previous and current conditions. During the baseline inspection, selected photo points will be described in detail and photographed. Each photo point will be assigned an individual identifying number.

5.1.2 Repeat Inspections

During repeat inspections, the CRS and monitor and/or tribal advisor will physically visit each historic property and document any observable changes on a standardized form. Periodic inspections may observe evidence of erosion, deflation, aggradation, looting and vandalism, or no discernible changes. They will duplicate the photographs and note any impacts. Additional erosion monitoring stations may be installed if needed to document new damage.

5.1.3 Erosion Monitoring

Erosion monitoring will measure the vertical and/or horizontal loss or gain of sediment. The type and location of reference points will be site-specific. Thus, if a site appears to be eroding across its surface, control (i.e., inclinometers or erosion stakes) will be established to provide vertical measures. However, sites that appear to be eroding along one or more lateral margins will have reference points established to provide both horizontal and vertical measures.

While archaeologists or other personnel may measure sediment movement, the loss of more than 3 vertical centimeters or 10 horizontal centimeters of sediment at an archaeological historic property will trigger examination by an archaeologist and consideration of archaeological treatment measures. If newly exposed, highly diagnostic artifacts are encountered, the archaeologist will map and collect them. If erosion exposes previously unknown cultural deposits, the Renewal Corporation will record and evaluate these resources.

5.1.4 Alternative Options During Reservoir Drawdown – Pedestrian Access Not Allowed

During the period of reservoir drawdown where access will not be allowed due to health and safety concerns associated with drawdown, the Renewal Corporation will use an unmanned aircraft (drone) to provide periodic surveillance of at-risk sites. An alternate option may include access via a watercraft vessel.

5.1.5 Photographic Documentation

Photographic documentation will be focused on replication of the same photo points with each site visit. The CRS will maintain a catalog of the photo points, date established, and description. Photographs will have a minimum resolution of 1600 x 1200 pixels and be saved in 24-bit or larger format.

5.1.6 Post-Field Reporting

The CRS will maintain a preliminary Site Inspection Summary Table that can be transmitted to FERC, ACHP, SHPOs, tribes, federal landowners, and other consulting parties in a timely manner in the event treatment measures are needed for threatened or damaged sites. The table will include information such as site number, site type, eligibility status, monitoring date, water elevation (if applicable), site impacts or concerns, and recommendations. The table will be incorporated into annual monitoring reports.

5.1.7 Response and Treatment Measures

Monitoring response and treatment measures are intended to enable the Renewal Corporation to determine the ongoing conditions of archaeological resources and identify problems that may be adversely affecting archaeological historic properties and potential historic properties. Alerts at individual archaeological historic properties include:

- an instance of unauthorized recreational uses that displace artifacts
- an instance of unauthorized artifact collecting or any unauthorized excavation
- erosion that exceeds 3 centimeters vertically or 10 centimeters horizontally

If an alert is observed, the Renewal Corporation will notify FERC, ACHP, SHPOs, tribes, federal land manager, and other consulting parties no later than 1 month from the observation (unless evidence of looting and vandalism is observed, in which case notification will be within 48 hours (as outlined in the LVPP), or unless erosion is observed that exceeds 3 centimeters vertically or 10 centimeters horizontally in conjunction with the Phase 2 Drawdown, in which case the Renewal Corporation may need to respond in real-time with minimal consultation (see Section 7.2, Exemptions to the Process during Drawdown). The Renewal Corporation will consider additional immediate and long-term corrective actions on a case-by-case basis and as reviewed with these parties.

The Renewal Corporation will consider additional immediate and long-term corrective actions in response to these alerts. Specific responses will be determined on a case-by-case basis and reviewed with FERC, ACHP, SHPOs, tribes, federal land manager, and other consulting parties before implementation of treatment measures following provisions of the HPMP. The CRS will address incidences of looting and vandalism (i.e., collection, unauthorized excavation) observed as part of the site condition monitoring following procedures of the HPMP's LVPP.

5.2 Site Condition Monitoring Locations

Archaeological historic properties that will be subject to site condition monitoring are summarized in the HPMP and are based on a site's status as a historic property or potential historic property and potential threats specific to the resource. The CRS will adjust this list as new inadvertent/post-review discoveries are made and as potential threats change.

Sites needing the highest level of site condition monitoring intensity are anticipated to be those sites that are exposed during reservoir drawdown in the Iron Gate, Copco, and J.C. Boyle pools. Sites on the north side of the Klamath River in California, between Copco and Stateline, are less accessible to the general public and have much less need for site condition monitoring related to looting and vandalism concerns. Areas near Copco are close to facilities where Renewal Corporation personnel can effectively monitor public activity on a routine basis during the reservoir drawdown.

The sites where site condition monitoring will be less frequent are generally inaccessible to vehicular traffic and/or have relatively difficult public access and are not located in a potential reservoir erosion zone. Lack of easy public access helps limit potential ground disturbance.

5.3 Site Condition Monitoring Schedule

The schedule and frequency for site condition monitoring is summarized in Table 5-1. The frequency of site condition monitoring will generally decrease over time unless concerns are triggered due to observations of impacts. The Renewal Corporation will perform site condition monitoring until FERC acknowledges that the Renewal Corporation has fulfilled its obligations under the LSO and that the license surrender is effective.

5.3.1 Phase 1: Pre-Drawdown

Prior to construction, the Renewal Corporation will complete at least one visit to each historic property at risk of erosion, aggradation of sediment, or potential increased exposure to establish baseline conditions no less than 3 months prior to reservoir drawdown. The CRS will document baseline conditions, establish photographic points, and install survey monuments and/or inclinometers for historic properties subject to potential erosion.

5.3.2 Phase 2: Drawdown

The reservoir drawdown will occur in two phases. The first will include drawing water levels down to minimal operating levels, followed by actual dam removal and complete draining of reservoirs. Once initiated, drawdown activities will not be able to be stopped. Drawdown is estimated to take place over a 3-month period. The target drawdown rate is about 5 feet per day.

During drawdown, fine sediment accumulated from behind the dams will be flushed down the river system and may deposit up to several feet of “pudding”-like sediment and algae as the river recedes. This deposition will create a temporarily unsafe environment in some areas, and typical pedestrian survey/monitoring methods will not be possible within the drawdown zone. Impacts to cultural resources could include erosion and/or burial by accumulating fine sediment, both within the reservoirs and along the downstream river channel.

During the Phase 2 Drawdown, the Renewal Corporation will:

- Complete weekly inspections of at-risk archaeological historic properties along the reservoir, including new discoveries, for any signs of geological instability (e.g., cracking or slumping). If geological instability is observed, the Renewal Corporation will complete daily inspections of those at-risk historic properties.
- Conduct weekly surveillance using unmanned aircraft (drones) or water vessels when health and safety concerns prevent access to reservoir areas to assess potential erosion of historic properties.

- Install additional inclinometers in sensitive cultural resource locations subject to erosion. The CRS or qualified monitor will observe, document, and report any evidence of site impacts resultant from drawdown erosion.
- Complete systematic inventory during/after drawdown to document newly-exposed portions of previously documented cultural resources, and to identify any new resources that may require further mitigation and management including monitoring.

5.3.3 Phase 3A: Post-Drawdown Facility Removal

Beginning the month after the reservoir drawdown is complete, the Renewal Corporation will begin monthly inspections. The de-watered areas will be immediately hydroseeded as reservoir restoration activities begin. Dam removal, road and bridge modifications, use of staging areas and disposal sites, and transmission line removal activities, and reservoir restoration activities will occur. Some of these actions would extend for years. The Renewal Corporation will continue to monitor construction within high sensitivity areas following standard monitoring methods, in addition to monthly site condition monitoring for historic properties and newly exposed resources. The Renewal Corporation will complete monthly inspections until completion of facility removal.

5.3.4 Phase 3B: Post-Drawdown Site Restoration

After facility removal is complete, the Renewal Corporation will begin two years of quarterly (4 times per year) inspections for all at-risk historic properties. Years 2 and 3 will overlap continued reservoir restoration activities and other components such as road improvements, Yreka Water Supply improvements, recreation facilities removal and development, downstream flood control improvements, and other components. By this time, most at-risk historic properties should have appropriate management measures in place so that a reduced frequency in site condition monitoring is warranted.

Table 5-1 outlines the proposed schedule for site condition monitoring (site inspections) that will look for evidence of impacts to archaeological historic properties, including those listed in the HPMP as well as any potentially significant post-review discoveries such as sites identified after the reservoir drawdown (currently submerged resources).

Table 5-1: Site Condition Monitoring Schedule and Frequency

Project Stage	Site Condition Monitoring	Onset/Trigger	End	Expected Duration	Monitoring Interval
Phase 1: Pre-Drawdown	No less than <u>3 months prior to Phase 2 Drawdown</u> , the CRS will visit at-risk historic properties to establish baseline conditions. The CRS will document current conditions on a standardized form and establish photographic points. The CRS will install survey monuments and/or inclinometers for historic properties at risk for potential erosion.	3 months prior to Drawdown	N/A	One time	N/A
Phase 2: Drawdown	During Phase 2 Drawdown, the Renewal Corporation will conduct <u>weekly</u> inspections of at-risk historic properties for any evidence of embankment instability, erosion, looting or vandalism, and other impacts. If such evidence is observed, the Renewal Corporation will conduct <u>daily</u> inspections of those at-risk sites.	Start of Drawdown	End of Drawdown	3 months	Weekly to Daily
	The Renewal Corporation will conduct periodic (i.e., <u>weekly</u>) inspections by unmanned aircraft or water vessel for at-risk historic properties that cannot be safely accessed during the drawdown and to identify any newly emergent resources following water recession.	Start of Drawdown	End of Drawdown	3 months	Weekly
Phase 3A: Post-Drawdown Facility Removal	The Renewal Corporation will conduct <u>monthly</u> inspections of at-risk historic properties following reservoir drawdown completion.	Completion of Drawdown	Completion of Facility Removal	7 months	Monthly
Phase 3B: Post-Drawdown Site Restoration and Ancillary Site Improvement Activities	The Renewal Corporation will conduct <u>quarterly</u> (4 times per year) inspections of at-risk historic properties while other project components are underway.	Completion of Facility Removal	Fulfillment of LSO obligations	2 years (Years 2-3) and as needed beyond year 3	Quarterly

Notes: CRS = cultural resources specialist; FERC = Federal Energy Regulatory Commission; LSO = License Surrender Order

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Chapter 6: Recordation and Documentation

6. RECORDATION AND DOCUMENTATION

6.1 Resource Recordation

Monitors may use various methods of recording information, including written descriptions, mapping, photography, GPS, and video. These records will assist with the assessment of archaeological resources if discovered. All identified cultural resources, inclusive of isolates, features, and sites, will be recorded on standard archaeological recordation forms. Archaeological sites identified in the State of Oregon will be recorded using the Oregon SHPO Standard Site Form. In California, sites will be recorded using appropriate California Department of Parks and Recreation forms.

Site recordation involves first walking over the site at intervals contingent upon artifact density. Artifacts and features will be marked with pin flags or flagging tape, which will be removed following recording. Site boundaries will be identified based on surface extent of cultural materials and features. Flaked stone debitage from prehistoric sites will be inventoried by technological type and stage of reduction and recorded on a Flaked Stone Tally sheet. Historic cans will be inventoried using a Tin Canister Tally sheet designed to identify types, aid in dating the historic assemblages, and create comparable descriptions of historic deposits. Remains of historic structures, if encountered, will be further documented using state-specific structural records, while any linear features will be documented on linear feature records. If any rock features are found, they will not be touched or altered. All cultural resources identified in the field will be plotted on 7.5-minute topographic quadrangle maps, and GPS mapping of each resource location will be undertaken using GPS receivers. Any previously recorded sites will be revisited during the inventory, and existing site records will be reviewed for content and accuracy. Revisions, additions, or other observations will be recorded on appropriate and up-to-date site forms.

Archaeological sites will be mapped using a compass and tape or, in the case of larger sites, pacing or GPS readings. As appropriate, site sketch maps will include site boundaries; major topographic features; approximate topographic contours; artifact concentrations; features; temporally or functionally diagnostic artifacts; modern features such as roads, fences, and power lines that could aid in the later relocation of the site and/or that have a bearing on site integrity; and other signs of disturbance. Cultural features will be drawn and will be photographed using digital cameras. Diagnostic artifacts will be described, photographed, and drawn as appropriate. Overview photographs of the site will be also taken. All data necessary to complete the Oregon SHPO Standard Site Form will be collected in the field and be typewritten upon returning from the field.

Isolated finds, typically consisting of nine or fewer artifacts (unless superseded by agency-specific definitions), will be recorded using either an Oregon State Cultural Resources Isolate Form or a California

Primary Record. Recordation will include photography (as appropriate) and location delineated by GPS coordinates.

6.2 Monitoring Forms

The CRS will develop standardized forms for the Proposed Action, including daily monitoring forms, photographic logs, excavation forms, site condition monitoring forms, and others.

6.3 Data Management

The CRS will be responsible for maintaining the monitoring data (spreadsheets, GIS/GPS information, photographs, updated geoarchaeological sensitivity model) and distributing data to the States of California (SHPO) and Oregon (SHPO) when Parcel B lands are transferred to the states.

6.4 Documentation

The monitor will be responsible for recordation of all cultural materials discovered during construction monitoring, following SHPO guidelines for each state. The on-site monitor will record the details of the activities on monitoring forms for each day on which monitoring is conducted. Data recorded will include descriptions of the construction area, excavation methods, cultural materials, soil profiles, sketches, and photographs. Cultural resources features and artifacts will be mapped (using GPS technology and field sketch maps), inventoried, and photographed, and stratigraphic profiles and soil and sediment descriptions will be provided. The on-site monitor will submit a daily monitoring report to the CRS.

6.5 Annual Report

The Renewal Corporation will prepare an Annual Report following the provisions of the HPMP, which will include sections discussing monitoring observations, recommendations or interventions to prevent further damage, responses, and other updates.

SHPO Site Inventory Forms or Archaeological Isolate Forms will also be included for the appropriate state in which the resource was identified. The CRS will provide site form updates for observations of changes in condition or site boundaries. Site-specific treatment plans, results reports, field notes, and any other documentation will be appended to the Annual Report. The Annual Report will be submitted to the consulting parties for review following provisions of the HPMP. These documents are confidential and exempt from disclosure under federal and state law (see Section 304 of the NHPA as implemented in 36 CFR § 800.11(c)).

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Chapter 7: Archaeological Discovery Protocol

7. ARCHAEOLOGICAL DISCOVERY PROTOCOL

The Renewal Corporation will follow these steps in the event an archaeological object and/or site more than 50 years old is encountered during implementation of the Proposed Action.

Examples of archaeological objects and/or cultural materials include the following items:

- Tools made of stone, bone, shell, horn, or antler, including projectile points, scrapers, cutting tools, and grinding stones
- Collections of shells, fish, and mammal bones
- Buried collections of cobble stones that may represent fire hearths or other human activity
- Culturally modified soil
- Old building materials and foundations
- Industrial or agricultural equipment
- Materials such as bottles, tin cans, ceramics, glass beads, and other objects

7.1 Procedures

The Renewal Corporation will take the following steps for a post-review discovery of archaeological objects and/or cultural materials (that are not human remains or potential funerary objects, sacred objects, and objects of cultural patrimony):

Step 1 - Protect the Discovery Location

If any personnel believe they have discovered a significant archaeological object and/or cultural resource that is not human remains, the person making the discovery will halt the work or take such other appropriate measures to preserve or protect the object and/or resource from further disturbance, if feasible. The Renewal Corporation will immediately implement treatment measures recommended by the cultural resources monitor, and if necessary to preserve or protect from further disturbance, suspend construction activities within a radius of up to 100 feet of the discovery in all non-dewatering situations. The monitor and/or field team supervisor will contact the CRS. The CRS/field team supervisor will secure the immediate area of the discovery site and will not allow vehicles, equipment, and unauthorized personnel to traverse the discovery site. Work may continue outside of the discovery area buffer under supervision of a monitor. (See Section 7.2 for exemptions to this process during reservoir drawdown.) The person making the discovery will maintain confidentiality about what was discovered and will not discuss the discovery with outside parties.

Step 2 - Initial Assessment

The CRS will provide an initial assessment of the discovery. If the CRS assesses the resource as not meeting the definition of an archaeological object and/or cultural resource, the CRS will document the decision in writing and authorize the suspended work to resume at the discovery location without further notifications.

For confirmed archaeological discoveries, the CRS will make an initial assessment of the potential significance of the discovery based on NRHP eligibility per 36 CFR § 800.4(c). For post-review discoveries, the Renewal Corporation and FERC, in consultation with the SHPO and affected Indian tribes, may assume a newly-discovered property to be eligible for the NRHP for purposes of Section 106 (36 CFR 800.13(c)). FERC will make the determination of eligibility. If the Renewal Corporation assumes a post-review discovery to be eligible, the Renewal Corporation shall specify the NRHP criteria used to assume the property's eligibility so that information can be used in the resolution of adverse effects (36 CFR 800.13(c)).

Eligible Archaeological Resource Types

Artifacts and features that are eligible for the NRHP are those that can contribute to our understanding of history or prehistory and/or have associative value under other NRHP criteria. A property may be significant under one or more criteria and the Renewal Corporation will consider significance under all four NRHP Criteria, if possible, in order to identify all aspects of its historical value (NPS 1997:11).

Not Eligible Archaeological Resource Types

Several types of historical debris and features over 50 years old may be discovered as a result of construction but are not inherently important as archaeological resources. These are typically materials and features that are common and lack important information potential or associative context. Examples include:

- Industrial debris already documented with the built-resource environment
- Post-demolition built-resource foundations and associated materials
- Rock, brick rubble, gravel, and sand used as fill material
- Wood and lumber fragments
- Rubber tire fragments and non-diagnostic automobile parts
- Machinery parts and miscellaneous tools
- Non-diagnostic glass (e.g., window, bottle) and ceramic fragments
- Miscellaneous non-diagnostic metal fragments
- Abandoned utilities (isolated pipes) and wires/cables
- Underground gas/oil storage tanks
- Fragmentary artifacts that are non-diagnostic in nature and within unstratified fill, with no discernable important associations or context

Step 3 – Proceed with Notifications with Determinations of Eligibility, Findings of Effect, and Resolution of Adverse Effects

The Renewal Corporation will notify FERC, SHPO, tribes, federal land manager, and other consulting parties within 48 hours of the discovery with an assessment of eligibility and proposed actions to resolve adverse effects following the PA (36 CFR § 13 (b)(3)). These parties will have 48 hours to respond. These notification periods may not be feasible during certain aspects of construction, such as during reservoir drawdown. FERC will consider consulting party recommendations.

Resource is Not Eligible for the NRHP

If the Renewal Corporation assesses the resource to be not eligible for the NRHP and the reviewing parties concur that the resource is not eligible, the Renewal Corporation will authorize work to resume.

The CRS will continue with formal documentation of the resource and include the resource in an Annual Monitoring Report.

Resource is Potentially Eligible for the NRHP

If the Renewal Corporation assesses there is no adverse effect, the Renewal Corporation will consult on that finding with FERC, SHPO, tribes, federal land manager, and other consulting parties and resume work at the discovery site.

If the Renewal Corporation assesses the resource as potentially eligible and there will be an adverse effect, the Renewal Corporation will issue a formal Stop Work Order for activities at the discovery site (as necessary depending on the type of selected treatment measures).

The Renewal Corporation will identify and propose treatment measures from the HPMP in consultation with the consulting parties. These measures include:

- Post-drawdown survey/detailed mapping and photography
- Enhanced oral history
- Site condition monitoring
- Construction monitoring
- Restrict public access (erect fences and barriers)
- Avoidance
- Eliminate or modify existing roads, recreation sites, livestock operations
- Strategic plantings
- Install signage
- Erosion control
- Capping/armoring
- Data recovery
- Enforcement patrols

- Alternative mitigation or other measures that may be suggested through the consultation process

Step 4 - Implement Treatment Measures

In consultation with the consulting parties, the Renewal Corporation will implement the selected treatment measures. Appropriate measures will be adapted to changing conditions, such as to drawdown schedules, seasonal changes in public use, and observed issues such as illicit artifact collection.

Step 5 – Complete Documentation

The CRS and on-site cultural resources monitor are responsible for completing documentation of the events and logging communications. Documentation will include detailed notes on the date and time of each phone call with a description of the conversation and list of next steps discussed. The CRS will coordinate response strategies and executing further work at the site as needed. The CRS will ensure distribution of summary technical reports. Other documentation may include photographs and notes from field visits, conversation records and memoranda, or other correspondence with all involved parties. If the discovery warrants further field work, analysis, and reporting, the Renewal Corporation will provide the deliverables of those investigations on a case-by-case basis.

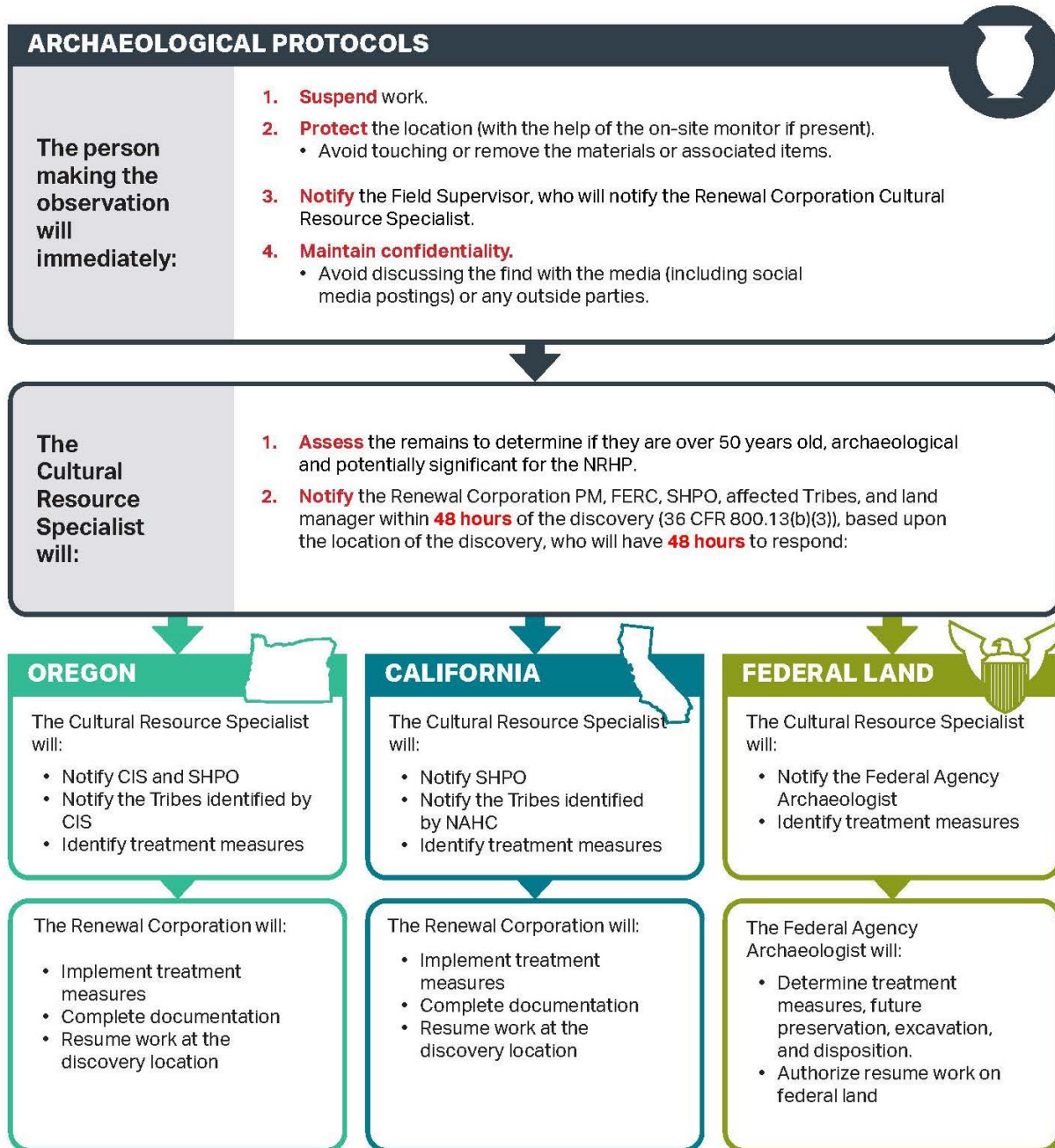
Step 6 – Start Work

The Renewal Corporation will resume activities at the discovery location after notifying FERC, SHPO, tribes, federal land manager, and other consulting parties and the implementation of treatment measures identified in the steps above.

Figure 7-1 depicts a process flowchart for initial archaeological protocols after a post-review discovery.

7.2 Exemption to this Process During Drawdown

Reservoir drawdown activities will not be able to stop once initiated. If a post-review discovery is made, suspending or stopping work to further assess a site (see Step 1, above) will not be possible. The periods of review outlined above will not be practicable for protection of at-risk resources discovered during the reservoir drawdown. As feasible, the Renewal Corporation will implement temporary erosion control as an interim protective measure for at-risk resources until consultation can occur. See HPMP Section 7.1.10, Erosion Control.



Notes: CIS = Oregon Commission of Indian Services; NAHC = Native American Heritage Commission; SHPO = State Historic Preservation Office

Figure 7-1: Process flowchart for initial archaeological protocols based on location

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Chapter 8: Human Remains Discovery Protocol

8. HUMAN REMAINS DISCOVERY PROTOCOL

The protocols specified below will be implemented in the event of the discovery of human remains, funerary objects, sacred objects, and objects of cultural patrimony during construction, decommissioning, or restoration activities.

“Human remains” discovery protocol apply to more than just human skeletal remains. Both tribal and European American traditions may involve the burial of associated cultural items with the deceased. Other Native American traditions include ceremonial burning of human remains, funerary objects, and animals. Ashes, soils, and other remnants of these burning ceremonies, as well as associated funerary objects and unassociated funerary objects buried with or found near human remains, are to be treated in the same manner as skeletal remains or bone fragments that remain intact.

Many different objects may be considered to be funerary objects, sacred objects, and objects of cultural patrimony under NAGPRA (see Section 1.5, Definitions). Each tribe may define such objects differently. Some examples could include, but are not limited to, obsidian “wealth” blades; waisted obsidian ceremonial knives; ear plugs and spools; anthropomorphic and zoomorphic figurines, clubs, and pestles; bone and glass beads; dice; camas digging stick handles; marine and freshwater shell pendants or beads; labrets; objects for personal adornment such as jewelry; feathers; pipes; artifacts that have been “killed” (purposely broken or with a hole in it so as to release its spirit); and artifacts or remains covered in red ochre.

The kind of traditional treatment to, if any, and planned disposition, of human remains, funerary objects, sacred objects, and/or objects of cultural patrimony must be determined on a case-by-case basis in consultation with the affected tribe(s). Specific procedures to be followed in the event of a discovery will depend on the ownership status of the lands where the human remains and/or objects are discovered. Both California and Oregon have designated agencies, including the Native American Heritage Commission (NAHC) for California and the Oregon Legislative Commission on Indian Services (CIS) that coordinate discoveries of Native American human remains and objects with affected tribe(s).

Human remains and/or associated grave goods will be protected to the extent feasible until appropriate disposition has been determined, in accordance with the protocol and applicable federal, state, and local statutes and regulations.

The Renewal Corporation will follow these steps will in the event of an inadvertent discovery of human remains, funerary objects, sacred objects, and objects of cultural patrimony:

Step 1 – Stop Work and Protect the Discovery

If any personnel believe they have discovered human remains, the Renewal Corporation will stop all work up to 100 feet of the discovery to the extent feasible. The on-site cultural resources monitor will immediately notify the field supervisor and then call the CRS. The on-site monitor or field supervisor (if no cultural resources monitor is present) will immediately establish an appropriate buffer. Project activities will not be allowed within the buffer around the discovery until authorization is provided through implementation of the protocols outlined below, unless such a restriction is not feasible (e.g., halting reservoir drawdown).

The on-site monitor, field supervisor, and/or CRS will ensure the remains are not touched, moved, photographed, or otherwise disturbed. Remains will immediately be covered with a clean tarp only, for temporary protection in place and to shield them from being photographed. No vehicles, equipment, and unauthorized personnel will be permitted to traverse the area until approved by the CRS. The on-site monitor or field supervisor will take notes on the location and be able to accurately provide location information during the notification processes. The Renewal Corporation will not leave the location unsecured at any time and will maintain confidentiality.

Step 2 – Proceed with Notifications

The CRS will immediately complete the notification process. Notification includes disclosure of the materials discovered, the time and location of the discovery, and any other relevant information. The process for contacts to be made following a discovery of human remains is summarized below and on Figure 8-1.

1. If human remains and/or objects are encountered, the CRS will first notify the Renewal Corporation Project Manager to assist with implementing immediate stop work orders and site security measures, as needed.
2. The CRS will immediately contact the appropriate agency officials based on land ownership where the human remains and/or objects are found:
 - Federal/tribal land: The CRS will immediately notify the County Coroner and designated agency official of the federal land management agency. Further treatment will be at the direction of the designated agency official, including whether or not the remains are archaeological or if they constitute a law enforcement issue and coordination with the Federal Bureau of Investigations (FBI). The federal land management agency, in consultation with FERC, as the lead agency, will be responsible for compliance with NAGPRA and its implementing regulations for all NAGPRA-related inadvertent discoveries and discovery situations on federal lands. FERC and the land management agency will consult with the appropriate Native American tribe(s) or other ethnic groups related to the human remains identified to determine the treatment and disposition measures consistent with applicable federal laws, regulations, and policies.
 - California state and private land: The CRS will immediately notify the County Coroner, who will notify the NAHC if the remains are Native American. The NAHC will determine the appropriate Native American tribe(s) that are Most Likely Descendants. Treatment of human burials found on state or private lands in California are covered under the PRC, Division 5, Parks and Monuments

(Division 5 added by Stats. 1939, Ch. 94.), Chapter 1.75. Native American Historical, Cultural, and Sacred Sites, and the California Native American Graves Protection and Repatriation Act of 2001 (Chapter 5 of Part 2 of Division 7 of the Health and Safety Code).

- Oregon state and private land: The CRS will immediately notify the County Coroner, state police, CIS, and appropriate Native American tribe(s) (which are determined by the CIS). Treatment of human burials found on state or private lands are covered under ORS 97.745.

The subsequent steps apply to discoveries on California and Oregon state and private land:

3. The CRS will also immediately notify the appropriate SHPO of the discovery, by telephone. The CRS will keep SHPO informed of all discussions regarding the remains until their final status is resolved.
4. The CRS will also notify FERC, the private landowner (if applicable), and the ACHP.
5. The Renewal Corporation will invite tribal representatives to be present during the coroner's inspections of the remains.
6. If the human remains are a law enforcement issue (not found in an archaeological context), all further work at the discovery site will be at the discretion of local law enforcement, including notification that work may resume.
7. If the human remains are not a law enforcement issue, the NAHC (California) or CIS (Oregon) will be notified by law enforcement.
8. The NAHC or CIS will be responsible for notifying and coordinating the discovery response with the appropriate tribes in their state. The CRS remains responsible for notifications to other entities.
9. If the human skeletal remains are determined to be historic non-Indian remains, FERC and the appropriate SHPO will determine treatment.

Step 3 – Implement Treatment Measures (Human Remains Treatment Plan)

The Renewal Corporation will not disturb, manipulate, or transport human remains and associated objects from the original location of discovery until a site-specific human remains treatment plan is developed and consultation has occurred. If it is unsafe or infeasible to stop work (i.e., during drawdown), the Renewal Corporation will revisit the location as soon as safely feasible

The CRS, on-site cultural resources monitor, and representatives from other consulting parties including SHPO and tribes, may be needed to help assess the discovery. The CRS will help develop a treatment plan or similar document to guide the appropriate course of action, which may involve excavation and/or *in situ* stabilization of the human remains. The protocol for the treatment of human remains will include (1) planned care and handling of human remains, funerary objects, sacred objects, and objects of cultural patrimony; (2) information used to determine custody/ownership; (3) the methods to be used for archaeological recording, analysis, and reporting; (4) the steps to be followed to contact relevant Native American tribal officials at the time of excavation; (5) the kind of traditional treatment, if any, to be used; and (6) the planned disposition.

If the coroner determines the human remains to be historical and non-Indian, the Renewal Corporation, FERC, the applicable SHPO, landowner, and other consulting parties, as needed, will consult regarding the appropriate treatment. The CRS, in coordination with the on-site monitor and consulting parties, will prepare a site-specific treatment plan to be reviewed and approved by the consulting parties. The Renewal Corporation will use historical documentation and attempt to locate familial descendants.

Step 4 – Complete Documentation

The CRS and on-site cultural resources monitor will complete documentation of the events and logging communications. Documentation will include detailed notes on the date and time of each phone call with a description of the conversation and list of next steps discussed. The CRS will coordinate response strategies and executing further work at the site as needed. The CRS will distribute summary technical reports to the involved parties. Other documentation may include photographs and notes from field visits, conversation records and memoranda, or correspondence with all involved parties. If the discovery warrants further field work, analysis, and reporting, the Renewal Corporation will provide deliverables on a case-by-case basis.

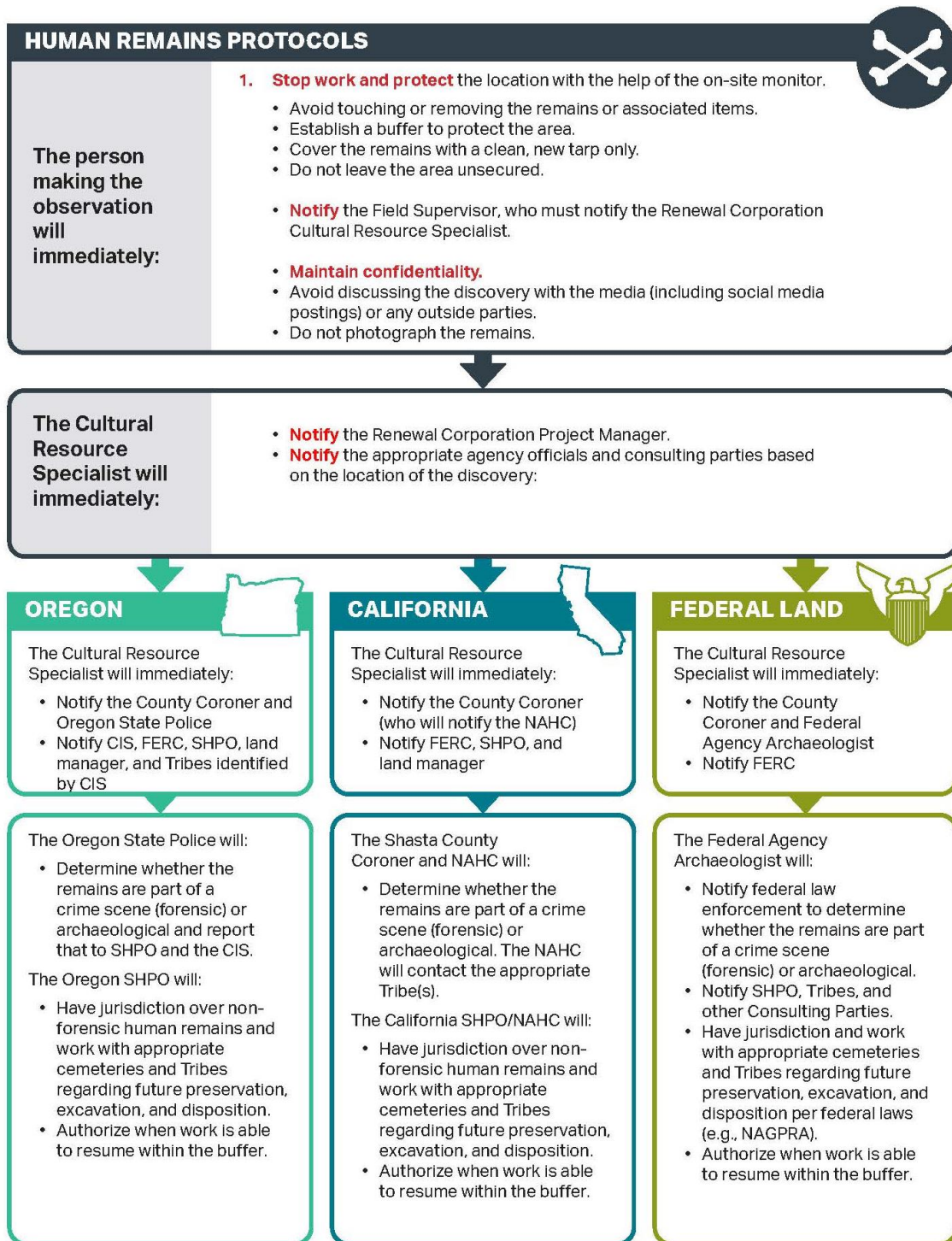
The CRS will document the location of reburials on maps to be filed at the respective agency (SHPO and/or federal land manager) to prevent future disturbance. These maps will not be available to the public.

Step 5 – Start Work after Authorization

The Renewal Corporation will resume construction activities at the discovery location only after the SHPO or other designated federal official (for BLM and USFS lands) determines, in consultation with FERC, the Renewal Corporation, landowner, ACHP, and NAHC or CIS, that compliance with laws and regulations is complete and provides written authorization for the Renewal Corporation to proceed.

If the human remains are considered a law enforcement issue, only law enforcement personnel can issue the order to resume work at the discovery location.

Protocols to be followed in the event of a discovery of human remains are outlined in Figure 8-1.



Notes: CIS = Oregon Commission of Indian Services; NAHC = Native American Heritage Commission; SHPO = State Historic Preservation Office

Figure 8-1: Human remains protocols flow chart

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Chapter 9: Collection, Curation, and Permitting

9. COLLECTION, CURATION, AND PERMITTING

The geographic location of the archaeological resource will determine collection procedures. For the duration of this MIDP, most of the Proposed Action activities will take place on land in private ownership by the Renewal Corporation. After the license surrender and subsequent land transfer to the States takes place, collection and curation policies are expected to be revised.

9.1 Collection

The Renewal Corporation will collect tangible cultural resources discovered during monitoring, once necessary state and/or federal archaeological permits are in place. All precontact and historic artifacts collected will be analyzed, catalogued, and temporarily curated at a preselected and secure location.

Figure 9-1 summarizes LKP Archaeological Permitting, Curation, and Collection Policies.

9.2 Curation

The Renewal Corporation will complete curation following the requirements of the HPMP and stipulations of the PA.

9.3 Archaeological Permitting

For the period of decommissioning, most of the ADI will be in private ownership by the Renewal Corporation. The Renewal Corporation will obtain Oregon State Archaeological Permitting in advance of dewatering and decommissioning. The Renewal Corporation will also obtain appropriate federal and state archaeological permits to conduct archaeological monitoring on federal and state-managed lands.

Federal

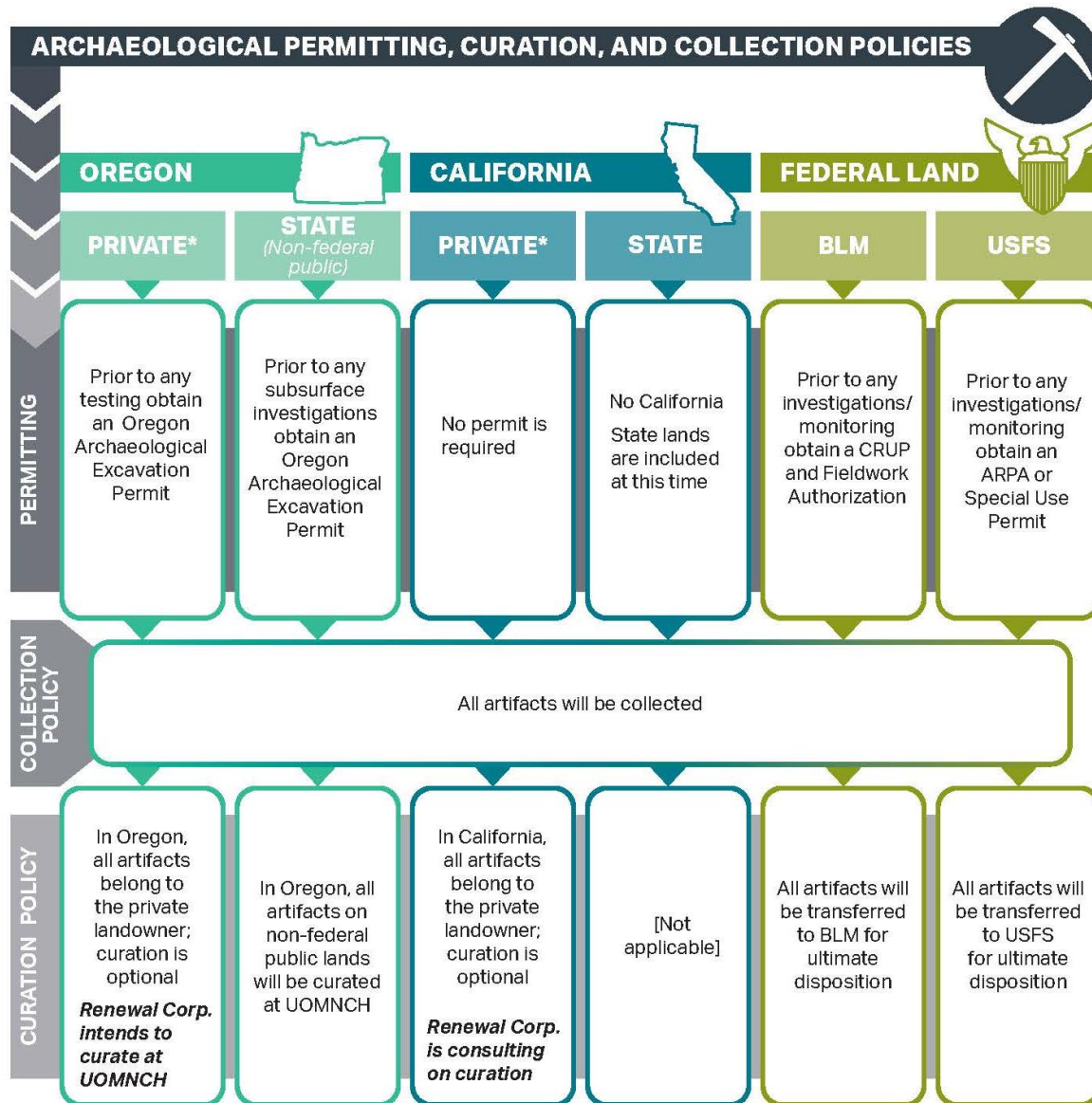
On federal lands (e.g., BLM, USFS), excavation or removal (collection) of archaeological resources necessitates a permit from the federal land manager. In the event of a post-review discovery on BLM lands, any surface collections or field activities that have the potential to disturb the discovery will be conducted under a fieldwork authorization issued under a statewide BLM Cultural Resource Use Permit. On USFS lands, any archaeological fieldwork or disturbance of an inadvertent discovery will be conducted under the terms and conditions of an Archaeological Resources Protection Act Permit or Special Use Permit.

California

In the State of California, required permits or permissions will be obtained from the state land manager or private landowner prior to conducting any archaeological field work or collection. On private lands, collection of artifacts requires the written permission from the property owner to whom the artifacts belong.

Oregon

In the State of Oregon, a person may not excavate or alter a known archaeological site on non-federal public or private lands, make an exploratory excavation on non-federal public lands to determine the presence of an archaeological site, or remove from public or non-federal private lands any material of an archaeological, historic, prehistoric, or anthropological nature without first obtaining an State of Oregon archaeological permit issued by the Oregon SHPO (see ORS 390.235(1)(a) and 358.920). Separate archaeological permits are needed for each property owner or public land manager where archaeological investigations are needed. An archaeological permit may be obtained by an individual who meets the state qualifications of a professional archaeologist (ORS 390.235 (6)(b)). Given that the construction will occur on non-federal public lands and private lands, any surface collections or subsurface investigations that have the potential to disturb, destroy, or otherwise alter a site or sensitive area may not be conducted without a State of Oregon archaeological permit. The Renewal Corporation will obtain necessary permits from Oregon SHPO in the event of a post-review discovery before further assessment work proceeds.



* Most of the Proposed Action falls within private land ownership

Acronyms:

- ARPA** = Archaeological Resources Protection Act
- BLM** = Bureau of Land Management
- CDFW** = California Department of Fish and Wildlife
- CRUP** = Cultural Resources Use Permit (BLM)
- FERC** = Federal Energy Regulatory Commission
- SHPO** = State Historic Preservation Office
- UOMNCH** = University of Oregon Museum of Natural and Cultural History
- USFS** = United States Forest Service

Figure 9-1: Flowchart showing expected archaeological permitting, curation, and collection policies based on land ownership

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Chapter 10: Contact Information

10. CONTACT INFORMATION

This section provides current (2022) contact information for agencies, tribes, and other parties to be notified under this plan. The following tables include contacts, law enforcement contacts, and agency and tribal contacts based on geographic location by state. Contact information is expected to change over the course of the Proposed Action. The Renewal Corporation CRS will maintain up-to-date contact information.

Table 10-1: Project Contacts

Name	Organization	Role	Phone	Email
TBD	TBD	Cultural Resource Specialist	TBD	TBD
TBD	FERC	TBD	TBD	TBD
Mark Bransom	The Renewal Corporation	Chief Executive Officer	O. (510) 679-6929	mark@klamathrenewal.org

Table notes: FERC = Federal Energy Regulatory Commission

Table 10-2: Law Enforcement Contact Information, by Jurisdiction

Landowner/Location	Law Enforcement	Name and Role	Phone	Email
The Renewal Corporation - California	Siskiyou County Sheriff	TBD	TBD	TBD
The Renewal Corporation - Oregon	Klamath County Sheriff	TBD	TBD	TBD
USFS	USFS Law Enforcement	TBD	TBD	TBD
BLM	BLM Law Enforcement	TBD	TBD	TBD
FBI	FBI Portland Field Office	-	(503) 224-4181	-

Table notes: BLM = Bureau of Land Management; USFS = U.S. Forest Service

Table 10-3: California Contact Information

Name	Organization	Role	Phone	Email
Jon Lopey, Sheriff-Coroner or Lt. Mark Hilsenberg, Chief Deputy Coroner	Siskiyou County Law Enforcement	Coroner, Primary Contact for Human Remains	O. (530) 842-8300	-
-	Native American Heritage Commission	Primary Contact for Native American Human Remains in CA	O. (916) 373-3710	-
California State Historic Preservation Office (general)	California State Historic Preservation Office	State Historic Preservation Office	O. (916) 445-7000	CALSHPO.OHP@parks.ca.gov
Brendon Greenaway	California State Historic Preservation Office	State Archaeologist, Primary SHPO Contact for CA	O. (916) 445-7036	Brendon.greenaway@park.ca.gov
Eric Ritter	BLM, Redding Field Office	Archaeologist	O. (530) 224-2131	eritter@blm.gov
Jeanne Goetz	USFS, Klamath National Forest	Heritage Resources Specialist	O. (530) 841-4488	jgoetz@fs.fed.us
Blake Follis	Modoc Nation	Environmental Director	O. (918) 542-1190	blake.follis@modoctribe.com
Roy Hall	Shasta Nation	Chief	O. (530) 468-2314	shastanation@hotmail.com
Janice Crowe	Shasta Indian Nation	Chairperson	O. (530) 244-2742	twocrowes63@att.net
Crystal Robinson	Quartz Valley Indian Reservation	Environmental Director	O. (530) 468-5907 ext. 318	Crystal.Robinson@qvir-nsn.gov
Alex Watts-Tobin	Karuk Tribe	THPO	O. (530) 627-3446 ext. 3015	atobin@karuk.us
Rosie Clayburn	Yurok Tribe	THPO	O. (707) 482-1350 ext. 1309	rclayburn@yuroktribe.nsn.us
Rachel Sundberg	Cher'Ae Heights of the Trinidad Rancheria	THPO	O. (707) 677-0211	rsundberg@trinidadrancheria.com

Table notes: SHPO = State Historic Preservation Office; THPO = Tribal Historic Preservation Office

Table 10-4: Oregon Contact Information

Name	Organization	Role	Phone	Email
Craig Heuberger	Oregon State Police	Human Remains Contact	C. (503) 508-0779 Dispatch: (503) 731-3030	-
John Pouley	Oregon State Historic Preservation Office	State Archaeologist, Primary SHPO contact for OR	C. (503) 480-9164	John.pouley@oregon.gov
Mitch Sparks	Oregon Commission on Indian Services	Executive Director	O. (503) 986-1067	LCIS@oregonlegislature.gov
Laird Naylor	BLM	Lead Archaeologist, KFRA	O: (541) 885-4139	lnaylor@blm.gov
Sara Boyko	BLM	Project Archaeologist	O: (541) 885-4114	sboyko@blm.gov
Perry Chocktoot	Klamath Tribes	Culture and Heritage Director for Klamath Tribes	O. (541) 783-2764 ext. 107	perry.chocktoot@klamathtribes.com
Robert Kentta	Confederated Tribes of Siletz	Cultural Resource Specialist	O. (541) 444-8244	rkenta@ctsi.nsn.us

Table notes: SHPO = State Historic Preservation Office; THPO = Tribal Historic Preservation Officer

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Chapter 11: References

11. REFERENCES

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Chapter 12: List of Preparers

12. LIST OF PREPARERS

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APPENDIX A CONFIDENTIAL SENSITIVITY MODEL MAPSET

PRIVILEGED AND CONFIDENTIAL INFORMATION: DO NOT RELEASE

APPENDIX A to HPMP APPENDIX B

Confidential Sensitivity Model Mapset

REDACTED: Appendix A to HPMP Appendix B consists in its entirety of information about the location, character, or ownership of historic resources that, if disclosed, may cause a significant invasion of privacy; cause a risk of harm to the historic resource; or impede the use of a traditional religious site by practitioners. Appendix A is labeled as “Privileged” in accordance with 18 C.F.R. § 388.112, 18 C.F.R. § 388.107 and 36 CFR § 800.11(c).

APPENDIX C LOOTING AND VANDALISM PREVENTION PLAN



Lower Klamath Project

Looting and Vandalism Prevention Plan

September 2022

Prepared for:

Klamath River Renewal Corporation
Federal Energy Regulatory Commission
Lower Klamath Project Cultural Resources Working Group

Prepared by:

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Appendices

Appendix A Sample Looting and Vandalism Observation Form

ACRONYMS AND ABBREVIATIONS

ACHP	Advisory Council on Historic Preservation
ADI	Area of Direct Impact
AECOM	AECOM Technical Services, Inc.
APE	Area of Potential Effects
ARPA	Archaeological Resources Protection Act
BLM	Bureau of Land Management
CCR	California Code of Regulations
CFR	Code of Federal Regulations
CRS	cultural resource specialist
FBI	Federal Bureau of Investigation
FERC	Federal Energy Regulatory Commission
HPMP	Historic Properties Management Plan
LKP	Lower Klamath Project
LOW	Limits of Work
LSO	License Surrender Order
LVPP	Looting and Vandalism Prevention Plan
MIDP	Monitoring and Inadvertent Discovery Plan
NAGPRA	Native American Graves Protection and Repatriation Act
NHPA	National Historic Preservation Act
NRHP	National Register of Historic Places
OAR	Oregon Administrative Rules
ORS	Oregon Revised Statutes
PA	Programmatic Agreement
PRC	Public Resources Code
SHPO	State Historic Preservation Officer
TBD	to be determined
USC	United States Code
USFS	United States Forest Service

KEY DEFINITIONS

This document uses several terms to describe the location of the Proposed Action and cultural resources. The following definitions describe these terms and their uses in this document, which are intended to be consistent with federal and state laws.

Archaeological crime: Vandalism of and theft from archaeological sites and collections, and trafficking of restricted archaeological remains (Benderson 2016).

Archaeological object: The federal definition of an object is a material thing of functional, aesthetic, cultural, historical, or scientific value that may be movable yet related to a specific setting or environment by nature or design (36 Code of Federal Regulations [CFR] § 60.3). The State of Oregon defines an object as one that is at least 75 years old¹ and composes the physical evidence of an Indigenous and subsequent culture, including material remains of past human life such as monuments, symbols, tools, facilities, and technological byproducts (Oregon Revised Statutes [ORS] 192.005). California defines an object as a manifestation primarily artistic in nature, or relatively small in scale and simply constructed. Although it may be movable by nature or design, an object must be associated with a specific setting or environment. The “object” should be in a setting appropriate to its significant historical use, role, or character (e.g., a fountain or boundary marker) (14 California Code of Regulations [CCR]; Appendix A).

Archaeological site: The federal definition of a site is the location of a significant event; a prehistoric or historic occupation or activity; or a building or structure (standing, ruined, or vanished) where the location itself maintains historical or archaeological value regardless of the value of any existing structure (36 CFR § 60.3). The term “archaeological site” refers to those sites that are eligible for or are listed on the National Register of Historic Properties (NRHP) (historic properties) as well as those that do not qualify for the NRHP. Oregon defines a site as 10 or more artifacts (including lithic debitage) or a feature likely to have been generated by patterned cultural activity in a surface area reasonable to that activity (a form of density measure), that is at least 75 years old¹ (ORS 358.905). California defines an archaeological site as a bounded area of a resource containing archaeological deposits or features defined in part by the character and location of such deposits or features (14 CCR; Appendix A).

Area of Direct Impact (ADI): The ADI is not a regulatory term but is a term used herein to explain the Klamath River Renewal Corporation’s (Renewal Corporation’s) approach to focused historic property identification work in the much larger Area of Potential Effects (APE). This is useful because the APE is expansive, extending hundreds of miles along the river to its mouth at the Pacific Ocean; however, the Proposed Action would take place in a much smaller geographic area. The ADI corresponds geographically to the Limits of Work (LOW) but extends beyond the LOW to include complete boundaries of archaeological sites, along with protective spatial buffers of 40 meters around these sites.

¹ Because Section 106 of the NHPA applies, this project will use the NRHP guideline of 50 years.

Area of Potential Effects (APE): The geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties (36 CFR § 800.16[d]). The Proposed Action APE is primarily established as a 0.5-mile-wide area extending from the shoreline of each side of the Klamath River from the upper reach of the J.C. Boyle Reservoir to the river mouth at the Pacific Ocean. However, around the reservoirs where topography is more open and rolling, the APE extends at least an additional 0.5 mile to create a minimum 1-mile-wide area in these locations to address potential for visual effects primarily related to viewshed alterations from reservoir removal. Due to the potential for landscape-level visual changes, the APE around each reservoir extends to a 2-mile-wide area to include areas that are within sightlines of the reservoirs and the Area of Direct Impact.

Associated funerary object: Objects reasonably believed to have been placed with human remains as part of a death rite or ceremony. "Associated" refers to the fact that these items retain their association with the human remains with which they were found and that these human remains can be located. It applies to all objects that are stored together as well as objects for which adequate records exist permitting a reasonable reassociation between the funerary objects and the human remains that they were buried with (25 United States Code [USC] 3001 [3][A]).

Burial site: Any natural or prepared physical location, whether originally below, on, or above the surface of the earth, into which as part of the death rite or ceremony of a culture, individual human remains are deposited (25 USC § 3001 (1); ORS 358.905).

Cultural patrimony: An object having ongoing historical, traditional, or cultural importance central to the Native American group or culture itself rather than property owned by an individual Native American cannot be alienated, appropriated, or conveyed by any individual regardless of whether or not the individual is a member of the Indian tribe or Native Hawaiian organization. Such object must have been considered inalienable by such Native American group at the time the object was separated from such group (25 USC § 3001 [3][D]).

Cultural resources: Locations of human activity, occupation, or use. Cultural resources are not defined in federal law but include archaeological, historic, or architectural sites, structures, or places with important public and scientific uses and locations of traditional cultural or religious importance to specific social or cultural groups.

Definite Decommissioning Plan: The Proposed Action's Definite Decommissioning Plan (Renewal Corporation 2020) details removal limits construction access; staging and disposal sites; demolition methods; imported materials; and waste disposal for each of the four dam facilities. Other key components include measures to reduce effects to aquatic and terrestrial resources, road and bridge improvements, relocation of the City of Yreka's pipeline across Iron Gate Reservoir and associated diversion facility improvements, demolition of various recreation facilities adjacent to the reservoirs, recreation improvements, downstream flood control improvements, groundwater system improvements, water supply improvements, fish hatchery modification and improvements, and measures to protect identified historic, cultural, and tribal resources.

Federal Energy Regulatory Commission (FERC): The commission that regulates hydropower projects under authority of the Federal Power Act Part 1, 16 USC 791 et seq.

FERC Project Boundary: The geographic extent a licensee must own or control on behalf of its licensed hydropower projects.

Historic property: This term is defined in 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...” The 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 and Indian tribe or Native Hawaiian organization and that meet the National Register criteria.”

Historic Properties Management Plan (HPMP): As defined by FERC, an HPMP is a plan for considering and managing effects on historic properties of activities associated with hydropower projects.

Historic property: This term is defined in 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...” The term “includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria.”

Human remains: The states of California and Oregon define the term human remains or “remains” as the body of a deceased person—regardless of the stage of decomposition—and cremated remains (CCR § 7001; ORS 97.010. The regulations of the Native American Graves and Repatriation Act (NAGPRA; Public Law 101-601; 25 USC §§ 3001-3013) define human remains as the physical remains of the body of a person of Native American ancestry. The term does not include remains or portions of remains that may reasonably be determined to have been freely given or naturally shed by the individual from whose body they were obtained, such as hair made into ropes or nets. For the purposes of determining cultural affiliation, human remains incorporated into a funerary object, sacred object, or object of cultural patrimony must be considered as part of that item (43 CFR § 10.2 [d][1]).

Inadvertent discovery: Any discoveries of human skeletal remains, artifacts, archaeological sites, or any other cultural resources during ground-disturbing or monitoring activities associated with the Proposed Action. The Section 106 process addresses “post-review discoveries” under 36 CFR 800.13. NAGPRA Regulations (43 CFR § 10.2 [g][4]) define an inadvertent discovery as the unanticipated encounter or detection of human remains, funerary objects, sacred objects, or objects of cultural patrimony found under or on the surface of federal or tribal lands pursuant to Section 3 (d) of NAGPRA.

Klamath Hydroelectric Project: Refers to the eight developments in the original license for FERC No. 2082, as issued in 13 FPC 1 (Jan. 28, 1954). Pursuant to the “Order Amending License and Deferring Consideration of Transfer Application,” 162 FERC ¶ 61,236 (March 15, 2018), FERC kept four developments in the Klamath Project (FERC no. 2082), and it placed four other developments in the Lower Klamath Project (LKP) (FERC no. 14803) for the purpose of decommissioning. The term Klamath Hydroelectric Project (KHP) is used in this plan as a historical reference only (e.g., with respect to the relicensing of the project as constituted before the 2018 License Amendment).

Klamath Project (FERC no. 2082): Refers to the four developments (East Side, West Side, Keno, and Fall Creek) in the FERC no. 2082 license as amended by the “Order Amending License and Deferring Consideration of Transfer Application,” 162 FERC ¶ 61,236 (March 15, 2018).

Limits of Work (LOW): Refers to the physical extent of on-the-ground construction activities associated with dam decommissioning and removal, reservoir restoration activities, safety zone, the Yreka pipeline crossing relocation, and improvements to Fall Creek Hatchery. The LOW also includes rim stability areas around Copco Lake and the floodproofing of habitable structures within the modeled post-dam removal floodplain, which occur between Iron Gate Dam and the Klamath River-Humbug Creek confluence in California.

Looted: A looted antiquity is one recovered from the ground in an unscientific manner. The antiquity is decontextualized, and physical integrity is jeopardized (Gerstenblith 2016). The term “looting” is applied to illegal excavation and artifact theft at archaeological sites (USFS 2015).

Lower Klamath Project (LKP) (FERC no. 14803): Refers to four hydroelectric developments (J.C. Boyle, California–Oregon Power Company (Copco) No. 1, Copco No. 2, and Iron Gate) placed in a new license pursuant to the “Order Amending License and Deferring Consideration of Transfer Application,” 162 FERC ¶ 61,236 (March 15, 2018). The Renewal Corporation has applied to FERC to surrender the license for the LKP for the purpose of implementing the Klamath Hydroelectric Settlement Agreement.

Parcel B lands: Project lands subject to transfer by Renewal Corporation to the states or to a designated third-party designee once the Renewal Corporation has met all surrender license conditions.

Programmatic Agreement (PA): A document that records the terms and conditions agreed on to resolve the potential adverse effects of a federal agency program, complex undertaking, or other situations in accordance with 36 CFR § 800.14(b).

Proposed Action: The Renewal Corporation’s comprehensive plan to physically remove the Lower Klamath River Project and achieve a free-flowing condition and volitional fish passage, site remediation and restoration, and avoidance of adverse downstream impacts.

Sacred object: Specific ceremonial objects which are needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents (25 USC 3001 [3][C]).

Unassociated funerary object: Items that “...as a part of a death rite or ceremony of a culture are reasonably believed to have been placed with individual human remains either at the time of death or later...”, but for which the human remains are not in the possession or control of the museum or Federal agency. These objects also must meet one of two further conditions. They must be identified by a preponderance of the evidence as either “... related to specific individuals or families or to known human remains...” or “...as having been removed from a specific burial site of an individual culturally affiliated with a particular Indian tribe (25 USC 3001 (3)(B)).

Undertaking: 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]). FERC’s consideration and issuance of the License Surrender Order (LSO) for the LKP under the Federal Power Act (16 USC Part 12) is a federal action that makes the “Proposed Action” an undertaking subject to review by FERC under Section 106 (54 USC 306108) of the National Historic Preservation Act (NHPA) (54 USC 300101 et seq.) and its implementing regulations (36 CFR Part 800).

Vandalism: The willful destruction or spoiling of archaeological and historic sites, including graffiti, defacement, demolition, removal, and other criminal damage (USFS 2015).

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Chapter 1: Introduction

1. INTRODUCTION

1.1 Purpose

The Lower Klamath Project (LKP) consists of four hydroelectric developments on the Klamath River: J.C. Boyle, Copco No. 1, Copco No. 2, and Iron Gate. Specifically, the reach between J.C. Boyle dam and Iron Gate dam is known as the Hydroelectric Reach. In September of 2016, the Klamath River Renewal Corporation (Renewal Corporation) filed an Application for Surrender of License for Major Project and Removal of Project Works, Federal Energy Regulatory Commission (FERC) Project Nos. 2082-063 & 14803-001 (License Surrender). The Renewal Corporation filed the License Surrender Application as the dam removal entity for the purpose of implementing the Klamath Hydroelectric Settlement Agreement.

In November of 2020, the Renewal Corporation filed its Definite Decommissioning Plan as Exhibits A-1 and A-2 to its Amended License Surrender Application. The Definite Decommissioning Plan is the Renewal Corporation's comprehensive plan to physically remove the LKP and achieve a free-flowing condition and volitional fish passage, site remediation and restoration, and avoidance of adverse downstream impacts (Proposed Action). The Proposed Action includes the deconstruction of the J.C. Boyle Dam and Powerhouse; Copco No. 1 Dam and Powerhouse; Copco No. 2 Dam and Powerhouse; and Iron Gate Dam and Powerhouse; as well as associated features. Associated features vary by development, but generally include powerhouse intake structures; embankments and sidewalls; penstocks and supports; decks; piers; gatehouses; fish ladders and holding facilities; pipes and pipe cradles; spillway gates and structures; diversion control structures; aprons; sills; tailrace channels; footbridges; powerhouse equipment; distribution lines; transmission lines; switchyards; original cofferdams; portions of the Iron Gate Fish Hatchery; residential facilities; and warehouses. Facility removal will be completed within an approximately 20-month period.

The Limits of Work (LOW) is a geographic area that encompasses dam removal and restoration related activities associated with the Proposed Action. The LOW may extend beyond the FERC boundary associated with the LKP (FERC Project Boundary) where specifically noted.

FERC's consideration and issuance of the License Surrender Order (LSO) for the LKP under the Federal Power Act (16 USC Part 12) is a federal action that makes the "Proposed Action" an undertaking (as defined pursuant to 36 Code of Federal Regulations [CFR] 800.16[y]) subject to review by FERC under Section 106 (54 USC 306108) of the National Historic Preservation Act (NHPA) (54 USC 300101 et seq.) and its implementing regulations (36 CFR Part 800). Section 106 of the NHPA requires federal agencies to take into account the effect of the undertakings they sponsor, authorize, or assist on historic properties.

A Programmatic Agreement (PA) is being executed among consulting parties for the Proposed Action and stipulates the implementation of a Historic Property Management Plan (HPMP) to guide the Proposed Action's compliance with Section 106 of the NHPA. The Renewal Corporation has developed the HPMP to reduce, avoid, and minimize impacts to historic properties.

This Looting and Vandalism Prevention Plan (LVPP) is a subplan of the HPMP and provides strategies for the prevention of, and responses to, incidences of archaeological crimes such as looting and vandalism in order to protect historic properties. Refer to the HPMP for cultural resource regulations and information on historic properties affected by the Proposed Action (AECOM 2022a).

1.2 Overview

Cultural resources inventories conducted for the previous Klamath Hydroelectric Project relicensing effort (PacifiCorp 2004) and the current LKP (AECOM 2022b), and others have identified archaeological sites that are considered eligible or potentially eligible (unevaluated) for listing in the National Register of Historic Places (NRHP). These are referred to as “historic properties.”

The Proposed Action, or undertaking, has the potential to affect archaeological historic properties, including both known resources and other unknown resources that may be discovered during implementation of the undertaking. Looting and vandalism or unauthorized excavation by the public and unintentional disturbance caused by unauthorized recreational uses are some of the potential impacts that could adversely affect archaeological historic properties.

To identify historic properties, the Renewal Corporation first defined a geographically expansive Area of Potential Effects (APE), the geographic area in which an undertaking may directly or indirectly cause alterations in the character or use of historic properties (36 CFR § 800.16[d]). The APE is primarily established as a minimum 0.5-mile-wide to maximum 2.0-mile-wide area extending from the shoreline of each side of the Klamath River from the upper reach of the J.C. Boyle Reservoir to the river mouth at the Pacific Ocean.

The Renewal Corporation then defined an Area of Direct Impact (ADI) in the APE. The ADI is not a regulatory term but is used to explain the Renewal Corporation’s approach to focused historic property identification work in the larger APE. This is useful because the APE is expansive, extending hundreds of miles along the river to its mouth at the Pacific Ocean; however, the Proposed Action would take place in a much smaller geographic area. The ADI corresponds geographically to the LOW, but extends beyond the LOW to include complete boundaries of archaeological sites, and buffers around these sites. The inclusion of the complete boundaries of the archaeological sites supports their evaluation for the NRHP and management as historic properties.

This LVPP applies to all historic properties and potential historic properties that the Renewal Corporation will manage following the HPMP and PA.

1.3 Location

The LKP is along the upper Klamath River in Klamath County, Oregon (southcentral Oregon) and Siskiyou County, California (north-central California) approximately 200 miles upstream from the Pacific Ocean (Figure 1-1). The LKP encompasses the lands and waters between the upper reach of J.C. Boyle Reservoir at

river mile 234, and the toe of Iron Gate Dam at river mile 193. The nearest principal cities are Klamath Falls, Oregon, about 15 miles northeast of the upstream end of the FERC Project Boundary; Medford, Oregon, 45 miles northwest of the downstream end of the FERC Project Boundary; and Yreka, California, 20 miles southwest of the downstream end of the FERC Project Boundary. The LKP hydroelectric facility locations are shown in Figure 1-1.

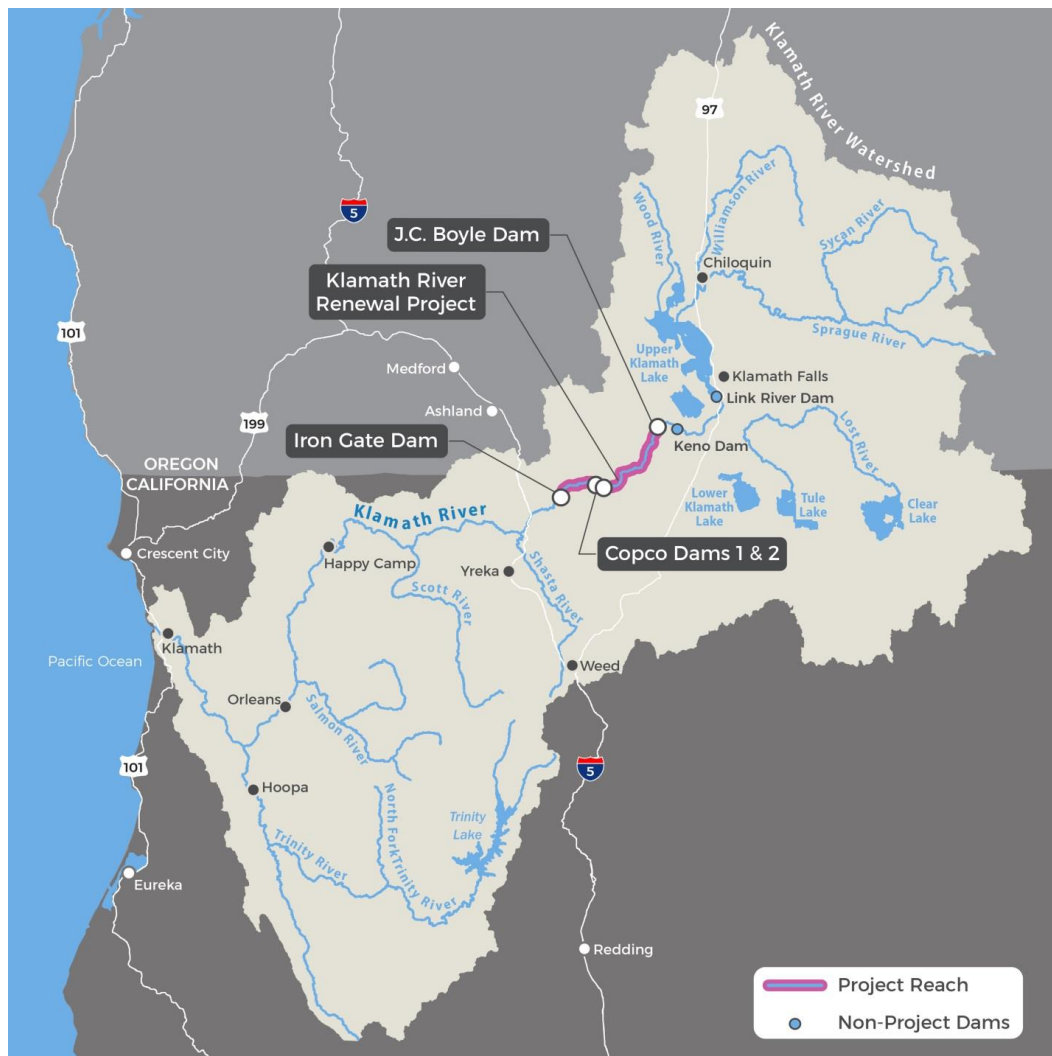


Figure 1-1: Klamath Basin watershed and Proposed Action facility locations

1.4 Land Ownership and Management

This section provides a breakdown of acres by landowner for land and resource management purposes. As discussed in Section 2, Statutory and Regulatory Context, LVPP measures and responses will be based in part on land ownership and jurisdictional authority.

The Proposed Action will primarily occur on lands that will be owned and managed by the Renewal Corporation at the time of implementation of this HPMP. LKP lands currently owned by PacifiCorp and subject to transfer by the Renewal Corporation to the states of California and Oregon once the Renewal Corporation has met all license surrender conditions are referred to as “Parcel B lands.” The process by which private Parcel B lands will be transferred is outlined in Klamath Hydroelectric Settlement Agreement Section 7.6.4. First, PacifiCorp will transfer Parcel B lands associated with the Proposed Action to the Renewal Corporation before decommissioning begins. Once the Renewal Corporation has completed facilities removal and after the license surrender is complete, the Renewal Corporation will transfer ownership of these lands to the respective states.

The ADI boundary includes 4,755.16 acres (as of January 2020). Prior to transfer to the states, the Renewal Corporation will own and manage 2,870.74 acres of Parcel B lands, which account for approximately 60.4 percent of the proposed ADI, including the land containing most of the powerhouses; portions of the transmission lines, conduits, canals, and dam facilities; and land underlying the reservoirs, Klamath River, and tributary streams. PacifiCorp will retain ownership of Fall Creek lands and other lands, totaling approximately 106 acres (2.2 percent). Approximately 304.79 acres (6.4 percent) are federally owned: portions of the J.C. Boyle canal and the entire powerhouse as well as portions of Iron Gate Reservoir are on Bureau of Land Management (BLM) land (253.8 acres; 5.3 percent), while the United States Forest Service (USFS) administers lands (50.99 acres, 1.1 percent) that are within the revised 100-year floodplain below Iron Gate Dam (exclusive of Parcel B lands). Private ownership by others accounts for 1,473.5 acres (31 percent). No state lands are included in the ADI.

Lands in the APE situated below the Iron Gate Dam are generally held by private interests but also include parcels managed by the United States Bureau of Indian Affairs and included within the reservation boundaries of the Yurok Tribe of the Yurok Reservation, Hoopa Valley Tribe, Quartz Valley Indian Tribe, and Resighini Rancheria. There are also lands held by the Bureau of Indian Affairs in trust for the Karuk Tribe in addition to lands held in fee-simple status by the Karuk Tribe. Contemporary land use includes hydroelectric generation, fish management, livestock grazing, recreation, and timberlands.

A list of ADI lands is provided in Table 1-1. Land acreages calculated for use in the HPMP employed Esri’s ArcGIS (ArcMap) software. The acreages are current to the date provided on the cover of the HPMP. An overview of land ownership is shown in Figure 2-2.

Table 1-1. Lands in the ADI

Feature	Ownership Type	Acres	Percent of ADI
ADI Boundary	N/A	4,755.16	N/A
Parcel B Lands	Renewal Corporation	2,870.74	60.37%
Fall Creek Lands	PacifiCorp	48.73	1.02%
Other PacifiCorp Lands	PacifiCorp	57.40	1.21%
BLM Lands	Federal	253.80	5.34%
USFS Lands	Federal	50.99	1.07%
All other lands	Private	1,473.50	30.99%

Notes:

There are no state or tribal lands within the ADI boundary. ADI = Area of Direct Impact; BLM = Bureau of Land Management; N/A = not applicable

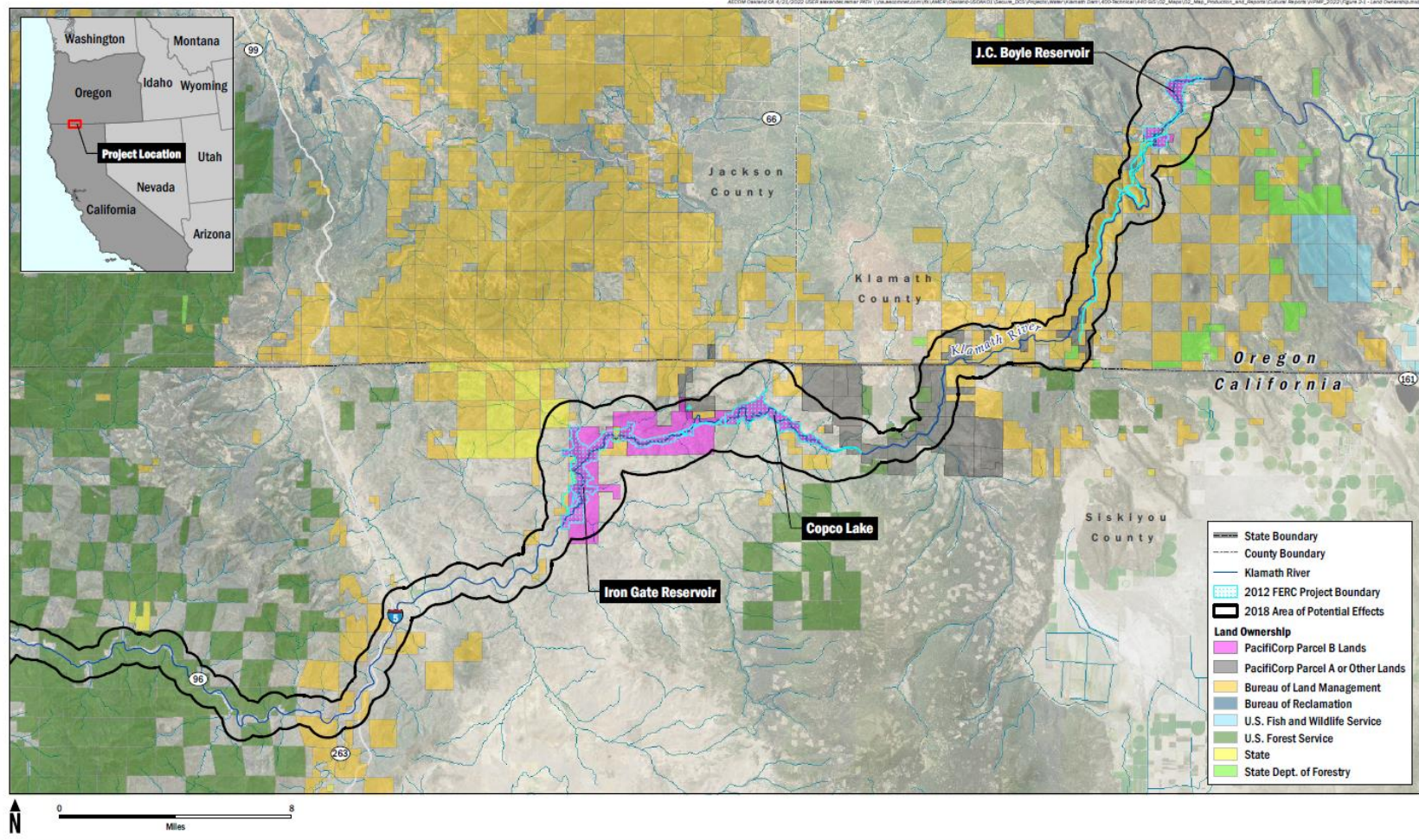


Figure 1-2: Map depicting land ownership, including Parcel B lands

1.5 Document Organization

Chapter 1 of this document includes a summary of the purpose of the LVPP and a brief overview of the Proposed Action.

Chapter 2 includes the statutory and regulatory context as it relates to archaeological crimes.

Chapter 3 includes descriptions of the roles and responsibilities of the individuals and organizations who will implement the procedures in this LVPP, as well as qualifications and training requirements.

Chapter 4 includes a summary of the measures the Renewal Corporation will use to prevent or reduce incidences of looting and vandalism, such as public education, a “See and Say” reporting program, and access restrictions.

Chapter 5 includes a description of the Renewal Corporation’s looting and vandalism response procedures.

Chapter 6 includes current contact information for those parties who may need to be contacted under this LVPP.

Chapter 7 includes a list of the references cited.

Chapter 8 includes a list of the preparers of this document and their qualifications.



Chapter 2: Statutory and Regulatory Context

2. STATUTORY AND REGULATORY CONTEXT

The legal background of archaeological resources protection is extensive, reflecting more than 100 years of public concern to preserve the material evidence of the nation's past (Carnett 1991). A summary of the key federal and state laws and local regulations that form the regulatory framework for development of this LVPP, and aspects related to resource protection are provided in this section. Other laws such as trespassing, vandalism related to graffiti, and theft of property might also apply but are not addressed here. However, the Renewal Corporation's obligations for the Proposed Action will be governed by the PA and HPMP, not by this summary of laws.

2.1 Laws and Land Ownership

Applicable laws and penalties are based in part on land ownership. While federal law is consistently applied across the nation, state, local, and tribal law differs from place to place.

Work to be conducted for the LKP will occur primarily on private lands (e.g., Parcel B lands) in the states of California and Oregon. State laws and regulations apply to these private lands. Federal laws, regulations, and guidance apply to lands that intersect with federal ownership by BLM and USFS. Agency-specific instructions apply to federal lands.

There is a division of legal authority between federal and state agencies. Federally owned and controlled lands—including tribal lands—are governed by the Antiquities Act of 1906, Historic Sites Act of 1935, NHPA of 1966, Archaeological Resources Protection Act (ARPA; 16 USC §§ 470aa et seq.), and Native American Graves and Repatriation Act (NAGPRA, Public Law 101-601; 25 USC §§ 3001-3013). States have authority for State-owned lands and locally owned private lands, except for the trafficking provisions of federal acts.

A summary of legislation and penalties pertinent to resource protection, including aspects of looting and vandalism, is provided in Table 2-1. Additional details about these and other laws and regulations are provided in the HPMP.

2.2 Federal Laws

Sites on federal property have a variety of regulations that apply to protecting these resources. Primary among these are the ARPA (16 USC § 470aa), which requires stewardship of archaeological resources and regulates any disturbance and includes provisions for fines and other penalties for violation. Federal cases involving looting and vandalism to archaeological sites are frequently prosecuted under ARPA. NAGPRA is another federal law that guides the disposition of Native American human remains and cultural items and prohibits trafficking of these items. These key federal acts pertaining to cultural resources and human remains are summarized below.

2.2.1 Archaeological Resources Protection Act of 1979

The ARPA (Public Law 96–95 as amended, 93 Stat. 721, codified at 16 USC §§ 470aa–470mm) was enacted in 1979 and confers ownership of archaeological resources found on federally owned and tribal lands, with exceptions now provided in NAGPRA. ARPA was enacted to protect archaeological sites, artifacts, and human remains on federal lands from looting by providing effective law enforcement and penalties for convicted violators. ARPA makes it illegal to excavate or damage archaeological resources found on public or Native American lands without a permit. It also prohibits the sale, purchase, exchange, transport, or receipt of archaeological resources that were illegally excavated under federal, state, or local law.

ARPA also calls for the preservation of objects and associated records in a suitable repository once recovered from a site. ARPA was enacted in recognition that archaeological resources are an irreplaceable part of America’s heritage and they are increasingly endangered because of the escalating commercial value of some kinds of artifacts (National Park Service 2019). ARPA sets up guidelines for the proper procedures for obtaining permits and permission to excavate archaeological sites on public lands by qualified individuals (National Park Service 2019).

There are three crimes in ARPA (16 USC § 470EE) that can lead to either criminal or civil penalties. First, the act requires that anyone who excavates or removes archaeological resources from such lands obtain permission from the federal government (16 USC § 470CC; § 470EE[a]). Second, ARPA prohibits trafficking in archaeological resources obtained in violation of ARPA or any other federal law or regulation (16 USC § 470EE[b]). Third, it prohibits the trafficking in interstate or foreign commerce of any archaeological resources taken or held in violation of federal, state, or local law (id. § 470EE[c]). An item subject to ARPA must be at least 100 years old.

ARPA provides for both civil fines and criminal penalties, including fines, imprisonment, or both (16 USC §§ 470EE[d]; 470FF). While subsection (b) refers specifically to artifacts from federal or Native American lands, subsection (c) refers to artifacts illegally trafficked in interstate or foreign commerce. The definition of “archaeological resource” is not limited to objects found on federal lands. This opens the possibility for the application of ARPA to cases involving artifacts from private or State lands in the United States (Gerstenblith 2016, 13-15; 16 USC § 470BB [1]). The criminal and civil penalty sections of ARPA (16 USC §§ 470aa-mm) require the assessment of damage to archaeological resources that are harmed by unauthorized acts.

Penalties for ARPA Violations

Criminal and Civil penalty section 16 USC 470(d) states:

Any person who knowingly violates, or counsels, procures, solicits, or employs any other person to violate, any prohibition contained in subsection (a), (b), or (c) of this section shall, upon conviction, be fined not more than \$10,000 or imprisoned not more than one year, or both: Provided, however, that if the commercial or archaeological value of the archaeological resources involved and the cost of restoration and repair of such resources exceeds the sum of \$500, such person shall be fined not more than \$20,000 or imprisoned not more than two years, or both. In the case of a second or subsequent such violation upon conviction such

person shall be fined not more than \$100,000, or imprisoned not more than five years, or both.

The maximum fines for Class A misdemeanor and felony violations of federal law by individuals were increased to \$100,000 and \$250,000, respectively, by the Criminal Fines Improvement Act of 1987 (18 USC § 3571[b]); maximum fines for Class A misdemeanor and felony violations by organizations are \$200,000 and \$500,000, respectively. As a result, these are now the maximum fines for Class A misdemeanor and felony violations of ARPA, even though the original and lower ARPA fine amounts are shown in § 470ee(d) (McAllistar 2007).

Six elements are required for a felony violation of § 470ee(a), as supplemented by § 470ee(d), that relate to the damage assessment process. These include: 1) the violation affected an archaeological resource as defined in ARPA; 2) the violation occurred on public (federal) or Indian lands; 3) the violation involved one or more of ARPA's prohibited acts; 4) the prohibited act occurred without an ARPA permit for archaeological investigation; 5) the violator acted knowingly (i.e., with criminal intent); and 6) for a felony offense only, the sum of archaeological value and cost of restoration and repair, or the sum of commercial value and cost of restoration and repair, exceeds \$500.00. If this last element is not charged or is charged but not proven, the ARPA violation is a Class A misdemeanor. The subsections of § 470ee prohibiting the unlawful trafficking of archaeological resources, § 470ee(b) and § 470ee(c), also have distinct elements that must be proven.

Items 1, 3, and 6 are archaeological elements that each require archaeological information to prove, such as archaeological information on the nature of the archaeological resource damage involved in the prohibited act or acts, the archaeological value and cost of restoration and repair determination, and appraisal information for a commercial value determination (McAllistar 2007).

2.2.2 Native American Graves Protection and Repatriation Act of 1990

The NAGPRA (25 USC § 3001) supports consultation with Native groups when Native burials may be, or are accidentally, disturbed by an action on federal lands, and for inventorying and repatriating collections already held by federal museums and institutions. Native human remains, funerary objects, sacred objects, and objects of cultural patrimony (as defined in NAGPRA) encountered on federal land in connection with an undertaking must not be intentionally excavated or removed without a permit under ARPA (16 USC § 470cc) and consultation with the appropriate tribes. NAGPRA regulations apply only to federally managed lands.

NAGPRA is a comprehensive approach to the disposition of Native American human remains and cultural items. The act addresses the rights of lineal descendants, Indian tribes, and Native Hawaiian organizations to Native American cultural items, including human remains, funerary objects, sacred objects, and objects of cultural patrimony. NAGPRA specifies special treatment for Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony. NAGPRA stipulates that illegal trafficking in human remains and cultural items may result in criminal penalties.

NAGPRA has two main purposes. One is to require that federal agencies and museums receiving federal funds inventory holdings of Native American funerary remains and funerary objects. They must also provide

written summaries of other cultural items. This helps to forge paths for federal agencies and Native American tribes to work together in identifying and returning human remains and funerary objects.

The second purpose is to give Native American burial sites greater protection. NAGPRA requires that Indian tribes and Native Hawaiian organizations be consulted when archaeological investigations are anticipated or when cultural items are unexpectedly uncovered.

Three primary components characterize NAGPRA. First, under certain circumstances, NAGPRA provides for the restitution of newly discovered human remains and associated burial items discovered on federally owned or controlled land to Native American tribes. Second, NAGPRA provides a mechanism for the restitution to Native American tribes of human remains, associated and unassociated burial goods, sacred objects, and objects of cultural patrimony, that are in the collections of federal agencies and museums that receive federal funding. Third, NAGPRA prohibits trafficking in Native American human remains without the right of possession, as provided under NAGPRA, and in cultural items that were obtained in violation of NAGPRA.

Penalties for Native American Graves Protection and Repatriation Act Violations

NAGPRA makes it a criminal offense to traffic in Native American human remains without right of possession or in Native American cultural items obtained in violation of the act. Penalties for a first offense may reach 12 months imprisonment and a \$100,000 fine. NAGPRA also provides that the Secretary of Interior may assess civil penalties against museums that do not comply with NAGPRA.

2.2.3 Prohibitions in 36 CFR § 261

The Secretary of Agriculture's regulations (36 CFR § 261) provide in part for regulating the occupancy and use of archaeological sites. The ARPA sets two criteria which must be met by national forests in considering whether a site or artifact is significant for protection: 1) the site or artifact must be at least 100 years old; and 2) must be of archaeological interest. However, for the protection of all resources on federal land and the visitor, other statutes and regulations do protect resources that are not included under ARPA.

Penalties for 36 CFR § 261 Violations

The regulations at 36 CFR § 261 prohibit "damaging any natural feature or other property of the United States" as well as "Removing any natural feature or other property of the United States" and "Digging in, excavating, disturbing, injuring, destroying, or in any way damaging any prehistoric, historic, or archaeological resource, structure, site, artifact, or property" or "Removing any prehistoric, historic, or archaeological resource, structure, site, artifact, or property." Violations of these prohibitions are punishable by a fine of not more than \$5,000 or imprisonment of not more than 6 months or both. While removal of arrowheads found on the surface is exempted from prohibition under ARPA, the regulations quoted above prohibit their removal from USFS lands.

2.3 State Laws

The following State laws and regulations address some of the protections for archaeological resources and human skeletal remains, provisions for archaeological permitting, penalties for vandalism, and other issues that are applicable to non-federal lands of the LKP. These laws and regulations will also apply once FERC's jurisdiction over cultural resources in the FERC Project Boundary and the protections offered by Section 106 of the NHPA ends. However, the Renewal Corporation's obligations for the Proposed Action will be governed by the PA and HPMP, not by this summary of State laws.

2.3.1 California

California Public Resources Code

State-level requirements for cultural resources management are outlined in the California Public Resources Code (PRC), Chapter 1.7, Section 5097.5 (Archaeological, Paleontological, and Historical Sites), and Chapter 1.75, beginning at Section 5097.9 (Native American Historical, Cultural, and Sacred Sites) for lands owned by the state or a state agency. The following PRC sections are pertinent to looting and vandalism protection.

Archaeological Sites Removal or Destruction (PRC Section 5097.5)

No person shall knowingly and willfully excavate on, or remove, destroy, injure, or deface, any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, rock art, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over the lands. As used in this section, "public lands" means lands owned by, or under the jurisdiction of, the state, or any city, county, district, authority, or public corporation, or any agency thereof. Violation is subject to a misdemeanor.

Native American Historic Resource Protection Act (PRC 5097.993-5097.994)

This legislation provides that any person who unlawfully and maliciously excavates on, removes, destroys, injures, or defaces a Native American historic, cultural, or sacred site, situated on private land or in any public park or place, is guilty of a misdemeanor, if the person knew or should have known that it was a Native American site, art object, inscription, or feature. A person found guilty of the violation is subject to imprisonment in the county jail for up to 1 year, to a fine not to exceed \$10,000, or both. A person found guilty of a violation of those provisions may also face a civil penalty in an amount not to exceed \$50,000 per violation.

Felony Possession of Native American Human Remains and Artifacts (PRC Section 5097.99)

This legislation makes it a felony to obtain or possess Native American remains or associated grave goods:

- (a) No person shall obtain or possess any Native American artifacts or human remains which are taken from a Native American grave or cairn on or after January 1, 1984, except as

otherwise provided by law or in accordance with an agreement reached pursuant to subdivision (1) of Section 5097.94 or pursuant to Section 5097.98.

(b) Any person who knowingly or willfully obtains or possesses any Native American artifacts or human remains which are taken from a Native American grave or cairn after January 1, 1988, except as otherwise provided by law or in accordance with an agreement reached pursuant to subdivision (1) of Section 5097.94 or pursuant to Section 5097.98, is guilty of a felony which is punishable by imprisonment in the state prison.

(c) Any person who removes, without authority of law, any Native American artifacts or human remains from a Native American grave or cairn with an intent to sell or dissect or with malice or wantonness is guilty of a felony which is punishable by imprisonment in the state prison.

California Health and Safety Code

The disposition of any human remains is governed by several sections of the California Health and Safety Code. Section 7050.5 establishes intentional disturbance, mutilation, or removal of interred human remains as a misdemeanor. This section requires that further excavation or disturbance of land cease on discovery of human remains outside of a dedicated cemetery until a county coroner makes a report. The county coroner must contact the Native American Heritage Commission within 24 hours if the coroner determines that the remains are not subject to their authority and if the coroner recognizes the remains to be those of a Native American.

Section 7051 governs the removal of human remain from internment, or from a place of storage while awaiting internment or cremation, with the intent to sell them or to dissect them with malice or wantonness as a public offense punishable by imprisonment in a State prison.

Section 7052 stipulates felony offenses related to human remains, stating that willing mutilation of, disinterment of, or removal from a place of disinterment of any remains known to be human are felony offenses.

Section 7054 concerns depositing human remains outside of a cemetery and exempts reburial of Native American remains pursuant to Section 5097.94 from definition of a misdemeanor.

Section 8010-8011 provides for the California Native American Graves Protection and Repatriation Act. This act establishes a state repatriation policy intent that is consistent with and facilitates implementation of the federal NAGPRA. The act strives to ensure that all California Indian human remains and cultural items are treated with dignity and respect. It encourages voluntary disclosure and return of remains and cultural items by publicly funded agencies and museums in California. It also states an intent for the state to provide mechanisms for aiding California Indian tribes, including non-federally recognized tribes, in filing repatriation claims and getting responses to those claims.

Penal Code

Vandalism and Graffiti Law (Penal Code 594)

Every person who maliciously defaces with graffiti or inscribed material, damages, or destroys with respect to any real or personal property not their own, in cases other than those specified by State law, is guilty of vandalism. If the damage is worth \$400 or more, vandalism is a wobbler under California law (misdemeanor or felony). Penalties may include a jail sentence of between 1 and 3 years and/or a fine of up to \$10,000, or even more if the damage is extensive. If the damage is worth less than \$400, vandalism is punishable by misdemeanor penalties of up to 1 year in county jail and/or a maximum \$1,000 fine.

Destruction of Historic Properties (Penal Code 6221/2)

Every person who maliciously defaces with graffiti or inscribed material, damages, or destroys with respect to any real or personal property not their own, in cases other than those specified by State law, is guilty of vandalism. Violation is subject to a misdemeanor charge.

Destruction of Caves (Penal Code 6223 (a)(2))

Establishes as a misdemeanor the disturbing or alteration of any archaeological evidence in any cave without the written permission of the owner of the cave, punishable by up to 1 year in the county jail or a fine not to exceed \$1,000, or both.

2.3.2 Oregon

Indian Graves and Protected Objects (ORS 97.740-97.760)

Protects all Native American cairns and graves and associated cultural items. Knowingly impacting Native American graves and cultural items in Oregon is a Class C felony (ORS 97.740-760), with a maximum fine of \$125,000 and up to 5 years imprisonment (ORS 151.605 and .625).

Archaeological Objects and Sites (ORS 358.905-358.961)

This law provides definitions of archaeological sites, significance, and cultural patrimony and prohibits the sale and exchange of cultural items or damage to archaeological sites on nonfederal public and private lands. Items of cultural patrimony or associated with human remains are protected everywhere, unless the activity is authorized by an archaeological excavation permit. Knowingly impacting an archaeological site on public or private land in Oregon is a Class B misdemeanor (ORS 358.905-961), with a maximum fine of \$2,500 and up to 6 months imprisonment (ORS 161.615 and .635).

Permits and Conditions for Excavation or Removal of Archaeological or Historical Materials (ORS 390.235)

A State permit is required to make an exploratory subsurface investigation on public lands or to excavate within a known archaeological site (Administrative Rules for Archaeological Permits for Public and Private

Lands [Oregon Administrative Rules (OAR) 736-051-0000 through 0090]). Violation of the provisions of subsection (1)(a) of this section is a Class B misdemeanor (formerly 273.705; 1993 c.459 §12; 1995 c.543 §7; 1995 c.588 §2; 2015 c.767 §171).

Table 2-1. Select Federal and State Laws with Penalties Applicable to Looting and Vandalism

Jurisdiction	Law/Statute	Summary of Regulations	Penalties for Violation
Federal	ARPA of 1979	Public Law 96-95 as amended, 93 Stat. 721, codified at 16 USC §§ 470aa - 470mm, was enacted to provide more effective law enforcement to protect public archeological sites. Prohibited actions include damage or defacement in addition to unpermitted excavation or removal. Selling, purchasing, and other trafficking activities are also prohibited. ARPA establishes a permit process on public and Native American lands. Site location information is confidential.	Violations carry misdemeanor to felony criminal penalties including a maximum fine of \$10,000 and 1 year imprisonment (for damages less than \$500), up to a \$20,000 fine and 2 years imprisonment (for damages over \$500), and up to a \$100,000 fine and 5 years imprisonment for a second violation (16 USC § 470ee[d]).
Federal	NAGPRA	NAGPRA (25 USC §§ 3001 et seq.) and its implementing regulations (43 CFR § 10) govern excavations and inadvertent discovery of remains and cultural items on federal and tribal lands. NAGPRA makes it a criminal offense to traffic in Native American human remains without right of possession or in Native American cultural items obtained in violation of the act.	Penalties for a first offense may reach 12 months imprisonment and a \$100,000 fine.
Federal	36 Code of Federal Regulations § 261 (USFS land)	36 CFR § 261 prohibits damaging any natural feature or other property of the United States as well as removing any natural feature or other property of the United States and digging in, excavating, disturbing, injuring, destroying, or in any way damaging any prehistoric, historic, or archaeological resource, structure, site, artifact, or property or removing any prehistoric, historic, or archaeological resource, structure, site, artifact, or property.	Violations are punishable by a fine of not more than \$5,000 or imprisonment of not more than 6 months or both.
State of California	Archaeological Sites Removal or Destruction; prohibition (PRC Section 5097.5)	No person shall knowingly and willfully excavate on, or remove, destroy, injure, or deface, any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, rock art, or any other archaeological, paleontological or historical feature, situated on public lands.	Violation is subject to a misdemeanor charge punishable by a fine not exceeding \$10,000, or by imprisonment, or both.
State of California	Possession of Native American Grave Goods or Human Remains (PRC Section 5097.99)	It is a felony to obtain or possess Native American remains or associated grave goods on or after 1984/1988, or to remove without authority of law Native American artifacts or human remains from a Native American grave or cairn with an intent to sell or dissect or with malice or wantonness.	Felony punishable by imprisonment in the state prison.

Jurisdiction	Law/Statute	Summary of Regulations	Penalties for Violation
State of California	Native American Historic Resource Protection Act (Senate Bill 1816; PRC Section 5097.993-.994)	Provides that any person who unlawfully and maliciously excavates on, removes, destroys, injures, or defaces a Native American historic, cultural, or sacred site, situated on private land or within any public park or place, is guilty of a misdemeanor, if the person knew or should have known that it was a Native American site, art object, inscription, or feature.	A person found guilty of the violation is subject to imprisonment in the county jail for up to 1 year, to a fine not to exceed \$10,000, or both. A person found guilty of a violation of those provisions may also face a civil penalty in an amount not to exceed \$50,000 per violation.
State of California	Vandalism and Graffiti Law (Penal Code 594)	Every person who maliciously defaces with graffiti or inscribed material, damages, or destroys with respect to any real or personal property not their own, in cases other than those specified by state law, is guilty of vandalism.	If the damage is worth \$400 or more, vandalism is a wobbler in California law (misdemeanor or felony). Penalties may include a jail sentence of between 1 and 3 years and/or a fine of up to \$10,000, or even more if the damage is very extensive. If the damage is worth less than \$400, vandalism is punishable by misdemeanor penalties of up to 1 year in county jail and/or a maximum \$1,000 fine.
State of California	Destruction of Historic Properties (Penal Code 6221/2)	Every person, not the owner thereof, who willfully injures, disfigures, defaces, or destroys any object or thing of archaeological or historical interest or value, whether situated on private lands or within any public park or place, is guilty of a misdemeanor.	Violation is subject to a misdemeanor charge punishable by a fine not exceeding \$10,000, or by imprisonment, or both.
State of California	Destruction of Caves (Penal Code 6223 (a)(2))	Prohibits the disturbing or alteration of any archaeological evidence in any cave without the written permission of the owner of the cave.	Violation is subject to a misdemeanor charge punishable by up to 1 year in the county jail or a fine not to exceed \$1,000, or both.
State of Oregon	Indian Graves and Protected Objects (ORS 97.740-97.760)	Protects all Native American cairns and graves and associated cultural items.	Violation is a Class C felony (ORS 97.740-760) with a maximum fine of \$125,000 and up to 5 years imprisonment (ORS 151.605 and 161.625).

Jurisdiction	Law/Statute	Summary of Regulations	Penalties for Violation
State of Oregon	Archaeological Objects and Sites (ORS 358.905-358.961)	Law provides definitions of archaeological sites, significance, and objects of cultural patrimony; prohibits the sale and exchange of cultural items or damage to archaeological sites on public and private lands. A permit is needed before any activity that will excavate, injure, destroy, or alter an archaeological site or object, or remove an archaeological object from private or non-federal public land.	Violation is a Class B misdemeanor (ORS 358.905-955) with a maximum fine of \$2,500 and up to 6 months imprisonment (ORS 161.615 and 161.635).
State of Oregon	Permit and Conditions for Excavation or Removal of Archaeological or Historical Materials (ORS 390.235)	A state permit is required to make an exploratory subsurface investigation on public lands or to excavate within a known archaeological site (Oregon Administrative Rules for Archaeological Permits for Public and Private Lands [OAR 736-051-0000 through 0090]).	Violation is a Class B misdemeanor. [Formerly 273.705; 1993 c.459 §12; 1995 c.543 §7; 1995 c.588 §2; 2015 c.767 §171]

Notes:

ARPA =

NAGPRA = Native American Graves Protection and Repatriation Act

OAR = Oregon Administrative Rules

ORS = Oregon Revised Statutes

PRC = Public Resources Code

USC = United States Code

USFS = United States Forest Service

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Chapter 3: Roles and Training

3. ROLES AND TRAINING

The Renewal Corporation will implement several programs and measures aimed at preventing looting and vandalism. This section describes the Renewal Corporation's roles, responsibilities, and training programs.

3.1 Roles and Responsibilities

The roles and responsibilities of key parties involved with cultural and tribal resources for the Proposed Action are provided in this section.

3.1.1 Federal Energy Regulatory Commission

FERC serves as the lead federal agency for purposes of compliance with Section 106 of the NHPA. FERC has authorized the Renewal Corporation (Proponent) to initiate consultation with the SHPO and others. FERC will ensure the Renewal Corporation implements the measures committed to in the LVPP.

3.1.2 Klamath River Renewal Corporation

The Renewal Corporation is a private, non-profit corporation. It will implement the Proposed Action, including the cultural resource protection measures contained herein and as provided in the Programmatic Agreement, facilitate consultation with the consulting parties, provide recommendations to FERC concerning alterations to the APE, eligibility of resources for the NRHP, findings of effect, and measures to avoid, minimize, and resolve adverse effects to historic properties, in addition to responding to inadvertent discoveries or unanticipated effects consistent with the undertaking's PA and HPMP.

3.1.3 Cultural Resource Specialist

The Renewal Corporation will manage historic properties and potential effects to those properties in compliance with applicable FERC regulations and other federal (i.e., NHPA and 36 CFR part 800) and state cultural resource laws. The Renewal Corporation will appoint or hire a Cultural Resources Specialist (CRS). This individual will be responsible for administering the HPMP.

Cultural resources monitoring will be supervised by a designated CRS who will meet federal-level qualification standards for archaeologists as described in *The Secretary of Interior's Standards and Guidelines Professional Qualification Standards* (36 CFR § Part 61). A minimum of 5 years of experience in the capacity as a project manager or principal investigator (PI) with Pacific Northwest regional experience will be required, as well as demonstrated familiarity with human osteology and the identification of Native American remains and sacred objects. State qualification standards will also be applicable (e.g., OAR § 736-051-0070(19)).

The CRS will design and implement Project-specific training requirements and ensure that on-site monitors retain necessary qualifications. The CRS will be familiar with the geoarchaeological sensitivity analysis, and have demonstrable familiarity with the regional archaeology, archaeological monitoring, and maintain

working knowledge of relevant background and archaeological context documents (e.g., Definite Decommissioning Plan, Phase II Evaluation Report, HPMP, PA).

The Renewal Corporation-designated CRS will coordinate and supervise monitoring teams and retains authority to implement the LVPP. It is the responsibility of the CRS to coordinate with FERC, Oregon and/or California SHPOs, the Renewal Corporation/PacifiCorp, Indian tribes, landowners, and other consulting parties, including county coroners and other law enforcement officials when necessary.

3.1.4 Cultural Resources Monitors

Cultural resources monitors will have a minimum of 5 years of regional experience as a crew chief in the identification, evaluation, and treatment of cultural resources under Section 106 processes, including previous field monitoring experience. Cultural resources monitors act as the on-site representatives of the CRS and may be required to make eligibility recommendations; guide avoidance and treatment measures; and document incidences of looting and vandalism.

Professionally qualified cultural resources monitors will be present during ground-disturbing activities in areas designated as requiring cultural resources monitoring. The types of disturbances, situations, and locations that require monitoring are described in the Proposed Action's Monitoring and Inadvertent Discovery Plan (MIDP) (AECOM 2022c). Cultural resources monitors act as the on-site representatives of the CRS and may conduct periodic monitoring visits to known sensitive sites under the supervision of the CRS.

Cultural resources monitors have the authority to suspend construction for suspected or actual discoveries to be inspected, recorded, evaluated, and treated, including for incidences of looting and vandalism. The monitors will coordinate with construction personnel and the CRS to perform the secure, notify, and support functions detailed in the MIDP and LVPP. Actions for each on-site monitor will be directed and managed by the CRS. On-site monitors will be responsible for maintaining daily logs and following documentation protocols.

3.1.5 Tribal Advisors

Tribal advisors will be selected by each affected tribe. One tribal advisor will be requested to accompany each archaeological team or cultural resources monitor and shall be present as feasible and appropriate pursuant to the schedule for different phases of the Proposed Action, to address unknown cultural and tribal that are exposed. Tribal advisors will provide guidance to the monitoring team if cultural resources are encountered during ground-disturbing activities and will work through the cultural resources monitor and CRS in the event looting or vandalism is observed. Each tribal advisor must complete the Renewal Corporation Cultural and Tribal Resources Training prior to field mobilization, which will be administered by the CRS. Other qualifications or training standards for the tribal advisors will be provided by their respective tribes prior to field mobilization of the tribal advisor (e.g., the Klamath Tribes offer a 40-hour training program; other tribes have similar internal training programs).

3.1.6 Construction Field Supervisors/Contractor

These individuals will represent the contracting companies who will be involved with construction. Like the CRS and monitors, these individuals will have the responsibility and authority to suspend work. Construction Field Supervisors will enforce CRS recommendations and will report to the prime contractor's project manager.

3.2 Training

Prior to construction, all personnel involved with actions that may result in inadvertent discoveries will receive project-specific cultural resources training.

3.2.1 Cultural and Tribal Resources Training Program

All Renewal Corporation personnel (including contractors) must attend a cultural resources sensitivity training. This training will provide information regarding applicable archaeological laws and regulations and the roles and responsibilities of cultural resources personnel and other field personnel. The aim of this training program is to develop a reasonable resource identification and monitoring process while minimizing the potential for adverse effects from the Proposed Action to known and previously unidentified historic properties. In addition to cultural resources training, safety and environmental training will also be provided to all personnel working on construction. Details about the Cultural and Tribal Resources Training Program are provided in the HPMP.

3.2.2 Tribal Training Programs

Individual tribes may require training programs for their tribal advisors to be qualified for accompanying the archaeological monitoring teams. This training is separate from the Renewal Corporation's training program and respective tribes will provide tribal training for their participating personnel.

3.2.3 Law Enforcement Coordination and Agency Training Opportunities

Nearly all at-risk archaeological historic properties fall on private land that will be administered by the Renewal Corporation. Law enforcement response would therefore be expected to lie primarily with the Siskiyou County Sheriff's Office (California) and Klamath County Sheriff's Office (Oregon) for vandalism and looting observations. The Renewal Corporation's plan to develop a presentation and offer an annual training opportunity for local law enforcement officers and agencies (e.g., Klamath County, Oregon, and Siskiyou County, California, law enforcement) to enhance their knowledge and understanding of state and federal laws protecting historic properties, human burials, and other cultural resources is presented in the HPMP.

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Chapter 4: Prevention Measures

4. PREVENTION/PROTECTION MEASURES

The Renewal Corporation will implement strategies aimed at preventing or reducing looting and vandalism activities. These include public education measures informing recreators and visitors as to the importance of preservation as well as laws and penalties for violations; a mechanism for the public to report suspicious activities via a “See and Say Program”; and public access restrictions during reservoir drawdown and dam removal activities when newly exposed archaeological sites may be most vulnerable.

4.1 Site Condition Monitoring (Site Inspections)

The Renewal Corporation will conduct routine site condition monitoring, also known as site inspections to assess the effects of erosion, restoration, changes in visitation, and other Proposed Action activities, as well as any evidence for looting and vandalism. The MIDP details the process for site inspections. If evidence for looting and/or vandalism is observed, the Renewal Corporation will implement the process outlined in this LVPP.

4.2 Reporting of Unauthorized Uses

Unauthorized uses of developed and dispersed recreation sites are an avenue for increased looting and vandalism, as well as resulting unintentional impacts to cultural sites. The CRS will report any observations of recurrent unauthorized recreation (camping, latrine, off-road vehicles) uses that may affect historic properties to the appropriate authorities (depending on land ownership). The CRS will coordinate site protection measures with FERC, the SHPOs, , tribes, federal land manager, and other consulting parties. The Renewal Corporation will treat observations of unauthorized uses in accordance with provisions in the Proposed Action’s Recreation Facilities Plan.

4.3 Prevention and Protection Measures

The Renewal Corporation will use various site measures and strategies to prevent and/or in response to looting and vandalism. Appropriate measures will be developed on a site-by-site basis as described in the HPMP (AECOM 2022a). Measures include—but are not limited to—the following:

- Law enforcement coordination and training
- Public education
- Public reporting “See and Say” program
- Public access restrictions and security measures
- Modification of roads and unauthorized recreation uses
- Strategic signage and/or vegetation plantings

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Chapter 5: Looting and Vandalism Response

5. LOOTING AND VANDALISM RESPONSE

The following section outlines the steps that the Renewal Corporation will follow in the event any personnel involved with the Proposed Action witness illegal acts, suspicious activities, or evidence of looting or vandalism to archaeological sites or other cultural resources.

5.1 Purpose

The purpose of the looting and vandalism response protocols is to ensure that cultural resources are appropriately managed in accordance with state and federal laws in the event looting or vandalism is observed. These procedures will be presented to all project personnel as part of the cultural resources awareness training. A copy of the *Looting and Vandalism Observation Form* (Appendix A) will be maintained on site by construction field supervisors.

5.2 Examples of Looting, Vandalism, or Suspicious Behavior

The Renewal Corporation personnel will report observations of looting, vandalism, and/or suspicious behavior to their construction field supervisor and the CRS. Examples of vandalism and looting, which may be intentional or unknowing, could include:

- Graffiti, spray painting, knife etching, or otherwise drawing on or defacing cultural resources
- Shooting at resources such as rock art
- Driving off-highway vehicles over sensitive resources
- Unauthorized digging in sensitive areas
- Collecting or otherwise removing cultural materials such as artifacts or portable features

Examples of suspicious behavior could include:

- People frequently leaning over and picking up objects
- Use of metal detectors
- Use of a long stick or walking stick to turn over objects on the ground
- Use of earth moving equipment in remote areas
- Possession of artifacts
- Digging with shovels or trowels and use of sifting screens not related to construction activities.

5.3 Procedures

The Renewal Corporation personnel will follow these steps in the event vandalism and looting activities are observed during implementation of the Proposed Action. This includes active or “in progress” looting/vandalism or evidence that past activities have occurred at a site. As part of the Cultural and Tribal Resources Training Program, Renewal Corporation personnel and subcontractors will be instructed to follow these procedures:

Step 1 – Maintain Safety

If any member of a construction or other field crew believes that they are witnessing active looting or vandalism of an archaeological resource, the priority will be to avoid confrontation that could escalate into an unsafe situation. Professional looters and vandals may be armed, and alcohol and drugs are frequently involved. Law enforcement, not Renewal Corporation personnel or subcontractors, will be responsible for direct confrontation and enforcement of any violations.

If Renewal Corporation personnel come across an active incident of looting and/or vandalism, they will:

- Record observations from a safe distance, note any conversations, and take legible notes.
- Avoid drawing attention to themselves or allowing the looter/vandal to see them taking photographs, videos, or notes.
- “Act innocent” to limit confrontation if direct conversation with the looters/vandals cannot be avoided.

Step 2 – Notify

For in-progress looting and vandalism observations: The person making the observation must immediately notify local law enforcement (911 [or designated law enforcement point of contact]). Any personnel, including the witness, monitor, or field supervisor, may call law enforcement if they feel the situation is an emergency that warrants an immediate law enforcement response.

For past looting and vandalism observations: The person making the observation must immediately notify the on-site monitor or construction field supervisor, who will notify the CRS by telephone. If the CRS is not immediately reachable, the alternate Renewal Corporation designee will be contacted.

Step 3 – Avoid Further Damage

If personnel come across a recently looted site, they will take all reasonable measures to avoid compromising any evidence and will not:

- Walk in the site.
- Touch or move artifacts, trash, tools, or anything else that might have been used or disturbed by the looters/vandals. Often violators leave trash containing fingerprints or saliva, which can lead to positive identification. Their footprints, tire treads, and even their tools leave distinctive impressions.

- Leave the site unprotected. If possible, the personnel will remain at the scene until law enforcement officers arrive. A vandalized or looted site is a crime scene. Evidence must be collected by a trained law enforcement officer.

Step 4 – Fill out the Looting/Vandalism Observation Form

The person making the observation, assisted by the monitor/field supervisor if available, will fill out the attached *Looting/Vandalism Observation Form* (Appendix A), and include information about date/place/time of observations, personnel involved, resource affected, impacts to the resource, and people responsible for the damage, if known. When applicable, the observer will note details such as license plate/vehicle description, description of the person, and any other details about the event, as well as photograph the activities, damage, and people responsible for the damage if this can be done safely because it may help law enforcement and lead to prosecution if a crime has been committed.

Step 5 – Cultural Resource Specialist Makes Additional Notifications

If law enforcement has not already been contacted as part of an in-progress response (Step 2), the CRS will report the looting and vandalism to law enforcement, FERC, SHPO, tribes, federal land manager, and other consulting parties within 48 hours of the incident. The notification will provide observations and share the actions that have been taken regarding the affected resource.

Step 6 – Cultural Resource Specialist Completes a Damage Assessment

In coordination with law enforcement, the CRS will make an initial damage assessment of the disturbance and if eligibility is not yet determined, provide an assessment of NRHP eligibility (36 CFR § 800.4[c]) and proposed actions (35 CFR § 800.13[3]), and provide this to the FERC, SHPO, tribes, federal land manager, and other consulting parties consistent with the timelines specified in the PA.

The damage assessment will be consistent with National Park Service methods and as specified for ARPA violations (McAllister 2007). The CRS will:

- Identify damage locations
- Identify the types of damage to the resource
- Measure the amount of damage (including volume)
- Collect any damaged/exposed resources at risk for further damage
- Document the findings (notes, photographs [still and/or video] of damage, maps of the archaeological site and damage locations)
- Provide preliminary cost and value determinations, as appropriate
- Prepare a Damage Assessment Report

The FERC, SHPO, tribes, federal land manager, and other consulting parties will respond to the damage assessment and eligibility determination with comments to the Renewal Corporation within 48 hours.

- If SHPO concurs that the damaged resource is eligible, the Renewal Corporation will implement the treatment measures (Step 7).
- If SHPO concurs that the damaged resource is not eligible, no further treatment or mitigation will be required.

Step 7 – Renewal Corporation Proceeds with Treatment Measures

The Renewal Corporation will select and implement archaeological treatment measures listed in the HPMP, which could include emergency restoration and repair, in consultation with FERC, SHPO, tribes, federal land manager, and other consulting parties, consistent with the timelines in the HPMP. Treatment of adverse effects to archaeological sites involving archaeological research will be consistent with the HPMP guiding research directions, field methods, and analytical strategies.

Step 8 – Renewal Corporation Coordinates with Law Enforcement

For any actionable legal cases, the Renewal Corporation will coordinate with law enforcement regarding prosecution.

5.4 Annual Reporting

On an annual basis, the Renewal Corporation will transmit a report of completed supplemental treatment to FERC, SHPO, tribes, federal land manager, and other consulting parties as appropriate, as part of the Annual Report required under the HPMP. The Renewal Corporation will consider reburial or collection and curation of damaged cultural materials in consultation with affected parties.

5.5 Continuation of the Looting and Vandalism Prevention Plan

The Renewal Corporation will implement the measures stipulated in this document until FERC determines that license surrender is effective. The Renewal Corporation will consult with the successor states to investigate mechanisms for continuing responsibilities of the LVPP after the Renewal Corporation ceases ownership.

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Chapter 6: Contact Information

6. CONTACT INFORMATION

This section provides current (2022) contact information for agencies, tribes, and other parties to be notified under this plan. Lists of project contacts, looting and vandalism law enforcement contacts, and agency and tribal contacts based on geographic location by state are provided in Table 6-1 through Table 6-4. Contact information is expected to change over the course of the Proposed Action. The Renewal Corporation CRS will maintain up-to-date contact information.

Table 6-1. Project Contacts

Name	Organization	Role	Phone	Email
TBD	TBD	Cultural Resource Specialist	TBD	TBD
TBD	FERC	TBD	TBD	TBD
Mark Bransom	The Renewal Corporation	Chief Executive Officer	O. (510) 679-6929	mark@klamathrenewal.org

Notes: FERC = Federal Energy Regulatory Commission; TBD -= to be determined

Table 6-2. Looting and Vandalism Law Enforcement Contact Information, by Jurisdiction

Landowner/Location	Law Enforcement	Name and Role	Phone	Email
The Renewal Corporation - California	Siskiyou County Sheriff	TBD	TBD	TBD
The Renewal Corporation - Oregon	Klamath County Sheriff	TBD	TBD	TBD
USFS	USFS Law Enforcement	TBD	TBD	TBD
BLM	BLM Law Enforcement	TBD	TBD	TBD
FBI	FBI Portland Field Office	-	503-224-4181	-

Notes: BLM = Bureau of Land Management; FBI = Federal Bureau of Investigation; TBD -= to be determined; USFS = United States Forest Service

Table 6-3. California Contact Information

Name	Organization	Role	Phone	Email
Jon Lopey, Sheriff-Coroner or Lt. Mark Hilsenberg, Chief Deputy Coroner	Siskiyou County Law Enforcement	Coroner, Primary Contact for Human Remains	O. (530) 842-8300	-
-	Native American Heritage Commission	Primary Contact for Native American Human Remains in California	O. (916) 373-3710	-
California State Historic Preservation Office (general)	California State Historic Preservation Office	State Historic Preservation Office	O. (916) 445-7000	CALSHPO.OHP@parks.ca.gov
Brendon Greenaway	California State Historic Preservation Office	State Archaeologist, Primary SHPO Contact for California	O. (916) 445-7036	Brendon.greenaway@park.ca.gov
Eric Ritter	BLM, Redding Field Office	Archaeologist	O. (530) 224-2131	eritter@blm.gov
Jeanne Goetz	USFS, Klamath National Forest	Heritage Resources Specialist	O. (530) 841-4488	jgoetz@fs.fed.us
Blake Follis	Modoc Nation	Environmental Director	O. (918) 542-1190	blake.follis@modoctribe.com
Roy Hall	Shasta Nation	Chief	O. (530) 468-2314	shastanation@hotmail.com
Janice Crowe	Shasta Indian Nation	Chairperson	O. (530) 244-2742	twocrowes63@att.net
Crystal Robinson	Quartz Valley Indian Reservation	Environmental Director	O. (530) 468-5907 ext. 318	Crystal.Robinson@qvir-nsn.gov
Alex Watts-Tobin	Karuk Tribe	THPO	O. (530) 627-3446 ext. 3015	atobin@karuk.us
Rosie Clayburn	Yurok Tribe	THPO	O. (707) 482-1350 ext. 1309	rclayburn@yuroktribe.nsn.us
Rachel Sundberg	Cher'Ae Heights of the Trinidad Rancheria	THPO	O. (707) 677-0211	rsundberg@trinidadrancheria.com

Notes: SHPO = State Historic Preservation Officer; THPO = Tribal Historic Preservation Officer; USFS = United States Forest Service

Table 6-4. Oregon Contact Information

Name	Organization	Role	Phone	Email
Craig Heuberger	Oregon State Police	Human Remains Contact	C. (503) 508-0779 Dispatch:(503) 731-3030	-
John Pouley	Oregon State Historic Preservation Office	State Archaeologist, Primary SHPO contact for Oregon	C. (503) 480-9164	John.pouley@oregon.gov
Mitch Sparks	Oregon Commission on Indian Services	Executive Director	O. (503) 986-1067	LCIS@oregonlegislature.gov
Laird Naylor	BLM	Lead Archaeologist, KFRA	O: (541) 885-4139	lnaylor@blm.gov
Sara Boyko	BLM	Project Archaeologist	O: (541) 885-4114	sboyko@blm.gov
Perry Chocktoot	Klamath Tribes	Culture and Heritage Director for Klamath Tribes	O. (541) 783-2764 ext. 107	perry.chocktoot@klamathtribes.com
Robert Kentta	Confederated Tribes of Siletz	Cultural Resource Specialist	O. (541) 444-8244	rkenta@ctsi.nsn.us

Notes: BLM = Bureau of Land Management; KFRA = Klamath Falls Resource Area; SHPO = State Historic Preservation Officer

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Chapter 7: References

7. REFERENCES

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- USFS (United States Forest Service). 2015. Forest Service Handbook (FSH 2309.12), Heritage Program Management Handbook. Electronic document, https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd517819.pdf, accessed October 20, 2019.

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Chapter 8: List of Preparers

8. LIST OF PREPARERS

Name	Education	Qualifications
Sarah McDaniel, MA, RPA	M.A. Anthropology B.A. International Studies	20 years of experience in archaeology and cultural resources management.
Elena Nilsson, MA, RPA	M.A. Anthropology B.A. English	41 years of experience in archaeology and cultural resources management.

APPENDIX A SAMPLE LOOTING AND VANDALISM OBSERVATION FORM

Looting and Vandalism Observation Form

Recorder's Name/Position: _____

Date of observation: _____ Time of observation: _____

Location: _____

Description of looting/vandalism and tools being used (*digging, collecting, spray painting, shovel, metal detector, screen, paint cans, etc.*): _____

Use or possession of weapons, alcohol, or drugs observed: _____

Description of the person(s) (*height, weight, race, hair color, clothing, identifying marks, strange behavior*): _____

Route of travel of the person(s) away from the location: _____

Is this a known resource? Yes # _____ No Uncertain

Description of vehicle (*make, model, color, license plate*): _____

If safe to do so, take photographs/videos of: 1) the overall setting, and 2) the damage to archaeological materials. Text or email to the Cultural Resource Specialist along with this form:

Digital Photo #: _____ Description: _____

Digital Photo #: _____ Description: _____

Any other observations and responses: _____

IMPORTANT: Submit this form to the Renewal Corporation Cultural Resource Specialist the same day of the observation.

Submitted to: _____ Date: _____ Time: _____

Submitted by Signature: _____

APPENDIX D APE CONSULTATION RECORD

May 3, 2018

Julianne Polanco
State Historic Preservation Officer
Office of Historic Preservation
1725 23rd Street, Ste. 100
Sacramento, CA 95816

RE: Initiation of Informal Consultation for the Lower Klamath Project (FERC No. 14803)

Dear Ms. Polanco,

Klamath River Renewal Corporation (KRRC) and PacifiCorp request the initiation of informal consultation with the California Office of Historic Preservation regarding the Lower Klamath Project (Project; FERC No. 14803) and your comments on the preliminary Area of Potential Effects (APE) defined for the Project by AECOM, our technical representative. Informal consultation is being requested under a November 10, 2016, "Notice of Applications Filed With the Commission" (Attachment 1) issued by the Federal Energy Regulatory Commission (FERC) which designated PacifiCorp and KRRC as the Commission's non-federal representative for carrying out informal consultation to help facilitate FERC's compliance with Section 106 of the National Historic Preservation Act (54 U.S.C § 300101 et seq.) and the Advisory Council's regulations at 36 C.F.R. § 800.2(c)(4). KRRC and PacifiCorp (Proponents) have submitted to FERC a License Surrender Application (LSA) for the Project. FERC considers review of the LSA an "undertaking" (36 C.F.R § 800.16(y)) and thus subject to Section 106 as implemented in 36 C.F.R. Part 800.

The Project seeks the decommissioning and removal of four dam developments (Iron Gate, Copco No. 1 and No. 2, and J.C. Boyle), located on the Klamath River, which are currently owned and operated by PacifiCorp. The J.C. Boyle development is located in Klamath County, Oregon, with the other three developments located in Siskiyou County, California. The purpose of the project is to achieve a free flowing river condition and full volitional fish passage through the reaches of the Klamath River currently impacted by the four dams.

This letter provides a summary of the Project's administrative background, a status update on informal consultation efforts conducted to date, a brief Project description, and a written definition of the preliminary APE, accompanied by maps. Your comments on the preliminary APE are requested at this time to help focus KRRC's and PacifiCorp's informal consultation efforts [36 C.F.R. § 800.2(c)(4)] with agencies, tribes, and other interested parties, as well as to focus that dialogue in more meaningful content for FERC's subsequent formal consultation process.

Administrative Background

KRRC is a 501(c)(3) organization created by the Klamath Hydroelectric Settlement Agreement (KHSAs), as amended in 2016, to decommission the four dam developments owned by PacifiCorp (see the attached APE map book for overview and detail maps showing the project location). PacifiCorp is a leading western U.S. energy services provider and the largest grid owner-operator in the West. For the Lower Klamath Project, KRRC is the transferee, while PacifiCorp is the transferor.

KRRC and PacifiCorp jointly filed a combined license amendment and license transfer application with FERC on September 23, 2016. The license amendment asked FERC to administratively remove the four dam developments from the Klamath Hydroelectric Project license (No. 2082). The transfer amendment asked that the four developments be administratively placed into a new license for the Lower Klamath Project (No. 14803). On March 15, 2018, FERC granted the license amendment application and deferred the license transfer, pending receipt of required additional information. On April 16, 2018, PacifiCorp filed a motion asking FERC to change the effective date for the new Lower Klamath license so splitting the license happens concurrently with the license transfer. PacifiCorp will continue to operate each of the four developments proposed as the Lower Klamath Project until the Commission approves the License Transfer Application and KRRC accepts the license.

KRRC filed a separate license surrender application on September 23, 2016 for Project No. 14803 that, if approved, would allow KRRC to decommission the four facilities. Under the amended KHSAs, KRRC would oversee dam removal activities, which, if approved, are expected to begin in 2020 with dam removal occurring in 2021. PacifiCorp would continue to operate the dams until they are decommissioned.

Consultation Status

KRRC and its technical representative, AECOM, have formed a Cultural Resources Working Group (CRWG) to compile information to assist FERC in its Section 106 compliance efforts. KRRC invited the participation of the representatives of California Office of Historic Preservation; Oregon State Historic Preservation Office; US Army Corps of Engineers; USDI Bureau of Reclamation; Klamath Falls and Redding Field Offices of the USDI Bureau of Land Management; USDA Klamath National Forest; and PacifiCorp. To date, the CRWG has participated in three teleconference calls where: a Project overview was provided (September 2017), a preliminary Area of Potential Effects was discussed (December 2017), and preliminary work plans for 2018 were reviewed (March 2018).

KRRC has also initiated informal consultation with Indian tribes. KRRC sent letters to 25 Indian tribes native to or currently residing in northern California and southern Oregon requesting their participation in the informal consultation process. Eight Indian tribes (Karuk Tribe, Klamath Tribes, Modoc Tribe of Oklahoma, Quartz Valley Indian Rancheria, Shasta Indian Nation, Shasta Nation, Cher' Ae Heights of the

Trinidad Rancheria, and Yurok Tribe) have confirmed their interest in participating in the informal consultation process. A Project introduction meeting with the participating Indian Tribes was held on April 6, 2018 in Yreka, California.

FERC conducted scoping meetings in January and February 2018 with six federally recognized Indian Tribes regarding the KRRC and PacifiCorp license amendment and transfer application. The tribes invited to the meetings include the Hoopa Valley Tribe, Karuk Tribe, Klamath Tribes, Modoc Tribe of Oklahoma, Quartz Valley Indian Rancheria, and Yurok Tribe.

As KRRC advances consultation with federal, state, and local agencies and Indian tribes, we will also be soliciting input about which other consulting parties may have knowledge or an interest in historic properties in the Project area. This outreach will include contacting local-level government entities, historical societies and museums, and other groups with a focus on historic preservation, history, and archaeology. We welcome suggestions from your office on additional entities that we should consider contacting.

Project Summary

The proposed Project includes the decommissioning and removal of four dam developments (Iron Gate, Copco No. 1 and No. 2, and J.C. Boyle) on the Klamath River. In September 2017, KRRC prepared a technical support document for the California State Water Resources Control Board (SWRCB) and the Oregon Department of Environmental Quality (ODEQ) for their use in preparing Clean Water Act Section 401 Water Quality Certifications required before FERC can issue a final surrender order for the Project. This document¹ also provided technical and field information for use in preparation of an Environmental Impact Report (EIR) consistent with the California Environmental Quality Act (CEQA). An Administrative Draft version of a Definite Plan² for Decommissioning was provided to the SWRCB in January 2018, providing an update on schedule and additional technical information. KRRC is currently preparing the Definite Plan for submittal to FERC in June 2018.

The year prior to removal of the dams and hydropower facilities, improvements to the diversion tunnels at Iron Gate Dam and Copco No. 1 dam, City of Yreka water supply line and intake, Iron Gate and Fall Creek fish hatcheries, roads and bridges, and flood mitigation features will be built (currently planned for 2020). Prior to dam removal, the water surface elevation in each reservoir will be drawn down as low as possible to facilitate accumulated sediment evacuation and to create a dry work area for facility removal activities.

¹ Available at:

https://www.waterboards.ca.gov/waterrights/water_issues/programs/water_quality_cert/docs/lower_klamath_ferc14803/1_3_18_krrc_updated_submittal.pdf

² Available at:

https://www.waterboards.ca.gov/waterrights/water_issues/programs/water_quality_cert/docs/lower_klamath_ferc14803/1_3_18_krrc_updated_submittal.pdf

In general, drawdown will begin on January 1 of the drawdown year (currently planned for 2021), and will extend through March 15 of the same year. After drawdown is accomplished, remaining reservoir sediments will be stabilized to the extent feasible and dam and hydropower facility removal will begin in the same year. Full reservoir area restoration will also be accomplished and will begin after drawdown, and extend throughout the year, and possibly extend into the subsequent year. Vegetation establishment could extend several years.

Other key project components include measures to reduce Project related effects to cultural, aquatic, and terrestrial resources; and development of a recreation plan for existing and possibly new developments.

Changes or refinements to the Project description, resulting from new information, updated analysis, or new project components, will be incorporated into future correspondence and documents provided to your office and discussed during CRWG meetings.

Contact Information

If you have any questions or would like any additional information, please contact me, Mark Bransom, at the number or e-mail listed below, or Elena Nilsson, AECOM cultural resources lead, at elena.nilsson@aecom.com (530-893-9675 ext. 1231).

Thank you for your support of this effort. We look forward to continuing our work with you.

Best regards,



Mark Bransom,
Executive Director, KRRC

mark@klamathrenewal.org
415-820-4441

Attachments

1. FERC Notice of Applications Filed with the Commission
2. Preliminary APE Description
3. Preliminary APE Map Set

Attachment 1

FERC Notice of Applications Filed with the Commission

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

PacifiCorp
Klamath River Renewal Corporation

Project No. 2082-062
Project No. 2082-063
Project No. 14803-000
Project No. 14803-001

NOTICE OF APPLICATIONS FILED WITH THE COMMISSION

(November 10, 2016)

Take notice that the following hydroelectric applications have been filed with the Commission and are available for public inspection:

- a. Types of Applications: Application for Amendment and Partial Transfer of License;
Application for Surrender of License
- b. Project Nos.: 2082-062 and 14803-000 (amendment and transfer application);
2082-063 and 14803-001 (surrender application)
- c. Date Filed: September 23, 2016
- d. Applicants: For license amendment and transfer:
PacifiCorp (transferor) and
Klamath River Renewal Corporation (transferee)

For license surrender:
Klamath River Renewal Corporation
- e. Name of Projects: Klamath Project (P-2082)

Lower Klamath Project (P-14803)
- f. Locations: Klamath Project - on the Klamath River in Klamath County, Oregon, and on the Klamath River and Fall Creek in Siskiyou County, California. The project includes about 477 acres of federal lands administered by the Bureau of Reclamation and the Bureau of Land Management.

Project No. 2082-062, *et al.*

- 2 -

Lower Klamath Project - on the Klamath River in Klamath County, Oregon, and Siskiyou County, California. The project would include about 395 acres of federal lands administered by the Bureau of Land Management.

- g. Filed Pursuant to: Federal Power Act, 16 USC 791a-825r.
- h. Applicants Contact: Sarah Kamman, Vice President and General Counsel, PacifiCorp, 825 NE Multnomah Street, Suite 2000, Portland, OR 97232, (503) 813-5865, sarah.kamman@pacificorp.com
- Michael Carrier, President, Klamath River Renewal Corporation, 423 Washington Street, 3rd Floor, San Francisco, CA 94111, (415) 820-4441, michael@klamathrenewal.org
- i. FERC Contacts: Amendment and Transfer: Steve Hocking, (202) 502-8753, Steve.Hocking@ferc.gov
- Surrender: John Mudre: (202) 502-8902, john.mudre@ferc.gov
- j. Description of Amendment and Transfer Request: The applicants request that the Commission transfer the J.C. Boyle, Copco No. 1, Copco No. 2, and Iron Gate developments of the existing Klamath Project No. 2082 from PacifiCorp to the Klamath River Renewal Corporation (Renewal Corporation) and create a new project, the Lower Klamath Project, for the transferred developments with the Renewal Corporation as the sole licensee. PacifiCorp requests that the license for Project No. 2082 be amended to delete references to the four transferred developments. The applicants state that they will make a supplemental filing on or before March 1, 2017, demonstrating the legal, technical, and financial capabilities of the Renewal Corporation to perform its responsibilities as transferee. Applicants further request that the Commission act on the amendment and transfer application by December 31, 2017, and allow the Renewal Corporation six months from the issuance date of the order approving transfer to submit proof of its acceptance of license transfer.
- k. Description of Surrender Request: The Renewal Corporation's request to surrender and decommission the Lower Klamath Project, including removal of the project dams is contingent upon a Commission order amending PacifiCorp's existing Klamath Project (P-2082) license to create a new project, the Lower Klamath Project, and transferring the Lower Klamath Project to the Renewal Corporation, as described in item (j), above. The Lower Klamath Project, as envisioned by the Renewal Corporation, would consist of the J.C. Boyle, Copco No. 1, Copco No. 2, and Iron Gate developments of the existing Klamath Project No. 2082, and the Renewal Corporation would be the sole licensee. The

Renewal Corporation requests that the Commission not act on this request until it is ready to accept license transfer and states that it will file, by December 31, 2017, its decommissioning plan to serve as the basis for Commission staff's environmental and engineering review of the surrender application. Because only a licensee may file to surrender a license and the Commission does not accept contingent applications, the surrender application is deemed to be filed by both PacifiCorp and the Renewal Corporation. *See* 18 C.F.R. §§ 6.1 and 4.32(j). Therefore, while action on the amendment and transfer application is pending, the Commission will maintain both applications in the dockets for both project numbers. If the Commission approves the transfer and the Renewal Corporation accepts the license, following which the Renewal Corporation would become the sole licensee, the surrender proceeding would continue solely in Project No. 14803.

l. With this notice, we are initiating informal consultation with: (a) the U.S. Fish and Wildlife Service and NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency implementing regulations at 50 C.F.R. Part 402; (b) NOAA Fisheries under section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act and implementing regulations at 50 CFR § 600.920; and (c) the California and Oregon State Historic Preservation Officers, as required by section 106 of the National Historic Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 C.F.R. Part 800.

m. With this notice, we are designating PacifiCorp and the Renewal Corporation as the Commission's non-federal representative for carrying out informal consultation, pursuant to section 7 of the Endangered Species Act, section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act, and section 106 of the National Historic Preservation Act and the Advisory Council's regulations at 36 C.F.R. § 800.2(c)(4).

n. Locations of the Applications: Copies of the applications are available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 502-8371. These filings may also be viewed on the Commission's website at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1-866-208-3676 or e-mail FERCOnlineSupport@ferc.gov, for TTY, call (202) 502-8659. Copies are also available for inspection and reproduction at the addresses in item (h), above.

o. Individuals desiring to be included on the Commission's mailing list for these proceedings should so indicate by writing to the Secretary of the Commission.

Project No. 2082-062, *et al.*

- 4 -

p. Additional Information: We are not requesting comments at this time. After receiving the applicants' supplemental filings on or before March 1, 2017, for the license transfer and December 31, 2017, for the surrender, the Commission will issue notices requesting comments, protests, and motions to intervene.

Kimberly D. Bose,
Secretary

Attachment 2

Preliminary Area of Potential Effects Description

Preliminary APE for the Lower Klamath Project License Surrender Application (FERC Project No. 14803)

1.0 INTRODUCTION

1.1 Regulatory Context for Establishing an APE

The implementing regulations of the NHPA, require that the federal agency determine if its undertaking has the potential to cause effects on historic properties³ (36 CFR 800.3(a)). This is accomplished in part by determining and documenting the Area of Potential Effects (APE) (36 CFR 800.4(a)(1)). The 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.” Furthermore, the APE “is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking” (36 CFR 800.16(d)). Once an APE is defined, the scope of identification efforts within the APE can be determined. This document is intended to provide guidance to facilitate APE consultations.

1.2 APE, Study Area, Project Area, and FERC Project Boundary

The APE is distinct and different from other project-defined “areas” that are often referred to in discussion. For example, background research on known archaeological sites may encompass a broader geographic area referred to as the “**Study Area.**” The study area for cultural resources⁴ may be larger than the APE and is designed to allow for the retrieval of information about known sites, site types, buildings, structures, objects, districts, ethnographic landscape features, land use patterns from prehistoric and historic eras, as well as Traditional Cultural Properties (TCPs) and Indian Sacred Sites.⁵ Background research may include resources from outside this area, particularly broader ethnographic and historic overviews that provide context for the resources identified in the Study Area. To date, KRRC has completed an updated records search for a Study Area that includes the length of the Klamath River from its origin at the southern end of Upper Klamath Lake, in Oregon, to the mouth of the river at the Pacific Ocean. This Study Area comprises a 0.5-mile wide zone extending either side of the reservoir shorelines (J.C. Boyle, Copco Lake, and Iron Gate Reservoir) or from the center point of the Klamath River in areas where the river remains flowing.

The “**Project Area**” is also distinct from the APE. For this discussion, the Project Area refers specifically to the *Project Limits of Work and Access* as defined on maps included with the project’s California Environmental Quality Act (CEQA) and California and Oregon Section 410 Water Quality

³ 36 CFR 800.16 defines a historic property as any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria.

⁴ Cultural resources are those tangible and intangible aspects of human cultural systems, both past and present, that are valued by or representative of a given culture, or that contain information about a culture.

⁵ The definition of an Indian Sacred Site is governed by Executive Order 13007 of May 24, 1996. The order defines an Indian Sacred Site as: Any specific, discrete, narrowly delineated location on federal land that is identified by an Indian tribe, or Indian individual determined to be an appropriately authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion; provided that the tribe or appropriately authoritative representative of an Indian religion has informed the agency of the existence of such a site. It is the Tribe or the traditional religious practitioner of the Tribe, not the federal government that identifies a sacred site.

Certifications Technical Support Document (KRRRC 2017). The preliminary APE (defined below) includes the entirety of the Project Area.

Lastly, the “**FERC Project Boundary**” which includes the geographic extent of the Klamath Hydropower Project (FERC #2082) included the geographic area a licensee must own or control on behalf of its licensed hydropower projects and is likewise distinct from the APE. Due to FERC’s jurisdiction, the FERC Project Boundary for the Lower Klamath Project (FERC Project No. 14803) is wholly included within the preliminary APE.

Table 1. Area Terms Ordered According to Diminishing Size.

Term	Description
Study Area	<ul style="list-style-type: none"> • Larger than APE to better understand cultural context. • The length of the Klamath River from the highest reach of the J.C. Boyle Reservoir downstream to Humbug Creek (83 river miles) and a 0.5-mile wide zone extending on either side of the reservoir shorelines (J.C. Boyle, Copco Lake, and Iron Gate Reservoir) or from the center point of the Klamath River in areas where the river remains flowing.
Area of Potential Effects (APE)	<ul style="list-style-type: none"> • 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 (36 CFR 800.16(d)). (See Project-specific definition below).
Project Area	<ul style="list-style-type: none"> • Sometimes referred to as the “direct APE.” Also called the “Project Limits of Work and Access” as defined on maps included with the 2017 “Klamath River Renewal Project Technical Support Document” (KRRRC 2017).
FERC Project Boundary	<ul style="list-style-type: none"> • The jurisdictional limits of the FERC hydroelectric license and located entirely within the APE. For this Project, the FERC Project Boundary refers to the limits of the Lower Klamath Project (FERC Project No. 14803).

1.3 Previous Iterations of the APE

Previous FERC license applications, National Environmental Policy Act (NEPA) Environmental Impact Statements (EIS), California Environmental Quality Act (CEQA) Environmental Impact Reports (EIR), and Section 106 of the National Historic Preservation Act (Section 106) compliance reports, related to the relicensing, operation, and/or decommissioning of the Klamath Hydroelectric Project (FERC Project No. 2082) have produced varying definitions of the APE. This is primarily due to the varying scopes of the projects.

The 2004 PacifiCorp relicensing project involved all eight of the Klamath Hydroelectric Project developments, including the decommissioning of the East Side and West Side developments, the removal of the Keno development, and continued operations of the J. C. Boyle, Copco No. 1, Copco No. 2, Iron Gate, and Fall Creek developments. In contrast, the later 2012 Klamath Facilities Removal focused exclusively on the removal of four of PacifiCorp’s Klamath River developments - J.C. Boyle, Copco No. 1, Copco No. 2, and Iron Gate – and did not consider the remaining Klamath Hydroelectric Project developments (East Side, West Side, Keno, and Fall Creek). Table 2 summarizes the APEs identified in previous Klamath Hydroelectric Project cultural resources studies.

Table 2. Summary of Klamath River Project Previous APE Iterations.

Reference	APE Description
PacifiCorp 2004 (License Application Exhibit E Page 6-33; PacifiCorp 2004:121-122)	<ul style="list-style-type: none"> • <u>PacifiCorp APE</u>: All lands within the FERC Project boundary under the existing license, all lands within the PacifiCorp proposed FERC Project boundary for the new license, and river reaches below each Project development. Included proposed Project hydropower facilities, recreation sites, proposed wildlife enhancement lands, and river reaches between Project developments. • Cultural Resources Working Group (CRWG) APE: Included the FERC Project boundary, riparian and hydrologically connected areas along Project-affected reaches, and culturally sensitive lands within the Klamath River Canyon from ridgetop to ridgetop (rim to rim). • <u>PacifiCorp and CRWG Compromise</u>: Field Inventory Corridor (FIC) studied instead of an APE. FIC covered the area between the outlet of Upper Klamath Lake (River Mile [RM] 254.7) downstream to approximately 1 mile southwest of the Iron Gate dam (RM 189.2). • Downriver tribes (Karuk and Yurok) felt the APE should be more broadly defined to extend from Iron Gate down to the mouth of the Klamath River (at the Pacific Ocean) due to potential Project effects on salmon fisheries and other (non-archaeological) cultural resources along the Klamath River corridor.
PacifiCorp 2006 Revised APE (FERC 2007 EIS/EIR (Page 3-539))	<ul style="list-style-type: none"> • Based on proposal to decommission East Side and West Side developments and to remove Keno development from the project. • Excluded Keno reservoir, the Klamath River from Keno reservoir to the head of J.C. Boyle reservoir, and the river

Reference	APE Description
	reach from just below J.C. Boyle powerhouse to the Oregon-California state line.
FERC 2007 EIS/EIR (Page 3-551)	<ul style="list-style-type: none"> Entirety of the APE as delineated by PacifiCorp in its October 2004 draft HPMP and that portion of the Klamath River reach from Iron Gate to the mouth.
Bureau of Reclamation 2012 EIS/EIR (Section 3.13.1 Area of Analysis)	<ul style="list-style-type: none"> The Klamath River from the outlet at Keno Dam to the river's outlet at the Pacific Ocean and extending outward for 0.5 miles from each bank of the river, plus a 0.5-mile-wide corridor from the high water mark surrounding each of the four reservoirs, and all four dams and associated facilities.

PacifiCorp's 2004 APE designated for the relicensing project included all proposed hydropower developments, recreation sites, proposed wildlife enhancement lands, and river reaches between the various Klamath Hydroelectric Project developments. This covered all lands within the FERC Project boundary under the existing license, all lands within the PacifiCorp proposed FERC Project boundary for the new license, and river reaches below each Project development. The archaeological survey conducted for the PacifiCorp relicensing study focused on a broader "field inventory corridor" (FIC) based on input from the Cultural Resource Working Group, including the tribes, who felt the APE should be considerably larger than the FERC Project boundary. The FIC comprised the area between the outlet of Upper Klamath Lake (River Mile [RM] 254.7) downstream to approximately 1 mile southwest of the Iron Gate dam (RM 189.2), as river geomorphology studies indicated little to no effect on downstream river bank erosion beyond Interstate 5 for the project as then defined. Therefore, the 2004 APE extended a short distance downstream from Iron Gate dam to just below the Iron Gate fish hatchery.

FERC's 2007 Final Environmental Impact Statement (FEIS) for the hydroelectric facility relicensing followed the extent of the 2004 APE and reported that PacifiCorp subsequently proposed another APE (March 2006). In a revised Historic Properties Management Plan (HPMP), PacifiCorp defined a revised APE that reflected its proposal to decommission the East and West Side developments and to remove Keno development from the project. This revised APE also excluded Keno Reservoir, the Klamath River to the head of J.C. Boyle Reservoir, and the river reach from just below the J.C. Boyle powerhouse to the Oregon-California state line. The FEIS stated that neither the Oregon nor the California SHPO had concurred with either the 2004 or the 2006 versions of the APE. The APE at that time essentially conformed to PacifiCorp's proposed project boundary, and the FEIS analysis noted that the 2004 version was generally consistent with the customary minimum APE. The revised 2006 version, however, excluded lands that FERC would need to consider as part of the APE and thus assess how historic properties would be affected. The 2007 FEIS stipulated that the APE would appropriately encompass (1) the entirety of the 2004 APE as delineated by PacifiCorp in the 2004 Draft HPMP and (2) that portion of the Klamath River reach from Iron Gate Dam to the mouth. The expanded APE was justified by the potential for effects on riparian vegetation that could result in destabilized shorelines and subsequent erosion of archaeological sites. The expansion would also allow FERC to consider potential project effects on TCPs, specifically on the Klamath Cultural Riverscape in which the totality of natural environment is a contributing element.

Finally, in 2012, the Bureau of Reclamation (BOR) and the California Department of Fish and Game completed the Klamath Facilities Removal Environmental Impact Statement/Environmental Impact Report (EIS/EIR) that offered another version of the APE. This version largely built on the 2007 FERC definition and offered an “Area of Analysis” that extended along the Klamath River from Keno Dam downstream to the Pacific Ocean and included a half-mile-wide buffer around this extent. The Klamath Facilities Removal APE offered the broadest geographic area yet considered for potential impacts on cultural resources and incorporated the concept of a FIC into the Area of Analysis.

In defining the preliminary APE for the Klamath River Renewal Project (see below), each of these related APEs was considered to provide a balanced definition that reflects APE boundaries defined in previous environmental documents, as well as those informally discussed in the CRWG meetings.

2.0 PRELIMINARY APE FOR THE LOWER KLAMATH PROJECT LICENSE SURRENDER APPLICATION

Defining an APE provides both the lead federal agency and consulting parties with a basis for understanding the geographic extent of anticipated impacts of the proposed project, which is necessary to determine whether the project may adversely affect historic properties. The different types of potential effects that may be caused by dam decommissioning have resulted in defining an Area of Direct Impacts (ADI) within the preliminary APE that delineates where there are anticipated direct physical impacts, particularly areas subject to ground disturbance such as dam facility removal and reservoir restoration activities. The ADI corresponds with the “Project Area” or the *Project Limits of Work and Access* as discussed in other documents. The distinction of an ADI also helps inform discussions regarding level of effort for cultural resources surveys and NRHP eligibility evaluations.

The preliminary APE is defined as a 0.5-mile wide area on each side of the Klamath River and the current reservoir limits, extending from the upper reach of J.C. Boyle Reservoir (RM 228) in Oregon, to the river mouth at the Pacific Ocean (RM 0), in California. Attachment 3 provides the location of the preliminary APE. This geography represents a complex array of natural and cultural features that collectively represent what has been termed a cultural riverscape associated with significant patterns of events in the traditional histories of the Yurok, Karuk, Hupa, Shasta, and Klamath Tribes (King 2004). This riverscape may include known archaeological or historical sites, TCPs, Sacred Sites, natural features of cultural importance, wildlife, the waterway itself, and other features. The riverscape has been defined as a place that meets the eligibility criteria and retains sufficient integrity for inclusion on the NRHP (King 2004). Although the Oregon and California SHPOs have not concurred with this NRHP eligibility recommendation, the riverscape concept is a useful construct for ensuring that the current Project considers the possibility of indirect effects within the river canyon area outside of the ADI. The Klamath Riverscape concept also acknowledges the crucial and significant role that the river and its environs play in the lifeway practices of multiple Indian tribes.

The preliminary APE is largely consistent with the APE’s defined by FERC (2007) and BOR (2012) (see Table 2). FERC’s 2007 APE encompassed the entirety of the APE delineated by PacifiCorp in their October 2004 HPMP ⁶ and that portion of the Klamath river reach from Iron Gate dam to the mouth. The BOR’s 2012 APE included the Klamath River from the outlet at Keno Dam to the river’s outlet at the Pacific Ocean.

This project’s preliminary APE similarly extends along the Klamath River to its mouth at the Pacific Ocean, but excludes a 26-mile stretch from the northern end of J.C. Boyle Reservoir (RM 228) to

⁶ All lands within the FERC Project boundary under the existing license, all lands within the PacifiCorp proposed FERC Project boundary for the new license, and river reaches below each Project development.

Upper Klamath Lake (RM 254). This northernmost area has been omitted from the preliminary APE for a number of reasons: (1) it is outside the FERC jurisdictional boundary for the Lower Klamath Project (FERC No. 14803); (2) as currently understood, the northernmost area would not be affected by the undertaking (i.e., the water levels upriver from the northern end of J.C. Boyle Reservoir won't change and/or the downriver dam removals would not trigger changes to these upriver facilities either directly or operationally); and (3) other upriver hydroelectric facilities (Link River Dam and Keno Dam) would remain part of the Klamath Hydroelectric Project (FERC No. 2082) and continue operations under existing licenses, permits, and/or agreements between private entities and/or federal agencies.

The preliminary APE encompasses a Traditional Cultural Property (TCP) composed of seven locations in the Big Bend, Oregon area identified by Klamath Tribes consultants for the FERC relicensing project (Deur 2003). Other TCPs were identified by the Klamath Tribes consultants upstream (outside) of the preliminary APE, on the Klamath River, north of J.C. Boyle Reservoir, and in the Sprague River, Williamson River, Wood River, and Upper Klamath Lake basin. The preliminary APE also comprises the locations of TCPs and Sensitive Cultural Resources (SCRs) identified by the Shasta Nation for the FERC relicensing project (Daniels 2006).

In defining the APE, it is not necessary to know if effects will occur, only that they may occur based on KRRRC's current analysis of the proposed actions. To ensure the consideration of possible downstream effects on the river below Iron Gate Dam, as well as within the river reaches between J.C. Boyle Reservoir and Copco Lake, a geographically broad APE is proposed. This APE also allows for consideration of potential direct and indirect effects on the surrounding cultural landscape, the potentially NRHP-eligible Klamath Riverscape and other identified TCPs, Sacred Sites, and historic districts located within the Klamath River Canyon.

The potential for direct or indirect impacts in areas outside the Klamath River Canyon is considered unlikely. For example, while the removal of water from the J.C. Boyle, Copco No. 1, Copco No. 2, and Iron Gate reservoirs may result in indirect visual impacts due to the unnatural looking unvegetated ring around the former reservoirs, this impact does not necessarily expand beyond the historic properties located along the river corridor and its immediate environs, which comprises a varied topography that ranges from steep canyons to low hills that limit the potential for indirect effects. Given the visual and auditory screening imposed by these land forms and the nature of the facilities, the project is not expected to result in auditory, atmospheric, or other indirect changes that may affect cultural resource locations beyond the preliminary APE boundary.

2.1 Area of Direct Impacts (ADI)

The ADI defined within the preliminary APE includes two primary components that largely correspond geographically to the *Project Limits of Work and Access* as presented in the project's California Environmental Quality Act (CEQA), California, and Oregon 410 Water Quality Certifications Technical Support Document (KRRRC 2017), with the inclusion of a few isolated areas. Attachment 3 includes maps showing the location of the proposed ADI components. The ADI may be updated to reflect ongoing changes in project engineering, such as the specific location of disposal areas and access roads, as well as information learned through the tribal consultation process.

Within Oregon, the ADI comprises the *Project Limits of Work and Access* associated with the decommissioning of J.C. Boyle Dam and its associated facilities. ADI lands include discontinuous areas located between the upper reach of the J.C. Boyle Reservoir (RM 228) and RM 220, as shown on Attachment 3, Sheets 1-4. The ADI within California encompasses a roughly continuous, 33-mile long area located between the eastern end of Copco Lake (RM 204) and Humbug Creek (RM 171), as shown on Attachment 3, Sheets 11-23.

The two primary components of the ADI include:

1. Existing dam facility sites, associated reservoirs and water conveyance systems, and features related to the original components of the Klamath Hydroelectric Project (FERC No. 2082).
2. Project components outside of the immediate reservoir and facility areas, including disposal areas, staging areas, access roads, former recreation areas, culvert and bridge replacement areas, road improvement areas, and unique isolated components, such as bridges (pedestrian and railroad), transmission lines, and substations that will likely need to be removed, raised, or monitored. This component would also include any new recreation sites developed along the river. It also includes lands below Iron Gate dam to Humbug Creek within the projected altered 100-year floodplain.

Secondary components of the ADI are listed below. This list is subject to change as project planning advances.

- In Oregon, J.C. Boyle Dam and Reservoir, including intake structure, spillway, dam, timber bridge, fish ladder, canal headgate, and the warehouse, shed, and residential buildings. Downstream from the dam, the J.C. Boyle work area includes the canal, forebay, spillway, scour hole, tunnel, penstocks, powerhouse, and substation. This area is inclusive of staging areas, temporary access roads, and fill and disposal areas.
- In California, Copco No. 1 Dam and reservoir, abutment/intake structure, penstocks, powerhouse, diversion tunnel, switchyard, and the residential and maintenance buildings, associated staging and disposal areas, and temporary access roads.
- In California, Copco No. 2 Dam, including embankments and abutment walls, conveyance tunnel to wood-stave penstock, overflow spillway tunnel, penstock, control center building, powerhouse, maintenance buildings, Copco Village, and associated staging areas, fill areas, and temporary access roads. The Daggett Road Bridge downstream from the village is also scheduled for replacement.
- In California, Iron Gate Dam and reservoir, diversion tunnel, intake structure, spillway, penstock/intake structure, fish holding facilities, power house, aerator, residential building, the Iron Gate Fish Hatchery, and associated fill, disposal, staging areas, and temporary access roads. The Lakeview Road Bridge is also scheduled for replacement, as is the City Yreka water supply pipeline, which crosses the Klamath River near the upstream end of the reservoir impounded behind Iron Gate Dam.

Non-reservoir area components of the ADI include features such as buildings, structures, and pedestrian and railroad bridges between Iron Gate Reservoir and Humbug Creek, in California, that may be affected by the altered 100-year flood plain. In Oregon and California, non-reservoir area components include roads that will be altered to account for increase project-related transport; culvert and bridge replacement areas; and proposed recreation areas and existing recreation areas that may be impacted due to adjustments required to access a river instead of a reservoir environment.

Humbug Creek, in California, is selected as a preliminary downstream boundary for the ADI based on the potential for structures above this point on the river to be within the altered 100-year floodplain following the removal of the dams. River areas below Humbug Creek are likely subject to less flooding (and less scour potential) from dam removal. There are an estimated 45 structures located in the altered 100-year floodplain between Iron Gate Dam and Humbug Creek with an additional 10 structures located near the altered floodplain. These structures should be subject to document review and potential National Register evaluation (including survey) as it is reasonable to anticipate effects on these properties directly resulting from dam removal and subsequent changes to the flood plain dynamics.

2.1.1 Level of Effort Discussion

The delineation of the ADI helps inform the level of identification efforts and methodologies to be employed to identify, evaluate, and treat historic properties. Within the ADI, historic properties identification efforts will focus on archival research, records searches, and literature review (largely completed for this area); pedestrian inventory of previously unsurveyed areas; gathering information from ethnographic research; consultation with tribes regarding TCPs, Indian Sacred Sites, and other areas of concerns; and consultation with other consulting parties. Each cultural resource identified within the ADI will be evaluated for National Register eligibility, and eligible resources (individual historic properties and/or historic districts) that are determined to be adversely affected by the project will require the development of mitigation measures that may include data recovery, site monitoring, Historic American Buildings Survey/Historic American Engineering Record (HABS/HAER) recordation, public interpretation, or other creative mitigation measures decided through ongoing consultation among interested parties. Many of these treatment considerations are captured in the 2017 CEQA Technical Support Document (KRRRC 2017) and in previous HPMPs, and effects analyses from earlier documentation involving the Klamath River Dams (BOR 2012; Cardno ENTRIX 2012; FERC 2007; and PacifiCorp 2004) and will be considered during consultation.

Outside the ADI, historic properties identification efforts will focus on archival research, records searches, and literature review. Known archaeological and built environment sites, as well as TCPs, Indian Sacred Sites, historic districts, and cultural landscapes will be identified to facilitate ongoing consultation and consideration of potential direct and indirect effects. Presently, no pedestrian field survey is recommended and no NRHP eligibility determinations are planned outside of the ADI.

3.0 REFERENCES

Bureau of Reclamation (BOR)

2012 U.S.D.I. Bureau of Reclamation and California Department of Fish and Game. Klamath Facilities Removal Final EIS/EIR.

Cardno ENTRIX

2012 Klamath Secretarial Determination Cultural Resources Report. Prepared for the Bureau of Reclamation.

Daniels, Brian I.

2006 Shasta Nation TCP Study. Klamath Hydroelectric Project FERC No. 2082. Submitted to PacifiCorp, Portland, Oregon.

Deur, Douglas

2003 Summary Report: Traditional Cultural Properties and Sensitive Resource Study – Klamath Tribes. Klamath Hydroelectric Project FERC No. 2082. Submitted to PacifiCorp, Portland, Oregon.

Federal Energy Regulatory Commission (FERC)

2007 Federal Energy Regulatory Commission. Final Environmental Impact Statement for Hydroelectric License, Klamath Hydroelectric Project FERC Project No. 2087-027, Oregon and California.

King, Thomas F.

2004 First Salmon: The Klamath Cultural Riverscape and the Klamath River Hydroelectric Project. Prepared for the Klamath River Intertribal Fish and Water Commission.

Klamath River Renewal Corporation (KRRRC)

2017 Klamath River Renewal Project California Environmental Quality Act (CEQA) and California and Oregon 401 Water Quality Certifications Technical Support Document.

PacifiCorp

2004 Cultural Resources Final Technical Report and Associated Confidential Appendices. Klamath Hydroelectric Project FERC No. 2082. PacifiCorp, Portland, Oregon.

Attachment 3

Preliminary Area of Potential Effects Map Set

May 3, 2018

Dennis Griffin
State Archaeologist
State Historic Preservation Office
725 Summer St. NE, Suite C
Salem, OR 97301

RE: Initiation of Informal Consultation for the Lower Klamath Project (FERC No. 14803)

Dear Mr. Griffin,

Klamath River Renewal Corporation (KRRC) and PacifiCorp request the initiation of informal consultation with the Oregon State Historic Preservation Office regarding the Lower Klamath Project (Project; FERC No. 14803) and your comments on the preliminary Area of Potential Effects (APE) defined for the Project by AECOM, our technical representative. Informal consultation is being requested under a November 10, 2016, "Notice of Applications Filed With the Commission" (Attachment 1) issued by the Federal Energy Regulatory Commission (FERC) which designated PacifiCorp and KRRC as the Commission's non-federal representative for carrying out informal consultation to help facilitate FERC's compliance with Section 106 of the National Historic Preservation Act (54 U.S.C § 300101 et seq.) and the Advisory Council's regulations at 36 C.F.R. § 800.2(c)(4). KRRC and PacifiCorp (Proponents) have submitted to FERC a License Surrender Application (LSA) for the Project. FERC considers review of the LSA an "undertaking" (36 C.F.R § 800.16(y)) and thus subject to Section 106 as implemented in 36 C.F.R. Part 800.

The Project seeks the decommissioning and removal of four dam developments (Iron Gate, Copco No. 1 and No. 2, and J.C. Boyle), located on the Klamath River, which are currently owned and operated by PacifiCorp. The J.C. Boyle development is located in Klamath County, Oregon, with the other three developments located in Siskiyou County, California. The purpose of the project is to achieve a free flowing river condition and full volitional fish passage through the reaches of the Klamath River currently impacted by the four dams.

This letter provides a summary of the Project's administrative background, a status update on informal consultation efforts conducted to date, a brief Project description, and a written definition of the preliminary APE, accompanied by maps. Your comments on the preliminary APE are requested at this time to help focus KRRC's and PacifiCorp's informal consultation efforts [36 C.F.R. § 800.2(c)(4)] with agencies, tribes, and other interested parties, as well as to focus that dialogue in more meaningful content for FERC's subsequent formal consultation process.

Administrative Background

KRRC is a 501(c)(3) organization created by the Klamath Hydroelectric Settlement Agreement (KHSA), as amended in 2016, to decommission the four dam developments owned by PacifiCorp (see the attached APE map book for overview and detail maps showing the project location). PacifiCorp is a leading western U.S. energy services provider and the largest grid owner-operator in the West. For the Lower Klamath Project, KRRC is the transferee, while PacifiCorp is the transferor.

KRRC and PacifiCorp jointly filed a combined license amendment and license transfer application with FERC on September 23, 2016. The license amendment asked FERC to administratively remove the four dam developments from the Klamath Hydroelectric Project license (No. 2082). The transfer amendment asked that the four developments be administratively placed into a new license for the Lower Klamath Project (No. 14803). On March 15, 2018, FERC granted the license amendment application and deferred the license transfer, pending receipt of required additional information. On April 16, 2018, PacifiCorp filed a motion asking FERC to change the effective date for the new Lower Klamath license so splitting the license happens concurrently with the license transfer. PacifiCorp will continue to operate each of the four developments proposed as the Lower Klamath Project until the Commission approves the License Transfer Application and KRRC accepts the license.

KRRC filed a separate license surrender application on September 23, 2016 for Project No. 14803 that, if approved, would allow KRRC to decommission the four facilities. Under the amended KHSA, KRRC would oversee dam removal activities, which, if approved, are expected to begin in 2020 with dam removal occurring in 2021. PacifiCorp would continue to operate the dams until they are decommissioned.

Consultation Status

KRRC and its technical representative, AECOM, have formed a Cultural Resources Working Group (CRWG) to compile information to assist FERC in its Section 106 compliance efforts. KRRC invited the participation of the representatives of California Office of Historic Preservation; Oregon State Historic Preservation Office; US Army Corps of Engineers; USDI Bureau of Reclamation; Klamath Falls and Redding Field Offices of the USDI Bureau of Land Management; USDA Klamath National Forest; and PacifiCorp. To date, the CRWG has participated in three teleconference calls where: a Project overview was provided (September 2017), a preliminary Area of Potential Effects was discussed (December 2017), and preliminary work plans for 2018 were reviewed (March 2018).

KRRC has also initiated informal consultation with Indian tribes. KRRC sent letters to 25 Indian tribes native to or currently residing in northern California and southern Oregon requesting their participation in

the informal consultation process. Eight Indian tribes (Karuk Tribe, Klamath Tribes, Modoc Tribe of Oklahoma, Quartz Valley Indian Rancheria, Shasta Indian Nation, Shasta Nation, Cher' Ae Heights of the Trinidad Rancheria, and Yurok Tribe) have confirmed their interest in participating in the informal consultation process. A Project introduction meeting with the participating Indian Tribes was held on April 6, 2018 in Yreka, California.

FERC conducted scoping meetings in January and February 2018 with six federally recognized Indian Tribes regarding the KRRC and PacifiCorp license amendment and transfer application. The tribes invited to the meetings include the Hoopa Valley Tribe, Karuk Tribe, Klamath Tribes, Modoc Tribe of Oklahoma, Quartz Valley Indian Rancheria, and Yurok Tribe.

As KRRC advances consultation with federal, state, and local agencies and Indian tribes, we will also be soliciting input about which other consulting parties may have knowledge or an interest in historic properties in the Project area. This outreach will include contacting local-level government entities, historical societies and museums, and other groups with a focus on historic preservation, history, and archaeology. We welcome suggestions from your office on additional entities that we should consider contacting.

Project Summary

The proposed Project includes the decommissioning and removal of four dam developments (Iron Gate, Copco No. 1 and No. 2, and J.C. Boyle) on the Klamath River. In September 2017, KRRC prepared a technical support document for the California State Water Resources Control Board (SWRCB) and the Oregon Department of Environmental Quality (ODEQ) for their use in preparing Clean Water Act Section 401 Water Quality Certifications required before FERC can issue a final surrender order for the Project. This document¹ also provided technical and field information for use in preparation of an Environmental Impact Report (EIR) consistent with the California Environmental Quality Act (CEQA). An Administrative Draft version of a Definite Plan² for Decommissioning was provided to the SWRCB in January 2018, providing an update on schedule and additional technical information. KRRC is currently preparing the Definite Plan for submittal to FERC in June 2018.

The year prior to removal of the dams and hydropower facilities, improvements to the diversion tunnels at Iron Gate Dam and Copco No. 1 dam, City of Yreka water supply line and intake, Iron Gate and Fall Creek fish hatcheries, roads and bridges, and flood mitigation features will be built (currently planned for 2020).

¹ Available at:

https://www.waterboards.ca.gov/waterrights/water_issues/programs/water_quality_cert/docs/lower_klamath_ferc14803/1_3_18_krrc_updated_submittal.pdf

² Available at:

https://www.waterboards.ca.gov/waterrights/water_issues/programs/water_quality_cert/docs/lower_klamath_ferc14803/1_3_18_krrc_updated_submittal.pdf

Prior to dam removal, the water surface elevation in each reservoir will be drawn down as low as possible to facilitate accumulated sediment evacuation and to create a dry work area for facility removal activities. In general, drawdown will begin on January 1 of the drawdown year (currently planned for 2021), and will extend through March 15 of the same year. After drawdown is accomplished, remaining reservoir sediments will be stabilized to the extent feasible and dam and hydropower facility removal will begin in the same year. Full reservoir area restoration will also be accomplished and will begin after drawdown, and extend throughout the year, and possibly extend into the subsequent year. Vegetation establishment could extend several years.

Other key project components include measures to reduce Project related effects to cultural, aquatic, and terrestrial resources; and development of a recreation plan for existing and possibly new developments.

Changes or refinements to the Project description, resulting from new information, updated analysis, or new project components, will be incorporated into future correspondence and documents provided to your office and discussed during CRWG meetings.

Contact Information

If you have any questions or would like any additional information, please contact me, Mark Bransom, at the number or e-mail listed below, or Elena Nilsson, AECOM cultural resources lead, at elena.nilsson@aecom.com (530-893-9675 ext. 1231).

Thank you for your support of this effort. We look forward to continuing our work with you.

Best regards,



Mark Bransom,
Executive Director, KRRC

mark@klamathrenewal.org
415-820-4441

Attachments

1. FERC Notice of Applications Filed with the Commission
2. Preliminary APE Description
3. Preliminary APE Map Set

Attachment 1

FERC Notice of Applications Filed with the Commission

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

PacifiCorp
Klamath River Renewal Corporation

Project No. 2082-062
Project No. 2082-063
Project No. 14803-000
Project No. 14803-001

NOTICE OF APPLICATIONS FILED WITH THE COMMISSION

(November 10, 2016)

Take notice that the following hydroelectric applications have been filed with the Commission and are available for public inspection:

- a. Types of Applications: Application for Amendment and Partial Transfer of License;
Application for Surrender of License
- b. Project Nos.: 2082-062 and 14803-000 (amendment and transfer application);
2082-063 and 14803-001 (surrender application)
- c. Date Filed: September 23, 2016
- d. Applicants: For license amendment and transfer:
PacifiCorp (transferor) and
Klamath River Renewal Corporation (transferee)

For license surrender:
Klamath River Renewal Corporation
- e. Name of Projects: Klamath Project (P-2082)

Lower Klamath Project (P-14803)
- f. Locations: Klamath Project - on the Klamath River in Klamath County, Oregon, and on the Klamath River and Fall Creek in Siskiyou County, California. The project includes about 477 acres of federal lands administered by the Bureau of Reclamation and the Bureau of Land Management.

Project No. 2082-062, *et al.*

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Lower Klamath Project - on the Klamath River in Klamath County, Oregon, and Siskiyou County, California. The project would include about 395 acres of federal lands administered by the Bureau of Land Management.

g. Filed Pursuant to: Federal Power Act, 16 USC 791a-825r.

h. Applicants Contact: Sarah Kamman, Vice President and General Counsel, PacifiCorp, 825 NE Multnomah Street, Suite 2000, Portland, OR 97232, (503) 813-5865, sarah.kamman@pacificorp.com

Michael Carrier, President, Klamath River Renewal Corporation, 423 Washington Street, 3rd Floor, San Francisco, CA 94111, (415) 820-4441, michael@klamathrenewal.org

i. FERC Contacts: Amendment and Transfer: Steve Hocking, (202) 502-8753, Steve.Hocking@ferc.gov

Surrender: John Mudre: (202) 502-8902, john.mudre@ferc.gov

j. Description of Amendment and Transfer Request: The applicants request that the Commission transfer the J.C. Boyle, Copco No. 1, Copco No. 2, and Iron Gate developments of the existing Klamath Project No. 2082 from PacifiCorp to the Klamath River Renewal Corporation (Renewal Corporation) and create a new project, the Lower Klamath Project, for the transferred developments with the Renewal Corporation as the sole licensee. PacifiCorp requests that the license for Project No. 2082 be amended to delete references to the four transferred developments. The applicants state that they will make a supplemental filing on or before March 1, 2017, demonstrating the legal, technical, and financial capabilities of the Renewal Corporation to perform its responsibilities as transferee. Applicants further request that the Commission act on the amendment and transfer application by December 31, 2017, and allow the Renewal Corporation six months from the issuance date of the order approving transfer to submit proof of its acceptance of license transfer.

k. Description of Surrender Request: The Renewal Corporation's request to surrender and decommission the Lower Klamath Project, including removal of the project dams is contingent upon a Commission order amending PacifiCorp's existing Klamath Project (P-2082) license to create a new project, the Lower Klamath Project, and transferring the Lower Klamath Project to the Renewal Corporation, as described in item (j), above. The Lower Klamath Project, as envisioned by the Renewal Corporation, would consist of the J.C. Boyle, Copco No. 1, Copco No. 2, and Iron Gate developments of the existing Klamath Project No. 2082, and the Renewal Corporation would be the sole licensee. The

Renewal Corporation requests that the Commission not act on this request until it is ready to accept license transfer and states that it will file, by December 31, 2017, its decommissioning plan to serve as the basis for Commission staff's environmental and engineering review of the surrender application. Because only a licensee may file to surrender a license and the Commission does not accept contingent applications, the surrender application is deemed to be filed by both PacifiCorp and the Renewal Corporation. *See* 18 C.F.R. §§ 6.1 and 4.32(j). Therefore, while action on the amendment and transfer application is pending, the Commission will maintain both applications in the dockets for both project numbers. If the Commission approves the transfer and the Renewal Corporation accepts the license, following which the Renewal Corporation would become the sole licensee, the surrender proceeding would continue solely in Project No. 14803.

l. With this notice, we are initiating informal consultation with: (a) the U.S. Fish and Wildlife Service and NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency implementing regulations at 50 C.F.R. Part 402; (b) NOAA Fisheries under section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act and implementing regulations at 50 CFR § 600.920; and (c) the California and Oregon State Historic Preservation Officers, as required by section 106 of the National Historic Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 C.F.R. Part 800.

m. With this notice, we are designating PacifiCorp and the Renewal Corporation as the Commission's non-federal representative for carrying out informal consultation, pursuant to section 7 of the Endangered Species Act, section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act, and section 106 of the National Historic Preservation Act and the Advisory Council's regulations at 36 C.F.R. § 800.2(c)(4).

n. Locations of the Applications: Copies of the applications are available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 502-8371. These filings may also be viewed on the Commission's website at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docs-filing/subscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1-866-208-3676 or e-mail FERCOnlineSupport@ferc.gov, for TTY, call (202) 502-8659. Copies are also available for inspection and reproduction at the addresses in item (h), above.

o. Individuals desiring to be included on the Commission's mailing list for these proceedings should so indicate by writing to the Secretary of the Commission.

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p. Additional Information: We are not requesting comments at this time. After receiving the applicants' supplemental filings on or before March 1, 2017, for the license transfer and December 31, 2017, for the surrender, the Commission will issue notices requesting comments, protests, and motions to intervene.

Kimberly D. Bose,
Secretary

Attachment 2

Preliminary Area of Potential Effects Description

Preliminary APE for the Lower Klamath Project License Surrender Application (FERC Project No. 14803)

1.0 INTRODUCTION

1.1 Regulatory Context for Establishing an APE

The implementing regulations of the NHPA, require that the federal agency determine if its undertaking has the potential to cause effects on historic properties³ (36 CFR 800.3(a)). This is accomplished in part by determining and documenting the Area of Potential Effects (APE) (36 CFR 800.4(a)(1)). The 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.” Furthermore, the APE “is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking” (36 CFR 800.16(d)). Once an APE is defined, the scope of identification efforts within the APE can be determined. This document is intended to provide guidance to facilitate APE consultations.

1.2 APE, Study Area, Project Area, and FERC Project Boundary

The APE is distinct and different from other project-defined “areas” that are often referred to in discussion. For example, background research on known archaeological sites may encompass a broader geographic area referred to as the “**Study Area**.” The study area for cultural resources⁴ may be larger than the APE and is designed to allow for the retrieval of information about known sites, site types, buildings, structures, objects, districts, ethnographic landscape features, land use patterns from prehistoric and historic eras, as well as Traditional Cultural Properties (TCPs) and Indian Sacred Sites.⁵ Background research may include resources from outside this area, particularly broader ethnographic and historic overviews that provide context for the resources identified in the Study Area. To date, KRRC has completed an updated records search for a Study Area that includes the length of the Klamath River from its origin at the southern end of Upper Klamath Lake, in Oregon, to the mouth of the river at the Pacific Ocean. This Study Area comprises a 0.5-mile wide zone extending either side of the reservoir shorelines (J.C. Boyle, Copco Lake, and Iron Gate Reservoir) or from the center point of the Klamath River in areas where the river remains flowing.

The “**Project Area**” is also distinct from the APE. For this discussion, the Project Area refers specifically to the *Project Limits of Work and Access* as defined on maps included with the project’s California Environmental Quality Act (CEQA) and California and Oregon Section 410 Water Quality

³ 36 CFR 800.16 defines a historic property as any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria.

⁴ Cultural resources are those tangible and intangible aspects of human cultural systems, both past and present, that are valued by or representative of a given culture, or that contain information about a culture.

⁵ The definition of an Indian Sacred Site is governed by Executive Order 13007 of May 24, 1996. The order defines an Indian Sacred Site as: Any specific, discrete, narrowly delineated location on federal land that is identified by an Indian tribe, or Indian individual determined to be an appropriately authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion; provided that the tribe or appropriately authoritative representative of an Indian religion has informed the agency of the existence of such a site. It is the Tribe or the traditional religious practitioner of the Tribe, not the federal government that identifies a sacred site.

Certifications Technical Support Document (KRRRC 2017). The preliminary APE (defined below) includes the entirety of the Project Area.

Lastly, the “**FERC Project Boundary**” which includes the geographic extent of the Klamath Hydropower Project (FERC #2082) included the geographic area a licensee must own or control on behalf of its licensed hydropower projects and is likewise distinct from the APE. Due to FERC’s jurisdiction, the FERC Project Boundary for the Lower Klamath Project (FERC Project No. 14803) is wholly included within the preliminary APE.

Table 1. Area Terms Ordered According to Diminishing Size.

Term	Description
Study Area	<ul style="list-style-type: none"> • Larger than APE to better understand cultural context. • The length of the Klamath River from the highest reach of the J.C. Boyle Reservoir downstream to Humbug Creek (83 river miles) and a 0.5-mile wide zone extending on either side of the reservoir shorelines (J.C. Boyle, Copco Lake, and Iron Gate Reservoir) or from the center point of the Klamath River in areas where the river remains flowing.
Area of Potential Effects (APE)	<ul style="list-style-type: none"> • 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 (36 CFR 800.16(d)). (See Project-specific definition below).
Project Area	<ul style="list-style-type: none"> • Sometimes referred to as the “direct APE.” Also called the “Project Limits of Work and Access” as defined on maps included with the 2017 “Klamath River Renewal Project Technical Support Document” (KRRRC 2017).
FERC Project Boundary	<ul style="list-style-type: none"> • The jurisdictional limits of the FERC hydroelectric license and located entirely within the APE. For this Project, the FERC Project Boundary refers to the limits of the Lower Klamath Project (FERC Project No. 14803).

1.3 Previous Iterations of the APE

Previous FERC license applications, National Environmental Policy Act (NEPA) Environmental Impact Statements (EIS), California Environmental Quality Act (CEQA) Environmental Impact Reports (EIR), and Section 106 of the National Historic Preservation Act (Section 106) compliance reports, related to the relicensing, operation, and/or decommissioning of the Klamath Hydroelectric Project (FERC Project No. 2082) have produced varying definitions of the APE. This is primarily due to the varying scopes of the projects.

The 2004 PacifiCorp relicensing project involved all eight of the Klamath Hydroelectric Project developments, including the decommissioning of the East Side and West Side developments, the removal of the Keno development, and continued operations of the J. C. Boyle, Copco No. 1, Copco No. 2, Iron Gate, and Fall Creek developments. In contrast, the later 2012 Klamath Facilities Removal focused exclusively on the removal of four of PacifiCorp’s Klamath River developments - J.C. Boyle, Copco No. 1, Copco No. 2, and Iron Gate – and did not consider the remaining Klamath Hydroelectric Project developments (East Side, West Side, Keno, and Fall Creek). Table 2 summarizes the APEs identified in previous Klamath Hydroelectric Project cultural resources studies.

Table 2. Summary of Klamath River Project Previous APE Iterations.

Reference	APE Description
PacifiCorp 2004 (License Application Exhibit E Page 6-33; PacifiCorp 2004:121-122)	<ul style="list-style-type: none"> • <u>PacifiCorp APE</u>: All lands within the FERC Project boundary under the existing license, all lands within the PacifiCorp proposed FERC Project boundary for the new license, and river reaches below each Project development. Included proposed Project hydropower facilities, recreation sites, proposed wildlife enhancement lands, and river reaches between Project developments. • Cultural Resources Working Group (CRWG) APE: Included the FERC Project boundary, riparian and hydrologically connected areas along Project-affected reaches, and culturally sensitive lands within the Klamath River Canyon from ridgetop to ridgetop (rim to rim). • <u>PacifiCorp and CRWG Compromise</u>: Field Inventory Corridor (FIC) studied instead of an APE. FIC covered the area between the outlet of Upper Klamath Lake (River Mile [RM] 254.7) downstream to approximately 1 mile southwest of the Iron Gate dam (RM 189.2). • Downriver tribes (Karuk and Yurok) felt the APE should be more broadly defined to extend from Iron Gate down to the mouth of the Klamath River (at the Pacific Ocean) due to potential Project effects on salmon fisheries and other (non-archaeological) cultural resources along the Klamath River corridor.
PacifiCorp 2006 Revised APE (FERC 2007 EIS/EIR (Page 3-539))	<ul style="list-style-type: none"> • Based on proposal to decommission East Side and West Side developments and to remove Keno development from the project. • Excluded Keno reservoir, the Klamath River from Keno reservoir to the head of J.C. Boyle reservoir, and the river

Reference	APE Description
	reach from just below J.C. Boyle powerhouse to the Oregon-California state line.
FERC 2007 EIS/EIR (Page 3-551)	<ul style="list-style-type: none"> Entirety of the APE as delineated by PacifiCorp in its October 2004 draft HPMP and that portion of the Klamath River reach from Iron Gate to the mouth.
Bureau of Reclamation 2012 EIS/EIR (Section 3.13.1 Area of Analysis)	<ul style="list-style-type: none"> The Klamath River from the outlet at Keno Dam to the river's outlet at the Pacific Ocean and extending outward for 0.5 miles from each bank of the river, plus a 0.5-mile-wide corridor from the high water mark surrounding each of the four reservoirs, and all four dams and associated facilities.

PacifiCorp's 2004 APE designated for the relicensing project included all proposed hydropower developments, recreation sites, proposed wildlife enhancement lands, and river reaches between the various Klamath Hydroelectric Project developments. This covered all lands within the FERC Project boundary under the existing license, all lands within the PacifiCorp proposed FERC Project boundary for the new license, and river reaches below each Project development. The archaeological survey conducted for the PacifiCorp relicensing study focused on a broader "field inventory corridor" (FIC) based on input from the Cultural Resource Working Group, including the tribes, who felt the APE should be considerably larger than the FERC Project boundary. The FIC comprised the area between the outlet of Upper Klamath Lake (River Mile [RM] 254.7) downstream to approximately 1 mile southwest of the Iron Gate dam (RM 189.2), as river geomorphology studies indicated little to no effect on downstream river bank erosion beyond Interstate 5 for the project as then defined. Therefore, the 2004 APE extended a short distance downstream from Iron Gate dam to just below the Iron Gate fish hatchery.

FERC's 2007 Final Environmental Impact Statement (FEIS) for the hydroelectric facility relicensing followed the extent of the 2004 APE and reported that PacifiCorp subsequently proposed another APE (March 2006). In a revised Historic Properties Management Plan (HPMP), PacifiCorp defined a revised APE that reflected its proposal to decommission the East and West Side developments and to remove Keno development from the project. This revised APE also excluded Keno Reservoir, the Klamath River to the head of J.C. Boyle Reservoir, and the river reach from just below the J.C. Boyle powerhouse to the Oregon-California state line. The FEIS stated that neither the Oregon nor the California SHPO had concurred with either the 2004 or the 2006 versions of the APE. The APE at that time essentially conformed to PacifiCorp's proposed project boundary, and the FEIS analysis noted that the 2004 version was generally consistent with the customary minimum APE. The revised 2006 version, however, excluded lands that FERC would need to consider as part of the APE and thus assess how historic properties would be affected. The 2007 FEIS stipulated that the APE would appropriately encompass (1) the entirety of the 2004 APE as delineated by PacifiCorp in the 2004 Draft HPMP and (2) that portion of the Klamath River reach from Iron Gate Dam to the mouth. The expanded APE was justified by the potential for effects on riparian vegetation that could result in destabilized shorelines and subsequent erosion of archaeological sites. The expansion would also allow FERC to consider potential project effects on TCPs, specifically on the Klamath Cultural Riverscape in which the totality of natural environment is a contributing element.

Finally, in 2012, the Bureau of Reclamation (BOR) and the California Department of Fish and Game completed the Klamath Facilities Removal Environmental Impact Statement/Environmental Impact Report (EIS/EIR) that offered another version of the APE. This version largely built on the 2007 FERC definition and offered an “Area of Analysis” that extended along the Klamath River from Keno Dam downstream to the Pacific Ocean and included a half-mile-wide buffer around this extent. The Klamath Facilities Removal APE offered the broadest geographic area yet considered for potential impacts on cultural resources and incorporated the concept of a FIC into the Area of Analysis.

In defining the preliminary APE for the Klamath River Renewal Project (see below), each of these related APEs was considered to provide a balanced definition that reflects APE boundaries defined in previous environmental documents, as well as those informally discussed in the CRWG meetings.

2.0 PRELIMINARY APE FOR THE LOWER KLAMATH PROJECT LICENSE SURRENDER APPLICATION

Defining an APE provides both the lead federal agency and consulting parties with a basis for understanding the geographic extent of anticipated impacts of the proposed project, which is necessary to determine whether the project may adversely affect historic properties. The different types of potential effects that may be caused by dam decommissioning have resulted in defining an Area of Direct Impacts (ADI) within the preliminary APE that delineates where there are anticipated direct physical impacts, particularly areas subject to ground disturbance such as dam facility removal and reservoir restoration activities. The ADI corresponds with the “Project Area” or the *Project Limits of Work and Access* as discussed in other documents. The distinction of an ADI also helps inform discussions regarding level of effort for cultural resources surveys and NRHP eligibility evaluations.

The preliminary APE is defined as a 0.5-mile wide area on each side of the Klamath River and the current reservoir limits, extending from the upper reach of J.C. Boyle Reservoir (RM 228) in Oregon, to the river mouth at the Pacific Ocean (RM 0), in California. Attachment 3 provides the location of the preliminary APE. This geography represents a complex array of natural and cultural features that collectively represent what has been termed a cultural riverscape associated with significant patterns of events in the traditional histories of the Yurok, Karuk, Hupa, Shasta, and Klamath Tribes (King 2004). This riverscape may include known archaeological or historical sites, TCPs, Sacred Sites, natural features of cultural importance, wildlife, the waterway itself, and other features. The riverscape has been defined as a place that meets the eligibility criteria and retains sufficient integrity for inclusion on the NRHP (King 2004). Although the Oregon and California SHPOs have not concurred with this NRHP eligibility recommendation, the riverscape concept is a useful construct for ensuring that the current Project considers the possibility of indirect effects within the river canyon area outside of the ADI. The Klamath Riverscape concept also acknowledges the crucial and significant role that the river and its environs play in the lifeway practices of multiple Indian tribes.

The preliminary APE is largely consistent with the APE’s defined by FERC (2007) and BOR (2012) (see Table 2). FERC’s 2007 APE encompassed the entirety of the APE delineated by PacifiCorp in their October 2004 HPMP ⁶ and that portion of the Klamath river reach from Iron Gate dam to the mouth. The BOR’s 2012 APE included the Klamath River from the outlet at Keno Dam to the river’s outlet at the Pacific Ocean.

This project’s preliminary APE similarly extends along the Klamath River to its mouth at the Pacific Ocean, but excludes a 26-mile stretch from the northern end of J.C. Boyle Reservoir (RM 228) to

⁶ All lands within the FERC Project boundary under the existing license, all lands within the PacifiCorp proposed FERC Project boundary for the new license, and river reaches below each Project development.

Upper Klamath Lake (RM 254). This northernmost area has been omitted from the preliminary APE for a number of reasons: (1) it is outside the FERC jurisdictional boundary for the Lower Klamath Project (FERC No. 14803); (2) as currently understood, the northernmost area would not be affected by the undertaking (i.e., the water levels upriver from the northern end of J.C. Boyle Reservoir won't change and/or the downriver dam removals would not trigger changes to these upriver facilities either directly or operationally); and (3) other upriver hydroelectric facilities (Link River Dam and Keno Dam) would remain part of the Klamath Hydroelectric Project (FERC No. 2082) and continue operations under existing licenses, permits, and/or agreements between private entities and/or federal agencies.

The preliminary APE encompasses a Traditional Cultural Property (TCP) composed of seven locations in the Big Bend, Oregon area identified by Klamath Tribes consultants for the FERC relicensing project (Deur 2003). Other TCPs were identified by the Klamath Tribes consultants upstream (outside) of the preliminary APE, on the Klamath River, north of J.C. Boyle Reservoir, and in the Sprague River, Williamson River, Wood River, and Upper Klamath Lake basin. The preliminary APE also comprises the locations of TCPs and Sensitive Cultural Resources (SCRs) identified by the Shasta Nation for the FERC relicensing project (Daniels 2006).

In defining the APE, it is not necessary to know if effects will occur, only that they may occur based on KRRRC's current analysis of the proposed actions. To ensure the consideration of possible downstream effects on the river below Iron Gate Dam, as well as within the river reaches between J.C. Boyle Reservoir and Copco Lake, a geographically broad APE is proposed. This APE also allows for consideration of potential direct and indirect effects on the surrounding cultural landscape, the potentially NRHP-eligible Klamath Riverscape and other identified TCPs, Sacred Sites, and historic districts located within the Klamath River Canyon.

The potential for direct or indirect impacts in areas outside the Klamath River Canyon is considered unlikely. For example, while the removal of water from the J.C. Boyle, Copco No. 1, Copco No. 2, and Iron Gate reservoirs may result in indirect visual impacts due to the unnatural looking unvegetated ring around the former reservoirs, this impact does not necessarily expand beyond the historic properties located along the river corridor and its immediate environs, which comprises a varied topography that ranges from steep canyons to low hills that limit the potential for indirect effects. Given the visual and auditory screening imposed by these land forms and the nature of the facilities, the project is not expected to result in auditory, atmospheric, or other indirect changes that may affect cultural resource locations beyond the preliminary APE boundary.

2.1 Area of Direct Impacts (ADI)

The ADI defined within the preliminary APE includes two primary components that largely correspond geographically to the *Project Limits of Work and Access* as presented in the project's California Environmental Quality Act (CEQA), California, and Oregon 410 Water Quality Certifications Technical Support Document (KRRRC 2017), with the inclusion of a few isolated areas. Attachment 3 includes maps showing the location of the proposed ADI components. The ADI may be updated to reflect ongoing changes in project engineering, such as the specific location of disposal areas and access roads, as well as information learned through the tribal consultation process.

Within Oregon, the ADI comprises the *Project Limits of Work and Access* associated with the decommissioning of J.C. Boyle Dam and its associated facilities. ADI lands include discontinuous areas located between the upper reach of the J.C. Boyle Reservoir (RM 228) and RM 220, as shown on Attachment 3, Sheets 1-4. The ADI within California encompasses a roughly continuous, 33-mile long area located between the eastern end of Copco Lake (RM 204) and Humbug Creek (RM 171), as shown on Attachment 3, Sheets 11-23.

The two primary components of the ADI include:

1. Existing dam facility sites, associated reservoirs and water conveyance systems, and features related to the original components of the Klamath Hydroelectric Project (FERC No. 2082).
2. Project components outside of the immediate reservoir and facility areas, including disposal areas, staging areas, access roads, former recreation areas, culvert and bridge replacement areas, road improvement areas, and unique isolated components, such as bridges (pedestrian and railroad), transmission lines, and substations that will likely need to be removed, raised, or monitored. This component would also include any new recreation sites developed along the river. It also includes lands below Iron Gate dam to Humbug Creek within the projected altered 100-year floodplain.

Secondary components of the ADI are listed below. This list is subject to change as project planning advances.

- In Oregon, J.C. Boyle Dam and Reservoir, including intake structure, spillway, dam, timber bridge, fish ladder, canal headgate, and the warehouse, shed, and residential buildings. Downstream from the dam, the J.C. Boyle work area includes the canal, forebay, spillway, scour hole, tunnel, penstocks, powerhouse, and substation. This area is inclusive of staging areas, temporary access roads, and fill and disposal areas.
- In California, Copco No. 1 Dam and reservoir, abutment/intake structure, penstocks, powerhouse, diversion tunnel, switchyard, and the residential and maintenance buildings, associated staging and disposal areas, and temporary access roads.
- In California, Copco No. 2 Dam, including embankments and abutment walls, conveyance tunnel to wood-stave penstock, overflow spillway tunnel, penstock, control center building, powerhouse, maintenance buildings, Copco Village, and associated staging areas, fill areas, and temporary access roads. The Daggett Road Bridge downstream from the village is also scheduled for replacement.
- In California, Iron Gate Dam and reservoir, diversion tunnel, intake structure, spillway, penstock/intake structure, fish holding facilities, power house, aerator, residential building, the Iron Gate Fish Hatchery, and associated fill, disposal, staging areas, and temporary access roads. The Lakeview Road Bridge is also scheduled for replacement, as is the City Yreka water supply pipeline, which crosses the Klamath River near the upstream end of the reservoir impounded behind Iron Gate Dam.

Non-reservoir area components of the ADI include features such as buildings, structures, and pedestrian and railroad bridges between Iron Gate Reservoir and Humbug Creek, in California, that may be affected by the altered 100-year flood plain. In Oregon and California, non-reservoir area components include roads that will be altered to account for increase project-related transport; culvert and bridge replacement areas; and proposed recreation areas and existing recreation areas that may be impacted due to adjustments required to access a river instead of a reservoir environment.

Humbug Creek, in California, is selected as a preliminary downstream boundary for the ADI based on the potential for structures above this point on the river to be within the altered 100-year floodplain following the removal of the dams. River areas below Humbug Creek are likely subject to less flooding (and less scour potential) from dam removal. There are an estimated 45 structures located in the altered 100-year floodplain between Iron Gate Dam and Humbug Creek with an additional 10 structures located near the altered floodplain. These structures should be subject to document review and potential National Register evaluation (including survey) as it is reasonable to anticipate effects on these properties directly resulting from dam removal and subsequent changes to the flood plain dynamics.

2.1.1 Level of Effort Discussion

The delineation of the ADI helps inform the level of identification efforts and methodologies to be employed to identify, evaluate, and treat historic properties. Within the ADI, historic properties identification efforts will focus on archival research, records searches, and literature review (largely completed for this area); pedestrian inventory of previously unsurveyed areas; gathering information from ethnographic research; consultation with tribes regarding TCPs, Indian Sacred Sites, and other areas of concerns; and consultation with other consulting parties. Each cultural resource identified within the ADI will be evaluated for National Register eligibility, and eligible resources (individual historic properties and/or historic districts) that are determined to be adversely affected by the project will require the development of mitigation measures that may include data recovery, site monitoring, Historic American Buildings Survey/Historic American Engineering Record (HABS/HAER) recordation, public interpretation, or other creative mitigation measures decided through ongoing consultation among interested parties. Many of these treatment considerations are captured in the 2017 CEQA Technical Support Document (KRRRC 2017) and in previous HPMPs, and effects analyses from earlier documentation involving the Klamath River Dams (BOR 2012; Cardno ENTRIX 2012; FERC 2007; and PacifiCorp 2004) and will be considered during consultation.

Outside the ADI, historic properties identification efforts will focus on archival research, records searches, and literature review. Known archaeological and built environment sites, as well as TCPs, Indian Sacred Sites, historic districts, and cultural landscapes will be identified to facilitate ongoing consultation and consideration of potential direct and indirect effects. Presently, no pedestrian field survey is recommended and no NRHP eligibility determinations are planned outside of the ADI.

3.0 REFERENCES

Bureau of Reclamation (BOR)

2012 U.S.D.I. Bureau of Reclamation and California Department of Fish and Game. Klamath Facilities Removal Final EIS/EIR.

Cardno ENTRIX

2012 Klamath Secretarial Determination Cultural Resources Report. Prepared for the Bureau of Reclamation.

Daniels, Brian I.

2006 Shasta Nation TCP Study. Klamath Hydroelectric Project FERC No. 2082. Submitted to PacifiCorp, Portland, Oregon.

Deur, Douglas

2003 Summary Report: Traditional Cultural Properties and Sensitive Resource Study – Klamath Tribes. Klamath Hydroelectric Project FERC No. 2082. Submitted to PacifiCorp, Portland, Oregon.

Federal Energy Regulatory Commission (FERC)

2007 Federal Energy Regulatory Commission. Final Environmental Impact Statement for Hydroelectric License, Klamath Hydroelectric Project FERC Project No. 2087-027, Oregon and California.

King, Thomas F.

2004 First Salmon: The Klamath Cultural Riverscape and the Klamath River Hydroelectric Project. Prepared for the Klamath River Intertribal Fish and Water Commission.

Klamath River Renewal Corporation (KRRRC)

2017 Klamath River Renewal Project California Environmental Quality Act (CEQA) and California and Oregon 401 Water Quality Certifications Technical Support Document.

PacifiCorp

2004 Cultural Resources Final Technical Report and Associated Confidential Appendices. Klamath Hydroelectric Project FERC No. 2082. PacifiCorp, Portland, Oregon.

Attachment 3

Preliminary Area of Potential Effects Map Set



**DEPARTMENT OF PARKS AND RECREATION
OFFICE OF HISTORIC PRESERVATION**

Lisa Ann L. Mangat, Director

Julianne Polanco, State Historic Preservation Officer

1725 23rd Street, Suite 100, Sacramento, CA 95816-7100

Telephone: (916) 445-7000 FAX: (916) 445-7053

calshpo.ohp@parks.ca.gov www.ohp.parks.ca.gov

June 1, 2018

In reply refer to: FERC_2018_0507_001

Mr. Mark Bransom
Executive Director
Klamath River Renewal Corporation
423 Washington Street
San Francisco, CA 94111

RE: Initiation of Consultation and Preliminary Area of Potential Effect, Lower Klamath Project (FERC No. 14803) Siskiyou County, CA

Dear Mr. Bransom:

The State Historic Preservation Officer (SHPO) received, on May 7, 2018, the letter initiating consultation on behalf of the Federal Energy Regulatory Commission (FERC) for the above-referenced project in order to comply with Section 106 of the National Historic Preservation Act of 1966 and its implementing regulations found at 36 CFR § 800. The Klamath River Renewal Corporation (KRRC) has been delegated Section 106 consultation authority by the Federal Energy Regulatory Commission (FERC), pursuant to FERC's November 10, 2016 *Notice of Applications Filed With the Commission* and 36 CFR § 800.2(c)(4). Included with the KRRC's letter was a copy of FERC's November 10, 2016 notice (Attachment 1), the Preliminary Area of Potential Effect (APE) Description (Attachment 2), and map set (Attachment 3).

The undertaking seeks the decommissioning and removal of the Iron Gate, Copco No. 1, Copco No. 2, and J.C. Boyle developments, located on the Klamath River and currently owned by PacificCorp. The J.C. Boyle development is located in Klamath County, Oregon, and is not within the jurisdiction of the California SHPO. The remaining three developments are located in Siskiyou County, California. The purpose of the undertaking is to achieve a free flowing river condition and full volitional fish passage through the reaches of the Klamath River currently impacted by the four dams by removing the facilities.

The KRRC and PacificCorps jointly filed a combined license amendment and license transfer application with FERC, requesting FERC to administratively remove the four dam developments from the Klamath Hydroelectric Project license (FERC No. 2082). KRRC filed a separate license surrender application for Project No. 14803 that would allow KRRC to decommission the four facilities.

The preliminary APE for the undertaking has been defined as a half-mile wide area on each side of the Klamath River and the current reservoir limits, extending from the upper reach of the J.C. Boyle Reservoir (RM 228) in Oregon, to the river mouth at the Pacific Ocean (RM 0), in California. A detailed discussion of the preliminary APE and how it was defined is included Attachment 2 of the consultation package.

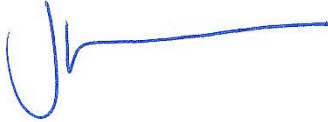
The KRRC has requested comments on the preliminary APE. After reviewing the information submitted with your letter, I offer the following:

- It should be clearly stated that the measures to reduce Project-related effects to aquatic and terrestrial resources and activities associated with the recreation plan are part FERC's Section 106 analysis and included within the APE.
- The flood mitigation measures planned to be built in 2020 should be discussed further and should be included within the APE.
- It is stated that the purpose of the removal of the dams is to achieve a free flowing river condition. In determining the APE, an analysis and discussion on the potential effects to historic properties that result from this condition should be included.
- It should be explicitly stated that the APE includes areas for biological or fish and wildlife mitigation, i.e. habitat restoration areas.
- The APE description should include a discussion on the 'vertical' APE, or the depth of ground disturbance, especially within the Areas of Direct Impact. The vertical APE would then inform the level of effort required in the proposed identification and inventory plan, which at this time does not mention subsurface archaeological testing.
- The 'northernmost area', or waters above the northern end of the J.C. Boyle Reservoir are not included within the APE. If the identified but as yet formally unevaluated Klamath Riverscape Traditional Cultural Property is present within this area, this historic property in its entirety should be included within the APE to consider cumulative and/or indirect effects to it.
- It is stated that while the removal of water from the J.C. Boyle, Copco No. 1, Copco No. 2, and Iron Gate Reservoirs may result in indirect visual impacts due to the unnatural looking unvegetated rings around the former reservoirs, this impact does not necessarily expand beyond the historic properties located along the river corridor and its immediate environs, which comprises a varied topography that ranges from steep canyons to low hills that limit the potential for indirect effects. The SHPO recommends expanding the APE in these locations and that FERC utilize visual simulations with key observation points placed at the reservoirs to support this determination with sufficient documentation that enables consulting parties to understand its basis.
- Please explain the rationale regarding the division of the primary and secondary components of the Area of Direct Impact, as the facilities proposed for removal have been included as secondary components.
- The SHPO recommends adding Topographic maps to enable reviewing parties to better understand the proposed project.

- The locations of the dams and related facilities to be removed should be included on all maps and aerial photographs.
- “Informal consultation” is language included in 50 CFR § 402.08, the implementing regulations of the Endangered Species Act, and is not relevant for Section 106 consultation. Consultation is the appropriate language for the authorization of an applicant for a Federal license to initiate consultation with the SHPO 36 CFR § 800.2(c)(4). Please use the appropriate terminology in future consultations to avoid confusion.

I appreciate the opportunity to comment on the preliminary APE and look forward to continuing this consultation with you. Please direct any questions or concerns that you may have to Kathleen Forrest, Historian, at 916-445-7022 or Kathleen.Forrest@parks.ca.gov.

Sincerely,



Julianne Polanco
State Historic Preservation Officer

Cc: Jessica Gabriel, Oregon SHPO
Dennis Griffin, Oregon SHPO
Jeanne Goetz, Klamath National Forest
Eric Ritter, BLM
Elena Nilsson, AECOM

June 7, 2018

Julianne Polanco
State Historic Preservation Officer
Office of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, CA 95816-7100

Re: Response to Letter Dated June 1, 2018: Initiation of Consultation and Preliminary Area of Potential Effect, Lower Klamath Project (FERC NO. 14803) Siskiyou County, CA – SHPO File # FERC_2018_0507_001

Dear Ms. Polanco,

Thank you for providing your written comments on the Klamath River Renewal Corporation's (KRRC) request for initiation of consultation and presentation of the preliminary area of potential effect (APE) for the Lower Klamath Project (FERC No. 14803) located in Siskiyou County, California and Klamath County, Oregon. This letter serves as confirmation that KRRC has received your comments. The input you have provided will assist with project compliance with Section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. 306108) as implemented in 36 CFR Part 800. In addition, your comments will help KRRC further refine the APE and address concerns. They will also serve as a foundation for future Section 106 consultation through the Cultural Resources Working Group (CRWG) and will be shared with participating federal agencies, tribes, and consulting parties.

If you have any questions or comments, or would like any additional information, please contact me, Mark Bransom, at the phone number or e-mail listed below, or Elena Nilsson, AECOM cultural resources lead, at elena.nilsson@aecom.com (530-893-9675).

Sincerely,



Mark Bransom,
Executive Director, KRRC

mark@klamathrenewal.org
415-820-4441

Cc: Kathleen Forrest, California SHPO
Brendon Greenaway, California SHPO
Jessica Gabriel, Oregon SHPO
Dennis Griffin, Oregon SHPO
Jeanne Goetz, Klamath National Forest
Eric Ritter, BLM
Russ Howison, PacifiCorp
Elena Nilsson, AECOM



Oregon

Kate Brown, Governor

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June 28, 2018

Mr. Mark Bransom
Klamath River Renewal Corp
, OR

RE: SHPO Case No. 17-1370
FERC 14803, KRRC Lower Klamath Project,
Removal of dams Oregon and California
Multiple locations, Klamath County

Dear Mr. Bransom:

Our office has recently received a letter from your agency requesting concurrence regarding your Area of Potential Effect (APE) boundaries for the project referenced above. Upon review of your letter/ document, our office has a few comments regarding the boundaries of the project's APE and ADI, as defined in your letter. Our questions include:

1. Section 2.0 - The proposed APE is said to encompass a TCP composed of seven locations in the Big Bend, Oregon area. I do not believe that this TCP has ever been formally recognized or evaluated and our office would like additional information regarding the history, location and extent of this property in order to understand how the proposed project will both encompass the TCP and may impact this property. Deur's 2003 report earmarked seven general areas along the river, downstream from Big Bend but the description of each of these areas is not well defined nor have they been discussed in any detail. They are said to include major villages and trading centers, the east and west canyon rims, area ridges and gathering areas important to the Klamath people. How does your office feel that the proposed APE can adequately encompass this TCP with so little documentation? Before our office is able to understand the extent and applicability of this property in relation to the proposed activity, we would like to receive additional documentation regarding the extent of the Big Bend sensitive areas and hear from the Klamath Tribes to insure that the areas of concern are indeed all included within the proposed APE. You may have detailed maps that show the extent of the TCP and the APE but the aerial photos submitted to our office are not clear enough for us to confirm the extent of the APE with regards to noted feature areas.

2. Section 2.0 - You state that the geographically broad APE being proposed is considering the "potential direct and indirect effects on the surrounding cultural landscape, the potentially NRHP-eligible Klamath Riverscape and other identified TCPs, Sacred Sites, and historic districts located within the Klamath River Canyon." None of the TCP documents that our office received during the earlier Klamath Dam license renewal process (circa 2003-2004) have ever been discussed or reviewed. How are we to know the potential direct and indirect effects on these properties, and more importantly, how is your office insuring that the APE is including all of the above since such discussions have never occurred regarding the reports and their extent? These type of documents are often left vague on purpose with later discussions refining boundaries and potential impacts. I do not believe that such discussions have ever occurred for your agency to base the APE on. At a minimum, the APE should seek formal tribal approval from all associated groups to insure that it does include all potential direct and indirect effects on these properties. Our office can be involved in later discussions as to how these properties might be affected by the proposed project when further discussions ensue, as long as the tribes find that the APE is sufficient as drafted.



3. Area of Direct Impact (ADI) - The description of the ADI appears to be pretty inclusive of the lands that should be within this area. However, the maps included in Attachment 3 are not very clear in demarcating these areas. The colors used to demarcate the ADI and PacifiCorp lands are very close. We suggest that you make these colors more contrasting in future reports and correspondence. Please be sure to include topographic maps for the APE along with future consultations. Solely relying on aerial photos is difficult to follow over time and can be confusing given the ever changing landscape in the area and the differing aerial photo layers that reviewing offices may have.

4. We concur with California SHPO's comment that the project related effects to both aquatic and terrestrial resources and activities associated with the recreation plan need to be clearly stated as being included within the APE.

5. All potentially historic structures affected by the undertaking, directly or indirectly, must be included within the boundaries submitted to our office for concurrence. Should additional built environment resources be impacted during any phase of the project, an amended APE would be necessary.

Our office looks forward to discussing this project with your agency in the future. If you have any questions or comments regarding this letter, please do not hesitate to contact me. In order to help us track your project accurately, please be sure to reference the SHPO case number above in all correspondence.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dennis Griffin".

Dennis Griffin, Ph.D., RPA
State Archaeologist
(503) 986-0674
dennis.griffin@oregon.gov

cc: Elena Nilsson, AECOM

Ranzetta, Kirk

From: Eric Ritter <eritter@blm.gov>
Sent: Monday, July 16, 2018 1:41 PM
To: Araxi Polony; Nilsson, Elena; Neel, Alden; Anmarie.Medin@parks.ca.gov; Greenaway, Brendon@Parks; Heather Schultz; Jennifer Mata
Subject: Re: [EXTERNAL] Re: Request for Comments on Lower Klamath Project (FERC No. 14803)

Follow Up Flag: Flag for follow up
Flag Status: Completed

I see that on Attachment 3, Sheet 8 of 23 you have not earmarked the BLM lands with important National Register of Historic Places sites. I don't see those sites as having a direct effect from the dam removal other than construction-related traffic using the flats. I also believe that there would be direct effects to the Klamath River corridor between Copco Dam and the upper end of Iron Gate Reservoir. One such scenario would be high flows/debris from dam removal/flood events, etc. And what is the rationale for not having the Klamath River from the mouth of Humbug Creek to its mouth at Requa not being subject to direct effects? Eric Ritter

On Wed, Jul 11, 2018 at 3:43 PM Araxi Polony <araxi@klamathrenewal.org> wrote:

Mr. Ritter,

Apologies – please find the Preliminary Area of Potential Effects Map Set (Attachment 3) attached here for your reference.

Best,

Araxi

Araxi Polony, [Klamath River Renewal Corporation](#)
Administrative Assistant
Cell: 510-730-5534 | Office: 510-679-6928
araxi@klamathrenewal.org
www.klamathrenewal.org

From: Araxi Polony
Sent: Wednesday, July 11, 2018 3:06:35 PM
To: eritter@blm.gov
Subject: Request for Comments on Lower Klamath Project (FERC No. 14803)

Dear Mr. Ritter,

Please find attached Klamath River Renewal Corporation's letter requesting your comments on the preliminary Area of Potential Effects (APE) defined for the Lower Klamath Project (Project; FERC No. 14803).

In addition, the Preliminary Area of Potential Effects Map Set (Attachment 3) is attached here for your reference. The FERC Notice of Applications File with the Commission (Attachment 1) and Preliminary Area of Potential Effects Description (Attachment 2) are embedded in the letter.

Please let me know if you have any questions.

Best,

Araxi

Araxi Polony, [Klamath River Renewal Corporation](#)
Administrative Assistant
Cell: 510-730-5534 | Office: 510-679-6928
araxi@klamathrenewal.org
www.klamathrenewal.org

July 23, 2018

Dennis Griffin
State Archaeologist
State Historic Preservation Office
725 Summer Street NE, Suite C
Salem, OR 97031

Re: Response to Letter Dated June 28, 2018: Initiation of Consultation and Preliminary Area of Potential Effects (APE), Lower Klamath Project (FERC NO. 14803) Siskiyou County, CA and Klamath County, OR – SHPO Case No. 17-1370

Dear Mr. Griffin,

Thank you for providing your written comments on Klamath River Renewal Corporation's (KRRC) request for initiation of consultation and presentation of the preliminary APE for the Lower Klamath Project (FERC No. 14803) located in Siskiyou County, California, and Klamath County, Oregon. This letter serves as confirmation that KRRC has received your comments. The input you have provided will assist with project compliance with Section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. 306108) as implemented in 36 CFR Part 800. In addition, your comments will help KRRC further refine the APE and address concerns. They will also serve as a foundation for future Section 106 consultation through the Cultural Resources Working Group (CRWG) and will be shared with participating federal agencies, tribes, and consulting parties.

If you have any questions or comments, or would like any additional information, please contact me, Mark Bransom, at the phone number or e-mail listed below, or Elena Nilsson, AECOM cultural resources lead, at elena.nilsson@aecom.com (530-893-9675).

Sincerely,



Mark Bransom,
Executive Director, KRRC

mark@klamathrenewal.org
415-820-4441

cc: Elena Nilsson, AECOM



September 28, 2018

Mr. Mark Bransom
Klamath River Renewal Corp
, OR

RE: SHPO Case No. 17-1370
FERC 14803, KRRC Lower Klamath Project,
Removal of dams Oregon and California
Multiple locations, Klamath County

Dear Mr. Bransom:

Thank you for the opportunity to review your Appendix L: Cultural Resources Plan associated with the above project. Our office has reviewed your document and we have the following comments:

- 1). Previously Recorded Cultural Resources (Chapter 6:36-37) – Since this section is primarily relying on information completed many years ago, along with your discussion of previously identified archaeological sites and their eligibility, it would be good to include a table of all of these archaeological sites here along with such eligibility status (including agency recommendation, FERC determination and SHPO concurrence). If determined eligible, under what criterion? If determined not eligible, did the past evaluation consider site eligibility under all four criteria (A through D)? Early archaeological studies tended to focus only on Criterion D and we are curious if a wider review was conducted at the time of previous determinations. Perhaps this table could also note where the project lies with the larger APE (e.g., liable to be directly affected, indirectly or likely no effect). You provide a nice table (6-5) for the built environment but nothing for archaeological sites.
- 2). Isolated Finds (Chapter 6:37) – This summary states that there have been 108 isolates previously identified in Oregon. Have any of these had probing conducted around them to insure that they are indeed isolate locations of cultural material?
- 3). Archaeological Districts (Chapter 6:41) – Your summary mentions work on the development of an earlier archaeological district within Oregon that included four groups of multiple sites. Does KRRC plan on picking up on this earlier study and reintroducing this district nomination?
- 4). Klamath River Canyon Archaeological District (Chapter 6:42) – Your report mentions a publication written by McCutcheon and Dabling in 208. This reference is missing from your bibliography and I don't believe that it has ever been shared with the Oregon SHPO. Has this document been sent to our office in the past? If not, is this something that we can expect to see or is it going to be reanalyzed?
- 5). TCPs (Chapter 6:46-47) – Oregon SHPO looks forward to future consultation with KRRC and the Klamath Tribes on the various earlier identified TCP locations within Oregon, as well as the Klamath Cultural Riverscape that was earlier introduced that focused on the Klamath River. Such discussions will assist our office in understanding the true extent and impact of the proposed project on the Klamath River. Knowing little about what this discussion will entail, at this time we are unsure if this research and consultation would be considered a viable mitigation topic for the proposed project or simply part of the research that is needed

in order to complete the discussions on the proposed dam removals.

6). Pre-removal Resource Inventory (Chapter 6:48) - We were unable to find a copy of Figure 5.2-1(C) that depicts the disposal sites associated with the removal of the J.C. Boyle Dam. Could you forward our office a copy of this Figure?

7). Archaeological Inventory (Chapter 6:50) – Oregon SHPO’s Field Guidelines were updated in 2013. Please reference the most current field guidelines in all future documents.

8). Site Definition (Chapter 6:50) – Oregon SHPO’s definition of a feature as being a product of patterned cultural activity within a surface area reasonable to that activity is not based on density measurement. It stems more from a recognition that a feature may exist and that its components are not random (e.g., one camas oven, hearth, peeled tree). Each of these examples would be considered a feature, therefore a site, and you would not need to find multiple numbers of such features in order to be recognized as a site.

9). Archaeological Evaluation (Chapter 7:55) – In future eligibility discussions regarding both archaeological sites and TCPs, please be sure to include a discussion of eligibility based on all four criteria (A-D) rather than simply Criterion D for archaeological sites and Criterion A for TCPs as is often done in past studies.

10). Historic Properties Management Plan (Chapter 8) – Please be sure to include a section on future reporting that references future reports will consider Oregon’s SHPO Reporting Guidelines. We want to be sure that all future reports include all components that are needed in order for our office to complete our review in a timely way.

11). References (Chapter 9:69) – As noted above, the reference for McCutcheon and Dabling 208 is missing from this section. Could you also send us a copy of Cardno Entrix’s 2012 Klamath Secretarial Determination Cultural Resource report? A copy of this document could not be found and we are interested in refreshing ourselves on this earlier determination study in order to recall where discussions have been left off when last this project was discussed with our office.

Thank you again for the opportunity to review your Cultural Resources Plan and our office looks forward to discussing the above project as it moves forward toward completion.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis Griffin". The signature is fluid and cursive, with a large initial "D" and "G".

Dennis Griffin, Ph.D., RPA
State Archaeologist
(503) 986-0674
dennis.griffin@oregon.gov

cc: Elena Nilsson, AECOM



**DEPARTMENT OF PARKS AND RECREATION
OFFICE OF HISTORIC PRESERVATION**

Lisa Ann L. Mangat, Director

Julianne Polanco, State Historic Preservation Officer
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calshpo.ohp@parks.ca.gov www.ohp.parks.ca.gov

September 28, 2018

In reply refer to: FERC_2018_0507_001

Mr. Mark Bransom
Executive Director
Klamath River Renewal Corporation
423 Washington Street
San Francisco, CA 94111

RE: Section 106 Consultation, Appendix L of Definite Plan, Lower Klamath Project
(FERC No. 14803) Siskiyou County, CA

Dear Mr. Bransom:

The State Historic Preservation Officer (SHPO) received, on August 30, 2018, the letter continuing consultation on behalf of the Federal Energy Regulatory Commission (FERC) for the above-referenced project in order to comply with Section 106 of the National Historic Preservation Act of 1966 and its implementing regulations found at 36 CFR § 800. The Klamath River Renewal Corporation (KRRC) has been delegated Section 106 consultation authority by the Federal Energy Regulatory Commission (FERC), pursuant to FERC's November 10, 2016 *Notice of Applications Filed With the Commission* and 36 CFR § 800.2(c)(4). Included with the KRRC's letter was a copy of the *Definite Plan for the Lower Klamath Project, Appendix L—Cultural Resources Plan* (Appendix L), prepared in June 2018.

The undertaking seeks the decommissioning and removal of the Iron Gate, Copco No. 1, Copco No. 2, and J.C. Boyle developments, located on the Klamath River and currently owned by PacificCorp. The J.C. Boyle development is located in Klamath County, Oregon, and is not within the jurisdiction of the California SHPO. The remaining three developments are located in Siskiyou County, California. The purpose of the undertaking is to achieve a free flowing river condition and full volitional fish passage through the reaches of the Klamath River currently impacted by the four dams by removing the facilities.

The KRRC and PacificCorps jointly filed a combined license amendment and license transfer application with FERC, requesting FERC to administratively remove the four dam developments from the Klamath Hydroelectric Project license (FERC No. 2082). KRRC filed a separate license surrender application for Project No. 14803 that would

allow KRRC to decommission the four facilities.

The KRRC has requested the SHPO's review and comment of Appendix L. After reviewing the information submitted with your letter, the following comments are offered:

- Section 6.1.4, Ethnographic Information and TCPs
 - A substantial amount of identification and analysis has been previously prepared for the Klamath Cultural Riverscape, including an eligibility determination. Any additional work on this would appear to be part of the identification efforts for the undertaking, rather than mitigation.
 - Documentation should discuss in detail why the Riverscape study could not be completed as part of the identification efforts, but the Historical Landscape Analysis discussed in Section 6.1.5—a new analysis that is likely to cover a very large area as well—could be completed as part of the identification effort.
 - Additionally, I encourage you to review the decision of the State of California Court of Appeals for the *Madera Oversight Coalition, Inc, v. County of Madera* in regards to any mitigation developed for the purposes of the California Environmental Quality Act (CEQA).
- Section 6.2.4, General Inventory and Resource Recordation Methods
 - Built Environment HABS/HAER/HALS Recordation can be an important mitigation, as stated in the document. However, it is appropriate as one of a suite of mitigation when the historic property in question is significant under National Register Criterion C. If a property is significant under one of the other Criteria, HABS/HAER/HALS would not be appropriate mitigation. Mitigation should always be determined in consultation with the consulting parties.
- Section 7.2, Evaluation of Historic Built Environment Resources: The document states that two historical resources reports will be prepared, for hydroelectric and non-hydroelectric resources. It is not clear why the preparation of two documents is necessary, and the California SHPO recommends that only one document be prepared.
- Section 8.1, Historic Properties Management Plan and Programmatic Agreement
 - The project has anticipated the preparation of a Programmatic Agreement. FERC's current template Programmatic Agreement will not be sufficient to address the complexities of this undertaking. The SHPO looks forward to working with FERC and KRRC to develop an appropriate agreement document.
- The SHPO recommends that FERC and the KRRC keep the Advisory Council on Historic Preservation (ACHP) apprised of the ongoing consultation as the undertaking moves forward.

Mr. Mark Bransom
September 28, 2018
Page 3 of 3

FERC_2018_0507_001

The opportunity to comment on Appendix L of the Definite Plan is appreciated and I look forward to continuing this consultation with you. Please direct any questions or concerns that you may have to Kathleen Forrest, Historian, at 916-445-7022 or Kathleen.Forrest@parks.ca.gov.

Sincerely,



Julianne Polanco
State Historic Preservation Officer

Cc: Jessica Gabriel, Oregon SHPO
Dennis Griffin, Oregon SHPO
Jeanne Goetz, Klamath National Forest
Eric Ritter, BLM
Elena Nilsson, AECOM



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Kate Brown, Governor

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www.oregonheritage.org



October 1, 2018

Mr. Mark Bransom
Klamath River Renewal Corp
, OR

RE: SHPO Case No. 17-1370
FERC 14803, KRRC Lower Klamath Project,
Removal of dams Oregon and California
Multiple locations, Klamath County

Dear Mr. Bransom:

Thank you for providing our office an opportunity to comment on Appendix L of the Definite Plan for the Lower Klamath Project. Our comments below pertain only to the historic, built environment. Comments regarding archaeological resources have already been provided by Dennis Griffin, Oregon State Archaeologist (letter dated September 28, 2018).

1. Regarding the proposal to update the existing evaluations is an important piece of the consultation process. In addition to updating and submitting eligibility determination forms to our office, please be sure to account for relevant elements of the Klamath Project that have been demolished, altered, or otherwise affected by federal undertakings since 2003, when the resources were last identified. Bureau of Reclamation's Sacramento office should have these records available. For example, Flume C, a large, concrete flume that represented a highly significant feature of the system, has been replaced, and consultation with our office resolved the adverse effect through mitigation.
2. We look forward to reviewing the draft Historic Properties Management Plan for the Klamath Project, once it becomes available.
3. We look forward to consulting on the Area of Potential Effect (APE), once the preliminary APE has been determined. Please be sure to include areas that may be indirectly affected by the project in any way, in addition to areas affected directly. This may include areas far outside of direct impacts, such as canals, laterals and sub-laterals that may be retired as a result of dam removal, as well as properties that may suffer deferred or unfulfilled maintenance due to loss of use through the retirement of pieces of the system. We appreciate, for example, the inclusion of properties that may be affected by the reintroduction of seasonal flooding and the re-definition of the 100-year flood zone (p.33), and encourage similar forward-thinking considerations when defining the APE.
4. When consulting the online Historic Sites Database for records regarding historic built resources, please bear in mind that the database does not represent a complete record of past consultations with our office. Any properties within the APE should be evaluated and considered during the review process, regardless of the presence or absence of records of past consultation.
5. We concur that using a 45-year age standard for consideration, rather than a 50-year age standard, is appropriate, in order to account for properties that may become 50 years old during the consultation process, prior to implementation of the project. If it appears that the project will take longer than 5 years to complete, we recommend expanding that standard to ensure that all properties are properly accounted for.



6. When considering visual impacts to properties, we recommend against using lack of visibility due to intervening vegetation as means to eliminate these from consideration. Vegetation should only rarely be used for such determinations, and only when there is a high likelihood that this condition will not change, i.e., a forest is between the resource and the source of impacts. Thin lines or swaths of trees, deciduous trees generally, or sections of trees that may be scheduled for harvest will all fail to sustain the standard of blocked visibility too readily (via seasonal changes, timber harvest, or routine cutting/thinning independent of the project) to be a meaningful basis for visibility analysis.

7. When reporting results of built environment surveys, inventories, or re-surveys, please consult with the Oregon SHPO to obtain a subset of the Oregon Historic Sites Database to update existing records and to create new records for adding to the Master database, which we maintain in Salem. Using this tool will dramatically increase review efficiency and facilitate up-to-date record keeping at our office.

8. When considering potential mitigation measures for historic, built resources, please bear in mind that documentation through HABS/HAER/HALS or otherwise is generally considered to be a baseline measure by our office, and is almost always paired with further stipulations designed to project the data to the public in some form, or to inform further mitigation of some type. In some cases, documentation may be deemed to be sufficient, however, this will be comparatively rare, and suitable only for minor structures with marginal eligibility.

9. Because the Klamath Project as a complete resource spans Oregon and California SHPO jurisdictions, please be sure to provide both our office and California SHPO with data related to resources in the opposite state for the purposes of allowing the two SHPOs to fully understand the resource as a whole. Even though the Oregon and California SHPOs will be consulting directly on resources that occur in our states, respectively, consulting agencies must have a full comprehension of the system in its entirety, in order to properly evaluate any individual element within it.

We look forward to further consultation on this project. If you have any questions regarding any of the above, please feel free to contact our office.

Sincerely,



Jason Allen, M.A.
Historic Preservation Specialist
(503) 986-0579
jason.allen@oregon.gov

cc: Elena Nilsson, AECOM



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November 15, 2018

Julianne Polanco
State Historic Preservation Officer
Office of Historic Preservation
1725 23rd Street, Ste. 100
Sacramento, CA 95816

RE: Submittal of Revised Area of Potential Effects, Lower Klamath Project, Siskiyou County, California (SHPO No: FERC _2018_0507_001)

Dear Ms. Polanco,

On May 3, 2018, Klamath River Renewal Corporation (KRRRC) submitted to your office a written definition of the preliminary Area of Potential Effects (APE) for the Lower Klamath Project, accompanied by maps. At that time, KRRRC requested your comments on the preliminary APE to help focus KRRRC's and PacifiCorp's consultation efforts [36 C.F.R. § 800.2(c)(4)] with agencies, tribes, and other interested parties, as well as to focus that dialogue in more meaningful content for FERC's subsequent consultation process. On June 1, 2018, KRRRC received your comments on the preliminary APE. Based on your comments and those of other agencies and tribes participating in the project's Cultural Resources Working Group (CRWG), KRRRC has prepared a revised APE definition and map set, which are attached to this letter.

On behalf of KRRRC, AECOM is transmitting the revised APE information to you and requesting your comments as part of regulatory requirements under Section 106 of the National Historic Preservation Act of 1966 (NHPA) as codified in 36 CFR Part 800.

If you have any questions, or would like any additional information regarding the Project, please contact me at 530-893-9675 ext. 1231, or by e-mail at elena.nilsson@aecom.com.

Thank you for your support of this effort. We look forward to continuing our work with you.

Best regards,

Elena Nilsson
Principal Archaeologist

cc: Mark Bransom, KRRRC

Enclosure

Lower Klamath Project Proposed Area of Potential Effects (APE) for Historic Properties

Revised October 2018

1.0 Introduction

1.1 Regulatory Context for Establishing an APE

Section 106 of the National Historic Preservation Act (NHPA) (54 U.S.C. § 300101 et seq.), and its implementing regulations, “Protection of Historic Properties” (36 C.F.R. Part 800), require that Federal agencies take into account the effects of their undertakings on historic properties¹ (36 Code of Federal Regulations (C.F.R.) § 800.1(a)). This consideration of effects is accomplished through following the Section 106 Process in which the agency determines whether its proposed action is defined as an undertaking and, if so, whether it is a type of activity that has the potential to cause effects on historic properties (36 C.F.R. § 800.3(a)). The Federal Energy Regulatory Commission (FERC) is the lead agency for the Lower Klamath Project, which consists of four hydroelectric power developments (J.C. Boyle, Copco No. 1, Copco No. 2, and Iron Gate). FERC’s pending decision on the license surrender application filed by Klamath River Renewal Corporation (KRRC) allowing for removal of the four developments, establishes an undertaking that has the potential to cause effects on historic properties. The Definite Plan provides additional details on the regulatory context and license surrender process being pursued by the KRRC with FERC (KRRC 2018).

In order to assess effects on historic properties, such properties must first be identified. The Section 106 process outlines the steps for identifying historic properties that begins in part with determining and documenting the Area of Potential Effects (APE) (36 C.F.R. § 800.4(a)(1)) through consultation among the State Historic Preservation Officer (SHPO) and/or the Tribal Historic Preservation Officer (THPO), and other consulting parties. The regulations define an APE as 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.” Furthermore, the APE “is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking” (36 C.F.R. § 800.16(d)). Once an APE is determined and documented, the scope of identification efforts within the APE is discussed and planned (e.g., further research, field survey, archaeology site testing). This document documents the APE for the Lower Klamath Project following initial consultation with the Cultural Resources Working Group (CRWG).

¹ 36 CFR § 800.16(l) defines a “historic property” as any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places (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 and that meet the NRHP Criteria for Evaluation (36 CFR Part 60).

This revised document (October 2018) incorporates the feedback received by consulting parties, including remarks received from the California SHPO (September 28, 2018) and Oregon SHPO (June 28, 2018; September 28, 2018; October 1, 2018), Bureau of Land Management (BLM), and additional comments raised by Tribes and consulting parties during the December 14, 2017, August 14, 2018 CRWG Meeting.

1.2 Definitions of Other “Areas”

The APE is distinct and different from other project-defined “areas” that are often referred to in discussion and other documents, such as the Definite Plan (KRRC 2018). For example, background research on known archaeological sites and other cultural resources may encompass a broader geographic area referred to as the cultural resources² “**Study Area.**” The cultural resources study area may extend beyond the APE boundary, and is designed to allow for the retrieval of information about known cultural sites, site types, buildings, structures, objects, districts, ethnographic and traditional landscape features, land use patterns from prehistoric and historic eras, as well as Traditional Cultural Properties (TCPs) and Indian Sacred Sites.³ Background research may involve geographically broader ethnographic and historic overviews that provide context for the local resources identified in the APE. To date, the KRRC has completed an updated records search for a cultural resources study area that covers the length of the Klamath River from its origin at the southern end of Upper Klamath Lake, in Oregon, to the mouth of the river at the Pacific Ocean. This generalized Study Area includes a 0.5-mile wide zone extending either side of the reservoir shorelines (J.C. Boyle, Copco Lake, and Iron Gate Reservoir) or from the center point of the Klamath River in areas where the river remains flowing that has been the focus of collecting site records for previously documented resources. It is expected that the study area boundary is not fixed, it may be expanded, and that the previously completed background research may be updated through ongoing consultation.

The “**Project Area**” is also distinct from the APE, and is described within the Definite Plan (KRRC 2018) as the area defined by the boundaries of the Lower Klamath Project and encompasses lands and waters between the upper reach of J.C. Boyle Reservoir (RM 234.1) and the toe of the Iron Gate Dam (RM 193.1). The Definite Plan allows for the revision of the project area definition as needed for purposes of review under Section 106 (or other applicable laws).

The Definite Plan also defines the **Limits of Work**, which refers to the physical extent of on-the-ground construction and restoration activities. In the context of the APE proposed in this document, the Limits of Work is synonymous with the *Area of Direct Impacts* (ADI). While the ADI is generally a smaller geographic area within the project area, for the purposes of this document and Section 106, the ADI

² Cultural resources are those tangible and intangible aspects of human cultural systems, both past and present, that are valued by or representative of a given culture, or that contain information about a culture.

³ The definition of an Indian Sacred Site is governed by Executive Order 13007 of May 24, 1996. The order defines an Indian Sacred Site as “Any specific, discrete, narrowly delineated location on federal land that is identified by an Indian tribe, or Indian individual determined to be an appropriately authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion; provided that the tribe or appropriately authoritative representative of an Indian religion has informed the agency of the existence of such a site.” It is the Tribe or the traditional religious practitioner of the Tribe, not the federal government that identifies a sacred site.

extends downriver beyond the toe of Iron Gate Dam to include the 100-year flood plain limits to Humbug Creek. This reason for this downstream expansion is further clarified in the APE description below.

The “**FERC Project Boundary**” specifies the geographic extent of the Klamath Hydropower Project (FERC #2082) and describes the jurisdictional lands the licensee must own or control on behalf of its licensed hydropower project. Due to FERC’s decision to split out the Lower Klamath Project as a distinct licensing area from the larger Klamath Hydropower Project, the FERC Project Boundary for the proposed Lower Klamath Project (FERC Project No. 14803) is wholly included within the proposed APE and is inclusive of the lands associated with the operation of the four hydroelectric power developments.

Table 1. Area Terms Ordered According to Diminishing Size.

Term	Description
Study Area	<ul style="list-style-type: none"> • Larger than APE to better understand cultural context. • The length of the Klamath River from the highest reach of the J.C. Boyle Reservoir downstream to Humbug Creek (83 river miles) and a 0.5-mile wide zone extending on either side of the reservoir shorelines (J.C. Boyle, Copco Lake, and Iron Gate Reservoir) or from the center point of the Klamath River in areas where the river remains flowing.
Area of Potential Effects (APE)	<ul style="list-style-type: none"> • 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 (36 CFR § 800.16(d)). (See Project-specific definition below).
Project Area	<ul style="list-style-type: none"> • Sometimes referred to as the “direct APE.” Also called the “Project Limits of Work and Access” as defined on maps included with the 2017 “Klamath River Renewal Project Technical Support Document” (AECOM 2017).

Term	Description
FERC Project Boundary	<ul style="list-style-type: none"> The jurisdictional limits of FERC and located entirely within the APE. For this Project, the FERC Project Boundary refers to the limits of the Klamath Hydroelectric Project (FERC Project No. 2082).

1.3 Previous Iterations of the APE

Previous FERC license applications, National Environmental Policy Act (NEPA) Environmental Impact Statements (EIS), California Environmental Quality Act (CEQA) Environmental Impact Reports (EIR), and Section 106 of the NHPA compliance reports, related to the relicensing, operation, and/or decommissioning of the Klamath Hydroelectric Project (FERC Project No. 2082) have produced varying definitions of the APE since 2004. This is primarily due to the varying scopes of the projects (e.g., license renewal vs. license decommissioning vs. license surrender).

The 2004 PacifiCorp relicensing project involved all eight of the Klamath Hydroelectric Project developments, including the decommissioning of the East Side and West Side developments, the removal of the Keno development, and continued operations of the J. C. Boyle, Copco No. 1, Copco No. 2, Iron Gate, and Fall Creek developments. In contrast, the later 2012 Klamath Facilities Removal focused exclusively on the removal of four of PacifiCorp’s Klamath River developments - J.C. Boyle, Copco No. 1, Copco No. 2, and Iron Gate – and did not consider the remaining Klamath Hydroelectric Project developments (East Side, West Side, Keno, and Fall Creek). Table 2 summarizes the APEs identified in previous Klamath Hydroelectric Project cultural resources studies.

Table 2. Summary of Klamath River Project Previous APE Iterations.

Reference	APE Description
PacifiCorp 2004 (License Application Exhibit E Page 6-33; PacifiCorp 2004:121-122)	<ul style="list-style-type: none"> <u>PacifiCorp APE</u>: All lands within the FERC Project boundary under the existing license, all lands within the PacifiCorp proposed FERC Project boundary for the new license, and river reaches below each Project development. Included proposed Project hydropower facilities, recreation sites, proposed wildlife enhancement lands, and river reaches between Project developments. CRWG APE: Included the FERC Project boundary, riparian and hydrologically connected areas along Project-affected reaches, and culturally sensitive lands within the Klamath River Canyon from ridgetop to ridgetop (rim to rim). <u>PacifiCorp and CRWG Compromise</u>: Field Inventory Corridor (FIC) studied instead of an APE. FIC covered the area between the outlet of Upper Klamath Lake (River Mile [RM]

Reference	APE Description
	<p>254.7) downstream to approximately 1 mile southwest of the Iron Gate dam (RM 189.2).</p> <ul style="list-style-type: none"> Downriver tribes (Karuk and Yurok) felt the APE should be more broadly defined to extend from Iron Gate down to the mouth of the Klamath River (at the Pacific Ocean) due to potential Project effects on salmon fisheries and other (non-archaeological) cultural resources along the Klamath River corridor.
<p>PacifiCorp 2006 Revised APE (FERC 2007 EIS/EIR (Page 3-539)</p>	<ul style="list-style-type: none"> Based on proposal to decommission East Side and West Side developments and to remove Keno development from the project. Excluded Keno reservoir, the Klamath River from Keno reservoir to the head of J.C. Boyle reservoir, and the river reach from just below J.C. Boyle powerhouse to the Oregon-California state line.
<p>FERC 2007 EIS/EIR (Page 3-551)</p>	<ul style="list-style-type: none"> Entirety of the APE as delineated by PacifiCorp in 2004 and that portion of the Klamath River reach from Iron Gate to the mouth.
<p>Bureau of Reclamation 2012 EIS/EIR (Section 3.13.1 Area of Analysis)</p>	<ul style="list-style-type: none"> The Klamath River from the outlet at Keno Dam to the river's outlet at the Pacific Ocean and extending outward for 0.5 miles from each bank of the river, plus a 0.5-mile-wide corridor from the high water mark surrounding each of the four reservoirs, and all four dams and associated facilities.

In 2004, PacifiCorp’s designated the APE for its facilities relicensing project that included all proposed hydropower developments, recreation sites, proposed wildlife enhancement lands, and the river reaches between the various Klamath Hydroelectric Project developments. This covered all lands within the FERC Project boundary under the existing license, all lands within the PacifiCorp proposed FERC Project boundary for the new license, and river reaches below each Project development. The archaeological survey conducted for the PacifiCorp relicensing study focused on a broader “field inventory corridor” (FIC) based on input from the CRWG, including the tribes, who felt the APE should be considerably larger than the FERC Project boundary. The FIC comprised the area between the outlet of Upper Klamath Lake (River Mile [RM] 254.7) downstream to approximately 1 mile southwest of the Iron Gate dam (RM 189.2), as river geomorphology studies indicated little to no effect on downstream river bank erosion beyond Interstate 5 for the project as then defined. Therefore, the 2004 APE extended a short distance downstream from Iron Gate dam to just below the Iron Gate fish hatchery.

FERC's 2007 Final Environmental Impact Statement (FEIS) for the facilities relicensing recapped the extent of the 2004 APE and reported that PacifiCorp subsequently proposed another APE (March 2006). In a revised Historic Properties Management Plan (HPMP), PacifiCorp defined a revised APE that reflected its proposal to decommission the East and West Side developments and to remove Keno development from the project. This revised APE also excluded Keno Reservoir, the Klamath River to the head of J.C. Boyle Reservoir, and the river reach from just below the J.C. Boyle powerhouse to the Oregon-California state line. The FEIS stated that neither the Oregon nor the California SHPO had concurred with either the 2004 or the 2006 versions of the APE. The APE at that time essentially conformed to PacifiCorp's proposed project boundary, and the FEIS analysis noted that the 2004 version was generally consistent with the customary minimum APE. The revised 2006 version, however, excluded lands that FERC would need to consider as part of the APE and thus assess how historic properties would be affected by the proposed decommissioning and facility removal. The 2007 FEIS stipulated that the APE would appropriately encompass (1) the entirety of the 2004 APE as delineated by PacifiCorp in the 2004 Draft HPMP and (2) that portion of the Klamath River reach from Iron Gate Dam to the mouth. The expanded APE was justified by the potential for downstream effects on riparian vegetation that could result in destabilized shorelines and subsequent erosion of archaeological sites. The APE expansion would also allow FERC to consider potential project effects on TCPs, specifically on the Klamath Cultural Riverscape in which the totality of surrounding natural environment is considered a contributing element.

Finally, in 2012, the Bureau of Reclamation (BOR) and the California Department of Fish and Game completed the Klamath Facilities Removal Environmental Impact Statement/Environmental Impact Report (EIS/R) that offered another version of the APE. This version largely built on the 2007 FERC definition and offered an "Area of Analysis" that extended along the Klamath River from Keno Dam downstream to the Pacific Ocean and included a half-mile-wide buffer around this extent. The Klamath Facilities Removal APE offered the broadest geographic area yet considered for potential impacts on cultural resources and incorporated the concept of the FIC extent into the Area of Analysis.

In defining the proposed APE for the Klamath River Renewal Project (see below) each of these related APEs were considered to provide a balanced definition that reflects various APE boundaries delineated in previous environmental documents and also input received in past and current CRWG meetings.

2.0 Proposed Lower Klamath River Project APE

Defining an APE provides FERC and consulting parties with a basis for understanding the geographic extent of anticipated impacts of the proposed project, which is necessary to properly plan the level of effort for historic properties identification, evaluation, and effects assessments. The different types of potential effects caused by dam decommissioning have resulted in defining an *Area of Direct Impacts* (ADI) within the APE that delineates where there are anticipated direct physical impacts, particularly those areas that will be subject to ground disturbance, such as dam facility removal and reservoir restoration activities. The ADI generally corresponds with the “Project Area” or the *Project Limits* as mentioned in other documents and described above. The distinction of an ADI also helps inform discussions regarding level of effort for cultural resources surveys in areas where direct impacts are most likely.

In defining the APE, it is not necessary to know if effects will occur, only that they may occur based on the undertaking. The APE has been lengthened and broadened, for instance, to take into account possible downstream effects below Iron Gate Dam, as well as within the river reaches between J.C. Boyle Dam and Copco Lak. This APE also allows for the examination of potential direct and indirect effects on the surrounding cultural landscape, the potentially NRHP-eligible riverscape, and other identified TCPs, Sacred Sites, and/or archaeological or historic districts located within Klamath River Canyon between J.C. Boyle and Iron Gate reservoirs that are not in the ADI.

The proposed APE is primarily established as a 0.5-mile wide area extending from the shoreline of each side of the Klamath River from the upper reach of the J.C. Boyle Reservoir to the river mouth at the Pacific Ocean. However, around the reservoirs where topography is more open and rolling, the APE extends at least an additional 0.5-mile to create a minimum 1-mile wide area in these locations for addressing potential for indirect effects primarily related to potential viewshed alterations from reservoir removal. Due to the potential for landscape-level visual changes, the APE around each reservoir may extend beyond the 1-mile wide area to ensure inclusion of areas that are within sight-lines of the reservoirs and ADI. The viewshed analysis is based on bare earth (e.g., no trees, vegetation, or other obstructions) intervisibility where GIS application determines direct sight lines from one position to another considering intervening topography using a digital elevation model (DEM). Based on these results, it is recommended that the maximum extent of the APE around the reservoirs should be set at two miles from the ADI. This distance incorporates the majority of areas with direct sight lines to each reservoir and ADI component, yet excludes areas where adverse visual impacts are less likely based on distance, intervening vegetation, or other screening landforms.

This geography of the APE represents a complex array of natural and cultural features that collectively represent a cultural riverscape associated with significant patterns of events in the traditional histories of the Yurok, Karuk, Hupa, Shasta, and Klamath Tribes. It may include known archaeological or historical sites, TCPs, Sacred Sites, natural features of cultural importance, wildlife, the waterway itself, and other features. The Klamath Riverscape has been recommended as retaining sufficient historical integrity and meeting the NRHP Criteria for Evaluation (King 2004). Although the Oregon and California SHPOs have not concurred with this NRHP eligibility recommendation, the riverscape concept is a useful construct in

ensuring that the current Project considers the possibility of indirect effects outside of the ADI. The riverscape concept also acknowledges the crucial and significant role that the river and its environs play in the lifeway practices of multiple tribes along the length of the Klamath River. Furthermore, the proposed APE is consistent with both the FERC (2007) and BOR (2012) APE, where each agency defined the length of the Klamath River to its mouth on the Pacific Ocean in their analyses. Mapbook sheets 1-22 provide the location of the proposed Klamath River Renewal Project APE.

By defining a broad APE, however, it is not intended to imply field survey is required of the entire APE for identification purposes. It also does not imply that the APE should extend above or beyond the proposed geographic limits of potential project impacts. For example, the project is aware of numerous archaeological sites around Upper and Lower Klamath Lakes that were previously considered during the 2004 relicensing effort. We are also knowledgeable about land use and culturally sensitive places well beyond the proposed APE boundary that share intrinsic ties to the overall landscape. In the case of upstream places above J.C. Boyle reservoir, the project will not be affecting (directly or indirectly) those regions. There is no proposal to remove or alter the Keno Dam, the Link River Dam, or other features above the J.C. Boyle reservoir, and no project decommissioning or restoration activities will occur in this area. More specifically, the APE does not include resources historically associated with the Bureau of Reclamation's similarly named irrigation-related Klamath Project (such as Flume 7 and the associated laterals and canals) which are not under the jurisdiction of FERC. Relatedly, the chance of direct or indirect impacts in areas outside of the Klamath River Canyon is low to nil. The 0.5-mile corridor has been adjusted in places to ensure the boundary encompasses a rim-to-rim viewshed where the topography is distinct enough, or to incorporate a more expansive viewshed where terrain is less distinct.

In addition to the horizontal extent of the APE, the project is also analyzing the vertical APE which delineates the depth of ground disturbance and examines the potential for buried cultural resources by completing a geoarchaeological analysis. The cultural technical team's geoarchaeologists have assigned a maximum depth of disturbance anticipated at each place where ground disturbance will occur and developed tables and maps that show these activity areas. The team is developing a sediment depth model based on pre-dam historic topographic mapping, geotechnical data, and current bathymetric data. These data sets, when overlaid in GIS with the activity areas and assigned depths, help identify areas where the project may impact pre-dam historic ground surface. Further, by including the records search/historic map analysis data, areas of anticipated archaeological resource areas that may be impacted by the project can be identified and strategies developed to test and evaluate resources within those areas, prior to construction-period impacts. In addition to assessing areas that may be buried by sediment accumulation in the reservoir areas, an analysis of the potential for impacts on cultural resources buried through natural processes will also be incorporated into the geoarchaeological sensitivity analysis. Existing Quaternary geological maps will be digitized and correlated with geomorphic mapping and soils information to identify areas where the project will impact landforms that are "young" enough to reasonably contain buried archaeological resources.

2.1 Area of Direct Impacts (ADI)

The ADI of the Project APE correspond geographically to the *Limits of Work* as presented in the Definite Plan (KRRRC 2018). In addition, the ADI extends below Iron Gate Dam to Humbug Creek, in California, a distance encompassing approximately 83 river miles. Mapbook sheets 1-22 provide the location of the proposed ADI components. The ADI may be updated to reflect ongoing changes in project engineering, such as the specific location of disposal areas and access roads.

The two components of the ADI include:

1. Existing dam facility sites, associated reservoirs and water conveyance systems, and features related to the original components of the Klamath Hydroelectric Project (FERC No. 2082) including the J.C. Boyle, Copco No. 1, Copco No. 2, and Iron Gate developments. This would include the location of existing recreation areas scheduled for removal around each reservoir, and explicitly covers any actions proposed within the currently inundated areas, such as all restoration activities (including in stream/habitat restoration, vegetation restoration, free-flowing river conditions⁴), any areas associated with recreation planning (e.g., new river access areas, campgrounds, fishing access, picnic areas), and/or any areas where flood mitigation measures may be constructed.⁵
2. Project components outside of the immediate facility and reservoir areas, including access roads, transmission lines scheduled for removal, culvert and bridge replacement areas, road improvement areas, and unique isolated components, such as bridges (pedestrian and railroad) that will likely need to be removed, raised, or otherwise modified as a result of the project. It also includes lands below Iron Gate dam to Humbug Creek within the projected altered 100 year floodplain.

Specific ADI components are listed below. This list is subject to change as project planning advances.

- J.C. Boyle Dam and Reservoir, including intake structure, spillway, dam, timber bridge, fish ladder, canal headgate, and the warehouse, shed, and residential buildings. Downstream from the dam, the J.C. Boyle work area includes the canal, forebay, spillway, scour hole, tunnel, penstocks, powerhouse, and substation. This area is inclusive of staging areas, temporary access roads, and fill and disposal areas.
- Copco No. 1 Dam and reservoir, abutment/intake structure, penstocks, powerhouse, diversion tunnel, switchyard, and the residential and maintenance buildings, associated staging and disposal areas, and temporary access roads.

⁴ River flows will continue to be managed by the Link River Dam, Keno Dam, and Fall Creek facilities, all of which will remain in place following dam removal. The potential for effects on currently inundated sites that will be adjacent to a free-flowing river post dam removal will be assessed. The currently inundated ground is all part of the ADI and subject to various assessments that will evaluate impacts related to habitat restoration, flood mitigation, vegetation restoration, and other activities.

⁵ The incremental increase in flow due to reservoir drawdown is minimal. As noted above, the primary flow control features at Link River and Keno dams will remain.

- Copco No. 2 Dam, including embankments and abutment walls, conveyance tunnel to wood-stave penstock, overflow spillway tunnel, penstock, control center building, powerhouse, maintenance buildings, Copco Village, and associated staging areas, fill areas, and temporary access roads. The Daggett Road Bridge downstream from the village is also scheduled for replacement.
- Iron Gate Dam and reservoir, diversion tunnel, intake structure, spillway, penstock/intake structure, fish holding facilities, power house, aerator, residential building, the Iron Gate Fish Hatchery, and associated fill, disposal, staging areas, and temporary access roads. The Lakeview Road Bridge is also scheduled for replacement, as is the City Yreka water supply pipeline, which crosses the Klamath River near the upstream end of the reservoir impounded behind Iron Gate Dam.
- Non-reservoir area components of the ADI include features such as buildings, structures, and pedestrian and railroad bridges between Iron Gate Reservoir and Humbug Creek⁶ that may be affected by the altered 100-year flood plain; existing roads that will be altered to account for increase project-related transport; new access roads; culvert and bridge replacement areas along existing roads; transmission lines schedule for removal; and proposed new recreation or restoration activity areas that are not located within currently inundated areas.

2.2 Level of Effort Discussion

The delineation of the ADI informs the level of identification efforts and methodologies to be employed to identify, evaluate, and treat historic properties. Within the ADI, cultural resource identification efforts will focus on archival research, records searches, and literature review (largely completed for this area); pedestrian inventory of previously unsurveyed areas; gathering information from ethnographic research; consultation with tribes regarding TCPs, Indian Sacred Sites, and other areas of concern; and consultation with other consulting parties. Cultural resources identified within the ADI will be evaluated for NRHP eligibility, and eligible resources (individual historic properties and/or historic districts) that are determined to be adversely affected by the project will require the development of mitigation measures that may include data recovery, site monitoring, Historic American Buildings Survey/Historic American Engineering Record (HABS/HAER) recordation, public interpretation, or other creative mitigation measures decided through ongoing consultation among interested parties. Many of these treatment considerations are captured in the 2017 CEQA Technical Support Document and in previous

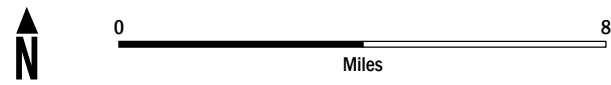
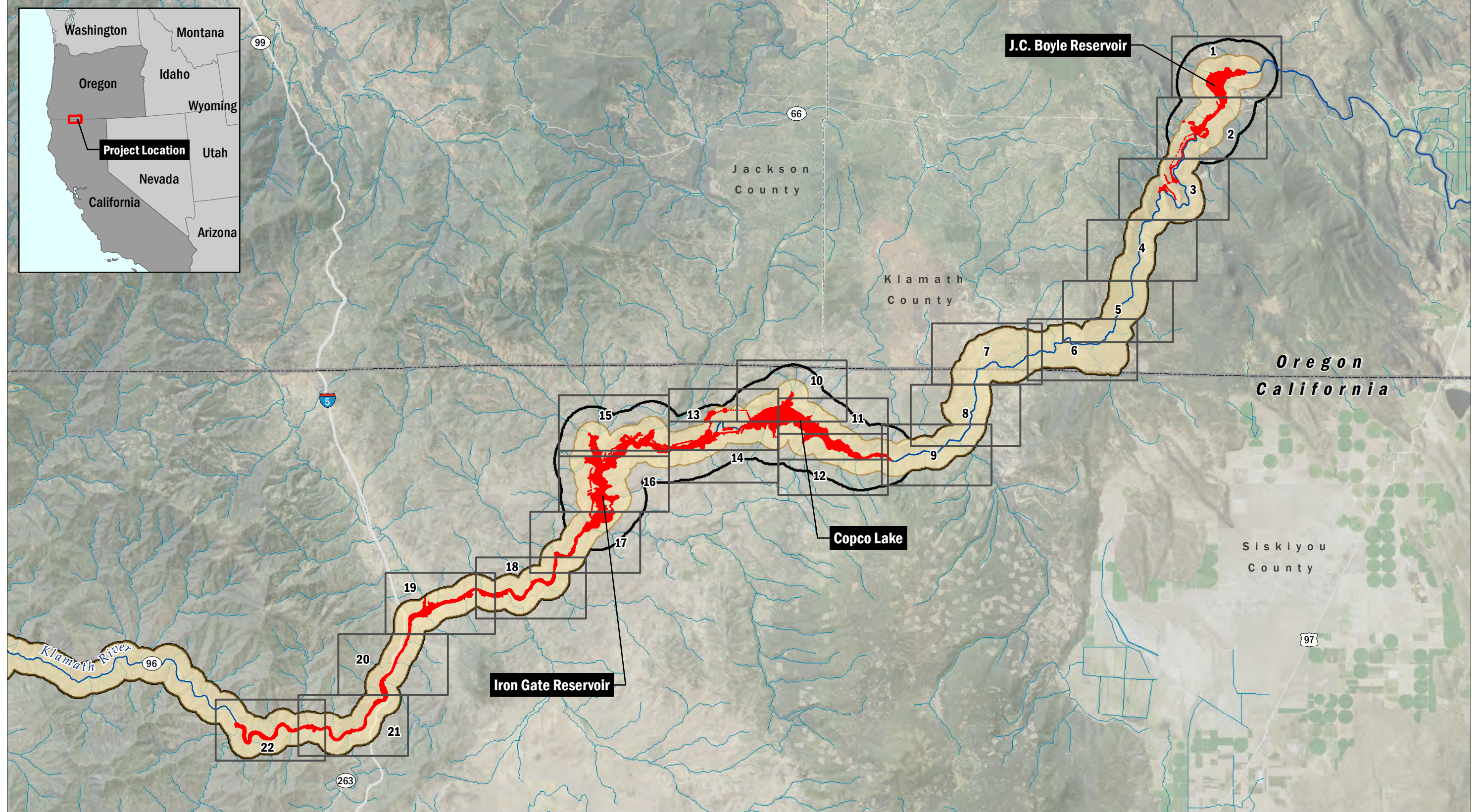
⁶ Humbug Creek is selected as a proposed downstream boundary for the ADI based on the potential for structures above this point to be within the altered 100-year floodplain following the removal of the dams. Areas below Humbug Creek are likely subject to less flooding (and less scour potential) as a result of dam removal. There are an estimated 53 structures located in the altered 100-year floodplain between Iron Gate Dam and Humbug Creek with an additional 10 structures located near the altered floodplain. These structures should be subject to document review and potential National Register evaluation (including survey) as it is reasonably foreseeable that direct effects to these properties may occur due to dam removal and subsequent changes to the flood plain dynamics.

HPMPs, and effects analyses from earlier phases of the Klamath Dams projects (BOR and CFWS 2012, FERC 2007, PacifiCorp 2004) and will be reviewed during consultation.

Outside the ADI, historic property identification efforts will focus on archival research, records searches, and literature review. Known archaeological and built environment sites, as well as TCPs, Indian Sacred Sites, prehistoric archaeological or historic districts, and cultural landscapes will be identified to facilitate ongoing consultation and consideration of potential effects. Presently, no pedestrian field survey is recommended.

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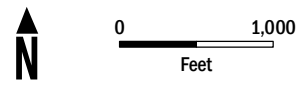
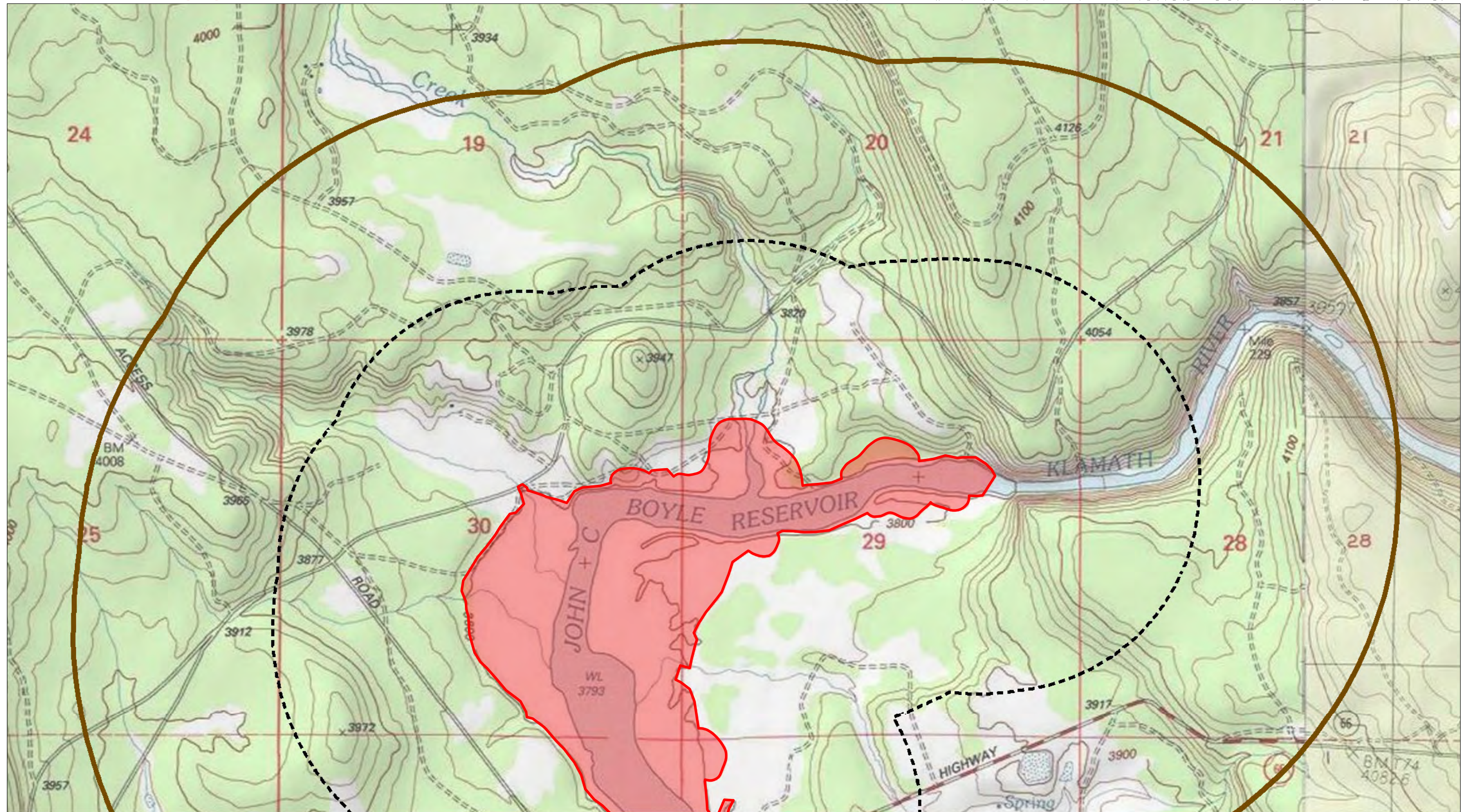


- State Boundary
- County Boundary
- Klamath River
- Extent of Mapbook Sheet
- Area of Direct Impacts
- Area of Potential Effects
- Area of Potential Effects (v2)

Note: These maps are confidential pursuant to the 36 C.F.R. 800.11(c) and 54 U.S.C. 307103.

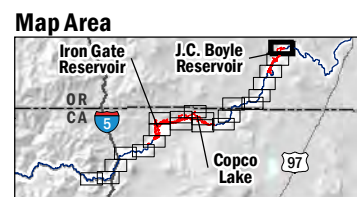
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PacificCorp, 2004; NAIP Imagery, 2014;
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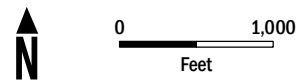
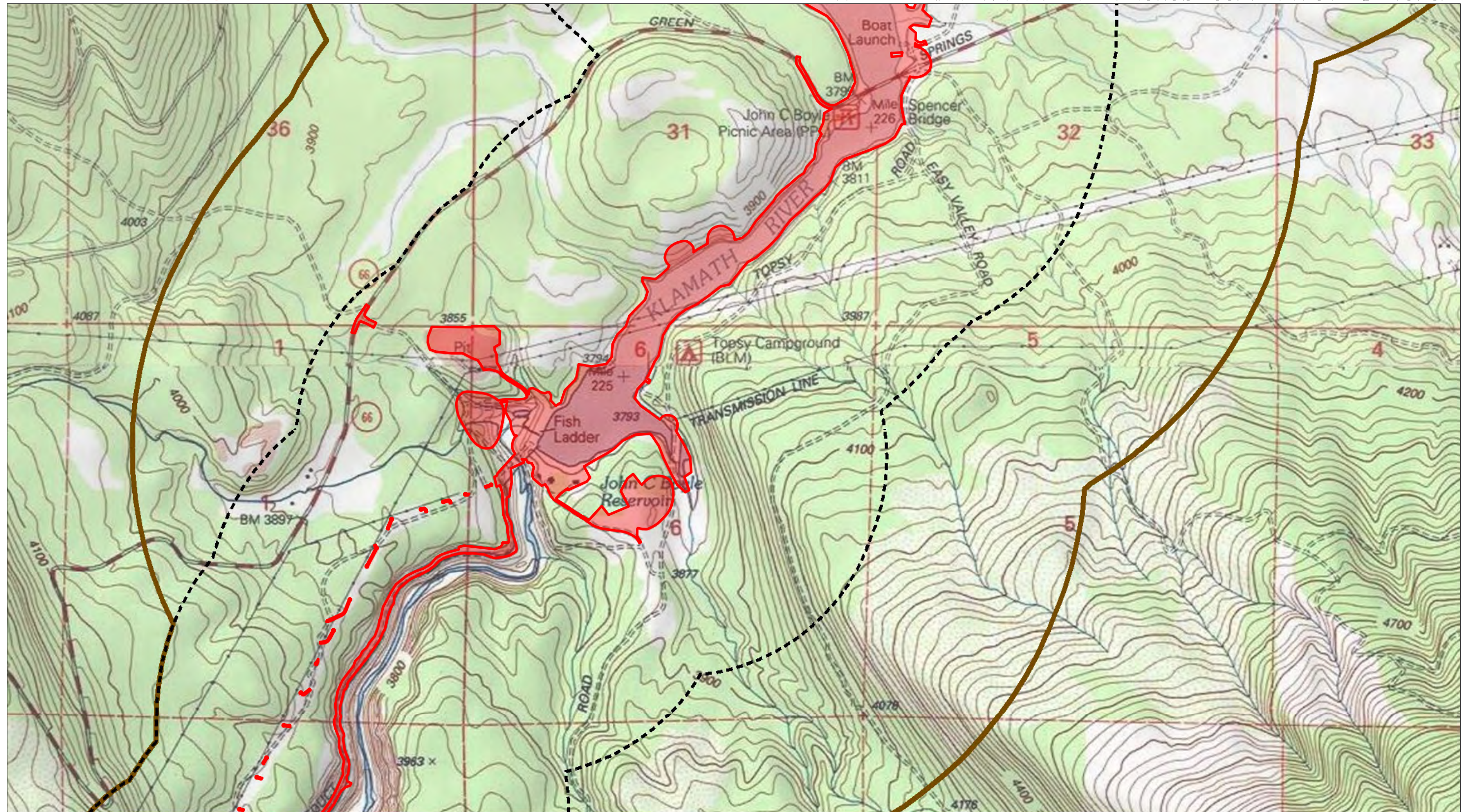
- Area of Direct Impacts
- APE Boundary
- APE Boundary v2

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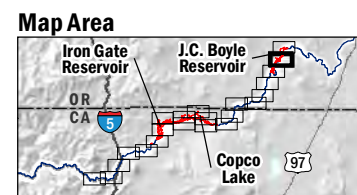
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- Area of Direct Impacts
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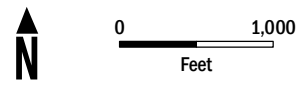
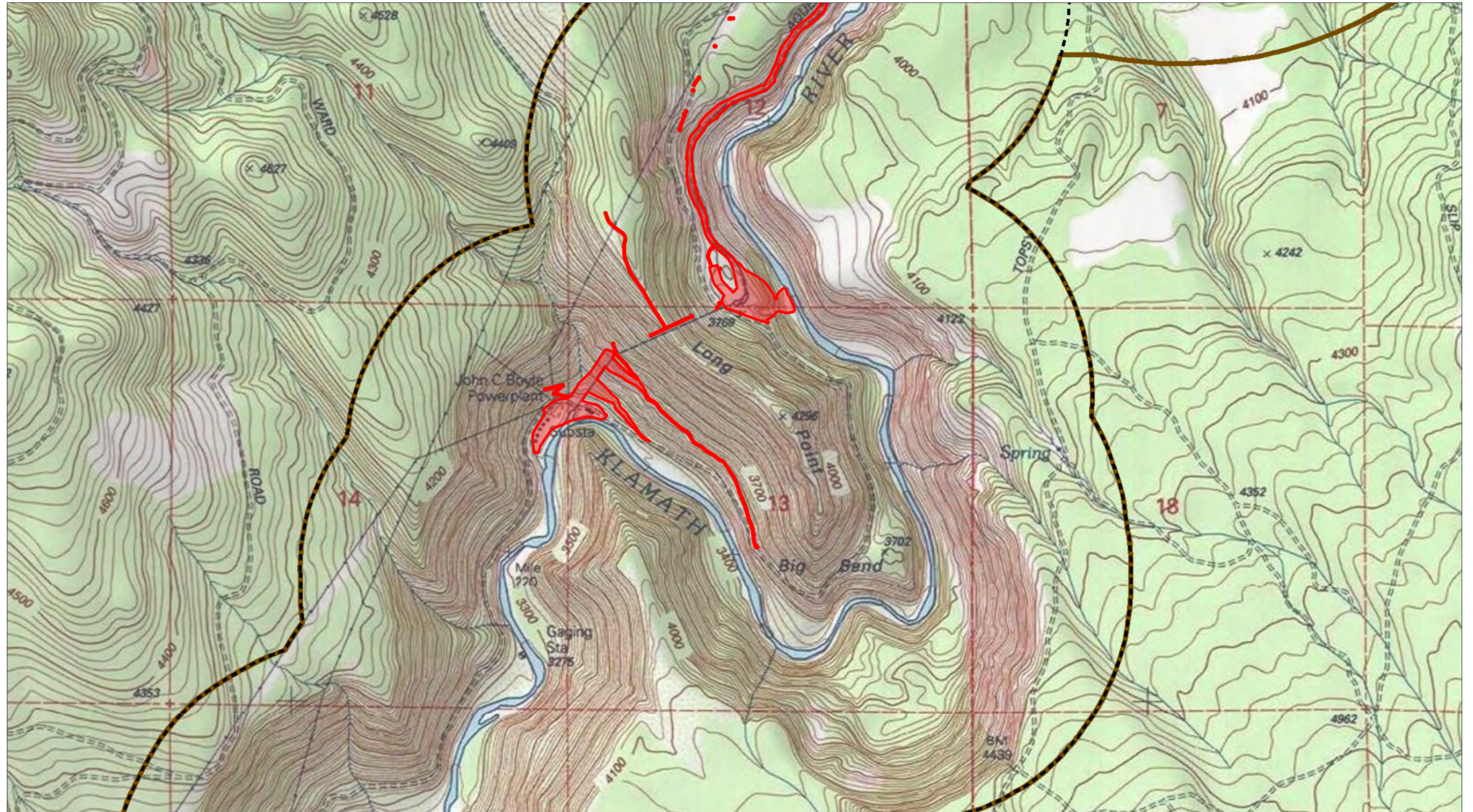
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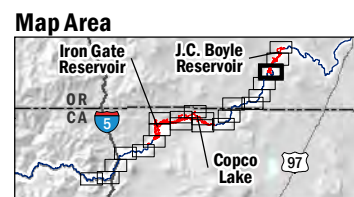
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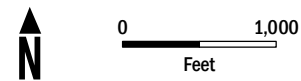
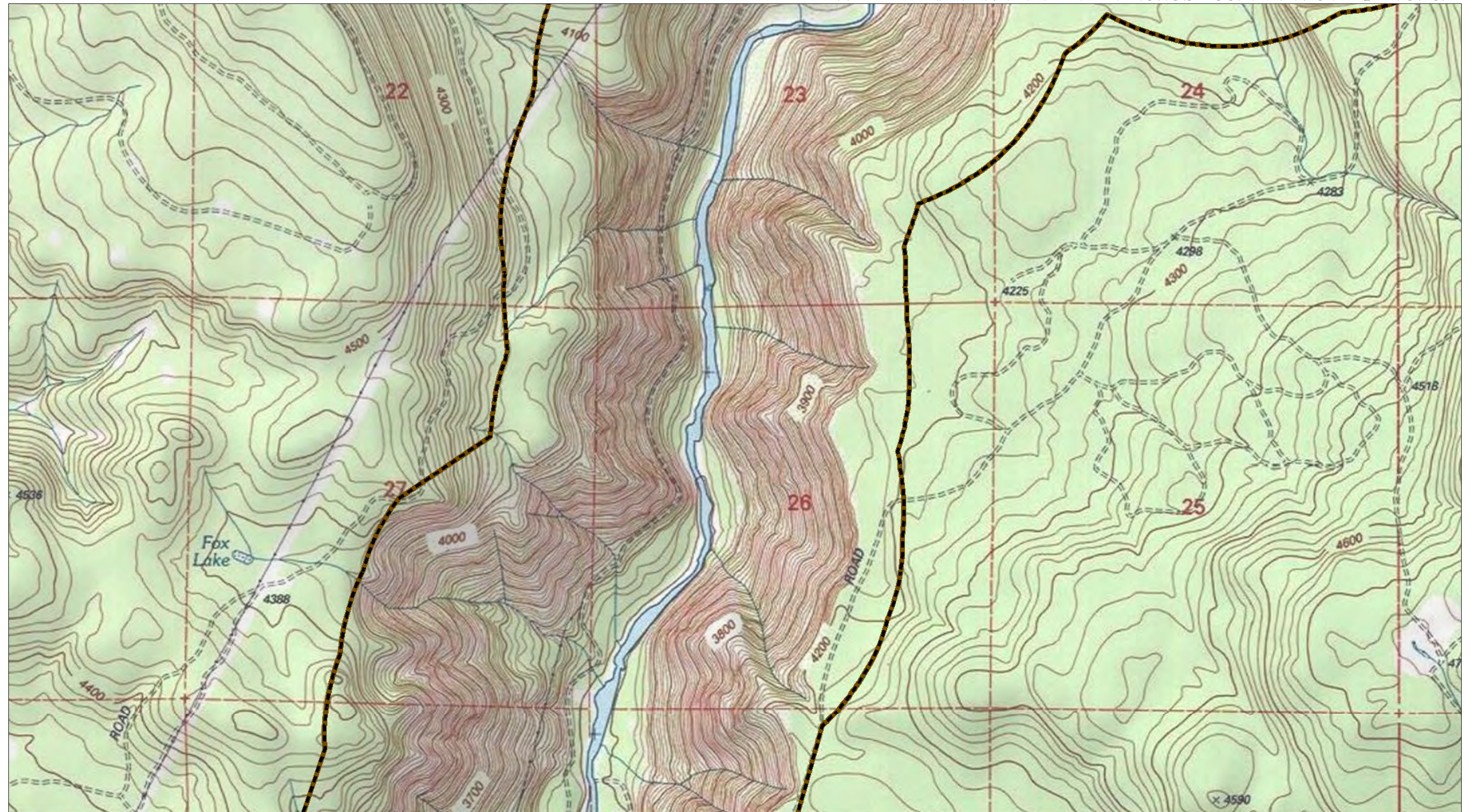
- Area of Direct Impacts
- APE Boundary
- APE Boundary v2

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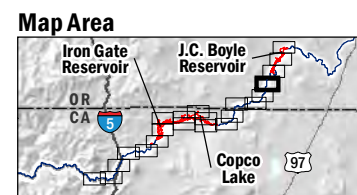
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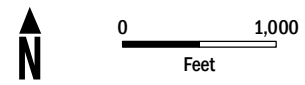
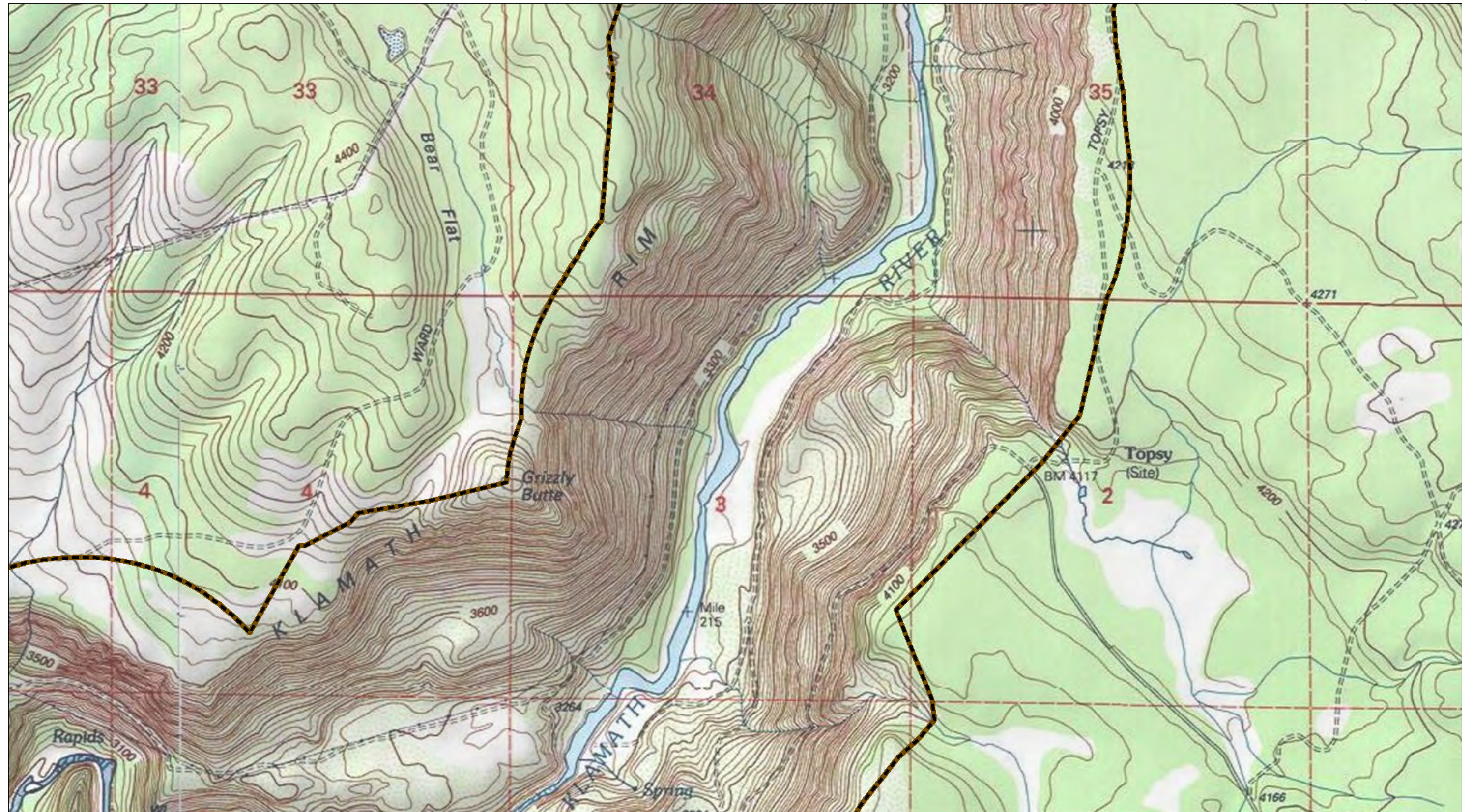
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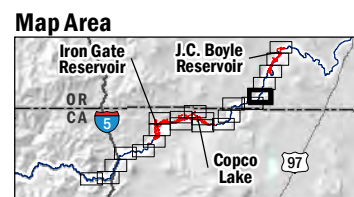
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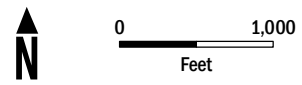
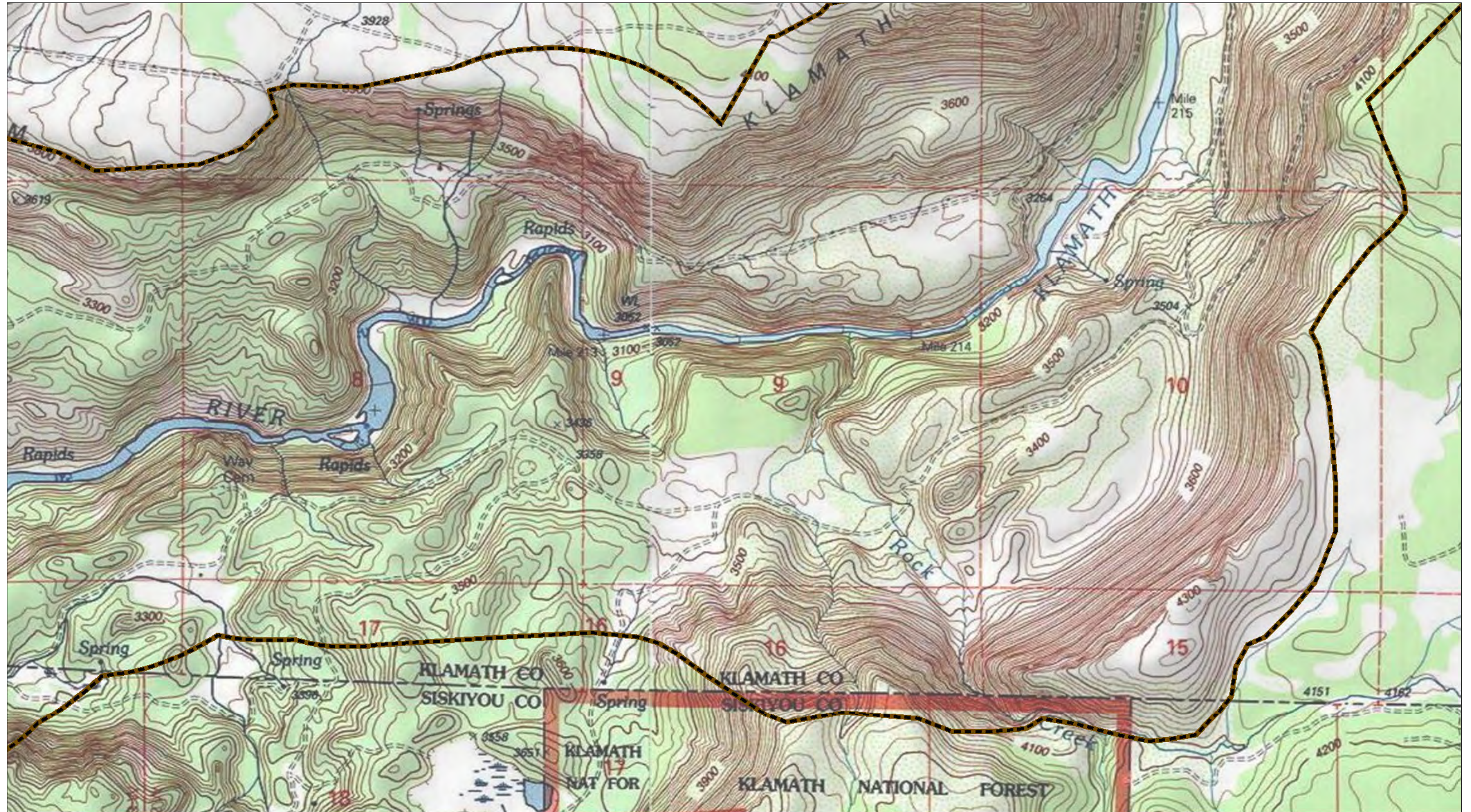
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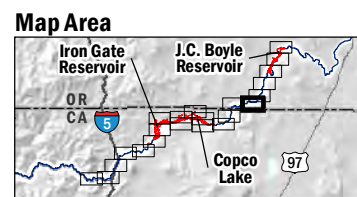
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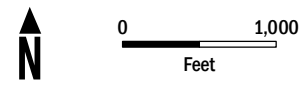
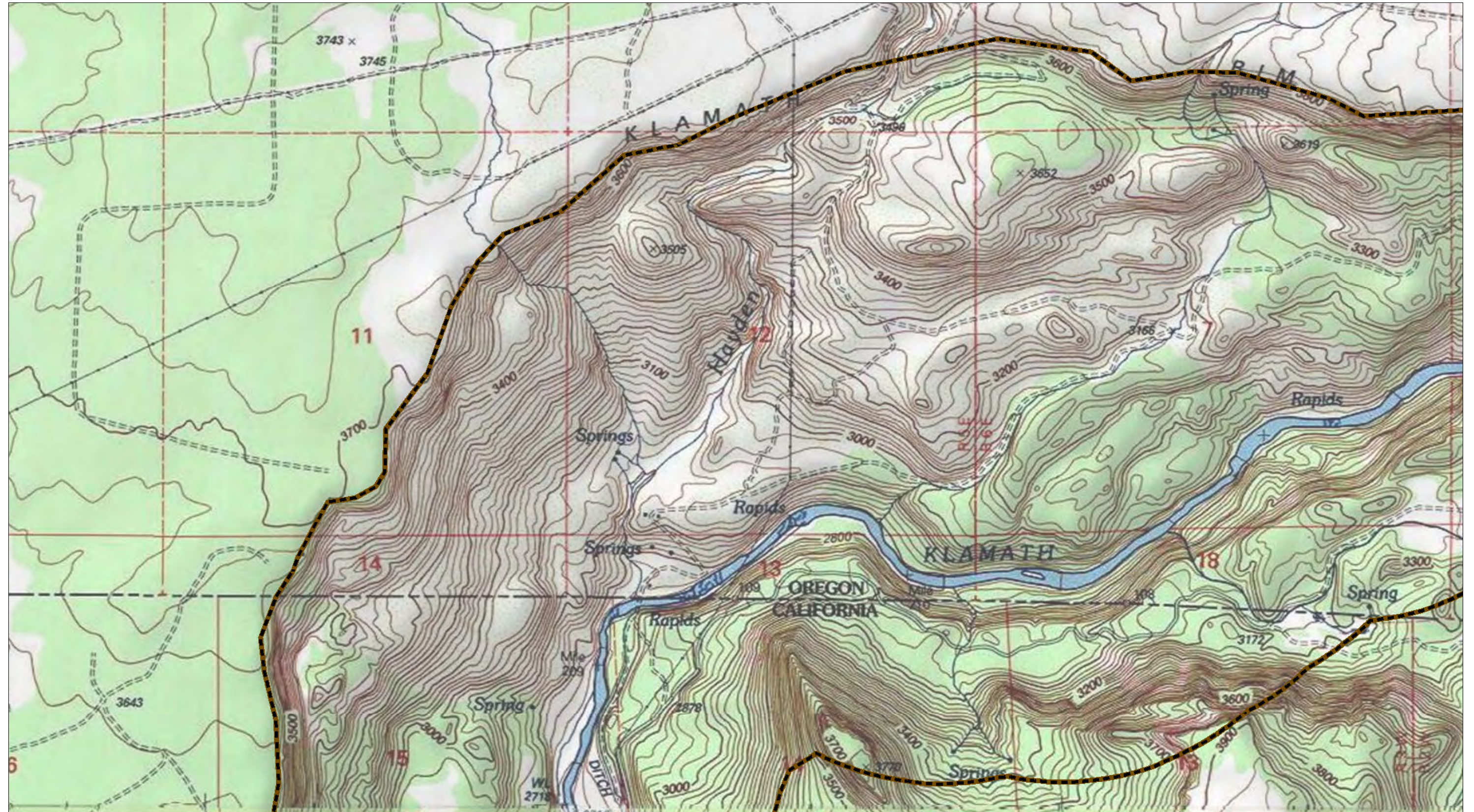
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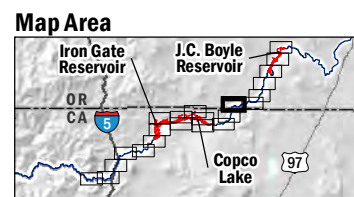
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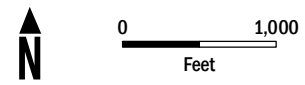
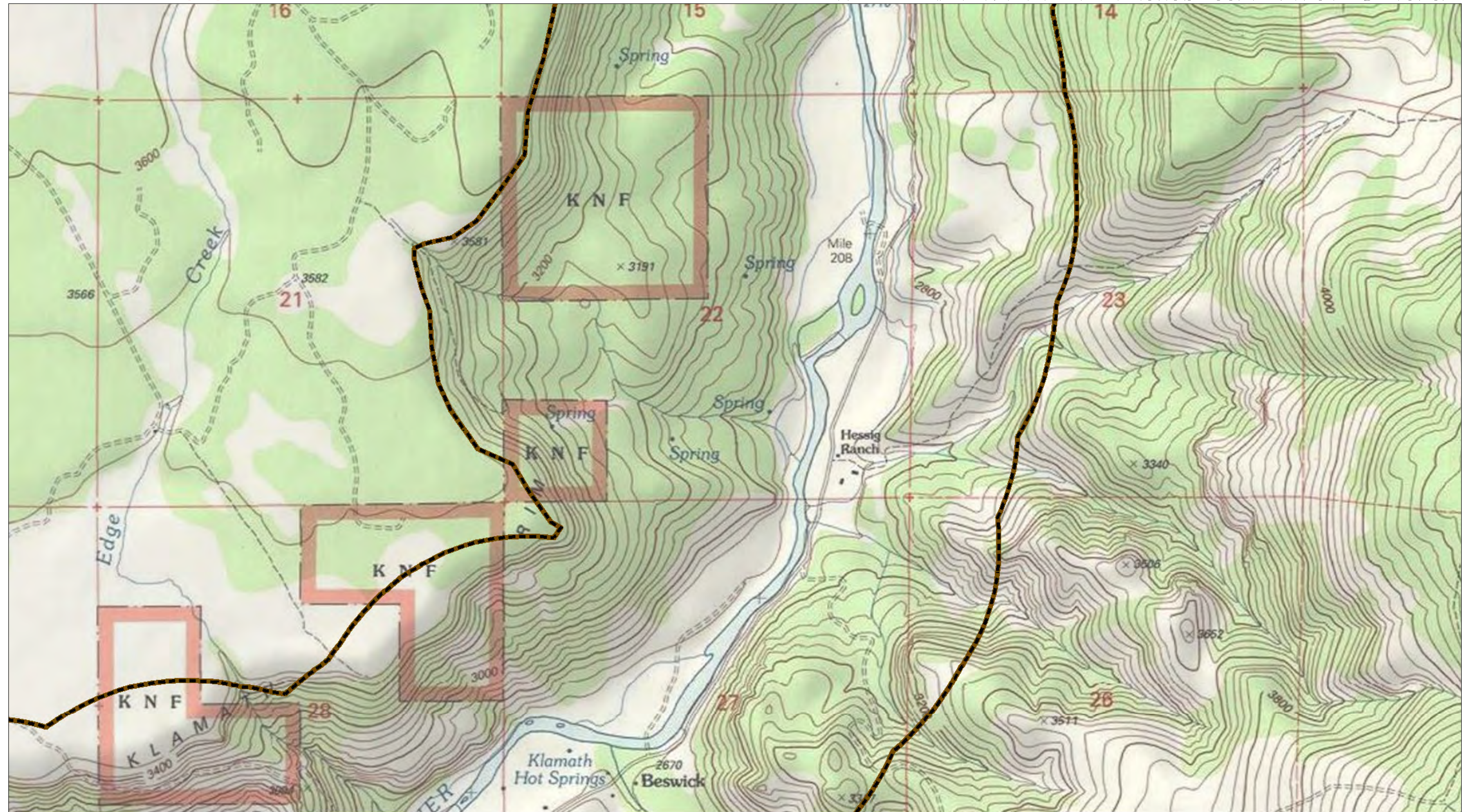


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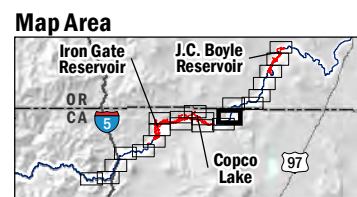
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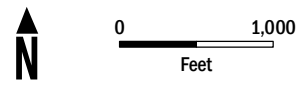
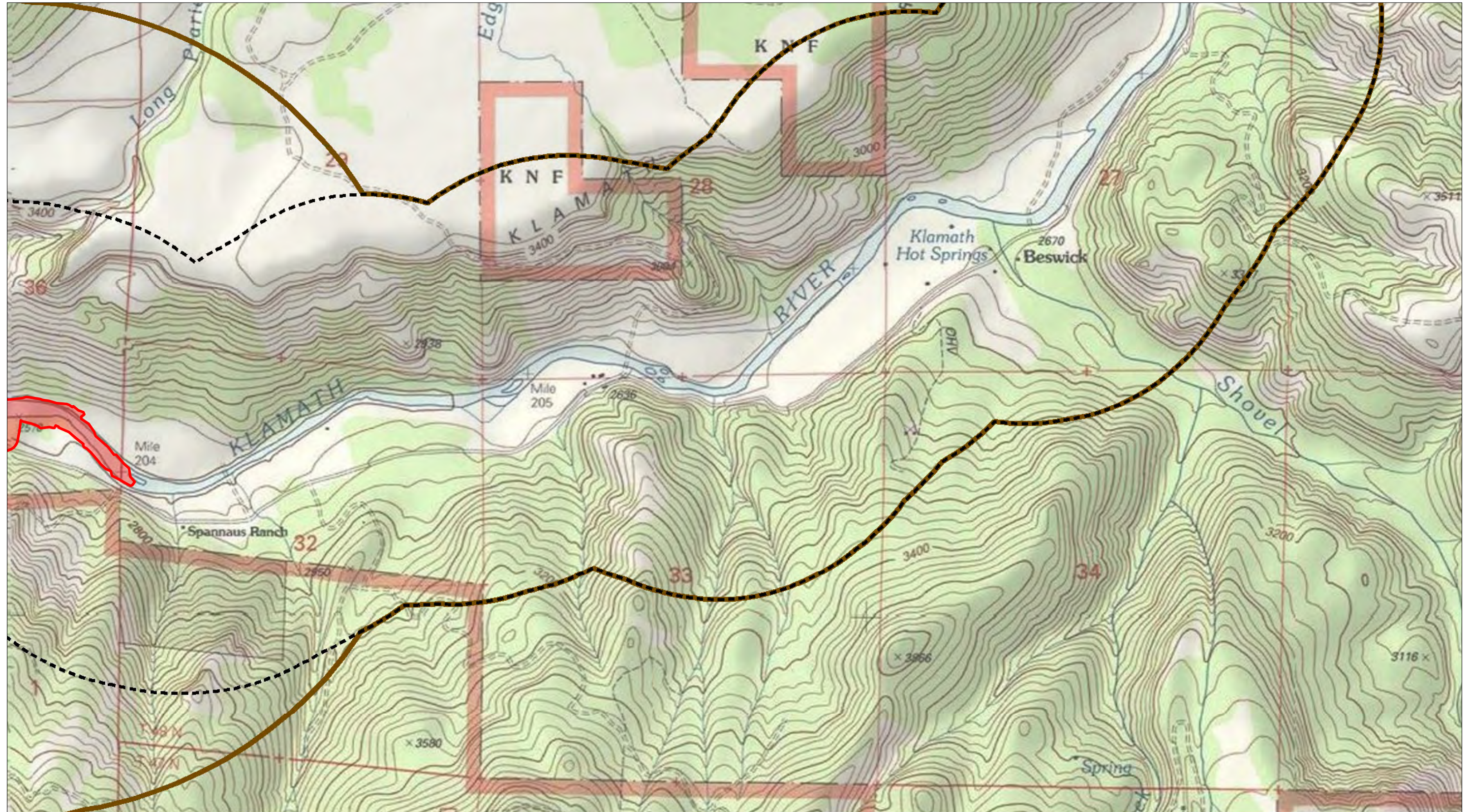
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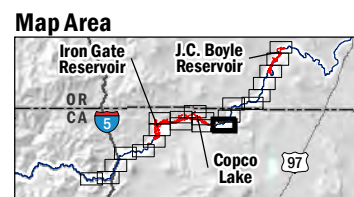
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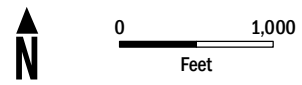
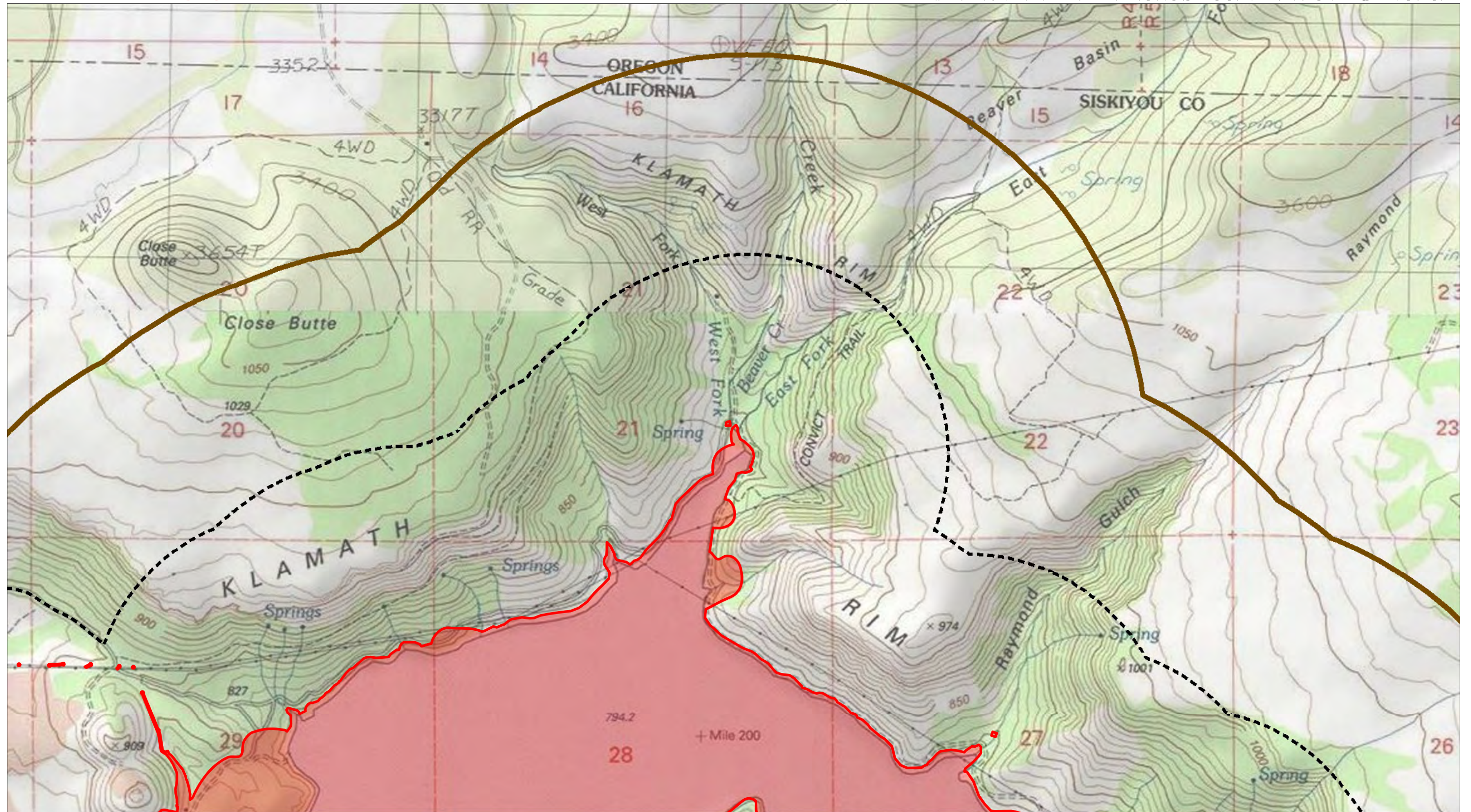
- Area of Direct Impacts
- APE Boundary
- APE Boundary v2

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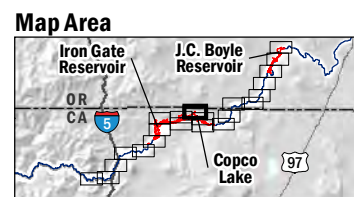
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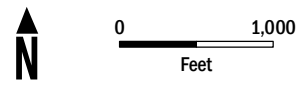
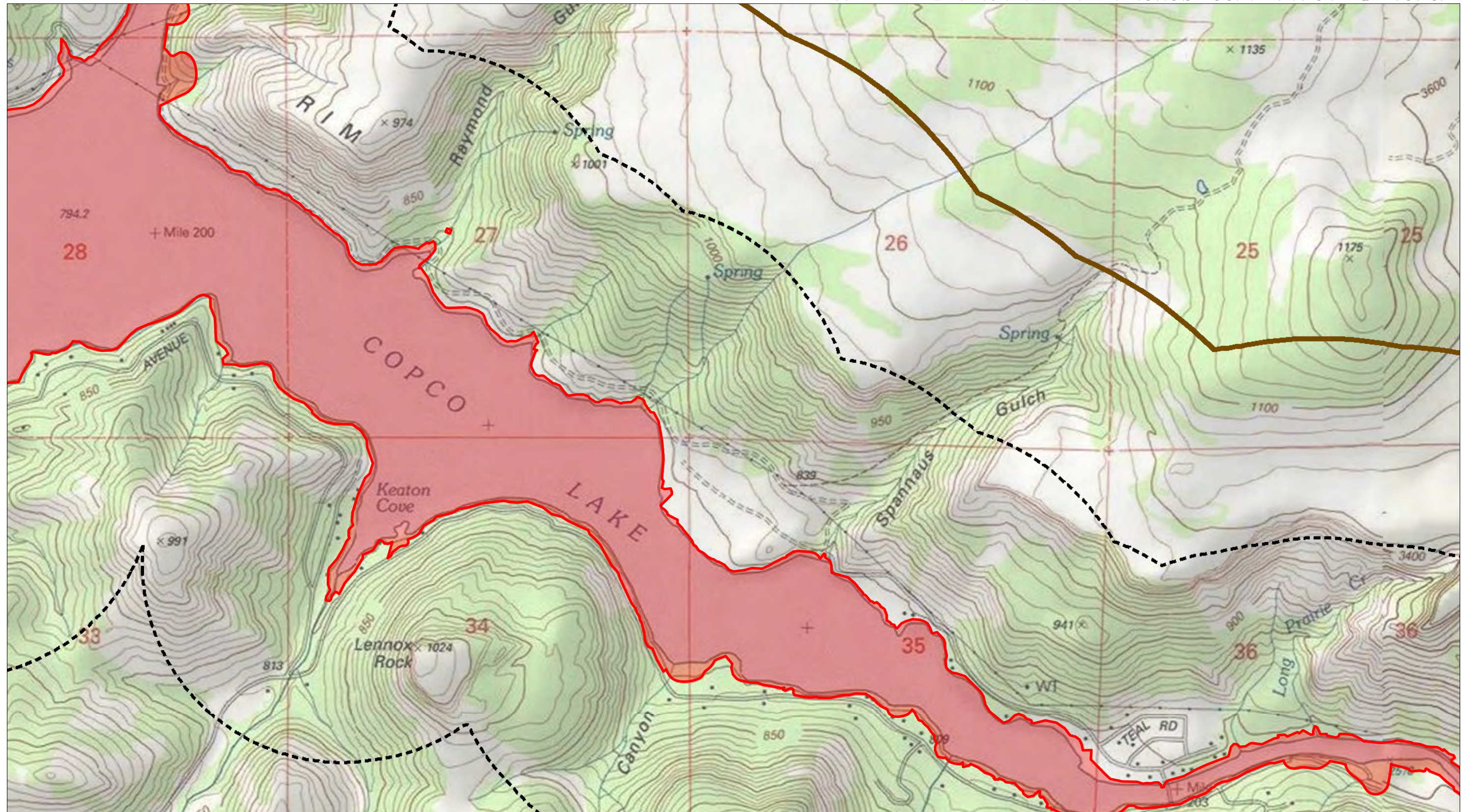
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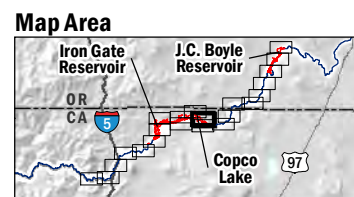
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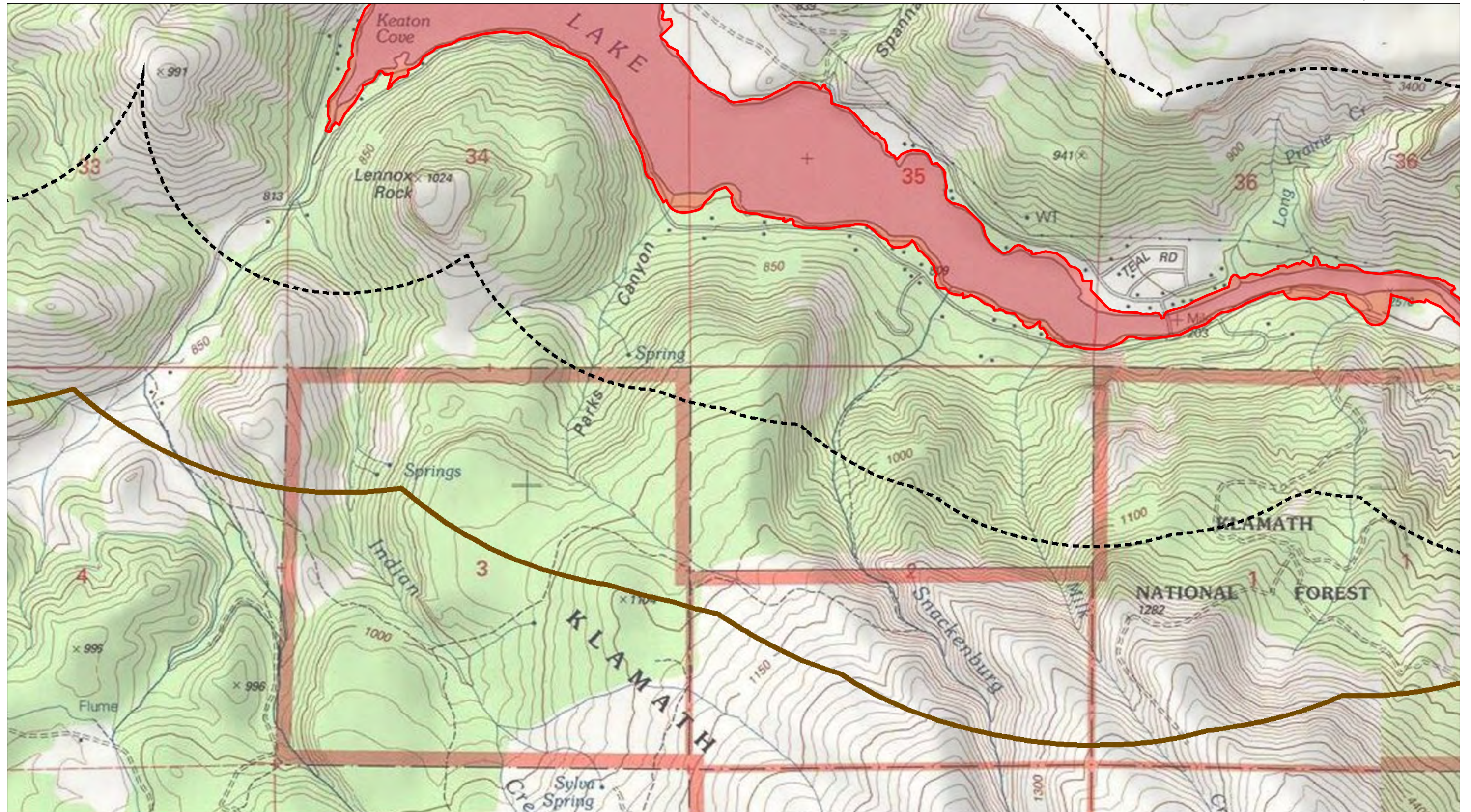
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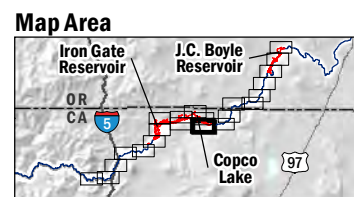
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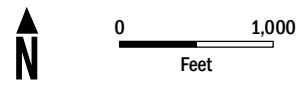
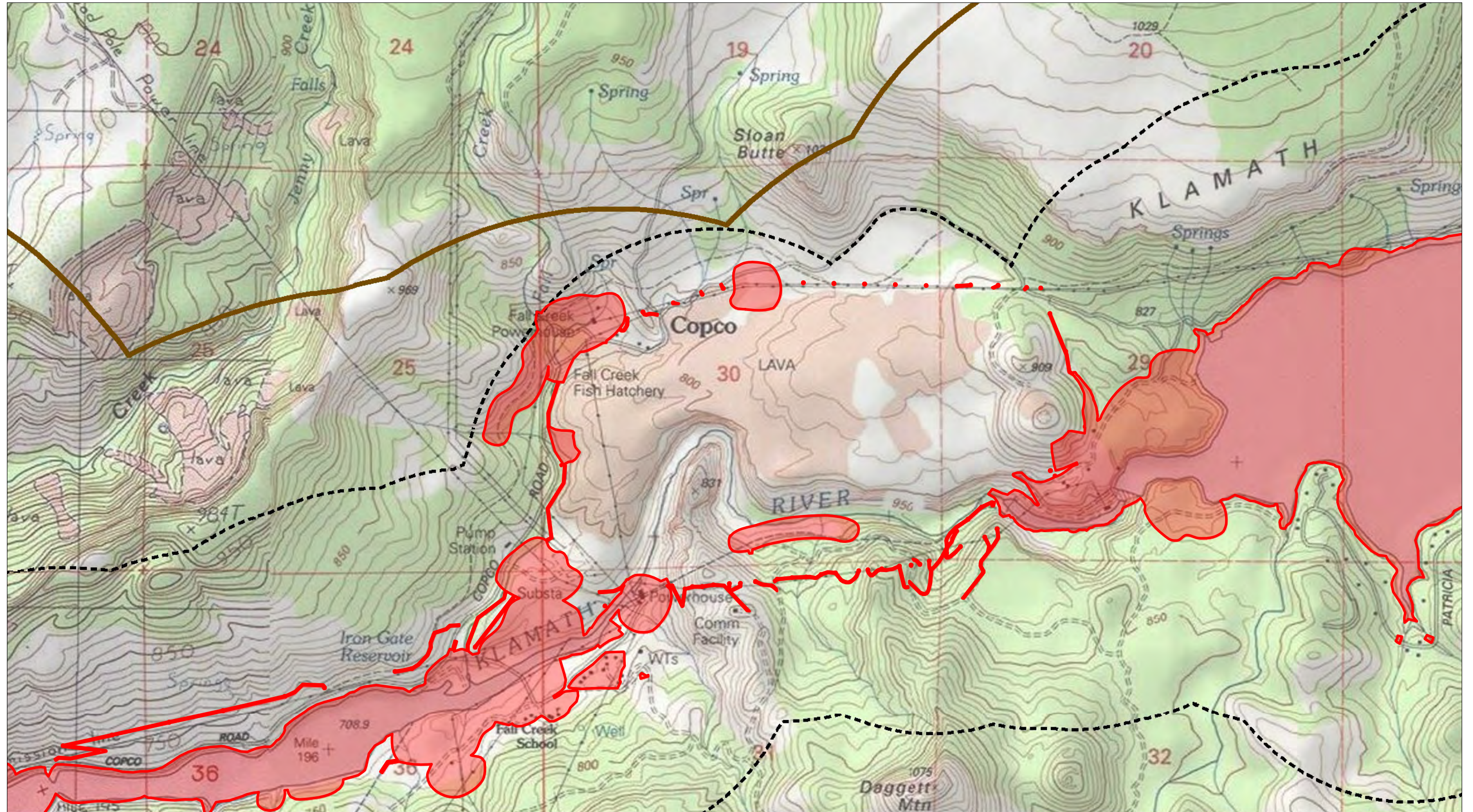
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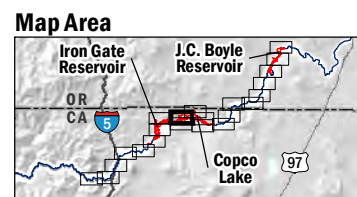
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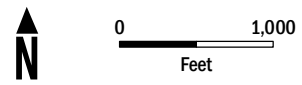
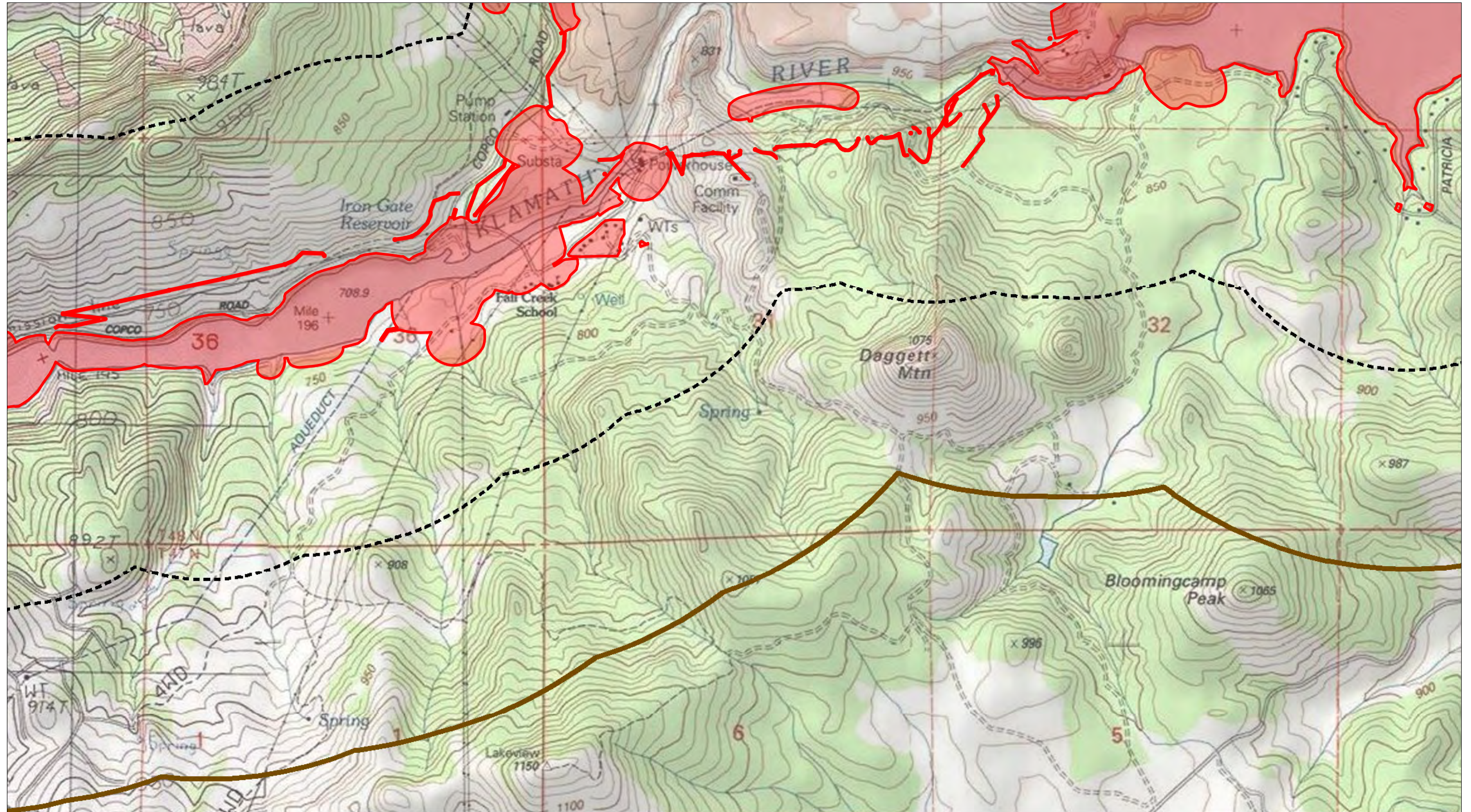
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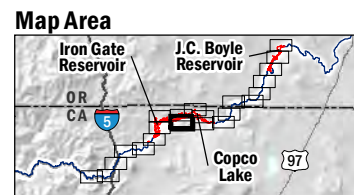
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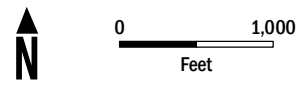
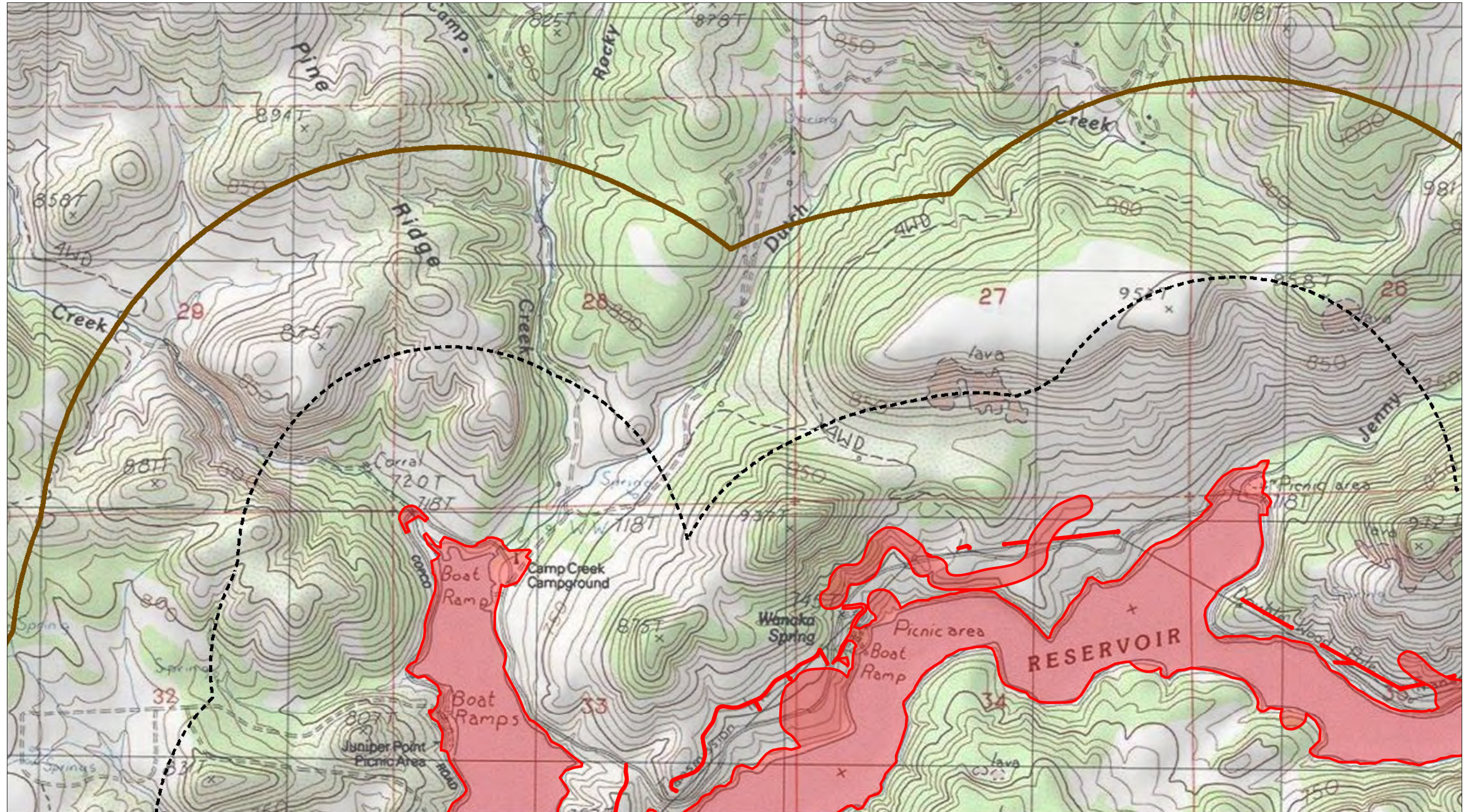
- Area of Direct Impacts
- APE Boundary
- APE Boundary v2

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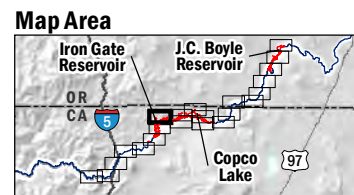
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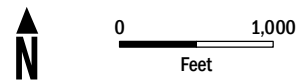
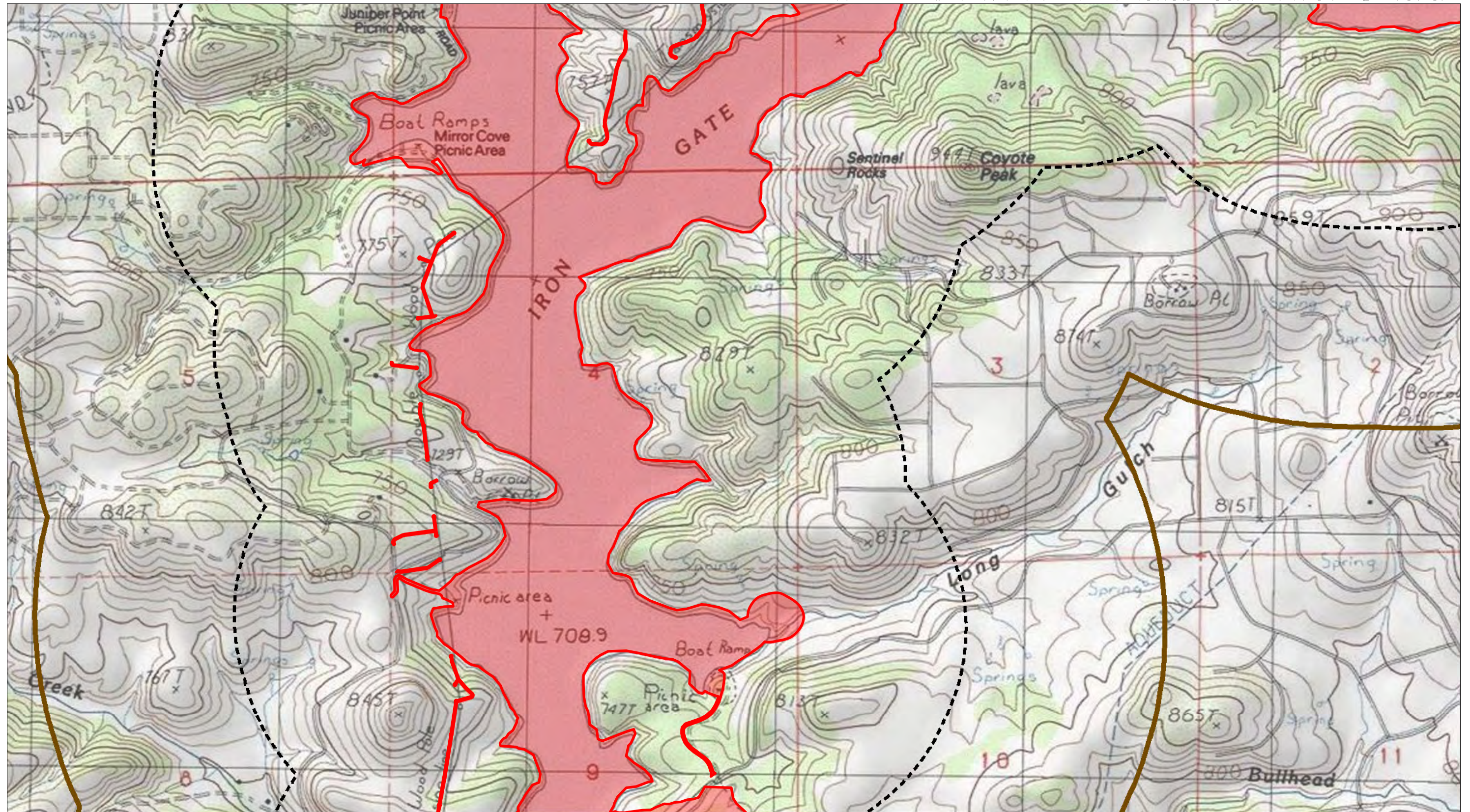
- Area of Direct Impacts
- APE Boundary
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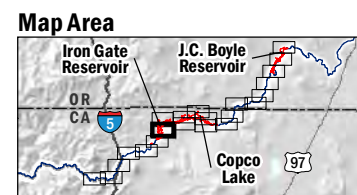
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- Area of Direct Impacts
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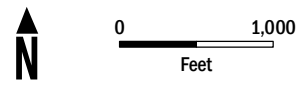
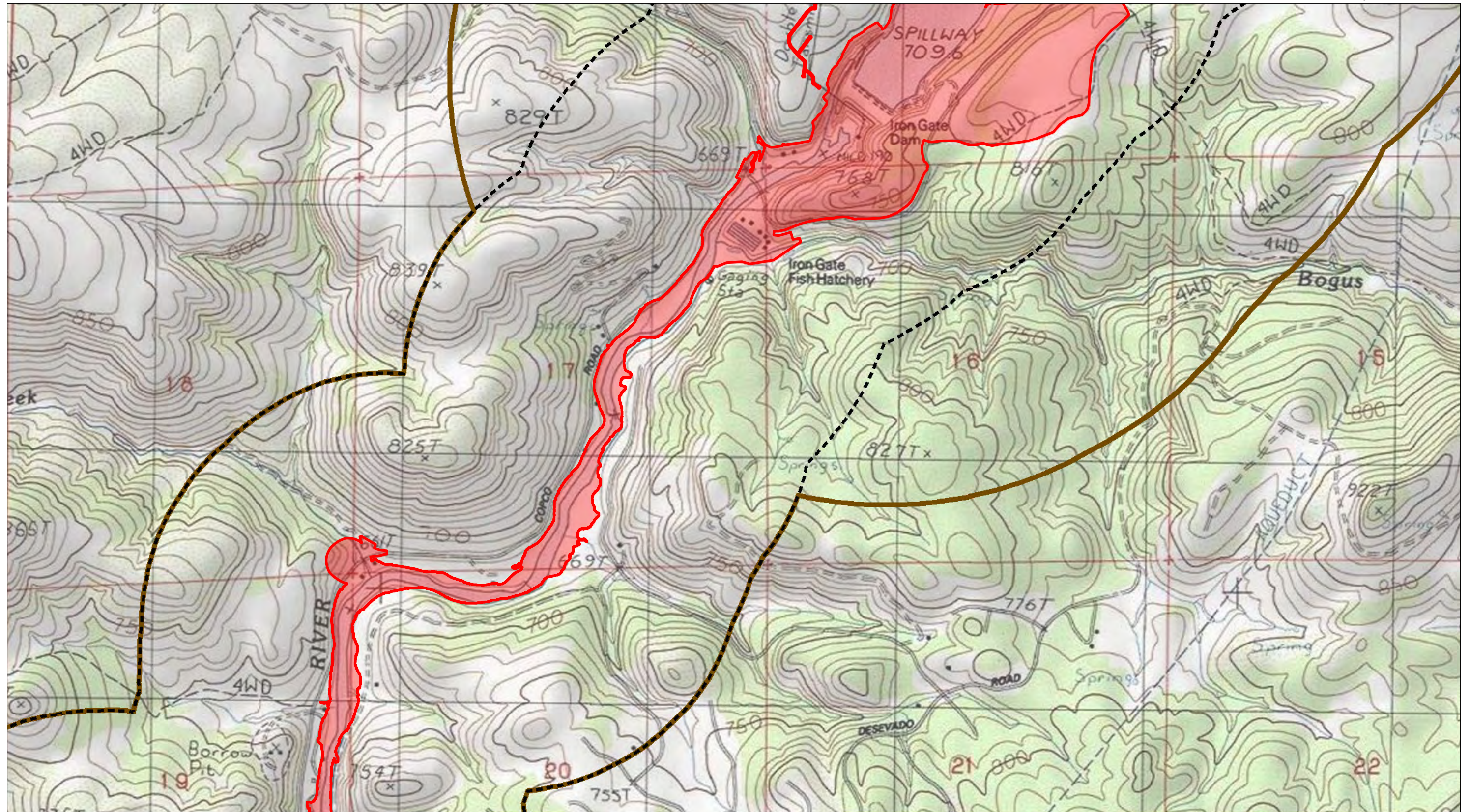
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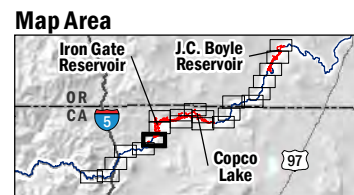
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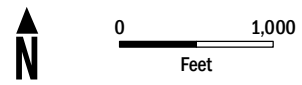
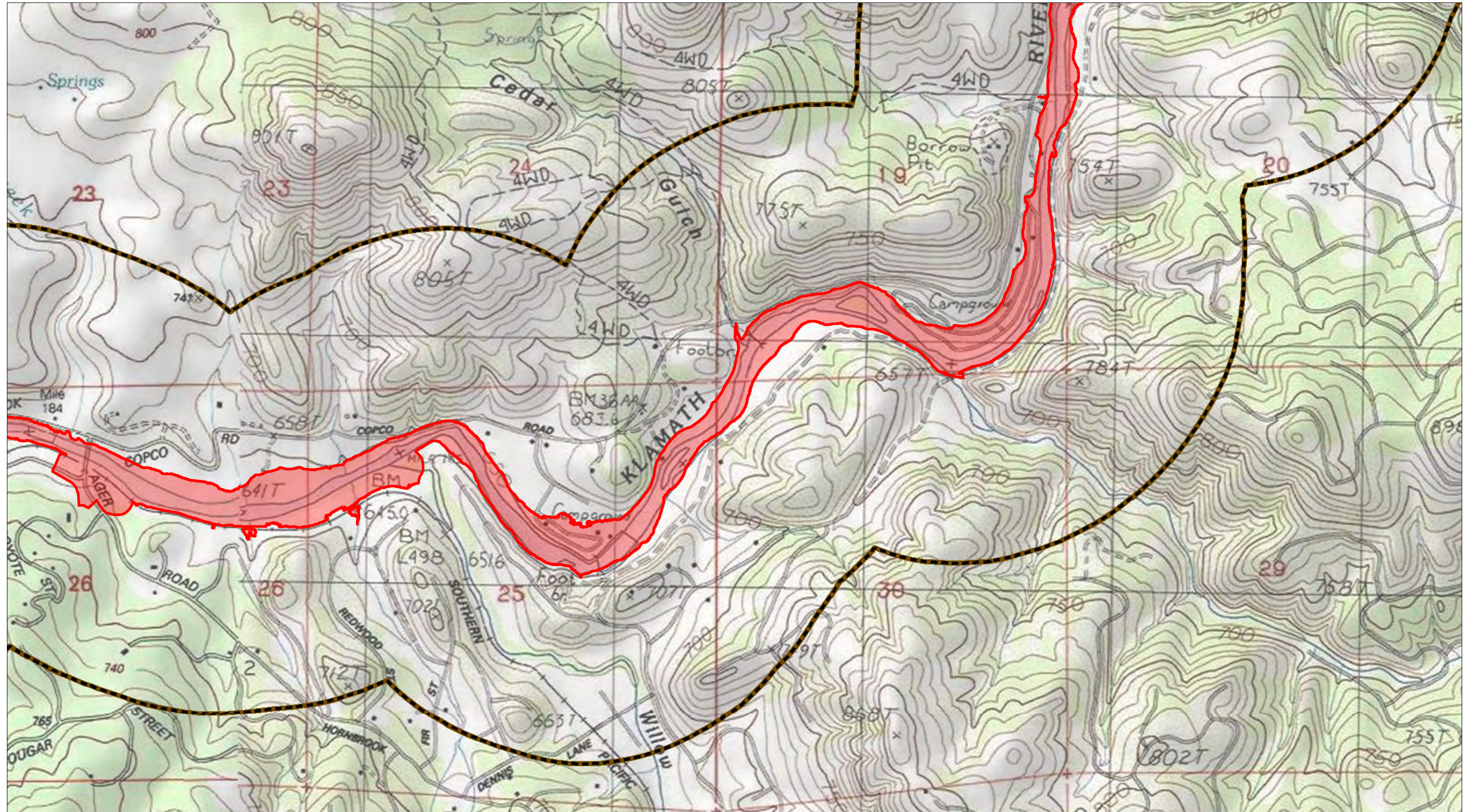
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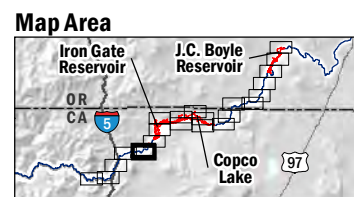
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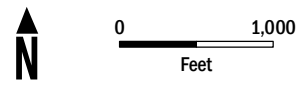
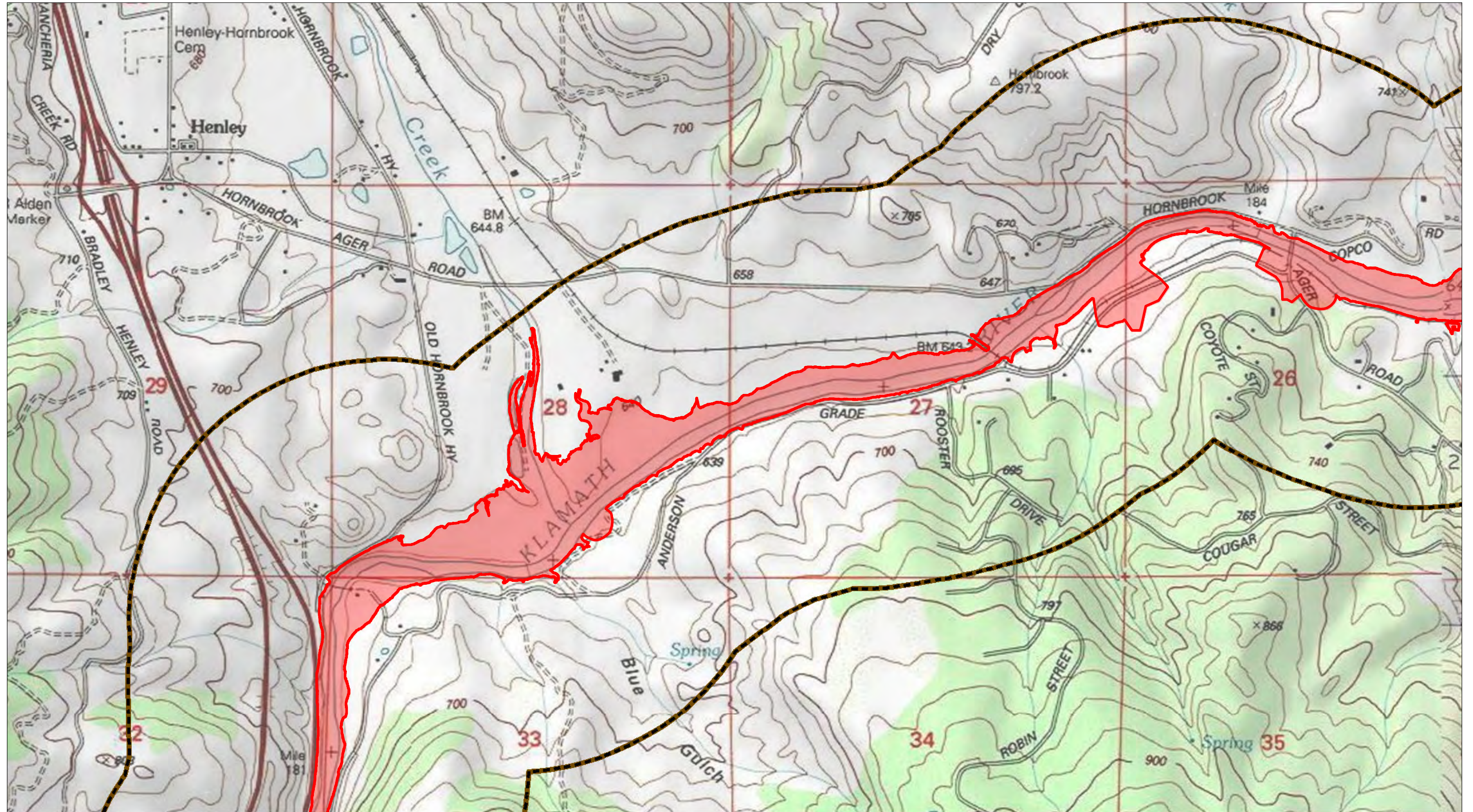
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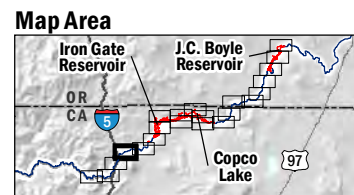
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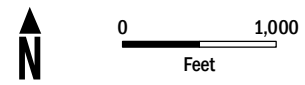
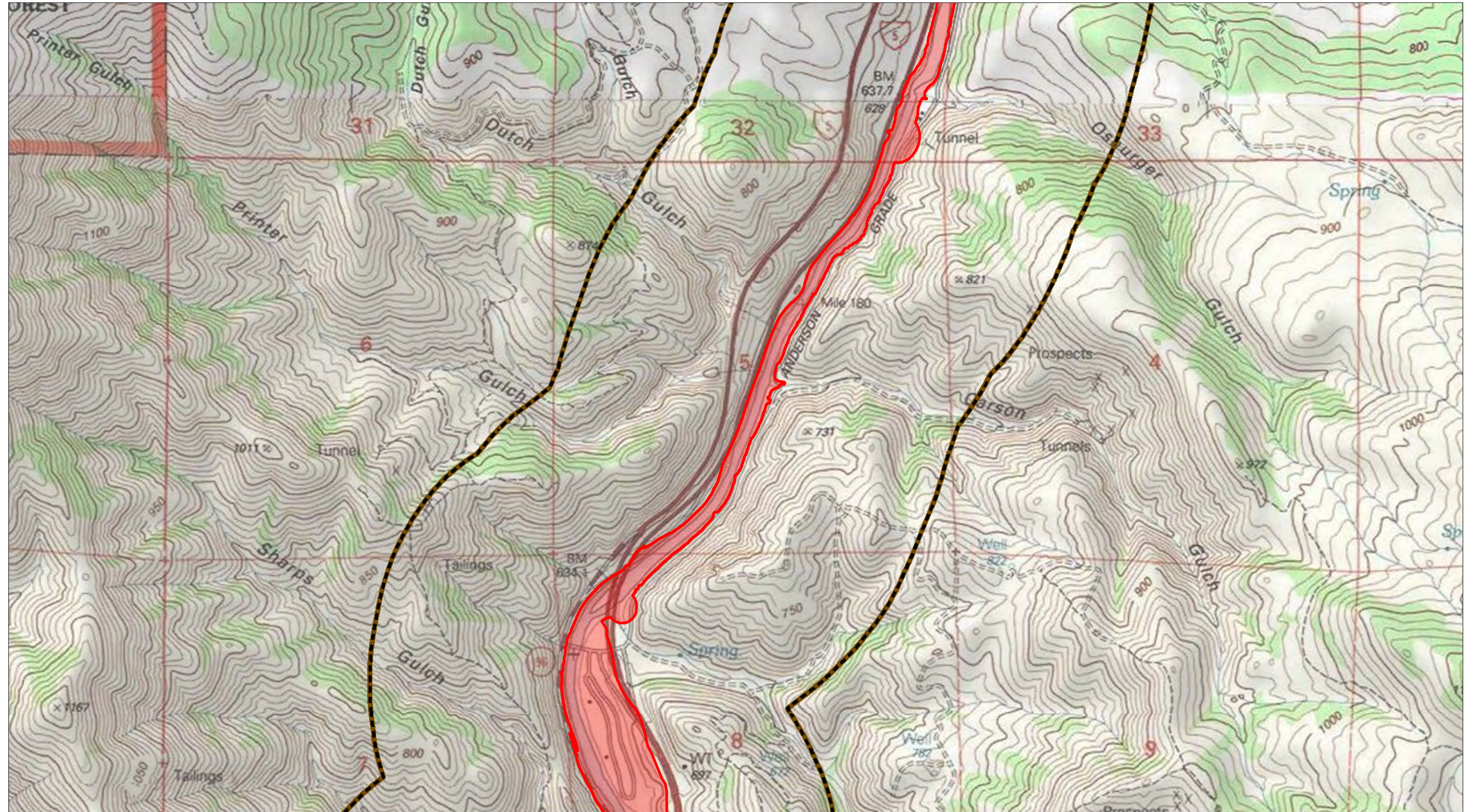
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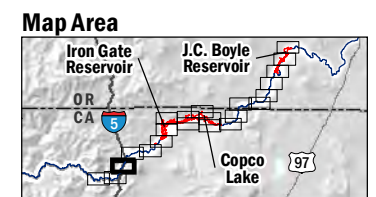
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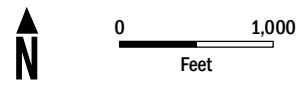
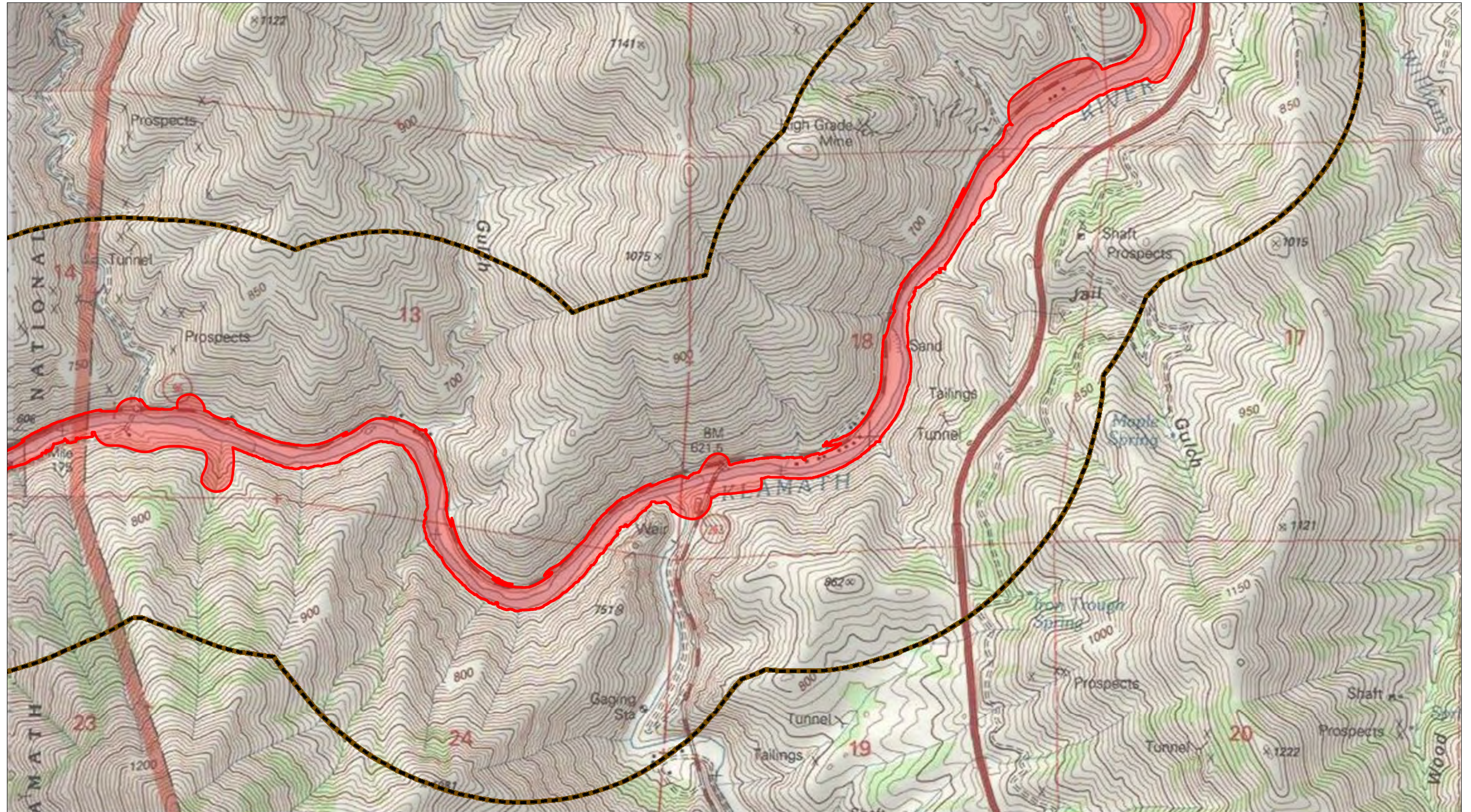
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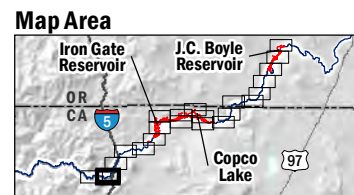
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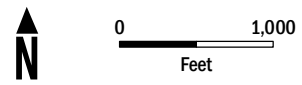
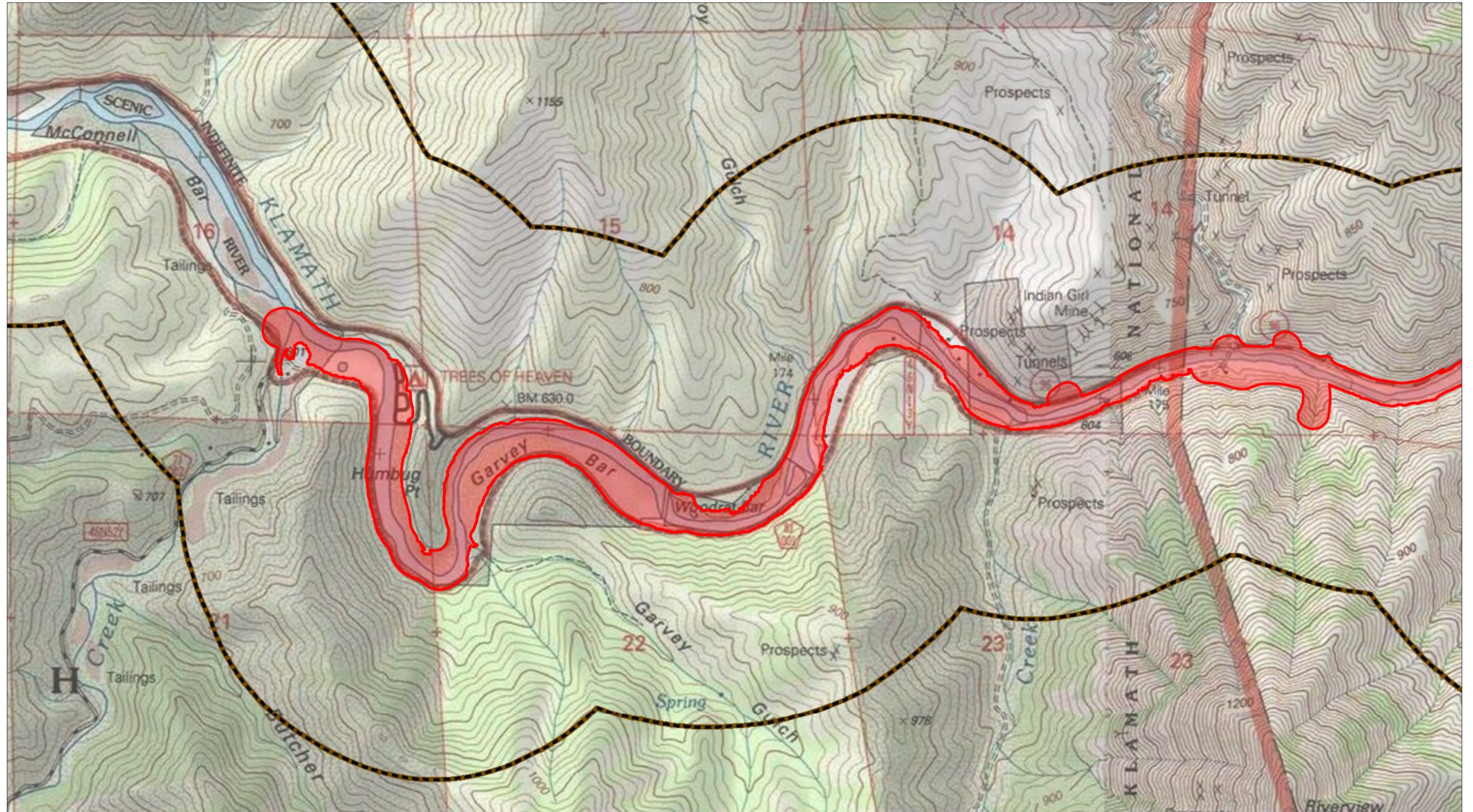
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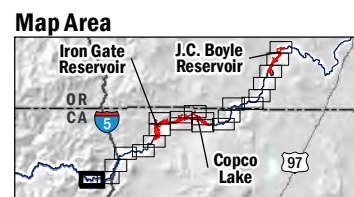
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Date Exported: 9/13/2018

Ranzetta, Kirk

From: Ranzetta, Kirk
Sent: Tuesday, December 04, 2018 2:16 PM
To: 'Vehmas, Lisa'
Cc: Nilsson, Elena; Stacey Leigh; Joseph Giliberti
Subject: RE: [EXTERNAL] Re: Klamath River Dam Removal Project

Thank you Lisa for the quick response. Greatly appreciated. Feel free to contact myself or Elena Nilsson if you all should have any questions.

All the best.

Regards,

Kirk Ranzetta

From: Vehmas, Lisa [mailto:lvehmas@usbr.gov]
Sent: Tuesday, December 04, 2018 2:13 PM
To: Ranzetta, Kirk
Cc: Nilsson, Elena; Stacey Leigh; Joseph Giliberti
Subject: Re: [EXTERNAL] Re: Klamath River Dam Removal Project

Kirk - We haven't been involved from the 106 end since the Sec Determination process ended and the settlement agreement expired. We don't think we need to be involved, but am looping in Stacey Leigh who is the regional Cultural Resources lead right now. Also cc'd is Joe Giliberti, Reclamation's Federal Preservation Officer (the new Tom Lincoln) just in case other questions outside the region arise.

Lisa

On Tue, Dec 4, 2018 at 2:27 PM Ranzetta, Kirk <kirk.ranzetta@acem.com> wrote:

Hi Lisa,

I am contacting you on behalf of the Klamath River Renewal Corporation who is currently preparing FERC documents in its efforts to decommission the four dams along the Klamath River in Oregon and California. I am currently working with the larger project team and facilitating Section 106 (NHPA) consultation. Over the past few months we have convened a Cultural Resources Working Group and been making progress in terms of describing the APE for the project, methods for field investigations for cultural resources, etc. In looking through the Advisory Council for Historic Preservation's website, I noticed on there that BOR was listed as the involved agency for that project. I just wanted to confirm that this was a holdover from the Secretarial Determination process as the individual who is listed as the contact for BOR (Tom Lincoln) has apparently retired and the information on the ACHP website does not present any of the most recent project developments and processes.

Could you confirm that this information is old? And also, will the BOR be a part of the Section 106 consultation process as FERC proceeds with considering the decommissioning application? The USFS and BLM have been active participants in the CRWG thus far. Thanks for your help!

Regards,

Kirk

Kirk Ranzetta

Senior Architectural Historian

Direct: 1-503.478.1629 Cell: 1-503.853.6354

Kirk.Ranzetta@aecom.com

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Lisa A. Vehmas
Manager, Environmental Compliance Division
Policy & Administration

Bureau of Reclamation
303.445.2925 (desk)
303.248.6762 (cell)



Oregon

Kate Brown, Governor

Parks and Recreation Department

State Historic Preservation Office

725 Summer St NE Ste C

Salem, OR 97301-1266

Phone (503) 986-0690

Fax (503) 986-0793

www.oregonheritage.org



December 4, 2018

Mr. Mark Bransom
Klamath River Renewal Corp
, OR

RE: SHPO Case No. 17-1370
FERC 14803, KRRC Lower Klamath Project,
Removal of dams Oregon and California
Multiple locations, Klamath County

Dear Mr. Bransom:

Our office recently sat in on the meeting that addressed the revised APE boundaries for the above project. However, while comparing the discussion during that meeting to the maps that have been provided to our office, we noted other areas were being discussed that will add to the proposed APE. Such areas include possible rafting locations and campground areas that may be made available directly below the J.C. Boyle Dam, as well as a new rafting access point and parking area may be established in the area of Frain Ranch (albeit across the river from the ranch itself). Due to the extreme sensitivity of these areas and the damage that has been ongoing to significant cultural sites near Frain Ranch in the past, we believe that project related indirect effects could occur to lands along the eastern banks of the Klamath River in this and possibly other areas, and we want to be sure that these lands are considered during any future discussions. Our office looks forward to future discussions are held regarding potential direct and indirect project effects.

In noting that rafting access locations may be proposed in the future, a second look at previous archaeological surveys will also be needed before our office would agree that surveys conducted over 15 years ago would still be considered valid for the current proposed activity. In listening in on the conversation during our last meeting, this assumption seemed to be taken for granted and there are many factors that need to be examined when one hopes to use old survey data for compliance concerns with future projects. Visibility at the time of the initial survey, nature of proposed impacts, degree of subsurface probing or testing that accompanied the earlier investigation, all are components to be considered when deciding if a new survey will be needed along stretches of the river that could be impacted (either directly or indirectly) by the proposed removal of the four Klamath River Dams. We recall that portions of the lands within the earlier proposed Hydro relicensing project along the Klamath River, that was being considered prior to deciding that the dams should be removed rather than relicensed, were slated to be surveyed but we don't think this ever occurred (e.g., BLM lands along the Klamath River in Oregon, Spring Creek diversion and several tributaries and access roads within the earlier FERC boundary). If any of these lands remain in the current project APE that could be affected, a survey of these lands will probably also be required.

In an earlier letter to your office we highlighted the lack of past consultation with our office regarding any of the earlier reported TCP locations that the various Tribes have stated exist along the river. This holds true today and we are looking forward to hearing from you regarding their number, composition, extent, integrity and possible effect. We believe that this information will be necessary before our office is able to understand and concur on project effects. Has a determination of eligibility for these properties yet been made? If so, when should our office expect a letter requesting concurrence? If not, when do you expect such determinations to be made?

Our office has recently added a new built-environment staff person who will be taking over the review of



potential effects to historic properties from the proposed dam removal. Her name is Tracy Swartz. Can you send any pertinent documents that outline the full scope of activities that are being proposed to the existing dam and downriver structures? This would kindly be appreciated!

Our office looks forward to future consultation regarding the above project. If you have any questions or comments regarding this letter, please do not hesitate to contact me. In order to help us track your project accurately, please be sure to reference the SHPO case number above in all correspondence. This letter refers to archaeological resources only. Comments pursuant to a review for above-ground historic resources will be sent separately.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dennis Griffin".

Dennis Griffin, Ph.D., RPA
State Archaeologist
(503) 986-0674
dennis.griffin@oregon.gov

cc: Mike Kelly, AECOM



Oregon

Kate Brown, Governor

Parks and Recreation Department

State Historic Preservation Office

725 Summer St NE Ste C

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Fax (503) 986-0793

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December 13, 2018

Mr. Mark Bransom
Klamath River Renewal Corp
, OR

RE: SHPO Case No. 17-1370
FERC 14803, KRRC Lower Klamath Project,
Removal of dams Oregon and California
Multiple locations, Klamath County

Dear Mr. Bransom:

Thank you for the opportunity to review the proposed Area of Potential Effects (APE) for the project noted above. The Oregon SHPO concurs that the APE for above-ground architectural resources is sufficient for the scope and scale of the undertaking. A separate letter addressing the adequacy of the APE for archaeological resources was sent on December 4, 2018.

We look forward to continued consultation on this project. Please contact me with any further questions or comments.

Sincerely,

Tracy Schwartz
Historic Preservation Specialist
(503) 986-0677
tracy.schwartz@oregon.gov

cc: Mike Kelly, AECOM





**DEPARTMENT OF PARKS AND RECREATION
OFFICE OF HISTORIC PRESERVATION**

Lisa Ann L. Mangat, Director

Julianne Polanco, State Historic Preservation Officer

1725 23rd Street, Suite 100, Sacramento, CA 95816-7100

Telephone: (916) 445-7000 FAX: (916) 445-7053

calshpo.ohp@parks.ca.gov www.ohp.parks.ca.gov

December 21, 2018

In reply refer to: FERC_2018_0507_001

Mr. Mark Bransom
Executive Director
Klamath River Renewal Corporation
423 Washington Street
San Francisco, CA 94111

RE: Revised Area of Potential Effect, Lower Klamath Project (FERC No. 14803)
Siskiyou County, CA

Dear Mr. Bransom:

The State Historic Preservation Officer (SHPO) received, on November 16, 2018, the letter continuing consultation on behalf of the Federal Energy Regulatory Commission (FERC) for the above-referenced project in order to comply with Section 106 of the National Historic Preservation Act of 1966 and its implementing regulations found at 36 CFR § 800. The Klamath River Renewal Corporation (KRRC) has been delegated Section 106 consultation authority by the Federal Energy Regulatory Commission (FERC), pursuant to FERC's November 10, 2016 *Notice of Applications Filed With the Commission* and 36 CFR § 800.2(c)(4). Included with the KRRC's letter was the *Lower Klamath Project Proposed Area of Potential Effects (APE) for Historic Properties*, Revised October 2018.

The undertaking seeks the decommissioning and removal of the Iron Gate, Copco No. 1, Copco No. 2, and J.C. Boyle developments, located on the Klamath River and currently owned by PacificCorp. The J.C. Boyle development is located in Klamath County, Oregon, and is not within the jurisdiction of the California SHPO. The remaining three developments are located in Siskiyou County, California. The purpose of the undertaking is to achieve a free flowing river condition and full volitional fish passage through the reaches of the Klamath River currently impacted by the four dams by removing the facilities.

The KRRC and PacificCorps jointly filed a combined license amendment and license transfer application with FERC, requesting FERC to administratively remove the four dam developments from the Klamath Hydroelectric Project license (FERC No. 2082).

KRRC filed a separate license surrender application for Project No. 14803 that would allow KRRC to decommission the four facilities.

The revised APE for the undertaking has been defined as a half-mile wide area on each side of the Klamath River and the current reservoir limits, extending from the upper reach of the J.C. Boyle Reservoir (RM 228) in Oregon, to the river mouth at the Pacific Ocean (RM 0), in California. A detailed discussion of the revised APE is included in the consultation package and addresses the SHPO's comments of June 1, 2018.

The KRRC has requested comments on the revised APE. After reviewing the information submitted with your letter, the following comments are offered:

- I agree that the APE as defined is appropriate, per 36 CFR § 800.4(a)(1).
- Please be aware that, based on information discovered during consultation, the APE may need to be revised accordingly.

If you require additional information, direct any questions or concerns that you may have to Kathleen Forrest, Historian, at 916-445-7022 or Kathleen.Forrest@parks.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Julianne Polanco', with a long horizontal line extending to the right.

Julianne Polanco
State Historic Preservation Officer

Cc: Jessica Gabriel, Oregon SHPO
Dennis Griffin, Oregon SHPO
Jeanne Goetz, Klamath National Forest
Eric Ritter, BLM
Elena Nilsson, AECOM

APPENDIX E CONSULTATION MEETING MINUTES

Meeting Minutes

Subject	Klamath River Restoration Project Cultural Resources Working Group (CRWG) Project Introduction Meeting
Date	September 5, 2017
Time	1:00-2:30 pm PST
Location	WebEx
Attendees	Klamath River Renewal Corporation (KRRC): Mark Bransom AECOM: Mike Kelly, Elena Nilsson, Kirk Ranzetta, Seth Gentzler, Shannon Leonard, Stephanie Butler CDM Smith: Kate Stenberg PacifiCorp: Russ Howison U.S. Forest Service (USFS): Jeanne Goetz California Office of Historic Preservation (CA OHP): Kathleen Forrest Oregon Office of Historic Preservation (OR OHP): Dennis Griffin, Jessica Gabriel Bureau of Land Management (BLM): Eric Ritter
Distribution	CRWG

Purpose

To provide an overview of the Klamath River Restoration Project and introduce participants of the cultural resources working group (CRWG).

Introductions

Elena Nilsson (AECOM) and Mark Bransom (KRRC) welcomed the group. The CRWG team members provided brief introductions. The Bureau of Reclamation (BOR) has declined the invitation to participate in the CRWG at this time. Four returning group members from the PacifiCorp Relicensing Project CRWG (Russ Howison, PacifiCorp; Dennis Griffin, OR OHP; Eric Ritter, BLM; Kirk Ranzetta, AECOM) can provide historical perspective for the Klamath River Renewal Project (Project).

Project Background

Seth Gentzler, AECOM Project Manager, provided a general overview of PacifiCorp’s Klamath Hydroelectric Project (KHP) and the current Project. The KHP is PacifiCorp owned and operated, and includes eight facilities. Four of the facilities are part of the Project, consisting of J.C. Boyle, Copco No. 1, Copco No. 2, and Iron Gate.

A historical background of the various projects related to the KHP was provided, including built dates of the dams (1902-1962); PacifiCorp’s 50-year license and 2004 re-license efforts; 2000-2007 studies for Federal Energy Regulatory Commission (FERC) relicensing, resulting in a 2007 Environmental Impact Statement (EIS); and the 2010 Klamath Basin Restoration Agreement (KBRA) and Klamath Hydroelectric Settlement Agreement (KHSA). The KHSA laid out steps to remove the dams and to provide river restoration and identified information needs, and specific questions that should be addressed with new studies and analyses, prior to the Secretary of the Department of the Interior (DOI) making a determination on removal of the Four Facilities (Secretarial Determination).

In 2012, the BOR, as lead federal agency, and California Department of Fish and Game (CDFG), as lead state agency, developed an EIS/EIR to analyze the potential impacts to the environment from the proposed removal of four PacifiCorp dams pursuant to the National Environmental Quality Act (NEPA) and the California Environmental Quality Act (CEQA). The EIS/EIRs environmental assessments were outlined in a 2012 BOR technical study, referred to as the Detailed Plan for Dam Removal (Detailed Plan). The plan addressed full and partial dam removal, as well as four mitigation measures for cultural resources.

In 2013, the BOR also prepared an Overview Report for the SOI to provide a summary of key findings from the Federal technical studies to inform the Secretary in making a decision about dam removal. Congressional action was required to pass legislation to endorse dam removal. The dam removal project was put on hold because Congress did not enact the legislation.

To move the project forward, in 2016 an amended KHSA (Amended KHSA) was signed to remove the need for Congressional authorization, and to pursue dam removal through the FERC license surrender process. The KRRC was established as the dam removal entity (DRE) to implement the Project. Currently, the KRRC is comprised of 12 Board Members, including tribal representatives, and 3 vacancies. In September 2016, KRRC submitted a license amendment and a surrender application to the FERC to remove the four facilities. In November 2016, FERC designated KRRC and PacifiCorp as the representative for carrying out informal consultation pursuant to Section 106 of the National Historic Preservation Act.

Since March 2017, AECOM has been conducting project management and field reconnaissance surveys of the river corridor, including for cultural and biological resources. Geological surveys and visual inspections will be conducted soon. Regulatory and permitting is currently being reviewed by CDM Smith.

The State Water Resources Control Board (SWRCB), as the California Environmental Quality Act (CEQA) lead, is preparing an Environmental Impact Report (EIR) as part of the water quality certification for the Project. SWRCB has requested additional information from KRRC regarding the Project, and the KRRC's technical representative, AECOM, is preparing responses. FERC also has requested additional information as part of the NEPA process and surrender applications.

Project Overview

Elena Nilsson provided a Project overview, focused on previous cultural resources studies conducted for relicensing and dam removal studies, and also discussed Project goals. The goals of the Project are to remove the four dams (Copco No. 1, Copco No. 2, Fall Creek, and Iron Gate) and associated works to achieve a free flowing river, volitional fish passage, and a restored project area.

J.C. Boyle Dam and Powerhouse were built between 1956-1958 in Oregon. A number of associated buildings and structures (i.e., fish ladder, dam, spillways, powerhouse) are part of the built environment. The J.C. Boyle Reservoir area was not surveyed for cultural resources before dam construction because it was mostly in private holdings. Some survey work was completed downstream of the reservoir, and 12 sites were identified along the reservoir's margins, mostly pre-contact Native American village sites.

Copco No. 1 Dam is first dam on the river in California, and construction was completed in 1918 and the dam enlarged in 1922. A number of historic structures are associated with the dam, including penstock, diversion tunnel, powerhouse, and ancillary buildings. There were no cultural

studies done in advance of the dam construction. Eight archaeological sites have been identified along the shoreline, and the potential exists for submerged Shasta Indian village sites to occur within the Copco Lake reservoir.

Copco No. 2 Dam is a diversion dam that began operation in 1925. Like Copco 1, there is a complex of historic buildings associated with the dam, including a powerhouse, spillway, wood-stave penstock, and the Copco village complex (housing structures) that currently functions as a PacifiCorp operation center.

The Iron Gate Dam is the last retention development on the river in California and was completed in 1962. Associated buildings and structures include a powerhouse, spillways, and fish hatchery. The Iron Gate reservoir is the only reservoir that had a pre-inundation cultural resources survey, which was completed by the University of Oregon in the early 1960s. One precontact village site – CA-SIS-326 - was excavated before inundation. In addition, eight other cultural sites have been identified bordering the reservoir's shoreline. As with Copco Lake, the potential exists for submerged Shasta Indian village sites to occur within the Iron Gate Reservoir.

Schedule

A project schedule is provided on page 29 of the PowerPoint presentation. In general, Copco No. 1 drawdown will begin in November 2019, and the other dam drawdowns will follow shortly after. The sediment release is scheduled for January 1, 2020. Should permitting cause delays, the project will be delayed to the following year (work needs to start in January of any given year).

Previous Cultural Studies

1. 2002-2004 FERC Relicensing Cultural Resources Studies.

PacifiCorp consultants (CH2M Hill and HRA) completed a records search, pedestrian survey, tribal ethnographic/riverscape reports, historic context and determination of eligibility for the KHP, and draft Historic Properties Management Plan (HPMP). Monthly CRWG meetings were conducted. The Area of Potential Effects (APE) was not delineated before field work; however, the CRWG developed a "fieldwork inventory corridor", which extended 65 miles along the river corridor from upper Klamath Lake downstream to the Iron Gate Dam area. The field inventory, which began in 2002, focused on areas that had not been previously surveyed for cultural resources.

In 2003, an APE was delineated by PacifiCorp; and in 2004, surveys were conducted in areas not previously covered. Because of the survey, 302 archaeological resources were identified, including 172 archaeological sites (PacifiCorp 2004). National Register of Historic Places (NRHP) eligibility recommendations were provided for precontact and historic-period sites, but the CA and OR State Historic Preservation Officers (SHPOs) did not finalize the recommendations. Five precontact archaeological districts and one historic archaeological district were also identified; the NRHP eligibility of these districts was not finalized.

- Dennis Griffin (OR OHP) indicated that not all BLM lands in Oregon were not previously surveyed during the PacifiCorp relicensing project.

PacifiCorp prepared a historic context statement (Kramer 2003a) and determination of eligibility (Kramer 2003b) for the seven hydroelectric facilities comprising the KHP. A historic district, comprised of the Link River, Keno, J.C. Boyle, Copco No. 1, Copco No. 2, and Fall Creek facilities, was recommended NRHP-eligible under Criterion A for its association with the industrial and economic development of southern Oregon and northern California. The NRHP eligibility of

the district has not been finalized. The Iron Gate facility was excluded from the district because it had been previously determined Not Eligible for listing in the NRHP by the State of California.

PacifiCorp sponsored four tribal ethnographic studies prepared by the Klamath (Deur 2003), Shasta (Daniels 2003), Karuk (Salter 2003), and Yurok (Sloan 2003) tribes to address traditional and contemporary use of the Klamath River corridor. Traditional cultural properties (TCPs) were identified.

The Klamath Cultural Riverscape was identified, which focused on the inter-relatedness of natural and cultural aspects of the Klamath River. A draft regulatory analysis of the riverscape was prepared in 2003 by Dr. Thomas Gates Yurok Tribal Historic Preservation Officer (THPO). The following year, an integrated report was prepared from the four ethnographic studies (King 2004). The integrated report identified the entire length of the river as a cultural and ethnographic landscape for the tribes. The Klamath Riverscape was recommended NRHP-eligible; however, the report and eligibility determination was not submitted to the California or Oregon SHPO offices for review and concurrence.

PacifiCorp also prepared a draft Historic Properties Management Plan (HPMP) for management, treatment, protection, and mitigation measures for NRHP-eligible resources; however, the management plan was not finalized. The draft HPMP will be revised as part of the current Project.

2. 2012 BOR Secretarial Determination, Cultural Resources Report.

CARDNO Entrix completed the cultural resources work for the BOR EIR/EIS study. The records search was updated for a project corridor between the Upper Klamath Lake and Pacific Ocean, but no new survey was conducted. The 2004 NRHP recommendations prepared by PacifiCorp were used for the BOR study. CARDNO Entrix provided NRHP eligibility recommendations for any new sites identified during the records search and not included in the previous PacifiCorp study.

3. 2012 BOR Detailed Plan.

Four cultural resources mitigation measures were outlined in the BOR EIS/EIR and were also outlined in the Detailed Plan. These mitigation measures will frame the current KRRP work, and the project wants to confirm that these measures are still valid in 2017; and if not, what measures would be appropriate. The measures are:

- CHR-1: Klamath Hydroelectric Project. Focuses on the 4 hydroelectric facilities and includes updating the 2003 Determination of Eligibility (Kramer 2003b) and reaching a consensus on the determination. Historic American Building Survey/Historic American Engineering Record (HABS/HAER) would be conducted under this measure.
- CHR-2: Archaeological Resources. Focuses on steps to resolve impacts to archaeological resources, identify and evaluate resources, and develop plans for Section 106 compliance (e.g., Inadvertent Discovery Plan, Treatment Plan, and Memorandum of Understanding).
- CHR-3: TCPs, Cultural Landscapes, and Klamath Riverscape. Focuses on resolving impacts to TCPs and the riverscape, identifying and evaluating these resources, conducting additional ethnographic research, and developing a Cultural Resources Management Plan (CRMP) for the riverscape, if eligible.
- CHR-4: Treatment of Human Remains. Resolving impacts on Native American burials through ongoing tribal consultation for the treatment, disposition, and management of human remains exposed or impacted from dam removal and develop a Plan of Action and Inadvertent Discovery Plan.

Next Steps for Section 106 Process

Kirk Ranzetta provided an overview of the next steps envisioned in the Section 106 process. These steps include:

1. Define the APE for the Project
2. Tribal identification and participation in the CRWG
3. NRHP eligibility for built environment resources, archaeological resources, and TCP/ethnographic landscapes. Includes fieldwork to identify resources.
4. Memorandum of Agreement for HABS/HAER documentation of built environment resources. This work has to be done prior to any work on the dams.
5. Programmatic Agreement and preparation of associated plans
6. CRWG communications protocol and recordkeeping

Many of the documents discussed above are published on the KRRC website:

<http://www.klamathrenewal.org/resources/>.

The current project is issued under FERC docket no. P-14803; all pre-2016 documents related to the Klamath River Project are under FERC docket no. 2082.

Questions and Answers

- Kathleen Forrest, CA SHPO. What was the legal hook for the four mitigation measures and how were they determined?
Response: The mitigation measures were outlined in the 2012 BOR EIS/EIR; however, a formal Record of Decision was not completed. The mitigation measures were developed through the NEPA process and were close to a final decision, but FERC is currently doing a new NEPA process and will be revising the 2012 document. There also is a CA CEQA process to develop a revised EIS. Because the project has not changed, the project anticipates building on or revising the existing mitigation measures through the CRWG.
- Kathleen Forrest, CA SHPO. While the mitigation measures are reasonable and there are no objections, CA SHPO is concerned about HABS/HAER documentation being the only mitigation measure for the built environment. CA SHPO would like to request a summary of how the consulting parties arrived at the HABS/HAER mitigation measure if moving forward with it.
- Jessica Gabriel, OR SHPO. OR SHPO may not have received the 2012 documentation and will need full list of properties, eligibility recommendations, and effects before concurring with mitigation measures. In addition to HABS/HAER, recommend public outreach or public interpretation to allow the resources to be available to the community. Would also like a summary of previous consultation on mitigation measures.
- Kirk Ranzetta, AECOM. What other types of mitigation has the CA SHPO used on comparable projects?
Response: CA SHPO is looking for something that is useful to the community and driven by the consulting parties.

Future Meetings

Next meeting will be in October 2017. The group will continue to have WebEx meetings, with a possible in person meeting further into the project.

Pending Action Items:

AECOM

- Review 2012 documentation and contact BOR to understand how the HABS/HAER mitigation measures (CHR-1) was developed. Provide a summary of consultation to the CA and OR SHPOs.

The meeting ended at 2:30 pm.

References Cited

Daniels, Brian I.

2003 Preliminary Shasta TCP Study. On file, PacifiCorp, Portland, Oregon.

Deur, Douglas

2003 Traditional Cultural Properties and Sensitive Resource Study. On file, PacifiCorp, Portland, Oregon.

Gates, Thomas

2003 Ethnographic Riverscape: Regulatory Analysis. On file, PacifiCorp, Portland, Oregon.

King, Thomas F.

2004 First Salmon: The Klamath Cultural Riverscape and the Klamath River Hydroelectric Project. Prepared for the Klamath River Intertribal and Fish Commission. On file, PacifiCorp, Portland, Oregon.

Kramer, George

2003a Historic Context Statement: Klamath Hydroelectric Project, FERC No. 2082. On file, PacifiCorp, Portland, Oregon.

2003b Request for Determination of Eligibility: Klamath Hydroelectric Project, FERC No. 2082. On file, PacifiCorp, Portland, Oregon.

PacifiCorp

2004 Final Technical Report Klamath Hydroelectric Project (FERC Project No. 2082) Cultural Resources. On file, PacifiCorp Portland, Oregon.

Salter, John

2003 White Paper On Behalf of the Karuk Tribe of California: A Context Statement Concerning the Effect of the Klamath Hydroelectric Project on Traditional Resource Uses and Cultural Patterns of the Karuk People within the Klamath River Corridor. On file, PacifiCorp, Portland, Oregon.

Sloan, Kate

2003 Ethnographic Riverscape: Klamath River Yurok Tribe Ethnographic Inventory. Draft report prepared for PacifiCorp by Yurok Tribe Culture Department under contract #P13342 in conjunction with FERC Project No. 2082. On file, PacifiCorp, Portland, Oregon.

Meeting Minutes

Subject	Klamath River Renewal Project Cultural Resources Working Group (CRWG) Proposed Area of Potential Effects (APE) Meeting
Date	December 14, 2017
Time	1:00-2:30 pm PST
Location	WebEx
Attendees	AECOM: Elena Nilsson, Kirk Ranzetta, Burr Neely, Shannon Leonard, Stephanie Butler CDM Smith: Kate Stenberg PacifiCorp: Russ Howison Bureau of Land Management (BLM): Eric Ritter, Alden Neel, Laird Naylor California Office of Historic Preservation (CA OHP): Kathleen Forrest, Anmarie Medin, Brendon Greenaway Oregon State Historic Preservation Office (OR SHPO): Dennis Griffin, Jessica Gabriel
Distribution	CRWG

PURPOSE

To provide an overview and initial definition of the proposed Klamath River Renewal Project (Project) area of potential effects (APE).

REGULATORY CONTEXT AND PROJECT DEFINITIONS

Burr Neely (AECOM) provided a general overview of the regulatory context for establishing the Project APE. The APE is influenced by the nature of the undertaking, and the APE may be different for different kinds of effects. Ultimately, the Federal Energy Regulatory Commission (FERC) will determine the APE with input provided by the cultural resources working group (CRWG) consultation meetings.

Three project-defined areas were discussed. The *Study Area* is a broader geographic area that is typically larger than the APE and is used to help frame the literature review and cultural/ethnographic context. The Klamath River Renewal Corporation (KRCC) has initiated an updated records search for the Study Area, which includes a 0.5-mile wide zone extending on either side of the reservoir shorelines, beginning at the southern end of Upper Klamath Lake, Oregon and extending to Humbug Creek, California. Once the APE is formally defined, the Study Area will be expanded, as needed, to cover the APE in more detail, and the background research will be updated.

The *Project Area* refers to the Project Limits of Work and Access (LOW), as currently defined in the KRCC California Environmental Quality Act (CEQA), California, and Oregon 410 Water Quality Certifications Technical Support Document.

The *FERC Project Boundary* refers to the jurisdictional boundary of the Klamath Hydroelectric Project (FERC Project No. 2082).

DAM REMOVAL COMPARATIVE CONTEXT

The Elwha River Restoration Project and the Condit Dam Removal Project, both in the State of Washington, were reviewed to provide contextual information regarding APEs defined for previous dam removal. On the Elwha River in the Olympic Peninsula, mitigation measures were included for both downstream and upstream effects to cultural resources from the facility removal. The project also took into account access to archaeological sites that were currently inundated post-dam removal.

For the Condit Hydroelectric Project, located along the White Salmon River, a historic properties management plan (HPMP) was developed that outlined stipulations for managing impacts on archaeological and built environment resources. The project's APE included the reservoirs above the dam and downstream from the Condit dam to its mouth at the confluence of the Columbia River.

PREVIOUS APEs FOR KLAMATH RIVER EIS/EIRS

The APEs developed in support of the EIS/EIRs prepared for the FERC Klamath Hydroelectric Project Relicensing (2007) and Klamath Dam Removal (2012) studies were reviewed to provide background information and a summary.

In 2004, PacifiCorp developed an APE through a relicensing application that included the FERC project boundary under the existing license (FERC #2082) and all lands within the proposed boundary for the new license, including the proposed hydropower facilities, recreation sites, wildlife enhancement lands, and river reaches between project developments.

The Cultural Resources Working Group (CRWG) formed for the PacifiCorp relicensing effort developed a broader APE that included the FERC project boundary, as well as the culturally sensitive lands within the Klamath River Canyon (ridgetop to ridgetop).

The PacifiCorp APE and the CRWG APE evolved into a compromise that was referred to as the Field Inventory Corridor (FIC). The FIC was studied rather than an APE, and it covered the area between the outlet of the Upper Klamath Lake downstream to 1 mile southwest of the Iron Gate dam (RM 189.2). Cultural resources surveys and evaluations were conducted within the FIC.

Downriver tribes, such as the Karuk and Yurok, felt the APE should be more broadly defined to include the area extending downstream from Iron Gate Dam to the mouth of the Klamath River at the Pacific Ocean due to project effects on salmon fisheries and other cultural resources along the Klamath River corridor.

In 2006, PacifiCorp revised the APE based on the proposal to decommission East and West Side developments and to remove the Keno development from the project. The revised 2006 APE excluded the Keno reservoir, the Klamath River from the reservoir to the J.C. Boyle reservoir, and the river reach from below J.C. Boyle powerhouse to the Oregon-California state line.

In 2007, during the FERC EIS/EIR relicensing process, FERC established the APE as the area delineated by PacifiCorp in 2004, as well as the river reach from Iron Gate to the river's mouth at the Pacific Ocean.

In 2012, the Bureau of Reclamation's (BOR) Area of Analysis for the Klamath Dam Removal EIS/EIR established an APE that extended from the outlet at Keno Dam to the Pacific Ocean. The APE extended outward for 0.5 miles from each bank of the Klamath River, plus a 0.5-mile-wide corridor from the high water mark surrounding the four reservoirs (J.C. Boyle, Copco 1, Copco 2, and Iron Gate) and all four dams and associated facilities. This APE represented the broadest area studied.

Comments/Questions:

- Eric Ritter (BLM-Redding Field Office) indicated that previous FERC projects (e.g., Oroville) considered more than one APE, such as an APE for the Tribes. Is this being considered for the current Project?

Response: There may be different APEs for different types of effects that may be encountered during the course of the Project.

- Elena Nilsson (AECOM) requested confirmation that none of the previous APEs were concurred upon by Oregon or Californian SHPO.

Response: Dennis Griffin (OR SHPO) responded that the CRWG did approve two APEs; one APE was for Traditional Cultural Properties (TCPs) and one was for the river. All the BLM lands were not surveyed. Dennis will review previous project notes to confirm that the APEs received concurrence.

PROPOSED PROJECT APE

The proposed APE for the Project begins at RM 233, at the upper reach of the J.C. Boyle Reservoir, encompassing a 0.5-mile area on either side of the Klamath River downstream to its mouth at the Pacific Ocean (RM 0). This proposed APE is consistent with previous agency APE definitions (e.g., FERC, BOR). Within the proposed APE, a Subarea 1 has been developed, reflecting Project's LOW where direct impacts may likely occur.

The proposed APE incorporates the concept of the Klamath Cultural Riverscape (Gates 2003; King 2004) and the "rim-to-rim" APE developed by the 2004 PacifiCorp CRWG. The Riverscape was also recorded a specific historic property, which allowed consideration of potential effects on cultural practices, TCPs, Indian Sacred Sites, and Archaeological and Historical Sites/Districts that extended beyond the river and facility boundaries. In general, there is a distinct difference between the NRHP-eligible Riverscape and the proposed APE.

By defining a proposed Project APE, a sense for the level of effort needed for cultural resources compliance can be determined. The entire APE would be subject to a literature review and identification of known cultural resources (e.g., sites, TCPs, sacred sites). However, it is not intended that fieldwork would be required throughout the entire APE for identification purposes. Subarea 1 would be the focus of fieldwork, identification/evaluation reports, and mitigation measures, as direct impacts on sites may occur in this area.

Comments/Questions:

- Dennis Griffin (OR SHPO). How would indirect effects be addressed?

Response: Indirect effects (e.g., setting, noise, atmospheric) would be assessed within the broader APE. However, a 100% field survey from rim-to-rim to the mouth of the river would not be recommended.

Dennis Griffin commented that other indirect effects could potentially damage archaeological sites. Changes to recreational areas, such as campgrounds and access areas, along the Klamath River could impact archaeological sites.

- Eric Ritter (BLM-Redding Field Office) commented that the rim-to-rim concept does not seem applicable in California and inquired how the rim-to-rim will be defined within this landscape.

Response: The proposed APE would include an arbitrary 0.5-mile buffer zone and would not just be based on topography.

- Anmarie Medin (CA OHP). Would it be appropriate for the proposed APE not to extend to Mt. Shasta because the nature of the work would not affect the characteristics that would qualify Mt. Shasta for eligibility?

Response: The project proponent will review this when considering the likely reach of the Project on indirect effects.

- Russ Howison (PacifiCorp) clarified that when PacifiCorp filed the license application they did not have concurrence from either Oregon or California SHPO at the time the license was filed. However, it is possible that once FERC determined an APE, OR SHPO may have concurred with FERC. If OR SHPO submitted a concurrence letter, it would have been when FERC was processing the license application. Also, on the Riverscape Study, Oregon and California SHPOs did not concur on the eligibility recommendation of the Klamath Cultural Riverscape, and it was unclear if FERC concurred with the eligibility of the Riverscape. PacifiCorp recommends discussing the Riverscape and eligibility recommendation with FERC.
- Dennis Griffin (OR SHPO) indicated that the CRWG did not come to a consensus about the value of the Riverscape study. Dr. King has been working with other Tribes on a similar type of Riverscape for other rivers since the 2004 study (e.g., Alaska); consequently, additional data regarding a Riverscape concept may be available for review.

SUBAREA 1 COMPONENTS

The existing dam facilities and other types of components associated with proposed Subarea 1 were reviewed. Within Subarea 1, existing facilities within the J.C. Boyle Area, Copco No. 1 Area, Copco No. 2 Area, and the Iron Gate Area will be subject to demolition. In addition, the alteration to the 100-year floodplain and associated impacts to existing buildings and structures downstream of the dam facilities were discussed. Some roads will be improved or subject to road surface maintenance throughout the Project.

Comments/Questions:

- Are the access routes included to the main highways?
Response: Most of the existing highways will not be modified, and there will be smaller connector routes to the Project area. There are a minimal number of new access roads proposed for the Project. Many of the routes are existing roads that will be improved or restored. Existing gravel roads that are not proposed for improvements are not included in Subarea 1 but may be part of the broader APE.
- Eric Ritter (BLM-Redding Field Office) inquired if there is a consideration for leaving some of the historic components rather than demolition.
Response: The intent of the Project is to remove the facilities and associated built features; however, based on resource evaluations and costs, the Project may allow certain structures, such as the powerhouses, to remain in place (referred to as a “partial removal option”).

OVERVIEW OF PROPOSED APE MAPS

An overview figure depicting the proposed APE extending from the upper reach of the J.C. Boyle Reservoir to the Pacific Ocean was reviewed (on-screen) with the CRWG. The figure also illustrated Subarea 1 components and the FERC Project Boundary (which in some areas may be wider than the 0.5-mile buffer). Additional maps showing areas within the APE, such as the J.C. Boyle Reservoir Area, Copco Lake Area, Iron Gate Reservoir/100-Year Floodplain, were also reviewed and discussed.

Comments/Questions:

- Eric Ritter (BLM-Redding Field Office). How will the cultural resources study coordinate with the environmental justice and socioeconomic assessments of the Project, specifically in regards to the private properties over 50 years in age on the 100-year floodplain?
Response: This portion of the Project is still in the developmental stages; however, the studies will coordinate on the 53 structures that have been identified downriver of Iron Gate Dam. Age and eligibility of these structures have not been assessed.
- Anmarie Medin (CA OHP) requested that a narrative be included with the submittal of the final APE that discusses why or why not certain elements were included within the APE.

- Anmarie Medin (CA OHP). Is there a plan for consulting with the tribes on the APE?
Response: There have been a number of parallel tribal outreach processes that have occurred with state agencies and FERC requesting tribal input on the license amendment. Prior to initiating non-formal consultation with the tribes, KRRC has been waiting on the FERC process to determine which tribes have expressed interest in the project. Currently, four federally-recognized tribes, consisting of the Karuk, Yurok, Hoopa, and Klamath, have requested consultation with FERC. KRRC is sending out letters to five tribes (Karuk, Yurok, Hoopa, Shasta, and Klamath) who have expressed interest in participating in the process. There will also be an invitation to participate in the CRWG and a request to initiate informal consultation in February 2018.
- Kathleen Forrest (CA OHP). Is there any overlap between the current Project and the Klamath Irrigation District?
Response: There is not an overlap, but there is some coordination on the Section 7 consultation for Endangered Species.
- Eric Ritter (BLM-Redding Field Office). Are you considering potential subsurface archaeological sites that were under terraces (sub-lakes)?
Response: AECOM is compiling mapsets that include current sediment depths within the reservoirs (new bathymetric surveys will be conducted in January), as well as historic landscape features and ethnographic village information. The goal is to have a reservoir-specific historic landscape document that can be reviewed by the CRWG.

CONCLUSION

Historic District vs. Multiple Property Approach for Dam Facilities: The approach to the evaluation of the dam facilities was briefly discussed, particularly if the approach should be as an integrated historic district (either as one district with four complexes or individual districts for each of the four dams) or as a multiple property nomination. Kathleen Forrest (CA OHP) and Jessica Gabriel (OR SHPO) suggested that the historic district approach would be appropriate, and the facilities should be considered as one historic district. Some of the built resources may also be individually eligible.

Tribal Participation in the CRWG: As discussed, invitations letters will be sent to the Klamath, Shasta, Karuk, Hoopa, and Yurok Tribes and THPOs for a February 2018 meeting to initiate non-formal consultation and invite participation in the CRWG.

Next CRWG Meeting: A meeting in March 2018 may occur with the CRWG, tribes, and THPOs. In addition, another CRWG may be proposed for late January/early February 2018. The goal is to have monthly meetings with the CRWG.

Technical Reports: The KRRC has prepared CEQA and California and Oregon 401 Water Quality Certifications Technical Support Document. The document contains the latest technical and field information:

- https://www.waterboards.ca.gov/waterrights/water_issues/programs/water_quality_cert/lor_klamath_ferc14803.shtml
- https://www.waterboards.ca.gov/waterrights/water_issues/programs/water_quality_cert/docs/lower_klamath_ferc14803/20170929_krrc_tech_report.pdf

Written comments and feedback regarding the APE should be provided to Elena (elena.nilsson@aecom.com) by January 19, 2018.

The meeting ended at 2:30 pm.

Meeting Minutes

Subject	Lower Klamath Project Cultural Resources Working Group (CRWG) Meeting
Date	March 15, 2018
Time	11:00-12:00 pm PST
Location	WebEx
Attendees	KRRC: Araxi Polony AECOM: Elena Nilsson, Kirk Ranzetta, Burr Neely, Mike Kelly, Shannon Leonard, Stephanie Butler CDM Smith: Kate Stenberg PacifiCorp: Russ Howison Bureau of Land Management (BLM): Eric Ritter, Alden Neel, Laird Naylor California Office of Historic Preservation (CA OHP): Kathleen Forrest, Anmarie Medin Oregon State Historic Preservation Office (OR SHPO): Dennis Griffin, Jessica Gabriel
Distribution	CRWG

TRIBAL CONSULTATION UPDATE

In January 2018, 25 tribes (Chairperson and THPOs) received letters from KRRC requesting participation in the consultation process and a Project Introduction Meeting. The Native American Heritage Commission (NAHC) and the Oregon Commission on Indian Services (CIS) provided lists of appropriate tribes to consult. Mailing lists for the FERC scoping meeting and the State of California Natural Resources Agency list were also consulted.

As of March 2018, 8 Tribes have accepted to participate in consultation. Those tribes include: Karuk Tribe, Klamath Tribes, Modoc Tribe of Oklahoma, Quartz Valley Rancheria, Shasta Indian Nation, Shasta Nation, Cher'Ae Heights of the Trinidad Rancheria, and the Yurok Tribe.

A project introduction meeting has been scheduled in Yreka, California for April 6, 2018. The meeting will review previous studies conducted; describe the FERC informal consultation process and current project goals; provide an overview of the Cultural Resources Working Group (CRWG) and invite the tribes to participate in the group; and ask the tribes how they would like to participate on tribe-specific informal consultation.

Comments/Questions:

- Eric Ritter (BLM-Redding Field Office): Did AECOM follow-up with phone calls to the Tribes after mailing the letter?
 Response: There were several rounds of tribal outreach. AECOM called the 25 Tribes, including both the Chairperson and the THPOs/Cultural Director, and sent an email to all tribal participants.

FERC SCOPING MEETINGS WITH THE TRIBES

In October 2017, FERC invited participation of federally-recognized Tribes in the proceedings for the license amendment to remove the four dams from the Klamath Hydroelectric Project, and then also on the application to transfer the four dams from PacifiCorp to KRRC, creating the Lower Klamath Project.

In January and February 2018, FERC held public scoping meeting with six federally-recognized tribes, consisting of the Hoopa Valley Tribe, Karuk Tribe, Klamath Tribes, Modoc Tribe of Oklahoma, Quartz Valley Rancheria, and Yurok Tribe. FERC's main objective was to identify any concerns with the amendment and transfer application proceedings; it was not to initiate Section 106 consultation. Transcripts are available in the FERC docket for the project or upon request.

Comments/Questions:

- Kathleen Forrest (CA OHP): Did the Modoc Tribe of Oklahoma participate previously?
Response: The Modoc Tribe did not participate in the 2004 CRWG effort.
Was there also a working group for the 2012 study?
Response: There was not a 2012 CRWG because it was just an update to documents.
- Anmarie Medin (CA OHP): Does that also apply to the Quartz Valley Rancheria?
Russ Howison (PacifiCorp): The Quartz Valley was involved in the relicensing work in 2004, as well as the Resighini Rancheria, which is at the mouth of the Klamath. The Resighini Rancheria may have opted to have the Yurok Tribe represent their interests since they are closely affiliated.
- Kathleen Forrest (CA OHP): Can you provide an update on other, non-tribal consulting parties that have been contacted regarding the project?
Response: The team has reached out to the tribes and the current participants in the CRWG. Recommendations from the CRWG as to other groups to include in the outreach at this point are encouraged.
Were there other parties involved in the relicensing?
Response: They were primarily federal and state agencies and tribes.
Kathleen recommends that outreach be extended to local historical societies and any other local jurisdictions or groups that might be interested. Jessica Gabriel (OR SHPO) also recommends contacting Restore Oregon.

PROJECT SCHEDULE

The Project is currently in the FERC License Transfer and Surrender process, the California and Oregon 401 Water Quality Certification process, and other environmental permitting (e.g., Section 106; biological assessments), as well as the FERC NEPA process. Construction will likely begin in 2020, with the dam drawdowns occurring in January 2021 and dam removal in summer 2021.

2018 CULTURAL RESOURCES WORK PLAN

The work plan includes an ongoing consultation process with tribes and agencies. A data gap analysis is also being prepared to determine if there are areas that have not been previously surveyed or archaeological sites that need to be assessed. The precontact and historic contexts are being updated, and field planning has been initiated. The field investigations will include a site records update and archaeological inventory; hydro facilities update and built environment survey; and archaeological testing and evaluation, in consultation with the CRWG. HABS/HAER mitigation will also be conducted in advance of dam decommissioning.

MOA FAST TRACK CONCEPT

Impacts to the hydroelectric facilities may begin in 2019; and as a result, the team would like to develop a plan that would allow initiation of some of the HABS/HAER mitigation documentation. This would not be the only mitigation.

As part of the fast track process, a hydro facilities specific report with eligibility recommendations would be prepared and provided to the CRWG for review and concurrence. Once concurrence was received, a Memorandum of Agreement (MOA) would be developed, and the HABS/HAER mitigation fieldwork would be initiated. If the project schedule is delayed, the MOA fast track plan may not be necessary.

Other 2018 submittals will include consultation requests with descriptions of the APE and associated maps; technical reports for the hydro facilities, non-hydro, and archaeology with eligibility recommendations; Phase II research design and evaluation report; MOA or Programmatic Agreement (PA) with a Historic Properties Management Plan (HPMP).

Comments/Questions:

- Dennis Griffin (OR SHPO): Discussions on the APE occurred in December 2017; however, the OR SHPO office has not received a formal APE to concur with. Prior to any field investigations, APE concurrence needs to be received.
Kathleen Forrest (CA OHP): Because formal consultation has not been initiated with the CA OHP, mitigation cannot be discussed at this point.
Response: The team will provide formal submittal of the APE; however, the submittal has been delayed to incorporate tribal input on the APE. Based on these discussions, the APE description and maps, along with an initiation of consultation, will be submitted to the CRWG now. If the APE needs to be adjusted based on tribal input, the APE would be revised and resubmitted to the CRWG.
- Dennis Griffin (OR SHPO): The 2004 negotiations were for relicensing and the entire river shed was being considered for investigations, and a smaller APE for dam removal was not approved. As such, SHPO would like to see where the current decommissioning activities will take place.
- Kathleen Forrest (CA OHP): The MOA fast track schedule may be feasible. The MOA will be important to consider adverse effects. The full scope of effects will need to be understood in order to develop the MOA. In addition, NPS standards should be implemented during HABS/HAER documentation.
- Kirk Ranzetta (AECOM): NPS will provide a letter of stipulation when HABS/HAER is proposed for mitigation, and they typically prefer to have a MOA in hand. The letter of stipulation usually provides the level of effort that is required with input from the consulting parties. A PA will take longer, and the team does not want to miss the opportunity to document the resources.

COMMUNICATIONS PROTOCOL

A draft communications protocol has been developed; the protocol will be circulated for review and input once the tribes and FERC are involved in the CRWG.

NEXT STEPS

The next CRWG meeting may occur in late April or early May. A monthly meeting may be conducted during the field season to provide regular updates.

AECOM ACTION ITEMS

1. Letter of request initiating consultation with the Oregon and California SHPOs, along with an APE description and maps, will be submitted.
2. Tribal Introduction Meeting will occur on April 6.
3. A CRWG will be scheduled for the end of April/early May.

Meeting Minutes

Subject	Klamath River Renewal Project KRRC Informal Consultation Cultural Resources Working Group (CRWG) Meeting
Date	August 14, 2018
Time	1:00-4:00 pm PST (Tribal Caucus 9:00am – 12:00pm)
Location	Best Western Miners Inn, Yreka, CA
Attendees	<i>In person:</i> Klamath River Renewal Corporation (KRRC): Mark Bransom AECOM: Elena Nilsson, Shannon Leonard, Mike Kelly, Burr Neely, Kirk Ranzetta, Sarah McDaniel CDM Smith: Kate Stenberg Karuk Tribe: Josh Saxon, Alex Watts-Tobin, Craig Tucker Klamath Tribes: Perry Chocktoot, Clay Dumont, Betty Blackwolfe, Janice Miller Modoc Tribe of Oklahoma: Blake Follis Quartz Valley Indian Reservation: Crystal Robinson Shasta Indian Nation: Janice Crowe Shasta Nation: Roy Hall, Jr., Betty Hall, Dean McBroom, Jim Prevatt Yurok Tribe: Frankie Joe Myers, Rosie Clayburn BLM-Redding: Eric Ritter USFS-Klamath NF: Jeanne Goetz, Jason Coats Congressman Doug LaMalfa's Office: Erin Ryan <i>Via telephone:</i> CA SHPO: Kathleen Forrest, Brendan Greenaway OR SHPO: Dennis Griffin Shasta Indian Nation: Sami Jo Difuntorum, James Sarmiento
Prepared	August 23, 2018
Prepared by	AECOM
Distribution	KRRC Informal Tribal Consultation Group

MEETING OBJECTIVE

To introduce and discuss cultural resources issues associated with the Klamath River Renewal Project (Project) with the Cultural Resources Working Group (CRWG), through informal consultation with Klamath River Renewal Corporation (KRRC) and its technical team, AECOM.

INTRODUCTIONS

Mark Bransom, KRRC CEO, Elena Nilsson, AECOM Principal Archaeologist, and Kirk Ranzetta, AECOM Senior Architectural Historian, welcomed the group. The CRWG provided brief introductions.

PROJECT OVERVIEW

Shannon Leonard, AECOM Project Manager, provided a general overview of PacifiCorp's Klamath Hydroelectric Project (KHP) and the current Project. In 2006, PacifiCorp's operating license for the hydropower project expired; and in 2010; parties agreed to the Klamath Basin Restoration Agreement (KBRA) and Klamath Hydroelectric Settlement Agreement (KHSA). Federal funding was not initially provided; and as a result, renegotiations occurred and an amended KHSA was signed in 2016. Currently, the KRCC is implementing the amended KHSA and pursuing dam decommissioning.

KRRC has initiated the process for transferring the license from PacifiCorp to KRRC. In September 2016, KRRC submitted a license amendment and a surrender application to the FERC to remove the four facilities. In March 2018, FERC issued its first decision on those applications, which was an agreement to split the license into two. They are both owned by PacifiCorp. The surrender order and the transfer order to KRRC are both pending. A draft Environmental Impact Report (EIR), as well as the California and Oregon water quality certifications, will be submitted by the State Water Resources Control Board (SWRCB). In addition, KRRC submitted a Definite Plan to FERC on June 28, 2018. FERC has not initiated the NEPA process on the surrender.

The goals of the Project are to remove the four dams (Copco No. 1, Copco No. 2, J.C. Boyle, and Iron Gate) and associated works to achieve a free flowing river, volitional fish passage, and restored reservoir areas. There are a number of project components that must be completed prior to dam removal and reservoir drawdown, consisting of the City of Yreka intake and pipeline replacement; temporary construction access improvements; permanent road, bridge, and culvert improvements; downstream flood control improvements; hatchery (Iron Gate and Fall Creek) and dam modifications; dam and hydropower facility removal; reservoir restoration; and recreation planning to provide additional recreational activities.

TRIBAL CAUCUS UPDATE

The Tribal Caucus met in the morning, prior to the CRWG meeting. Perry Chocktoot (Klamath Tribes) summarized the meeting topics for the CRWG.

Comments/Questions:

- The overall theme of the discussion was "Tribal inclusiveness" and the need to form a Tribal Committee to ensure there is Tribal input from all Tribes, on every issue.
- Participation and training: The consensus is for each Tribe to participate in the various aspects of the Project (monitoring, mitigation, etc.). Training of Tribal staff will be needed.
- Funding: Question was raised about funding for a Tribal Committee and long-term oversight activities.
- Mitigation documentation and monitoring agreements: The Tribes intend to address each archaeological site on a case-by-case basis, and will determine whether rehabilitation is appropriate in conjunction with elders.
- Tribal Resolution: There was discussion of the Klamath Tribe bringing a resolution to the Tribal Council regarding the Shasta groups and their contribution to this Project.
- Law Enforcement: There is a need for a strong law enforcement presence in this area due to looting by the general public. The group is discussing ideas on how to implement an effective law enforcement presence and to keep it on-going for a number of years. There is also a need to prevent the general public from obtaining knowledge about cultural sites, and to implement a "zero-tolerance" policy for construction workers if found within designated avoidance areas, for example.

- Human Remains: The CRWG needs to begin discussions about the hundreds of documented submerged graves. No removal will be allowed.
- Inadvertent Discovery Plan (IDP): The Tribes are in the process of drafting a Tribal-only IDP for Human Remains. This will focus on spiritual and ceremonial elements and therefore excludes non-tribal persons, and will be in addition to the typical “boilerplate” IDP/Monitoring Plan.

PROJECT STATUS UPDATE

After presenting the Project Overview, Shannon Leonard, AECOM Project Manager, continued to discuss details about recent Project activities and plans.

Submittal of Definite Plan and FERC Engagement

The Definite Plan for the Lower Klamath Project, which includes Appendix L for Cultural Resources, was submitted to FERC on June 28, 2018, and is available online: <http://www.klamathrenewal.org/definite-plan/>. Hardcopies were distributed at the meeting. The FERC Surrender Order is still pending, and the FERC NEPA process has not started. Therefore, consultation with the CRWG is still “informal” at this time.

Comments/Questions:

- Blake Follis (Modoc Tribe of Oklahoma): When are comments on the Definite Plan due?
Response: The FERC docket is currently open for comments (see website at ferconline.ferc.gov/quickcomment.aspx; enter P-2082-062 to specify the project) or cultural resources comments can be emailed directly to Elena.Nilsson@aecom.com. Comments should be provided ideally within 30 days although an end date for receipt of comments is not known.

Hatchery Modifications

Modifications at Fall Creek and Iron Gate Hatcheries will include ground disturbance. A new settling pond is needed near Fall Creek Hatchery; three potential areas are being looked at, but there are cultural resources concerns at each. The team briefly reviewed options for types of pond construction.

Comments/Questions:

- General discussion: What is the extent of current wildfires near hatcheries? What are the effects? What will happen to the hatcheries after the dams are removed?
- Craig Tucker (Karuk Tribe): Iron Gate Hatchery was built as mitigation for the Iron Gate Reservoir, so won't be needed after the dam is removed.
- Perry Chocktoot (Klamath Tribes): Hatchery fish are genetically inferior to native fish.
- General discussion: Recommend monitoring at hatcheries during ground-disturbing construction. Use modeling to define High Probability Areas.
- Dean McBroom (Shasta Nation): Confirm no archaeological sites are depicted on this presentation and that discussions do not disclose where sites are when describing potential impacts to sites.

City of Yreka Intake and Pipeline Replacement,

The cultural team is working with engineering team to re-route the pipeline away from cultural sites to avoid impacts. Relocation of the 24-inch water supply pipeline at upper end of Iron Gate Reservoir must be completed prior to reservoir drawdown and dam removal.

Comments/Questions:

- James Sarmiento (Shasta Indian Nation): Even with site avoidance, we recommend pre-construction assessment of HDD bore entrance and exit pits for water lines, and monitoring.

Recreation Plan and Restoration

Restoration of the reservoir, removal of campgrounds, and development of new recreation facilities is being assessed in conjunction with recreation and tourism groups and Federal, Local, Tribal stakeholders. Plans will restore former recreation sites to native habitat. The cultural team is working with the restoration team to try and avoid/minimize impacts to cultural sites, and KRRC will continue to integrate restoration and recreation discussions with the CRWG.

Comments/Questions:

- General discussion: Define what is “native habitat” proposed for restoration and who will be deciding this? How will Tribal input be integrated into the restoration and recreation plans? What are the impacts to village sites? The plans must consider restoration of villages. Is there a way to get rid of the sulphur smell, for example? Tribes want to provide input and have a stake in these plans, from the development process through implementation.

Seed Collection Program

Seeds are being collected from the Project area for revegetation of reservoir areas. KRRC (through a subcontractor) has conducted surveys to identify specific areas for target native species. No ground disturbance is occurring. A Native plant seed list was included on the PowerPoint slide.

Comments/Questions:

- General discussion: Who decides what plants are appropriate for reseeding? It is very important to consult with elders in the restoration and native plant use. The Tribes request distribution of the native plants list for further consideration and input (i.e., it is at first glance missing important plants such as tobacco and bear grass). The CRWG definitely wants to provide input into the seed collection program.
- Frankie Joe Myers (Yurok Tribe): A cultural landscape is present. Many species around village sites were different than today so you need to consult with tribes for appropriate types of vegetation. The natural world of today is different than what was there traditionally, and we don't want you to create hodgepodge of species. Our people managed the land. KRRC botanists may use a European mindset versus a tribal perspective; randomly throwing seeds out was not a traditional pattern. Consider the harvesting of seeds by those who traditionally collect them now, then those Tribal collectors could replant the seeds, allowing the Tribes to buy into this process collaboratively.

APE DISCUSSION

Burr Neely, AECOM Senior Cultural Resources Specialist, presented an overview of the APE. The APE is currently defined as extending from J.C. Boyle to the mouth of the river at the ocean, extending 0.5 mile along each side of the reservoir or river. Preliminary comments have been received from CA and OR SHPOs, BLM Redding, and Karuk THPO. The comments express concern for inclusion of TCPs, cultural landscapes, sacred sites, and historic districts, and concern that the APE is expansive enough to include flood mitigation measures, restoration activities, and a depth of disturbance (vertical APE).

A geoarchaeology analysis is underway to help address vertical APE (i.e., determining depth of sediments before encountering the archaeological sites). The geoarchaeological analysis is expected to be completed over the next couple of months, and includes reviewing depth of known

cultural deposits; sediment load over time via bathymetry studies; geological studies regarding rim stability; and rate of drawdown to minimize rate of erosion. The bathymetry study is currently being conducted using a boat and sonar equipment, and will produce a map set.

Comments/Questions:

- General Discussion: Will there be a separate APE for Tribal Resources? Will the Tribal Caucus be working on the APE? Tribes need to participate in surveys.
- Roy Hall, Jr. (Shasta Nation): What about the sites Tribes keep confidential, are they included? Tribes do not want to disclose this information because these places are deeply spiritual. Discussion: Tribal Caucus can discuss further and let Project Team know how or what information, if any, is to be provided to adjust the preliminary APE, without needing to disclose specific site locations.
- Perry Chocktoot (Klamath Tribes): Visual impacts need to be addressed to spiritual sites especially. Religious ceremonies are still held today; people watched this river turn into a reservoir, now they are going to be watching the reservoir turn back into a river. This needs to be captured in the data, with points of perspective and a visual analysis; this was a city street of our New York and a major trade route. These are the cities where we lived and died. This is not a disposable area, has great significance to tribal elders who still remember the special sites, and is not ancient history, but very current and close to us. People we know are buried here. The rock feature complex in this area is so vast. Our religion is very private and we won't disclose the details to outsiders.
- General discussion: Who is doing the geoarchaeological and bathymetry work, and how will results be shared with the CRWG? Response: AECOM is doing the geoarchaeological work and will share the findings as soon as they are available.

REVIEW OF 2017-2018 FIELD STUDIES

After the APE discussion, Burr Neely (AECOM) summarized the 2017-2018 field studies that have occurred to date. Appendix L of the *Definite Plan* provides an updated records search, a review of ethnographic reports, and extensive historic land use research of land currently inundated. There are currently 485 sites in the Preliminary APE and approximately 70 sites in the ADI (Area of Direct Impact). There are also around 105 "Unrecognized Sites" (that is, sites that are probable based on archival research but that have not yet been formally recorded) around or inundated by the reservoirs.

AECOM has conducted initial site visits to assess current conditions in order to plan for future survey and site evaluation work at previously documented archaeological sites, and is updating recordation of all hydroelectric buildings and structures. Goal is 100% inventory of unsurveyed and new areas such as access roads, borrow and disposal areas, fish-hatchery-related actions (4 new sites identified to date). Current work is focused on 29 sites located on PacifiCorp land; 20 sites have been updated so far. No digging has occurred; these have been site visits only. The team has noticed evidence of erosion and expanded areas of exposed artifacts at some sites. There is no access yet to sites on private land.

Comments/Questions:

- General discussion: Who is conducting this fieldwork? The team needs to reach out to the experts in the room, reach out to tribal individuals to participate in fieldwork. site updates, etc. Ensure people who are experts in NW archaeology. Indigenous people have connection to the land and need to be included in these studies.
- Frankie Joe Myers (Yurok Tribe): When was this site visit (in reference to the slideshow photographs of a site with pin flags)? Response: June 2018.

APPROACH TO SITE EVALUATIONS

Burr Neely (AECOM) introduced the topic of site evaluation methods, but time only allowed for a brief discussion and the following CRWG meeting will need to revisit this topic. There are no clear NRHP eligibility determinations for any of the 70 sites in the ADI. Part of the current site update process is to reconcile different NRHP eligibility recommendations and provide current site conditions. The CRWG will need to discuss methods for site evaluation.

Comments/Questions:

- General discussion: Are you considering digging holes? You don't have to; you can take our word for it that these sites are eligible. ? Response: No digging has occurred and is not planned at this time, further discussion and involvement with CRWG is needed.
- Betty Hall (Shasta Nation): My daughter is an experienced archaeologist and some archaeologists won't acknowledge certain materials—they say it's not an artifact, but we know it is. This is very frustrating and happens frequently.
- Tribal comment: how many sites do we want to walk through eligibility process because some of the sites get registered and then some of worst disturbances occur by "professional archaeologists"—the less you know the better off we are. Response: AECOM recommends keeping two categories: "recognized" and "unrecognized" sites so that the ones that are already known are managed one way, but "unrecognized" are managed separately, pending CRWG discussions.
- Eric Ritter (BLM-Redding): Where is the discussion about landscapes and historic districts? Response: AECOM is aware that the 2003 PacifiCorp study had multiple districts proposed. We are looking through the districts and will discuss more at next meeting.
- Perry Chocktoot (Klamath Tribes): OR SHPO comment letter addresses TCPs and districts. Rock feature phenomenon around here is very eligible for a Multiple Property nomination.
- Dean McBroom (Shasta Nation): What security measures are there to protect what's been found so far during survey? Response: AECOM has internally secure project files. Tribal caucus to discuss protection at next meeting.
- Tribal comment: are artifacts moving down river? AECOM response: Artifact movement is a factor we are attempting to address on site-by-site basis; geoarchaeological work is in progress.
- Eric Ritter (BLM-Redding): How is the study addressing Environmental Justice issues when you don't have access to private property? Response: KRRC is making a reasonable and good faith effort to obtain access, and will continue to do so.

NEXT STEPS

Elena Nilsson (AECOM) briefly presented the preliminary document preparation schedule.

- The Draft Cultural Resource Survey and Resource Update Report and Historic Built Environment Draft Evaluation Report are anticipated to be completed in November 2018.
- The Programmatic Agreement (PA) and Inadvertent Discovery Plan (IDP) are scheduled for December 2018.
- A Preliminary NRHP Evaluation Report, Looting and Vandalism Protection Plan, Historic Properties Management Plan, and Cultural Resources Monitoring Plan are planned for spring and summer 2019.

Comments/Questions:

- Kathleen Forrest (CA SHPO): What template will you be using for the FERC PA? This is a unique project and the usual templates may not apply; the Project will need more than just a



template ending with an HTMP. We recommend you start engaging with FERC now.

Response: We are not at that point in the process yet; should SHPO or KRRC reach out to FERC?

LOGISTICS AND PLANNING

Continuation of Tribal Caucus and CRWG Meetings is proposed monthly. Doodle polls will be sent out for September and October meetings. Alternate meeting locations can be discussed further, but for now the consensus seems to be Yreka.

Comments/Questions:

- General: A preference for in-person meetings (versus telephone) was expressed.
- Blake Follis (Modoc Tribe of Oklahoma): We would like to request that the Team make a Gantt chart and insert due dates for reviews so Tribes can organize meetings and schedule comments to be provided.

The meeting ended at 4:00.

Meeting Minutes

Subject	Klamath River Renewal Project KRRC Informal Consultation Cultural Resources Working Group (CRWG) Meeting
Date	September 18, 2018
Time	1:00-4:00 pm PST (Tribal Caucus 10:00am – 12:00pm)
Location	Best Western Miners Inn, Yreka, CA
Attendees	<i>In person:</i> Klamath River Renewal Corporation (KRRC): Mark Bransom AECOM: Mike Kelly, Burr Neely, Brian Person, Kirk Ranzetta, Sarah McDaniel CDM Smith: Kate Stenberg Karuk Tribe: Josh Saxon, Craig Tucker Klamath Tribes: Perry Chocktoot, Jai Matthew Jackson, Mandy Roberson Quartz Valley Indian Reservation: Crystal Robinson Shasta Indian Nation: Janice Crowe, Sami Jo Difuntorum, James Sarmiento Shasta Nation: Donald Boat, Betty Hall, James Prevatt Yurok Tribe: Rosie Clayburn USFS-Klamath NF: Jeanne Goetz, Jason Coats <i>Via telephone:</i> AECOM: Elena Nilsson, Shannon Leonard OR SHPO: Dennis Griffin Modoc Tribe of Oklahoma: Blake Follis PacifiCorp: Russ Howison BLM-Redding: Alden Neel
Prepared	October 20, 2018
Prepared by	AECOM
Distribution	KRRC Informal Tribal Consultation Group

MEETING OBJECTIVE

To continue informal consultation between cultural resources stakeholders with the Klamath River Renewal Corporation (KRRC) and its technical team, AECOM. Specifically, this month's meeting was focused on project updates, the regulatory process, and further refinement of the Area of Potential Effect (APE).

INTRODUCTIONS

After an opening prayer by James Prevatt (Shasta Nation), Brian Person, AECOM meeting facilitator, and Mark Bransom, KRRC CEO, provided a brief introduction. KRRC put forth and briefly summarized meeting guidelines, as sent with the meeting invite, to clarify how CRWG meetings will be conducted and moderated. Brian reiterated that if sensitive information needs to be disclosed and discussed outside this meeting, it will only be discussed to extent that is

necessary to address concerns or questions raised. Brian asked if there were any comments on the August meeting's minutes.

Comments/Questions:

- Craig Tucker (Karuk Tribe): The meeting guidelines don't outline the meeting purpose. KRRC needs to state the purpose of these meetings and provide clarity. Why are we here? Is it to debate about dam removal? Develop a mitigation plan? You need to make sure everybody is on the same page so time is being used efficiently.
- Sami Jo Difuntorum (Shasta Indian Nation): We request a correction to the August meeting notes, under "Tribal Caucus Update," second bullet ("*Participation and training: The consensus is for each Tribe to participate in the various aspects of the Project (monitoring, mitigation, etc.). Training of Tribal staff will be needed.*") The correction should reflect that Tribal consensus has not been reached. The Tribes are still working toward a consensus.

TRIBAL CAUCUS UPDATE

The Tribal Caucus met in the morning, prior to the CRWG meeting. Perry Chocktoot (Klamath Tribes) summarized the meeting topics for the CRWG.

Comments/Questions:

- Perry Chocktoot (Klamath Tribes): Tribal caucus discussions were centered around how the group can reach a consensus. The steps to reach a consensus have not been gone through. Why are we here, what is our goal? We didn't get to the meat and bones of mitigation. We are struggling with how to move forward effectively, how to reach consensus. The Tribal Caucus meeting would benefit from a third-party facilitator/dispute mediator.
- Mark Bransom (KRRC): KRRC will provide you with whatever additional needs we can. Give us a list of individuals who you would like to use as a mediator.

PROJECT UPDATE

Mike Kelly, AECOM Principal Archaeologist, provided an update on project design and schedule.

Field Work and Tribal Monitoring

No field work is being scheduled until there is a plan for tribal monitoring in place. KRRC is requesting that the tribes put together a plan that outlines which tribes will send a representative for which locations. The Tribal Monitoring Plan is needed before field work recommences in early spring.

Water Quality Gage Upgrades

Water quality gages will include rock anchors and equipment upgrades. All are proposed at existing sites except for one (Seiad Valley), which will be moved from the left bank to the right bank. A map showing the gage locations was presented in the PowerPoint.

Comments/Questions:

- Sami Jo Difuntorum (Shasta Indian Nation): Is this list comprehensive? These are the only gages being proposed?
- Shannon Leonard (AECOM): We are pretty certain these gages will be part of the monitoring program.

Fall Creek Hatchery Update

The August CRWG meeting discussed the need for hatchery modification at Fall Creek, specifically for a new settling pond, where three potential areas were being looked at, each with

cultural resources concerns. Since the last meeting, the project design has been modified so that the existing footprint can be used, and the new proposed settling pond should not affect any known sites. However, this area is a reported village, and although there have been no archaeological finds to date, an identification investigation is needed.

Comments/Questions:

- Sami Jo Difuntorum (Shasta Indian Nation): This is very good news. We are glad to hear this.

REGULATORY RECAP

Mike Kelly (AECOM) discussed the current state of regulatory consultation. FERC is not currently engaged, and as such the CRWG and KRRC will be advancing Section 106 consultation through these monthly meetings. The CRWG mission is to develop alternatives and recommendations for addressing cultural, historical, and archaeological resources for the relicensing process. The CRWG will address and document consultation requirements for FERC, lay groundwork for adverse effects, and review, advise, and participate on Section 106 steps. Confidentiality will be a priority, but some discussions may need to include site specifics.

AREA of POTENTIAL EFFECT DISCUSSION

Burr Neely, AECOM Senior Cultural Resources Specialist, provided a recap of the general comments that were received from the SHPOs and Tribes regarding consideration of Traditional Cultural Properties (TCPs) and landscapes/riverscapes; visual impacts; the built environment; fish, wildlife, and restoration sites; and effects of a free-flowing river. Mapping the APE is a priority, and a map book has been produced.

There has also been progress toward establishing a vertical APE. Geoarchaeological work is underway and will help delineate areas of subsurface disturbance (e.g., cut-and-fill areas) and maximum depths of disturbance, and attempt to develop a reservoir sediment depth model based on pre-dam historic topographic mapping and geotechnical data. The model will be used to identify those areas where the project may impact the pre-dam historic ground surface. The KRRC team is digitizing geologic maps to show where the project will impact landforms with potential to contain buried archaeological resources. Bathymetric data and reported site locations will also be used in this analysis.

The CRWG discussed how bathymetry data is obtained and used, how much water will be released and what sites are most likely to be affected and how. Looting and vandalism of unprotected sites by recreationalists continues to be a primary concern, and time was spent trying to understand how recreational use is currently managed, and could be managed in the future in a manner that helps prevent looting and vandalism. Several CRWG members requested that a viewshed modeling and high points analysis be considered in the delineation of the APE.

Comments/Questions:

- Perry Chocktoot (Klamath Tribes): KRRC needs to address the current protections of cultural resources right now, as well as after the dams are removed. For example, destruction of Big Boulder Village. It would show a good faith effort for KRRC to provide protective elements *now*. Looters are actively digging at these sites. It is hard for the tribes to have confidence in any of this while being robbed of our cultural heritage, our ancestors. At this point, any measure would be better than nothing.

- Donald Boat (Shasta Nation): In reference to limiting the amount of people able to loot and vandalize sites: would it be possible to establish a boat permit process like on the Rogue River?
- Craig Tucker (Karuk Tribe): At the Rogue River there is a lottery process limiting the number of camper and commercial use permits during certain times of the year. After October 15, anyone can use the river. There could be a system like that on the Klamath River. For example, you could have to show that you pack out your waste; you could train people on what is proper care and stewardship in and around cultural sites.
- Russ Howison (PacifiCorp): There is a permit process on the Klamath for commercial permits and for private overnights. I don't know if a day trip permit with a waiting list is used.
- Craig Tucker (Karuk Tribe): It depends on the reach.
- James Prevatt (Shasta Nation): We need to teach commercial outfitters where they can and can't put in and take out. They need to know only the places they *can* pull up—they don't need to know why (to avoid cultural sites).
- Mike Kelly (AECOM): This group will have the ability to comment on the recreation plan.
- Craig Tucker (Karuk Tribe): American Whitewater reached out to me. This group will need to be integrated into discussions on river recreation. An example, there is a Yurok village site at a state park that allows for active ceremonies to take place. This is a benefit to the tribe because they have a nice facility to use for their ceremonies but it is for general public use too. A win-win.
- Jeanne Goetz (USFS-Klamath NF): The Klamath National Forest does issue permits, and we work around ceremonies. Permitting depends on who is managing the land. Most landings are at archaeological sites.
- Craig Tucker (Karuk Tribe): How will the Civil War Tribal Cemetery site be protected? That should be included in the Tribal Monitoring Plan.
- Betty Hall (Shasta Nation): I read through these KRRC reports [*Definite Plan*] and regarding flood mitigation measures, one place says one thing and another says another about the amount that the river will rise once the dams are removed. How do we know which is right?
- Shannon Leonard (AECOM): The project will affect flows, flooding downstream of Iron Gate. Structures affected are mostly in the floodplain, but some are out. Mitigation will depend on what the property owner wants: e.g., elevate the building, build small berms around it. Reclamation modeling studies indicate that during a 100-year event, following dam removal the water surface elevation increases approximately 18 inches immediately below Iron Gate, to less than 6 inches at Humbug Creek (about 18 miles away), then the rise is not much different downstream of that point.
- Betty Hall (Shasta Nation): But you don't know the depth during a flood. Marks on the rocks show tremendous amounts of water, in just in one flood event. It's a lot of water, not just a foot.
- Perry Chocktoot (Klamath Tribes): We're not talking about a cataclysmic event, but a controlled release. KRRC can't base their assumptions on a catastrophic event.
- Burr Neely (AECOM): That reach where the models show flooding is already included in the APE. We are communicating with hydrologists for the archaeological analysis and will continue to pass that information along to the CRWG as it becomes available.
- Sami Jo Difuntorum (Shasta Indian Nation): I would like to request an electronic map book of the APE.
- Craig Tucker (Karuk Tribe): Why is the APE not topographically defined?
- Burr Neely (AECOM): The intent is to capture the viewshed, e.g., rim to rim topography.
- Craig Tucker (Karuk Tribe): Why not 100-year floodplain? What does it mean for mitigation regarding loss of eligibility for a viewshed versus where direct impacts for where access points, new infrastructure, etc. will be?

- Burr Neely (AECOM): Those are included in our defined “Area of Direct Impacts.” We are also trying to address the riverscape and the concerns folks have on broader viewpoints.
- Perry Chocktoot (Klamath Tribes): Places where people go to pray, where there were skirmishes, or slaves went, where people drew power from. The flooding after the dams were built impacted traditional practitioners. Now the flooding is being taken away, and there will be another set of impacts to traditional practitioners. I’m glad you’re considering visual impacts.
- Jeanne Goetz (USFS-Klamath NF): A viewshed modeling and high points analysis was completed for Medicine Lake as an example.
- General: Several people responded in agreement. The CRWG is requesting a viewshed analysis.
- Rosie Clayburn (Yurok Tribe): I would like to request shapefiles.
- A General discussion about the vertical APE and how bathymetry works ensued. How much sediment has accumulated since the dams were built, can the post-dam renewal area be modeled with archaeological sites overlain? Will drainage lead to exposure of sites, how and which ones? In response, AECOM will present the geoarchaeological and bathymetry results to the CRWG in a separate session, as the results of these studies are still being finalized and are expected in October 2018, along with LIDAR.

AGREEMENT DOCUMENT DISCUSSION

Kirk Ranzetta, AECOM Senior Architectural Historian, explained that there is a potential for ACHP involvement (John Eddins), explained the use of Programmatic Agreements (PAs), and how this process differs when FERC is involved because FERC is the final decision maker but not initially involved in the day-to-day activities. Kirk discussed the PA process and the need for a Historic Properties Management Plan (HPMP). FERC has agreement templates that would be used.

Comments/Questions:

- Perry Chocktoot (Klamath Tribes): Is there talk of FERC delegating to another agency?
- Kirk Ranzetta (AECOM): No.
- Perry Chocktoot (Klamath Tribes): If we are a concurring party it means we agree, versus consulting party.
- Betty Hall (Shasta Nation): What is “consultation?” It’s meaningless, In the Dictionary it means nothing. It’s dead.
- Kirk Ranzetta (AECOM): We try to integrate discussions in this CRWG, to make it a two-way street conversation.
- Perry Chocktoot (Klamath Tribes): What about Traditional Cultural Properties in the Klamath Canyon? These were identified in the past but not concurred with or moved forward with the SHPOs.
- Dennis Griffin (OR SHPO): There were 3-4 TCP reports by the tribes; those TCPs were not reviewed by our office because the project/dam relicensing was dropped.
- Perry Chocktoot (Klamath Tribes): TCPs are a heightened consultation piece. Isn’t the land manager responsible for following through even if a project is dropped? It is very important to get these eligible TCPs listed.
- Russ Howison (PacifiCorp): For the relicensing, an inventory was done, recommendations were made, and the findings were submitted to FERC, but there were a couple of problems in closing the loop: 1. The APE for relicensing was never settled. Both SHPOs couldn’t comment until the APE was resolved. 2. FERC stopped all further processing of the relicensing. Now is the time to reengage.
- Craig Tucker (Karuk Tribe): Is there a map of the proposed TCPs?
- Russ Howison (PacifiCorp): Yes, in the cultural resources report filed with FERC.

- Betty Hall (Shasta Nation): Appendix L of the Definite Plan (June 2018) references ethnographic studies [Section 6.1.5]. I would like to see the ethnographic reports.
- James Prevatt (Shasta Nation): No cultural sites should be shown on maps like happened in the FERC Relicensing process. That was a mistake and those were deleted from the computer right then, when that happened.
- Betty Hall (Shasta Nation): Highlight the confidentiality.
- Craig Tucker (Karuk Tribe): Can you explain the difference between federally-recognized and non-recognized tribes? No disrespect is meant; we just all need to be clear on what this means in the 106 process.
- Kirk Ranzetta (AECOM): Federally recognized tribes have a specific role in 36 CFR Part 800. Non-federally recognized tribes are more like Consulting Parties and can sign documents like the PA as a Consulting Party.
- Betty Hall (Shasta Nation): The Shasta Nation is a sovereign nation. Grass Valley is Shasta. Relatives and history ties us to these areas.
- Jeanne Goetz (USFS-Klamath NF): The USFS tries to include everybody in gathering input. For example we've had the Karuk as signatories on a PA and Shasta Nation as concurring; we try to include everybody.
- Donald Boat (Shasta Nation): The Shasta Nation is treated like a step child. That's how we feel.
- Mike Kelly (AECOM): Our goal is to listen to everyone in this room. That's the purpose of the CRWG, so that you can all provide input.
- James Prevatt : Add "Tribal laws" in addition to "federal, state, and local laws" to slide 25: HPMP Principles"
- General discussion: if pushing for clean energy, why are the dams being removed? Because they have outlived their useful lifespan and are no longer cost efficient to upgrade and maintain.

SCHEDULE

The FERC NEPA process starts once the transfer order is issued for work on the surrender application. Several documents are proposed for the end of 2018 and early 2019.

Agreement Document Schedule

- PA – December 2018
- IDP – December 2018
- Looting and Vandalism Prevention Plan (LVPP) – March 2019
- Cultural Resources Monitoring Plan (CRMP) - June 2019
- Historic Properties Management Plan (HPMP) – June 2019
- Treatment of Human Remains (to be provided by Tribes)

ACTION ITEMS

Sarah McDaniel, AECOM Senior Archaeologist, summarized a list of action items:

- The Tribal Caucus has requested an impartial facilitator. KRRC will assist with providing one. The Tribes will need to communicate if they have a particular person in mind.
- AECOM is to help clarify purpose of each Tribal Caucus/CRWG meeting to help focus the discussion.

- A Tribal Monitoring Plan is needed and will be used for planning next stages of field work. AECOM is requesting identification of who would want to provide a tribal monitor in which areas/sites.
- APE Discussion: AECOM will distribute electronic and/or hardcopy maps and shapefiles to the CRWG with the proposed APE. The CRWG needs to identify high points for a Project viewshed analysis, and any adjustments to APE boundary. AECOM will provide maps within next 2 weeks; request review and comments by the next CRWG meeting. Let us know what format is preferred; otherwise electronic maps will be emailed.
- Recreation Discussion: CDM Smith will determine who manages rivers with multiple land managers. Is it NPS? This is relevant to discussion of recreation plan and site protection e.g., permitting/lottery system for rafters.
- Protection: Tribes would like to see KRRC make a good faith effort in protection of sites that are being looted and vandalized currently, not just after dams are removed.
- Geoarchaeology: AECOM will schedule a geoarchaeologist to speak to the CRWG. This will help with the vertical APE and understanding which sites would be affected and how. Bathymetry modeling and LIDAR is expected to be finalized in Oct.
- Hydrology: Further work on modeling for pre- and post- dam removal is underway and this information will be shared with the group, possibly as part of the geoarchaeology expert discussion.
- TCPs: Evaluation of previously identified TCPs needs to be completed.

The meeting ended at 3:50.

Meeting Minutes

Subject	Klamath River Renewal Project KRRC Cultural Resources Working Group (CRWG) Meeting
Date	October 29, 2018
Time	1:00-4:00 pm PST (Tribal Caucus 10:00am – 12:00pm)
Location	Best Western Miners Inn, Yreka, CA
Attendees	<i>In person:</i> Klamath River Renewal Corporation (KRRC): Mark Bransom AECOM: Mike Kelly, Burr Neely, Brian Person, Jay Rehor, Sarah McDaniel CDM Smith: Kate Stenberg Karuk Tribe: Craig Tucker, Alex Watts-Tobin Klamath Tribes: Perry Chocktoot, J. Jackson, Mandy Roberson Shasta Indian Nation: Janice Crowe, Frank Crowe, Sami Jo Difuntorum Shasta Nation: Donald Boat, Roy Hall Jr., Betty Hall, James Prevatt USFS-Klamath NF: Jeanne Goetz <i>Via telephone:</i> Quartz Valley Indian Reservation: Crystal Robinson AECOM: Shannon Leonard, Kirk Ranzetta CA SHPO: Kathleen Forrest OR SHPO: Dennis Griffin BLM-Klamath Falls: Sarah Boyco Yurok Tribe: Rosie Clayburn, Frankie Myers
Prepared	November 16, 2018
Prepared by	AECOM
Distribution	KRRC Cultural Resources Working Group (CRWG)

MEETING OBJECTIVE

To continue consultation between cultural resources stakeholders with the Klamath River Renewal Corporation (KRRC) and its technical team, AECOM. Specifically, this month's meeting was focused on project updates, finalization of the Area of Potential Effects (APE) inclusive of a visual impacts analysis, and an indepth discussion of hydrological and geoarchaeological studies to better understand impacts to cultural resources.

INTRODUCTIONS

After an opening prayer by Perry Chocktoot (Klamath Tribes), Brian Person, AECOM meeting facilitator, called for opening statements.

TRIBAL CAUCUS UPDATE

The Tribal Caucus met in the morning, prior to the CRWG meeting. Brian Person (AECOM) facilitated the Tribal Caucus meeting and summarized those discussions for the CRWG. Sarah McDaniel (AECOM) took meeting notes only if requested by an individual as “for the record” and these are to be distributed by AECOM to the Tribal Caucus separate from the CRWG meeting notes.

Overall, the Tribal Caucus concentrated on discussing the merits of the project and on the topic of protecting cultural resources. To help focus the meeting purpose, KRRC recently sent a letter to the Shasta Nation with the objective of acknowledging their position of non-support for the project and soliciting their engagement in cultural resources issues in this meeting forum under the assumption that the dams would be removed, and that a different forum could be used to object to the project. The Shasta Nation voiced their concerns about the letter during the Tribal Caucus.

The Tribal Caucus is working on preparation of an Inadvertent Discovery Plan (IDP) and Monitoring Plan. Some caucus members agreed to share their individual tribal plans used for other projects so that the CRWG can collectively review and edit, and be prepared to discuss in detail at the November 2018 CRWG meeting.

Comments/Questions:

- Perry Chocktoot (Klamath Tribes): Emotions run high, especially with issues regarding the federal government. PacifiCorp needs to be clear and we need to work together to get this done. We need to make an IDP and Monitoring Plan that is all-inclusive because we have a shared history. I can't tell you [KRRC] how to move forward if a group isn't willing to move this forward. The Klamath Tribes are willing to move this forward.
- Roy Hall, Jr. (Shasta Nation): The Tribal Caucus developed into a free-for-all. The Klamath say it's their territory, we say it's ours. We don't need everybody discussing our sacred sites. KRRC has an agenda moving forward no matter how we feel.
- Sami Jo Difuntorum (Shasta Indian Nation): We are planning to distribute the example IDP/Monitoring Plan documents electronically so it's more productive and everyone can offer comments back and forth.

PROJECT UPDATES

Mike Kelly, AECOM Principal Archaeologist, reviewed the September action items and asked if there were any corrections to last month's meeting notes. No corrections were requested.

September Action Item Review

A slide was presented showing the current status of action items. In summary, as requested by the Tribes, a facilitator was provided for the Tribal Caucus; the APE was refined based in part on a viewshed analysis and circulated for review; no KRRC jurisdiction for law enforcement was identified, although Oregon State Parks rangers have agreed to increase patrols on State Park lands; the Monitoring Plan is still pending Tribal input; the requested hydrology/geoarchaeology reviews are complete and are being presented as part of the current CRWG meeting; and recreation planning is still underway and will be on the November meeting agenda.

Recreation Plan Update

American Whitewater recreationalists and outfitters recently set up a recreation field visit; Mike Kelly (AECOM) was one of the attendees. The whitewater group is soliciting ideas for how to work with the Tribes and for stewardship of cultural resources, especially if there are any at proposed new landings. KRRC is planning to schedule a recreation presentation for the November 2018 CRWG meeting.

In clarification of last month's meeting question about who regulates rafting permits and regulations, KRRC determined that on federal lands, BLM, USFS, and NPS require permits for commercial recreation activities. NPS does not regulate permits for rafters outside of National Parks, and an agreement that designates a river as Wild and Scenic gives the state authority to manage recreation.

Comments/Questions:

Perry Chocktoot (Klamath Tribes): Those rafters stop at some of the most sensitive areas, where they shouldn't be at. The general public shouldn't be there.

Craig Tucker (Karuk Tribe): We're expanding areas for their opportunities.

FINALIZATION OF THE AREA OF POTENTIAL EFFECTS

Burr Neely, AECOM Senior Cultural Resources Specialist, provided an overview of the newly completed visual analysis requested by the CRWG in September 2018. The visual analysis focuses on the Klamath River Watershed, is a bare earth analysis (no vegetation), and is shown as a "heat index" gradient of high versus low visibility. Examples were presented on PowerPoint slides. Several mountain peaks outside of the APE are shown as having viewshed visibility; however, many high places along the river corridor are included within the APE.

Comments/Questions:

- Kathleen Forrest (CA SHPO): CA SHPO needs a hard copy in order to provide formal comments; we can't accept electronic submissions.
- Betty Hall (Shasta Nation): The prior SHPO letter recommends adding topographic maps—has this been addressed?
- Burr Neely (AECOM): Yes, copies of the revised maps were distributed via email to the CRWG last week. AECOM will provide a hardcopy of these maps to the Shasta Nation.

Reservoir and Rim Stability

Shannon Leonard, AECOM Assistant Project Manager, provided an overview of rim stability (i.e., for larger landslides) based on studies that were made during a reservoir drawdown. The study steps included a geologic desktop study, a geologic reconnaissance, field investigations and laboratory testing, slope stability analyses, and mapping of areas of potential impacts. Appendix E of the Definite Plan has more detail.

In summary, for Iron Gate Reservoir, no large landslides are anticipated but shallower landslides are likely to occur in the shallow surficial deposits that characterize the reservoir area and along its rim. For JC Boyle Reservoir, large landslides are less likely and no stability problems were identified. For Copco Reservoir, minor slides beneath the reservoir surface are possible during drawdown and larger, deeper slides are possible along submerged higher bluffs along the original Klamath River channel but these would not affect the reservoir rim. PowerPoint slide 18, Copco Dam Slope Failure Analysis Overview Map, provided the locations of potentially unstable slopes. Additional field data collection is underway.

Comments/Questions:

- Perry Chocktoot (Klamath Tribes): Will high water post-dam removal cause a problem for bank stability, for example, after a large storm event?
- Shannon Leonard (AECOM): That has not yet been analyzed. There are a lot of rocks and bedrock along these channels, so I would guess conditions would be similar conditions to what they were prior to the dam going in.

- Perry Chocktoot (Klamath Tribes): How soon will there be stability after dam removal?
- Shannon Leonard (AECOM): Vegetation would help stabilize remaining sediment and the vegetation plan calls for early pioneer seeding as quickly as possible.
- Roy Hall Jr. (Shasta Nation): The weather is difficult to predict around here (i.e., need to consider this in terms of the reseeding plan).

Reservoir and Rim Stability

Shannon Leonard, AECOM Assistant Project Manager, provided an overview of flood hydrology. The Bureau of Reclamation estimated the flood control benefits of the reservoirs. PowerPoint slide 21 provided a hydrograph charting a 100-year flood event with the dams in, compared to an estimated 100-year flood event with the dams out. There was a general discussion around this hydrograph, which is based on the 1964 flood that had 29,400 cubic feet per second (cfs) when the dams were in place. The analysis shows that there may be an approximate 7% increase in water volume (33,800 cfs) with the dams out.

Slide 22 provided a map of the Klamath River Watershed illustrating the projected flow magnitude, using 100-year statistics (Slide 23) for gage river flows. Slide 23 showed a graph of the “100-year Flood Water Surface Elevation Downstream of Iron Gate,” with current data for “dams in” and projected date for “dams out.” The “dams in” line and “dams out” lines overlap each other such that both appear as a single red line in this graph. (This means that below Humbug Creek there isn’t much of a difference.)

Comments/Questions:

- Craig Tucker (Karuk Tribe): Great slides! So, if there is a 100-year flood at Upper Klamath Lake, whether it floods or not isn’t relevant because at Iron Gate it’s only 31,000 cfs (5%) but once you get to the mouth it’s at 570,000 cfs.
- Alex Watts-Tobin (Karuk Tribe): Is it safe to say that the leveling out at lower end of Humbug is at 0.4 ft. and it’s negligible after that?
- Shannon Leonard (AECOM): The model isn’t accurate enough to get any more detail.
- Craig Tucker (Karuk Tribe): Was sediment modeling taken into account?
- Shannon Leonard (AECOM): Yes, part of the 18-inch increase at the upper end is related to sediment.
- Burr Neely (AECOM): That’s why the APE for direct impacts is above Humbug Creek and below Humbug Creek is considered for indirect impacts.

GEOARCHAEOLOGY REVIEW

Jay Rehor, AECOM Senior Geoarchaeologist, provided an overview of georachaeology as a landscape evolutionary approach to understand where archaeological sites are likely to be located both horizontally across the landscape and vertically (i.e., how deeply they may be buried). Buried and submerged resources were considered by looking at the pre-dam ground surface through bathymetry data, historic maps, and a sediment depth model. Project-related ground disturbances were added to this model, and samples of resource site types overlain to give an idea of where the project has the potential to impact known and suspected cultural resources, and to what potential depth they might be encountered. There is an inherent error of +- 5-10 feet in the historic ground surface model. Next steps include completing the geomorphic sensitivity model to the Area of Direct Impacts, working with the design team to minimize impacts in areas of high sensitivity, and developing identification protocol for high sensitivity areas with potential impacts.

Comments/Questions:

- Craig Tucker (Karuk Tribe): How many acres of High Probability Areas are within the direct APE?
- Jay Rehor (AECOM): The analysis is still in progress.
- Roy Hall Jr. (Shasta Nation): Once you add sites to this model, you can't share it with this group. Those sites are confidential.
- Craig Tucker (Karuk Tribe): As discussed in a previous meeting, please address impacts to the Civil War Cemetery. According to the Water Board there is concern that tribes said two graves would need to be removed. We need to address this and advocate if needed.
- Perry Chocktoot (Klamath Tribes): I am very concerned that previous site forms and maps are being circulated. These are only to be used on a need-to-know basis. I want to bring this to both SHPOs' attention because the general public has these. These are for professional archaeologists and tribal representatives only.

DOCUMENT PREPARATION AND SCHEDULE

Mike Kelly (AECOM) presented the proposed Section 106 timeline and a table with dates that deliverables will be due (Slides 49 to 51). Suggested monthly meeting topics were also presented. November's meeting will include review of the Recreation and Restoration Plans, and introduction of the Phase II Study Plan.

Document Schedule (the following dates are when the first Draft is due to KRRC)

- Phase II Study Plan – January 2019
- PA – January 2019
- IDP – January 2019
- Looting and Vandalism Prevention Plan (LVPP) – March 2019
- Cultural Resources Monitoring Plan (CRMP) - March 2019
- Historic Properties Management Plan (HPMP) – May 2019
- Treatment of Human Remains (to be provided by Tribes) – June 2019

Comments/Questions:

- Alex Watts-Tobin (Karuk Tribe): I assume the Tribes will draft the PA so we can have input, rather than receive this from an agency?
- Mike Kelly (AECOM): The idea is to write it as a collaborative effort as opposed to a redline review. We hope to get agreement, and this is why we need input on the Tribal Monitoring Plan and IDP. But the intention is to circulate the Draft PA amongst this group.
- Kathleen Forrest (CA SHPO): FERC's typical procedure of deferring to the HPMP isn't going to work. We won't accept their template for this project.
- Mike Kelly (AECOM): We're taking that into account; thank you for providing the example documents.
- Perry Chocktoot (Klamath Tribes): Has KRRC settled on a construction firm yet?
- Mark Bransom (KRRC): Not yet. The prime contractor will determine work performance, and then bid out 5% for other teams including tribal teams, and another 5% for local preference. The contractor assumes risk and delivery of work. KRRC will have other direct contracts with other opportunities for tribal contracts. In evaluating the RFP, we will ask bidders for additional details on how they will outreach procurement opportunities to tribal entities, and about past successes, etc.
- Perry Chocktoot (Klamath Tribes): The monitoring will have 100% tribal involvement.
- Mike Kelly (AECOM): The Phase II work needs to be scheduled as early as possible next spring. We need to focus on the IDP and Monitoring Plans.

ACTION ITEMS

- *Recreation Planning:* AECOM and KRRC will try to schedule American Whitewater representatives attending an upcoming CRWG meeting. The purpose would be to collaborate with proposed recreation planning so that cultural resources concerns can be taken into account.
- *Tribal IDPs/Monitoring Plan:* The Tribal Caucus will distribute examples of Inadvertent Discovery Plans and Monitoring Plans amongst the tribes and be prepared to discuss at the next Tribal Caucus.
- *Finalization of APE:*
 - Consulting Parties/CRWG will review and comment on revised October 2018 APE draft.
 - KRRC will send a formal consultation letter and hardcopies of the revised APE to CA SHPO.
 - AECOM will send a hardcopy of the revised APE to the Shasta Nation.
 - AECOM will provide maps within next 2 weeks; request review and comments by the next CRWG meeting.
- *Distribute PowerPoint:* AECOM will distribute the October PowerPoint presentation to the CRWG via email. AECOM will also send a hardcopy to the Shasta Nation.
- *Impacts Analysis:* The Civil War Cemetery is of concern and the CRWG needs to understand potential impacts.

The meeting ended at 4:00 pm.

Meeting Minutes

Subject	Klamath River Renewal Project KRRC Cultural Resources Working Group (CRWG) Meeting
Date	November 29, 2018
Time	1:00-4:00 pm PST (Tribal Caucus 10:00am – 12:00pm)
Location	Best Western Miners Inn, Yreka, CA
Attendees	<i>In person:</i>

AECOM: Mike Kelly, Burr Neely, Elena Nilsson, Brian Person, Sarah McDaniel
 BLM-Redding: Eric Ritter
 Karuk Tribe: Craig Tucker, Alex Watts-Tobin
 Klamath River Renewal Corporation (KRRC): Mark Bransom
 Quartz Valley Indian Reservation: Crystal Robinson
 Shasta Nation: Roy Hall Jr., Betty Hall
 Siletz Tribe: Robert Kentta
 USFS-Klamath NF: Jeanne Goetz, Jason Coats
 Yurok Tribe: Rosie Clayburn

Guest Speakers:
 American Whitewater: Bill Cross
 CDM Smith: Chris Park, Terichael Office

Via telephone:
 AECOM: Shannon Leonard
 BLM-Klamath Falls: Sarah Boyco, Heidi Anderson
 BLM-Redding: Bill Kuntz
 CA SHPO: Kathleen Forrest, Brendan Greenaway
 Klamath Tribes: Jan Jackson, Mandy Roberson
 OR SHPO: Jason Allen, Dennis Griffin
 PacifiCorp: Russ Howison
 Shasta Indian Nation: Janice Crowe, Sami Jo Difuntorum, James Sarmento

Prepared	February 14, 2019
Prepared by	AECOM
Distribution	KRRC Cultural Resources Working Group (CRWG)

MEETING OBJECTIVE

To continue consultation between cultural resources stakeholders with the Klamath River Renewal Corporation (KRRC) and its technical team, AECOM. Specifically, this month’s meeting was focused on discussion of the Recreation Plan and the Phase II Study Plan strategy.

SCHEDULE AND MEETINGS

After introductions, Brian Person, AECOM meeting facilitator, began by going over the proposed Section 106 timeline. In order to meet the compressed schedule, KRRC solicited CRWG opinions regarding continuing Tribal Caucus meetings and CRWG meetings in person. A CRWG meeting has not been set up for December due to inclement weather considerations and the holidays.

Document Schedule (the following dates are when the first Draft is due to KRRC)

- Phase II Study Plan – January 2019
- IDP – January 2019
- PA – February 2019
- Looting and Vandalism Prevention Plan (LVPP) – March 2019
- Cultural Resources Monitoring Plan (CRMP) - March 2019
- Historic Properties Management Plan (HPMP) – May 2019
- Treatment of Human Remains (to be provided by Tribes) – June 2019

Comments/Questions:

- Alex Watts-Tobin (Karuk Tribe): I'm in favor of continuing the Tribal Caucus groups given the schedule. We need to discuss these things in person.

TRIBAL CAUCUS UPDATE

The Tribal Caucus met in the morning, prior to the CRWG meeting. Brian Person (AECOM) facilitated the Tribal Caucus meeting and summarized those discussions for the CRWG.

The Tribal Caucus discussed the Proposed Meeting Guidelines and specific items regarding the Inadvertent Discovery Plan (IDP) and Monitoring Plan. Ideas were presented on how to move these documents forward. The Tribal Caucus is requesting assistance from KRRC to help the CRWG share these documents amongst themselves.

OCTOBER MEETING MINUTES AND ACTION ITEM REVIEW

Mike Kelly, AECOM Principal Archaeologist, reviewed the October action items and asked if there were any corrections to last month's meeting notes. No corrections were requested.

A slide was presented showing the current status of action items. The items included:

- October presentation distribution – distributed November 1, 2018
- APE distribution – submitted November 15, 2018
- Recreation planning – included on current agenda
- Finalization of APE – no additional comments received
- Civil War Cemetery consideration – research is ongoing but indicates this far from the ADI and therefore not likely to be affected
- IDP and Monitoring Plans – plans are in preparation

Comments/Questions:

- Craig Tucker (Karuk Tribe): How far is the Civil War Cemetery from the APE?
- Elena Nilsson (AECOM): The Civil War Cemetery is in Parcel A lands (to be kept by PacifiCorp), and is 5 miles outside the ADI, below J.C. Boyle.
- Alex Watts-Tobin (Karuk Tribe): This is well above the 100-year floodplain, about 5 miles upstream, and I don't see impacts being an issue.

RECREATION PLAN UPDATE

Representatives from CDM Smith (Chris Park and Terichael Office) and American Whitewater (Bill Cross) joined the meeting to discuss the status of recreation planning and to solicit input from the CRWG regarding stewardship of cultural resources, especially if there are any at proposed new launches. Chris Park led the discussion and presented slides summarizing the current status of the Draft Recreation Plan (submitted to FERC in the *Definite Plan* as Appendix Q, June 2018). The loss of late summer boating on the Hell's Corner Reach and loss of recreation facilities at the three reservoirs are considered impacts. Maps were presented showing the proposed locations of eight proposed rafting access points: Keno, Highway 66 Crossing; Below J.C. Boyle; Across from Frain Ranch; Copco Valley; Fall Creek Boat Launch; Camp Creek; and Iron Gate Hatchery.

Comments/Questions:

- General comment: When will the Recreation Plan be completed, and will it be mailed out?
- Chris Park (CDM Smith): The Final Recreation Plan is planned for submission to FERC in early 2019.
- Craig Tucker (Karuk Tribe): Which access points are new?
- Betty Hall (Shasta Nation): Are these new maps? I request that they be mailed to me.
- Mandy Roberson (Klamath Tribes): Are the whitewater landings in or out of archaeological sites? Have you been working with the archaeologists in siting these?
- Mike Kelly (AECOM): Yes, these locations do avoid all known sites within the ADI. As the geoarchaeology analysis moves forward these locations will be further considered. The team is looking at larger areas to allow for flexibility.

Keno Launch

- Craig Tucker (Karuk Tribe): Is Keno outside the APE?
- Burr Neely (AECOM): Yes.
- Craig Tucker (Karuk Tribe): There is a kayak surf wave at Keno in the project area; shouldn't the recreation group be weighing in with the biological resources team?
- Robert Kennta (Siletz Tribe): Will there be a closure during winter?
- Chris Park (CDM Smith): Yes, but we want to move the gate close to the campground or keep it open year-round.
- Dennis Griffin (OR SHPO): Has this area ever been surveyed?
- Elena Nilsson (AECOM): My recollection is yes, in 2003-2004 by PacifiCorp, but we'll double check.
- Craig Tucker (Karuk Tribe): This is also an important bass fishing site.

Highway 66 Launch

No comments.

Below J.C. Boyle Launch

- Alex Watts-Tobin (Karuk Tribe): Are there plans to improve Topsy Grade? That is not a good road.
- Chris Park (CDM Smith): Road improvements are not currently part of the Recreation Plan. Some stakeholders don't want upgrades and some do.
- Eric Ritter (BLM – Redding): Topsy Grade is a historic road and there are archaeological values that would need to be considered if road improvements are planned.

Frain Ranch Launch

- Chris Park (CDM Smith): Hell's Corner begins at Frain Ranch. J.C. Boyle boat Ramp to Dam is extremely steep and challenging, with Class 4 whitewater.

- Alex Watts-Tobin (Karuk Tribe): Frain Ranch has been singled out as subject to cultural resources damage and looting and is a potential candidate for law enforcement so damage doesn't accrue. This needs to be considered if this site is developed.
- Chris Park (CDM Smith): What's being proposed has a limited footprint and includes access to the river, parking pads, and grading a new boat ramp and parking area. Oregon says vault toilets are needed. California has no interest in vault toilets, just the ramp.
- Alex Watts-Tobin (Karuk Tribe): That needs to be discussed with relevant Tribes with knowledge of the sacred sites in this area. A port-a-potty is preferred over a vault toilet.

Copco Valley Launch

- Eric Ritter (BLM – Redding): Whoever is going to own that land, aren't they going to want a say-so in how it's being used?
- Craig Tucker (Karuk Tribe): I think having a recreational facility will be enticement for whoever takes over as land manager.
- Robert Kennta (Siletz Tribe): Do you have an idea of how much sediment has accumulated here?
- Elena Nilsson (AECOM): We do have the data, and that analysis will be done. We know that deeper sediments (10-12 ft.) are closer to the original channel, with less sediment (2-3 ft.) at the shoreline/Copco Road.
- Robert Kennta (Siletz Tribe): It will be really silty, too. Makes me think it will require hauling a lot of rock to make the parking pads stable enough. How will feasibility factor into site selection? Unless the silt is going to be removed?
- Eric Ritter (BLM – Redding): Have you done historic research to see if these deep alluvial terraces would have been ranch land?
- Elena Nilsson (AECOM): Yes, we have looked at historic maps to determine locations of ranches and other features. At the meeting last month we went over how we will be doing additional screening for cultural resources with this data in the future.
- Chris Park (CDM Smith): Given uncertainties in the reservoir drawdown, we may need alternate sites as described in the Recreation Plan.
- Betty Hall (Shasta Nation): Wave action is going to be swift in some places. They tell me we don't have to worry about graves being washed away, but I don't know that they are considering our sacred burial sites.
- Brian Person (AECOM): How long until we know about feasibility and engineering for roads?
- Shannon Leonard (AECOM): When the contractor is on board, we will get the first design packages and preliminary engineering at the site.

Fall Creek Launch

- Crystal Robinson (Quartz Valley Indian Reservation): Could this launch be in an area of thermal refuge? I have biological concerns about habitat for salmon at Fall Creek.
- Alex Watts-Tobin (Karuk Tribe): This is close to the proposed Yreka Pipeline crossing.
- Eric Ritter (BLM – Redding): Is Fall Creek a potentially anadromous stream after dam removal? What would the effect be if so?
- Sami Jo Difuntorum (Shasta Indian Nation): There is a really high density of cultural resources in that entire stretch of river. Our preference is to stay away from these areas. Where we have a village, there is a high probability for burials.
- Crystal Robinson (Quartz Valley Indian Reservation): Creek mouths in general are a bad location for biological as well as cultural resource issues.
- Bill Cross (American Whitewater): We have some latitude to move if there is a problem with a specific spot.

Camp Creek Launch

- Craig Tucker (Karuk Tribe): This is a popular area for drift boats, too. Have you had a conversation with fishermen?
- Chris Park (CDM Smith): We've attempted to engage the angling community, but they are not as active as the whitewater community so far.
- Craig Tucker (Karuk Tribe): Does PacifiCorp have a contractual agreement to ensure access?
- Russ Howison (PacifiCorp): We're open to it but we're not committing at this time.
- Eric Ritter (BLM – Redding): Didn't PacifiCorp move the Stateline take-out?
- Russ Howison (PacifiCorp): Camping was moved, not the take-out. Currently this area gets little use since Access 6 is in use.

Iron Gate Hatchery

- Eric Ritter (BLM – Redding): Brush Creek has anadromous fish – is there tribal concern regarding fisheries?
- Crystal Robinson (Quartz Valley Indian Reservation): Upstream is better than downstream. Big springs should be avoided too (e.g., below J.C. Boyle).
- Craig Tucker (Karuk Tribe): Fishermen can stack up here. Has there been an evaluation of the biology of coldwater areas?
- Alex Watts-Tobin (Karuk Tribe): I suggest moving this upstream to the footprint of the dam.
- Janice Crowe (Shasta Indian Nation): We don't want any of these near our cultural sites. We recommend cultural sensitivity training as part of the permitting process.
- Craig Tucker (Karuk Tribe): Isn't there already ground disturbance at the dam or hatchery? Why not use the already paved parking lots for boats to minimize impact, versus creating a new impact somewhere else.
- Robert Kennta (Siletz Tribe): And avoid the coldwater refuge areas. If the houses here are going to be demolished, could that already-disturbed area be used for this development?
- Craig Tucker (Karuk Tribe): I get frustrated when we have to talk about "mitigation" in the Recreation Plan – we've created a gold mine. The Plan needs to point out the improved water quality and increased opportunities for guided fishing trips. This is great for recreation and commercial operations.
- Unidentified Telephone Participant (Bill Kuntz?): What about hiking trails?
- Chris Park (CDM Smith): We looked at some but ruled them out in the Draft Plan because of land ownership challenges.
- Unidentified Telephone Participant (Bill Kuntz?): Will the land at Jenny Creek connect to Siskiyou National Monument?
- Eric Ritter (BLM – Redding): It depends on who gets the land. There are lots of unknowns. BLM California might consider trails.

PHASE II STUDY PLAN

Burr Neely (AECOM) presented the outline for the upcoming Phase II Plan. The purpose of the research design is to guide summer 2019 archaeological field investigations and establish criteria for determinations of site eligibility. There are about 40 sites in the ADI.

Comments/Questions:

- Eric Ritter (BLM – Redding): There are about 40 sites in Parcel B lands, but hundreds on Parcel A that we can't get to—how are you going to take this into account?
- Elena Nilsson (AECOM): To explain: Parcel A lands include "ranch lands", some scattered at J.C. Boyle and upper Copco Lake, and these are not for transfer. Parcel B lands are the majority of the ADI; there is a potential for effect and these lands are subject to transfer to

KRRC and State agencies—it's the land under the reservoirs and dams. We have completed the record search and have a database for all sites in the reach to use when focusing down on the 40 within the ADI.

- Roy Hall, Jr. (Shasta Nation): What about current submerged sites?
- Burr Neely (AECOM): There will be a separate Plan to deal with the inundated sites. The Phase II Study Plan is for all the sites we can get to first. We know at this time it may not be feasible to look at all of a site, in some cases it might just be a sliver.
- Roy Hall, Jr. (Shasta Nation): Is this excavation?
- Burr Neely (AECOM): Yes, with tribal participation.
- Eric Ritter (BLM – Redding): I assume from past talks, that tribes assume prehistoric sites are eligible? What does SHPO think about that approach?
- Brendan Greenaway (CA SHPO): It depends on if the sites can be avoided. If so, it can be assumed that the site is eligible; otherwise we will want to see an evaluation.
- Dennis Griffin (OR SHPO): I concur. Avoidance is preferred, but we have to know how the site is being affected and what the direct impacts will be.
- Roy Hall, Jr. (Shasta Nation): Even if there is not a direct impact, there is increased risk for pot hunting.
- Robert Kennta (Siletz Tribe): We need to know an adequate boundary, too.
- Alex Watts-Tobin (Karuk Tribe): The Karuk Advisory Board does not support subsurface testing just to detect site boundaries and buffers.
- Rosie Clayburn (Yurok Tribe): The Yurok does not do subsurface testing either on our lands, and that has worked well for us.
- Robert Kennta (Siletz Tribe): What about place names and translations of those? E.g., plant gathering areas and other environmental considerations. Have these been considered?
- Burr Neely (AECOM): That is part of the context update that is needed. There are the 2004 PacifiCorp Ethnographic Reports. Should we use a redacted version to respect confidentiality? We are looking for your feedback for an appropriate approach given the sensitivity.
- Mike Kelly (AECOM): We plan to have details on sites in relation to the shoreline, with general descriptions in the report.
- Rosie Clayburn (Yurok Tribe): We're okay with that, but other Tribes may need chapters in different areas; maybe redact others for different Tribes. We will need to have a discussion using territorial maps.
- Mike Kelly (AECOM): We can meet with individual tribes to get your input.
- Elena Nilsson (AECOM): Maybe we can break it up into reservoir areas.
- Robert Kennta (Siletz Tribe): I have museum photos from back east- showing 18 feet below surface from the Klamath River area. I will try to find the references and get those to you.
- Eric Ritter (BLM – Redding): Do the SHPOs want informal review of some of these methods in the Phase II Study Plan?
- Brendan Greenaway (CA SHPO): We will wait to do a formal review.
- Alex Watts-Tobin (Karuk Tribe): I took the APE and ADI to the Karuk Advisory Board. They are happy with the ADI, and noted that the APE is an indirect impact. I asked if we could consider impacts a "net positive", i.e., it is just as good as a river versus a reservoir? The answer was no, not always. They want that noted.
- Rosie Clayburn (Yurok Tribe): There are many benefits: access to fishing goes up, we can go swimming, have ceremonial uses with less toxicity. We want it noted that we consider the project to have positive indirect impacts.

CLOSING REMARKS

- Craig Tucker (Karuk Tribe): I want to make sure we're getting fisherman access. I'm offering to help. Duck hunting maybe should be considered too as part of the Recreation Plan, not just commercial rafters. Can I get a list of people you talked to?
- Crystal Robinson (Quartz Valley Indian Reservation): I would like to see a biological overlay with the Recreation Plan. The plan needs to address flexibility until dams are removed. We won't know all areas until we can see it as a river.
- Craig Tucker (Karuk Tribe): I'm troubled by the informal letter-based agreements. There is no permanency, no legal obligations. The Recreation Plan should commit PacifiCorp to ensure public access.
- Eric Ritter (BLM – Redding): What about new rapids? Will there be tribal fishing areas?
- Craig Tucker (Karuk Tribe): Tribal fishing rights won't be discussed here.
- Janice Crowe (Shasta Indian Nation): We would like to go on the record stating that any Recreation Plan decisions will adversely affect cultural resources.

ACTION ITEMS

- *Tribal Caucus notes:* Brian to correct October notes and distribute to Tribal Caucus by December 3rd.
- *Facilitate document sharing.* KRRC to assist with establishing a method of document sharing amongst the Tribal Caucus.
- *Set up in-person Tribal Caucus meetings for January and February.* AECOM to send out Doodle poll for location and day preferences.
- *Schedule individual discussions.* AECOM to contact Tribes for individual meetings to discuss the Phase II Plan and other deliverables.
- *Circulate Phase II Study Plan.* AECOM to send out first draft of the plan to the CRWG in January.
- *Recreation Planning:*
 - Provide biological overlay (e.g., thermal refugia, spawning areas, big springs). Consider upstream as better than downstream at stream crossings. Consider stream crossings and springs as generally bad locations due to cultural resources.
 - Provide list of what whitewater commercial outfitters were contacted. Ensure sample includes a variety of outfitters and anglers (and possibly duck hunters?).
 - Craig Tucker (Karuk Tribe) may like to collaborate with gathering angler input to ensure access for them and understand drift boat use.
 - Address comment on whether the plan can commit PacifiCorp legally to ensure public access.
 - Address feasibility of having cultural sensitivity training as part of the permitting process.
 - AECOM to verify survey coverage at Keno Dam.
 - Focus recreation developments on locations that have existing disturbances from dam/fisheries/residences.
 - Use of vault toilets should be approached with the Tribes. Port-a-potty may be better option.

- Any road improvements will also need to consider cultural resources.
- *Distribute PowerPoint:* AECOM will distribute the November PowerPoint presentation to the CRWG via email. AECOM will also send a hardcopy to the Shasta Nation.

The meeting ended at 4:00 pm.

Meeting Minutes

Subject	Klamath River Renewal Project KRRRC Cultural Resources Working Group (CRWG) Meeting
Date	February 19, 2019
Time	1:00-3:00 pm PST
Location	Teleconference
Attendees	AECOM: Mike Kelly, Burr Neely, Elena Nilsson, Brian Person, Sarah McDaniel CA SHPO: Kathleen Forrest CDM Smith: Kate Stenberg OR SHPO: Tracy Schwartz PacifiCorp: Russ Howison Karuk Tribe: Craig Tucker Quartz Valley Indian Reservation: Crystal Robinson Shasta Nation: Roy Hall Jr., Betty Hall Shasta Indian Nation: Janice Crowe, Sami Jo Difuntorum, James Sarmento
Prepared	April 8, 2019
Prepared by	AECOM
Distribution	KRRRC Cultural Resources Working Group (CRWG)

MEETING OBJECTIVE

To continue consultation between cultural resources stakeholders with the Klamath River Renewal Corporation (KRRRC) and its technical team, AECOM. Specifically, the telephone meeting was focused on providing an overview of the Draft Phase II Study Plan being distributed to the CRWG this month.

SCHEDULE AND MEETINGS

After introductions, Mike Kelly (AECOM Principal Archaeologist) reviewed the proposed Section 106 timeline.

Document Schedule (the following dates are when the first Draft is due to KRRRC)

- Phase II Study Plan – February 28, 2019 to CRWG; request comments from CRWG March 22, 2019; Final due in April
- IDP – to CRWG March 2019
- PA – to CRWG March 2019
- Cultural Resources Monitoring Plan (CRMP) – to CRWG March 2019
- Looting and Vandalism Prevention Plan (LVPP) – to CRWG May 2019
- Historic Properties Management Plan (HPMP) – to CRWG July 2019
- Treatment of Human Remains (to be provided by Tribes) – August 2019

NOVEMBER MEETING MINUTES AND ACTION ITEM REVIEW

Brian Person (AECOM meeting facilitator), reviewed the November action items and asked if there were any corrections to the Tribal Caucus or CRWG meeting notes. For project updates: the SWRCB’s Lower Klamath Project Draft EIR was published on December 27, 2018, inclusive of AB-52 Mitigation measures. Comments on the Draft EIR are due by February 26, 2019.

The Draft EIR is available at:

https://www.waterboards.ca.gov/waterrights/water_issues/programs/water_quality_cert/lower_klamath_ferc14803_deir.html

The current status of action items include:

- November presentation distribution – distributed December 6, 2018
- Distribution of Tribal Caucus notes –distributed December 3, 2018
- Facilitate document sharing – under investigation
- Set up January and February 2019 Tribal Caucus meetings – polls were circulated with no appropriate dates identified; set the current conference call
- IDP and Monitoring Plans – plan preparation is underway

Comments/Questions:

- Sami Jo Difuntorum (Shasta Indian Nation): I'd like to note there was no Tribal Caucus meeting today. Are the notes from the Tribal Caucus that AECOM sent out on December 3, 2018 and January 30, 2019 the same?
- Brian Person (AECOM): Yes.
- No corrections were requested.

PHASE II STUDY PLAN: GENERAL RESEARCH METHODS

Elena Nilsson (AECOM Principal Archaeologist) summarized the Phase II Study Plan that has been drafted and will be circulated to the CRWG by February 29. The General Research Methods were the focus of the conversation, specifically, how they were developed on a site-by-site basis for 49 archaeological sites on the PacifiCorp Parcel B lands. These sites are unevaluated and potentially eligible for the National Register of Historic Places. Two of the 49 sites lack data potential and are not included in the Phase II Study. Of the 47 sites with data potential, 8 are historic-period rock features or linear resources to be evaluated through research and 39 are precontact, historic-period and/or multiple component resources that are proposed for subsurface testing.

Comments/Questions:

- Kathleen Forrest (CA SHPO): There are two sites you are not testing; are you submitting them for concurrence?
- Elena Nilsson (AECOM): Yes.
- Roy Hall, Jr. (Shasta Nation): Did you do any comparison of burial sites in the drawdown area, and how they might be affected?
- Elena Nilsson (AECOM): We did not call out burials in the Phase II plan.
- Roy Hall, Jr. (Shasta Nation): So that's unknown.
- Elena Nilsson (AECOM): Yes, each site has a different "life"— different reservoirs will have different amounts of silt accumulation and deflation. Background studies give us some information, but you're right in that there will be different scenarios during the drawdown at different sites.
- Betty Hall (Shasta Nation): Sami Jo's write up mentions there could be cremations. Our people did not do that. Also, you mention determining eligibility for the NRHP. Often we say sites are eligible, but they never get listed. Why is that? There are lots of good sites up there that are eligible.
- Elena Nilsson (AECOM): To get a site listed, there is a nomination process, but often that nomination form never gets filled out. There are a few sites in the Stateline that have been listed by BLM.
- Mike Kelly (AECOM): Whether a site is listed or eligible, the protection status is the same.

- Craig Tucker (Karuk Tribe): The Karuk got a site listed in 2015--a ceremonial area outside Orleans.
- Betty Hall (Shasta Nation): The Karuk used our Treaty. At the Quartz Valley Reservation, Shasta and Karuk were both on the Reservation. My father had an assignment there, and I grew up there since I was 4 years old until I got married. My father would care for Karuk children. There was no comparison between our people and the Karuk that were there. There were protocols between the tribes that were understood.
- Craig Tucker (Karuk Tribe): I was just trying to be helpful and give an example, Ms. Hall.
- Mike Kelly (AECOM): Thank you for sharing your stories. We would like to hear more when we visit for individual tribal consultation.
- Betty Hall (Shasta Nation): Page 1,008 of the State Water Board Draft EIR. What's happening? This doesn't provide for investigation under Section 106?
- Elena Nilsson (AECOM): Their program didn't call for Section 106 compliance for sites. Ours is different.
- Mike Kelly (AECOM): The Shasta Nation would need to send comments on the EIR to the State Water Board.
- Betty Hall (Shasta Nation): You make it sound easy. We met with the State Water Board and discussed how sediment is going to flow down the river. But they didn't know how much. I'm apprehensive about wave action.
- Elena Nilsson (AECOM): This is a very unusual project because of the unknown reservoir actions. We will all be learning together and adjusting as we're out there. We can change and move forward with the CRWG, because this is not going to be a "standard" Phase II investigation.

GENERAL FIELD METHODS

Elena Nilsson (AECOM) discussed proposed archival research proposed for 17 archaeological sites as well as general field methods that will be used on the currently exposed (not inundated) portions of sites on Parcel B lands that will have direct impacts from project activities. Hand excavation will occur at 39 sites. Water screening is proposed where there is heavy sedimentation because it gives better recovery. Excavations will be conducted following state guidelines. Surface reconnaissance and collection, subsurface excavation, treatment of human remains identified during testing, and field documentation were discussed.

- Surface reconnaissance (survey at 3-meter intervals) will occur at all 39 sites.
- Surface Reconnaissance Units (SRUs) (2-meter long segments; GPS and collect artifacts) will be placed in the reservoir drawdown zone at 6 sites.
- Surface Collection Units (SCUs) (2x2 meter blocks; GPS and collect artifacts) will be used in site areas less prone to erosion /water fluctuation at 19 sites.
- Subsurface Excavation will occur at 39 sites, including:
 - Shovel Probes (SPs) (30 cm diameter): 4 to 55 per site at 36 sites
 - Shovel Test Units (STUs) (50 x 50 cm): 8 to 55 per site at 36 sites
 - Excavation Units (EUs) (1x1 and 1x2 meters): 2 to 6 per site at 37 sites
 - Auger Bores (ABs) (15 cm diameter bucket) will be used at the base level of select STUs and EUs
- Total excavation volumes will be 5-6 cubic meters per site on average. Many sites are very large because of erosion.

If any human remains are encountered, work will stop near the location and the Inadvertent Discovery Plan (IDP) steps will be followed. Field documentation will include photographs and written records and notes. Artifacts will be placed in plastic bags and transported for processing to the AECOM laboratory in Chico, California. Curation protocols are to be determined in consultation with the CRWG. Specialized studies including radiocarbon dating, tephra (ash)

analysis, obsidian studies, geomorphology and sedimentology, and paleoethnobotanical analyses may be undertaken.

Comments/Questions:

- Roy Hall (Shasta Nation): You overlooked an important item. You need to identify which Tribe is going to respond to inadvertent discoveries. This is our area, not any splinter groups. You need to make a decision. All laws must be followed.
- Mike Kelly (AECOM): We recognize this is something that still needs to be worked out among the CRWG and procedures will be included in the IDP.
- Roy Hall (Shasta Nation): You're inviting as many parties as possible and that is not going to work. Don't invite any Tribes—being of Shasta blood but being recognized with Siletz for example—is borderline criminal. Think about what you're doing in relation to the Tribes and our relationships. We don't appreciate other Tribes making decisions for us.
- Elena Nilsson (AECOM): All of that will be important for the IDP.
- Roy Hall (Shasta Nation): Under CEQA?
- Elena Nilsson (AECOM): No, under the NHPA federal nexus. The State Water Board is CEQA.
- Sami Jo Difuntorum (Shasta Indian Nation): When you recover artifacts, will monitors be present? What is the decision for ultimate disposition; where will they go? I agree with Roy that not everybody should have input to what are Shasta artifacts.
- Elena Nilsson (AECOM): Yes to the tribal monitors. Regarding artifacts, that's where we need direction from the CRWG.
- Sami Jo Difuntorum (Shasta Indian Nation): You'll be having conversations with individual Tribes?
- Elena Nilsson (AECOM): Yes.

INADVERTENT DISCOVERY PLAN

Burr Neely (AECOM Cultural Resources Specialist) presented a few slides introducing the IDP, which provides basic protocols to follow in the event cultural resources or human remains are unexpectedly encountered. Protocol discussion topics include: the need for different protocols depending on the location and type of discovery; the designation of a Project Cultural Resource Specialist to ensure the IDP is appropriately implemented; protocols during drawdown activities where work stoppage may not be immediately possible; CRWG representative contact information to be included; and feedback regarding the notification process.

Comments/Questions:

Kathleen Forrest (CA SHPO): Have you engaged with the Native American Heritage Commission? Have you considered designating Most Likely Descendants (MLDs) in advance of the project?

Burr Neely (AECOM): No, we haven't engaged them yet.

Kathleen Forrest (CA SHPO): I recommend you engage them sooner rather than later.

Burr Neely (AECOM): Our intent is to do that well in advance of an inadvertent discovery.

James Sarmiento (Shasta Indian Nation): NAHP doesn't normally pre-designate MLDs. You have to go through the process when there is an inadvertent discovery. You need to contact them to learn what the process is.

SHPO MEETINGS

The previous week, AECOM met with CA and OR SHPOs for a discussion on project status and planning for steps moving forward. No questions or comments were raised.

ACTION ITEMS

The meeting’s follow-up action items are provided in the following table:

Action Items Table for February 2019

Action Item	KRRC/AECOM Action	CRWG/Tribal Action
February 2019 presentation distribution	Circulate presentation (including hardcopy to Shasta Nation)	-
Facilitate document sharing	Look into ftp site or similar mechanism	-
April in-person Tribal Caucus/CRWG meeting and tour	Send out Doodlepoll and emails to CRWG	Respond to AECOM Doodlepoll re: location and day preferences
Phase II Study Plan	Distribute to CRWG by Feb. 28, 2019	Comments due back to KRRC/AECOM by March 22, 2019
Individual Tribal Consultation IDP and Monitoring Plans	Schedule meetings for March	Provide dates/times to AECOM
	Incorporate CRWG protocol into draft plans	Provide draft plans to AECOM

The call ended at 3:00 pm.

Meeting Minutes

Klamath River Renewal Project
 KRRC Cultural Resources Working Group (CRWG) Meeting

Date	April 25, 2019
Time	1:00-4:00 pm PST (Tribal Caucus 10:00am – 12:00pm)
Location	Best Western Miners Inn, Yreka, CA
Attendees	<i>In person:</i>

AECOM: Mike Kelly, Burr Neely, Elena Nilsson, Brian Person, Sarah McDaniel
 BLM-Redding: Eric Ritter
 CA SHPO: Kathleen Forrest, Brendan Greenaway, Juli Polanco
 Karuk Tribe: Alex Watts-Tobin
 Klamath Tribes: Perry Chocktoot
 OR SHPO: Tracy Schwartz
 PacifiCorp: Russ Howison
 Quartz Valley Indian Reservation: Crystal Robinson
 Shasta Nation: Roy Hall Jr., Betty Hall, Carl Hall, Dean McBroom, James Prevatt
 Shasta Indian Nation: Janice Crowe, Frank Crowe
 Siletz Tribe: Robert Kentta
 USFS-Klamath NF: Jeanne Goetz, Jason Coats
 Yurok Tribe: Rosie Clayburn

Via telephone:
 AECOM: Shannon Leonard, Kirk Ranzetta
 2 unidentified

Prepared	June 4, 2019
Prepared by	AECOM
Distribution	KRRC Cultural Resources Working Group (CRWG)

MEETING OBJECTIVE

To continue consultation between cultural resources stakeholders with the Klamath River Renewal Corporation (KRRC) and its technical team, AECOM. This month’s meeting was focused on discussion of the Monitoring and Inadvertent Discovery Plan.

SITE VISIT SUMMARY

After introductions, Brian Person, AECOM meeting facilitator, began by going over the site tour that occurred the day before (April 24, 2019). The tour was well attended. Besides those present

for this CRWG meeting, attendees for the site tour included additional representatives from PacifiCorp, AECOM, KRRC, CDM Smith, River Design Group, Oregon SHPO, and the BLM Lakeview District. The site tour itinerary included stops at J.C. Boyle Dam; Iron Gate Dam, Hatchery, and Powerhouse; and Copco 1 and Copco 2 Dams and Powerhouses.

Comments/Questions:

- Perry Chocktoot (Klamath Tribes): Yesterday brought back memories of seeing the removal of the Chiloquin Dam as it was falling apart. What came to my mind was the life expectancy of these dams. Looking at those antiquated dams yesterday—their time is done. These need to come down. There's rebar sticking out and these are just dinosaurs. This is my personal view.
- Roy Hall (Shasta Nation): I hauled in a new generator not long ago. These dams are in good shape, and we wouldn't be hauling in new equipment if they were in a state of decay. Let's leave that discussion to the engineers. That's my view.
- Alex Watts-Tobin (Karuk Tribe): The numbers are in from PacifiCorp: it will cost more money to relicense them for 50 years than to take them out now.
- Crystal Robinson (Quartz Valley Indian Reservation): I'm amazed at how deep the canyon is. The Dam at Copco 2 looks solid, like it could be there for 500 years...it was great to see it in person. It's going to be beautiful once it's a free-flowing river again.

TRIBAL CAUCUS UPDATE

The Tribal Caucus met in the morning, prior to the CRWG meeting. Brian Person (AECOM) facilitated the meeting. The Tribal Caucus primarily discussed the Looting and Vandalism Prevention Plan (LVPP). The group decided that the role of the Tribal Caucus should continue, in addition to individual tribal consultation between KRRC and the Tribes.

PROJECT UPDATE

Mike Kelly (AECOM) provided a project update. KRRC just signed a contract with Kiewit Corporation as the selected contractor for dam removal. In his opinion, of the three bidders, Kiewit had the best approach for consideration of cultural resources. In the contract there is an opportunity for public outreach regarding dam deconstruction. Kiewit will be offering opportunities for local involvement. Kiewit was also the company that worked on the Oroville Dam most recently.

Comments/Questions:

- Perry Chocktoot (Klamath Tribes): I hope they will be responsible for working with the CRWG. We don't want them to trump our capabilities.
- Mike Kelly (AECOM): No, they will have to implement the plans we put together here.
- Roy Hall (Shasta Nation): Shouldn't our CRWG plans be done before Kiewit makes their plans? I'm concerned because our concerns aren't met yet. We have had no feedback on anything concrete, and I don't want them to get ahead.
- Mike Kelly (AECOM): We forwarded your concerns to the legal team. We will follow up with them and ask that they provide a response.
- Brian Person (AECOM): I'd like to point out that the design stage is a lengthy process and hasn't begun yet. If the decommissioning is approved, it would begin January 2021.
- Roy Hall (Shasta Nation): We have no assurance that you're taking our considerations seriously.
- Mike Kelly (AECOM): The permitting is still ongoing, and concerns regarding the removal process should be directed toward the California Water Board under the EIR process. In these meetings, we need to stay focused on cultural resources planning.

- Elena Nilsson (AECOM): Authorization of the project is contingent upon FERC approval.
- Roy Hall (Shasta Nation): Protection measures need to be in place prior to any removal.
- Mike Kelly (AECOM): The Programmatic Agreement (PA) will include protective measures decided upon by this group. This process will continue up to and through decommissioning.
- Roy Hall (Shasta Nation): I'm just concerned about the timeline and don't want to be put off. We're still waiting for a response from the KRRRC attorneys regarding our concerns.
- Mike Kelly (AECOM): I know a letter is being prepared. We will follow up on the status of the response with the KRRRC legal team.

SCHEDULE UPDATE

Document Schedule (the following dates are when the draft is due to the CRWG)

- Phase II Study Plan – April 2019
- IDP – May 2019
- PA – May 2019
- Monitoring Plan - May 2019
- Looting and Vandalism Prevention Plan (LVPP) – June 2019
- Historic Properties Management Plan (HPMP) – November 2019
- Treatment of Human Remains (to be provided by Tribes) – November 2019

PHASE II STUDY PLAN

Mike Kelly (AECOM) provided an update on the Phase II Study Plan, which is going to be distributed next week to the CRWG. Ethnographic sections were redacted from the version to be circulated. Site location information was also redacted. The unredacted version will go the agencies. The expectation is that FERC will be engaged by the time the final draft is ready.

Comments/Questions:

- Tracy Schwartz (OR SHPO): The ACHP has been contacted; will they be engaged when FERC is? So, will there be more drafts after that?
- Mike Kelly (AECOM): Yes, once FERC is engaged we'll see more drafts.
- Juli Polanco (CA SHPO): This schedule is aggressive. We will need to see meaningful consultation--that's very important for the Tribes and the public. If that happens when FERC is involved, that's fine, but meaningful consultation is something our office takes very seriously. That's a general comment. If FERC engages in October 2019, what's the timeline you have in mind?
- Mike Kelly (AECOM): January 2021, or about 1 year for additional consultation.
- Julianne Polanco (CA SHPO): Because the client has such an aggressive schedule, it's very important that these documents you're preparing are advanced. That's critical to our timely review. Is there an overall schedule of CEQA/NEPA and this? That might be a question for KRRRC—but to have a schedule showing input opportunities for the public would be helpful.
- Mike Kelly (AECOM): We weren't heavily with the California Water Board DEIR process.
- Eric Ritter (BLM): At the end of January, the Hoopa Valley Tribe won a lawsuit...is that being brought into this discussion?
- Mike Kelly (AECOM): KRRRC is taking that into account.
- Perry Chocktoot (Klamath Tribes): At some point we want government-to-government consultation.

MONITORING AND INADVERTENT DISCOVERY PLAN

Burr Neely (AECOM) presented an overview of the draft Monitoring and Inadvertent Discovery Plan (MIDP), which has two main sections: a comprehensive discussion for monitoring protocols, and a section with steps to take in the event of a cultural resources or human remains discovery situation. For now, these documents are combined into one plan. The MIDP acknowledges the need for Tribal Representatives to be present throughout the decommissioning process. The first half of the MIDP has a draft language for roles and responsibilities, qualifications and training (including Tribal training programs for which CRWG input is needed), monitoring locations and how these will be delineated, and types of activities to be monitored. The second half of the MIDP is focused on discovery protocols (stop, secure, notify, support, document, proceed). Exceptions must be made for certain situations; for example, once started, the drawdown cannot be interrupted; safety concerns may also present a challenge. The MIDP needs feedback from CRWG members.

Comments/Questions:

- Perry Chocktoot (Klamath Tribes): This needs to be a very comprehensive plan.
- Burr Neely (AECOM): The plan will be part of the Programmatic Agreement (PA) and Historic Properties Management Plan (HPMP). These are mitigation measures in the CEQA DEIR and will be part of the FERC process.
- Perry Chocktoot (Klamath Tribes): What about the Looting and Vandalism Prevention Plan (LVPP)? Will looters be prosecuted under state or federal law if this is a federal project?
- Juli Polanco (CA SHPO): It will depend on the landowner. Is most of the project on state land?
- Perry Chocktoot (Klamath Tribes): The state penalties are just a slap on the hand. If you keep this under the state, there's essentially no penalties for violators.
- James Prevatt (Shasta Nation): This is our aboriginal homeland. That takes precedence over anything else.
- Juli Polanco (CA SHPO): It would be good to have the attorneys review these documents. You don't want to have agreement documents with measures that don't align with the laws and regulations.
- Eric Ritter (BLM): What about including penalties for transporting cultural items across federal lands?
- Perry Chocktoot (Klamath Tribes): It would be better to get them for trespassing. There are greater penalties for that.
- James Prevatt (Shasta Nation): One case, where babies were taken from their graves, the people got some time because it was a federal case. But the state doesn't care. They think we're just dumb old Indians. We're not dumb--and just some of us are old!
- Perry Chocktoot (Klamath Tribes): We need an airtight law enforcement presence for a long, long period of time.
- Elena Nilsson (AECOM): Parcel B lands will be transferred to California or other entities during decommissioning, and then there may be a flip in ownership. This will have implications for any long-term provisions.
- Crystal Robinson (Quartz Valley Indian Reservation): Let's push for federal land ownership--like BIA, BLM—to ensure protections.
- Roy Hall (Shasta Nation): This is Indian Land. It always has been and always will be. No one else has the right to say how it should be. It's up to us. The original ownership is Tribal.
- Kathleen Forrest (CA SHPO): When will land ownership be determined?

- Elena Nilsson (AECOM): It's my understanding that the California Resources Agency is doing outreach for the California side. But it's contingent on the FERC license surrender decisions. There may be some flexibility.
- Eric Ritter (BLM): Any future federal land ownership would involve Congress and would be a very complicated process.
- Russ Howison (PacifiCorp): The land transfer will be active when the surrender order is active. That's when PacifiCorp hands over the keys, the land is transferred and KRRC begins deconstruction.
- Tracy Schwartz (OR SHPO): What about in Oregon?
- Elena Nilsson (AECOM): That would be the Department of State Lands.
- Crystal Robinson (Quartz Valley Indian Reservation): How can we advocate regarding the transfer of lands?
- Elena Nilsson (AECOM): The California Natural Resources Agency—we have the name of the person doing the outreach, Brady Moss. We'll get that contact information out to the group.
- Perry Chocktoot (Klamath Tribes): Your PowerPoint slide 11 says KRRC is the "project proponent and FERC Section 106 delegate." FERC cannot delegate their Section 106 responsibility.
- Mike Kelly (AECOM): That is meant to refer to a temporary situation between PacifiCorp/KRRC until FERC gets involved.
- Juli Polanco (CA SHPO): Perhaps clarifying the slide would be helpful.
- Roy Hall (Shasta Nation): Regarding Tribal monitoring, would the Tribes be paid the prevailing wage? Under a contract?
- Burr Neely (AECOM): There would be a payment mechanism in place.
- Eric Ritter (BLM): There is a need for monitors for historic resources as well.
- Perry Chocktoot (Klamath Tribes): The Klamath Tribes provides monitors to work on both pre-contact and historic sites, as well as SOI-qualified anthropologists. Regarding the Cultural Resources Monitoring Plan, the on-site monitors will need to keep daily, weekly/monthly logs, have daily tailgate meetings, and wear PPE. These are just some of the provisions that need to be in the MIDP.
- Crystal Robinson (Quartz Valley Indian Reservation): Are you going to have training in order to take someone who doesn't know how to monitor, to being able to monitor? Quartz Valley doesn't have many people already qualified to do this.
- Perry Chocktoot (Klamath Tribes): We give 40-hour training and a test before issuing a certification for someone to be a cultural resources monitor. We do that with our own Tribes, but it's open to everyone.
- Rosie Clayburn (Yurok Tribe): We do training for our monitors too. To be a Yurok monitor, a person must be certified by the Yurok Tribe. Maybe we could do a collective training. This would be a good topic for the next Tribal Caucus.
- Alex Watts-Tobin (Karuk Tribe): We also do our own training, and we have some members who identify as Shasta.
- James Prevatt (Shasta Nation): The duration of long-term monitoring has to be forever. With constant ongoing training. Not just for a few years. Any bodies that are found need to be kept right there and not moved. There will be no desecration of graves. If they find one, leave it alone! This is our tradition, our religion, our life—past and future.
- Eric Ritter (BLM): It would be helpful to include scenarios in the IDP—for example, if I'm working in area x, what's the plan?
- Perry Chocktoot (Klamath Tribes): We'll need to do contractor awareness training for Kiewit. A "zero tolerance policy" is needed. If they're found outside their construction zone, that's

grounds for termination. Their workers must be sensitive—no negativity towards the monitors, no racial harassment like calling us “chief” or making “war cries” or calling us “Indian givers.”

- Eric Ritter (BLM): The MIDP needs to consider items of cultural patrimony too. Need to draw out NAGPRA with some detail.
- Tracy Schwartz (OR SHPO): In Oregon, we have strict guidelines on who can and can’t do surveys. Also, our permitting process needs to be built into the MIDP.
- Burr Neely (AECOM): We are also considering some scenarios where “stop work” can be done. Dewatering is the most challenging scenario. As we learned on our field trip yesterday, there will be a 4 to 6-week period where we won’t be able to get down because of safety concerns when the “pudding-like” sediment is released and settles as the water recedes. But, this could also protect any sites that might be submerged.
- Elena Nilsson (AECOM): We are beginning a submerged resource report through a GIS exercise. Monitors would have access to this information during the drawdown—it will show what resource is where, and potentially how deep, based on historic maps and geoarchaeological information.
- Perry Chocktoot (Klamath Tribes): This is going to be the largest dam removal in US history! We’re going to have to learn as we go. Don’t rule out any type of monitoring--air, ground. But safety should always be first! We don’t want anyone to slip on the slime and slide 30 feet into a deep hole for example. Maybe look to the Everglades region as an example of how to treat safety in this sort of environment?

SHASTA NATION PRESENTATION

Betty Hall gave a presentation on the history and lineage of the Shasta Nation, including use areas and villages. Ms. Hall shared her family history that includes Chief Ike, some genealogy of the Shasta Nation, and historical research she has conducted. She stated that her father started the Quartz Valley Indian Reservation, and that there were Indian allotments at Hamburg, California. She shared posters she has assembled that illustrate ancestors, treaties including Treaty Q, a schedule of Indian Land Cessations, and a map of ceded areas. She spoke of the genocide that happened after the treaty.

ACTION ITEMS

Action Item	KRRC/AECOM Action	CRWG/Tribal Action
April 2019 presentation distribution	Circulate presentation (including hardcopy to Shasta Nation)	April 29, 2019
KRRC Attorney Response to Shasta Nation	Check in to see when KRRC attorneys intend to respond to Shasta Nation letter	Letter in progress; to be delivered prior to June CRWG meeting
Schedule June meeting	Send out Doodle poll and emails to CRWG	Respond to AECOM Doodle poll re: location and day preferences
Monitoring/Inadvertent Discovery Plan	Distribute to CRWG by May 17, 2019	Comments due back to KRRC/AECOM by June 3, 2019
Individual Tribal Consultation (Phase II Plan, IDP)	Schedule meetings for June	Provide dates/times to AECOM
Provide acronym list	Provide list with terms commonly used in the documents and meetings	To be prepared for June CRWG meeting

Action Item	KRRC/AECOM Action	CRWG/Tribal Action
KRRC Attorney consultation	Ask KRRC legal dept. what LVPP jurisdiction can be. Agreement documents must align with cultural resource laws	June 12, 2019
Land transfer plan	Brady Moss is the appropriate CA contact regarding land transfer process and how CRWG members can provide input	
Provide timeline	Need to obtain timelines and overall schedule for public input opportunities (CEQA/NEPA, etc.)	
Define Tribal training certifications		Provide draft language regarding individual Tribal training/approval requirements for a monitor to AECOM

The meeting ended at 4:00 pm.

Lower Klamath Project Area Tour Attendees – April 24, 2019

Name	Organization	Contact No.	Email
Russ Howison	Pacificorp	503-913-3634	russ.howison@pacificorp.com
Mike Kelly	AECOM	503-475-2426	mike.s.kelly@aecom.com
Elena Nilsson	AECOM	530-521-9935	elena.nilsson@aecom.com
Burr Neely	AECOM	907-978-9684	burr.neely@aecom.com
Kirk Ranzetta	AECOM	503-853-6354	kirk.ranzetta@aecom.com
Shoshana Jones	AECOM	503-243-3107	shoshana.jones@aecom.com
Sarah McDaniel	AECOM	360-624-4285	sarah.mcdaniel@aecom.com
Brian Person	AECOM/Facilitation	208-386-5000	brian.person@aecom.com
Dave Meurer	KRRC	530-941-3155	dave@klamathrenewal.org
Wendy George	KRRC Board		wendy@klamathrenewal.org
Scott Wright	River Design Group	541-738-2920	swright@riverdesigngroup.net
Kate Stenberg	CDM Smith	425-495-5095	stenbergkj@cdmsmith.com
Julianne Polanco	CA SHPO	916-445-7000	julianne.polanco@parks.ca.gov
Kathleen Forrest	CA SHPO	916 445-7022	kathleen.forrest@parks.ca.gov
Brendan Greenaway	CA SHPO	916-445-7036	brendon.greenaway@parks.ca.gov
Christine Curran	OR SHPO	503-986-0684	christine.curran@oregon.gov
Tracy Schwartz	OR SHPO	503-986-0677	tracy.schwartz@oregon.gov
Jason Coats	USFS	530-905-3717	jacoats@fs.fed.us
Don Holstrom	BLM	541-974-5851	dholmstr@blm.gov
Perry Chocktoot	Klamath Tribe	541-783-2764 x 107	perry.chocktoot@klamathtribes.com
Sami Jo Difuntorum	Shasta Indian Nation	530-643-2463	samijodif@yahoo.com
Janice Crow	Shasta Indian Nation	530-244-2742	twocrowes63@att.net
Frank Crowe	Shasta Indian Nation	530-244-2742	twocrowes63@att.net
James Sarmento	Shasta Indian Nation		jd.sarmiento@gmail.com
Betty Hall	Shasta Nation	530-468-2314	shastanation@hotmail.com
Roy Hall	Shasta Nation	530-468-2314	shastanation@hotmail.com
Jim Prevatt	Shasta Nation	530-468-2314	shastanation@hotmail.com
Alex Watts-Tobin	Karuk Tribe	530-627-3446 x 3015	atobin@karuk.us
Vikki Preston	Karuk Tribe	530-627-3446	
Craig Tucker	Karuk Tribe	916-207-8294	craig@suitsandsigns.com
Rosie Clayburn	Yurok Tribe	707-482-1350 x 1309	rclayburn@yuroktribe.nsn.us
Crystal Robinson	Quartz Valley	530-468-5907 x 318	crystal.robinson@qvir-nsn.gov
Rachel Sundberg	Trinidad Rancheria	707-677-0211	rsundberg@trinidadrancheria.com

Tour Itinerary

Start	End	Elapsed	Location/Activity
6:00	6:15	0:15	Meet at Yreka Holiday Inn Express; depart for Ashland
7:00	7:15	0:15	Alternate Meet at Ashland Hills Hotel parking lot, Ashland
7:15	8:15	1:00	Drive to J.C. Boyle Dam via Ashland, St. Hwy 66
8:15	9:00	0:45	Tour J.C. Boyle Dam
9:00	9:15	0:15	Drive to J.C. Boyle Powerhouse
9:15	10:00	0:45	Tour J.C. Boyle Powerhouse
10:00	11:15	1:15	Return to Ashland
11:15	12:15	1:00	Drive Ashland-Iron Gate Dam/Hatchery
12:15	1:00	0:45	Meet CA participants/Lunch at Iron Gate Hatchery
1:00	1:30	0:30	Drive Iron Gate-Copco 1
1:30	2:15	0:45	Tour Copco 1 dam, powerhouse and Copco 2 dam
2:15	2:30	0:15	Drive to Copco 2 Village
2:30	3:00	0:30	Tour Copco 2 Powerhouse
3:00	3:20	0:20	Drive Copco 2 Village to Iron Gate
3:20	4:00	0:40	Tour Iron Gate Powerhouse
4:00	5:30	1:30	Return to Yreka/Ashland

Meeting Minutes

	Klamath River Renewal Project KRRC Cultural Resources Working Group (CRWG) Meeting
Date	June 12, 2019
Time	1:00-3:30 pm PST (Tribal Caucus 10:00am – 12:00pm)
Location	Best Western Miners Inn, Yreka, CA
Attendees	<i>In person:</i> AECOM: Mike Kelly, Elena Nilsson, Brian Person, Stephanie Butler BLM-Redding: Eric Ritter Quartz Valley Indian Reservation: Crystal Robinson Shasta Nation: Roy Hall Jr., Betty Hall, Don Boat Shasta Indian Nation: Janice Crowe Yurok Tribe: Rosie Clayburn CDM Smith: Kate Stenberg, Chris Park, Terichael Office <i>Via telephone:</i> AECOM: Burr Neely, Shannon Leonard Klamath Tribes: Perry Chocktoot OR SHPO: Dennis Griffin PacifiCorp: Russ Howison
Prepared by	AECOM
Distribution	KRRC Cultural Resources Working Group (CRWG)

MEETING OBJECTIVE

To continue consultation between cultural resources stakeholders with the Klamath River Renewal Corporation (KRRC) and its technical team, AECOM. This month's meeting was focused on discussion of the Recreation Plan. The status of the Phase II Study Plan and the Monitoring and Inadvertent Discovery Plan were also briefly discussed.

TRIBAL CAUCUS SUMMARY

The Tribal Caucus met in the morning, prior to the CRWG meeting. Brian Person (AECOM) facilitated the meeting, and five tribal members attended. The Tribal Caucus discussed the Recreation Plan and areas of common concern among the Tribes. It was strongly suggested that there should be a permitting process for whitewater rafting that would limit the whitewater traffic and provide less disruption of tribal resources on the river. An education component should also be part of the permitting process. The group also discussed the Phase II monitoring and how the Tribes and KRRC are going to fulfill their requirements. Individual discussions with the Tribes will continue in regards to the monitoring.

PROJECT UPDATE

Shannon Leonard and Mike Kelly (AECOM) provided a project update. Ongoing biological and cultural surveys will hopefully occur later this summer. For regulatory processes, the draft CEQA document has been released, and the State Board is in the process of revising the document. A final CEQA document will likely be released by the end of this year or early next year. A submittal to FERC is due at the end of July that will provide additional project costs and risks. A USACE 404 permit application has been submitted, and KRRC will provide additional information to the Corps about the field surveys this summer, as well as the project design. A draft Biological Assessment has been shared with USFWS and NMFS. A MOU has been executed with Klamath County, and a similar document will be prepared with Siskiyou County.

KRRC has hired Kiewit, and they are working with Knight Piesold as the prime engineer and with RES as the restoration designer. They are moving towards a 60 percent design by the end of the year.

Prior to drawdown, they are several project components that need to be completed, such as road improvement and bridge upgrades; pipeline replacement in the City of Yreka; hatchery modifications; and downstream flood control improvements. After drawdown, the dams can be removed, and habitat and recreation can be restored.

The Phase II Study Plan was submitted to the CRWG on May 3, and comments have been received from OR SHPO and CA SHPO. The final draft will be finalized by the end of July. The Monitoring and Inadvertent Discovery Plan is being reviewed by KRRC and AECOM, and will likely be submitted by the end of June for review. The Programmatic Agreement and the Looting and Vandalism Plan will be submitted to the CRWG in August. Draft HPMP and Human Remains Treatment Plans will be circulated in November.

Comments/Questions:

- Eric Ritter (BLM): How does Kiewit's design relate to the removal process that is in the definite plan and how does it fit into the FERC license relinquishment?
- Shannon Leonard (AECOM): KRRC hired Kiewit as the design-build contractor, and Kiewit will take the information from the definite plan and prepare the engineering and construction designs in order to execute the project. FERC would likely not require final design in order to assess impacts of the project; the 60 percent design will likely be used to support their approvals. FERC is also interested in the cost of the project because KRRC has a limited amount of funding.
- Eric Ritter (BLM): Has Siskiyou County approved the project where they are willing to go forward with a MOU? And, what happens if the County does not agree to the project?
- Shannon Leonard (AECOM): No, the County has not entered into a MOU yet. FERC has the authority to supersede local authority. This route is not preferred, which is why the project proponent is trying to execute a MOU.
- Eric Ritter (BLM): Is the Phase II Study Plan specifically for PacifiCorp sites?
- Mike Kelly (AECOM): Yes, those are the only sites that KRRC has access to.
- Elena Nilsson (AECOM): The Plan covers the sites in the area of direct impact (ADI) where there may be ground disturbance and affects to those sites. The other sites are outside the ADI. Direct impacts will occur to sites within the reservoir pool, with the exception of Fall Creek Hatchery.

- Eric Ritter (BLM): Historic homes may be affected that no longer have a lakeshore.
- Elena Nilsson (AECOM): If it is an archaeological site that has been recorded, touches the ADI, and is on PacifiCorp land, it is covered in the Phase II Plan. Access has not been granted outside of PacifiCorp parcels. Phase II work on private lands is not permitted at this time.
- Mike Kelly (AECOM): The Built Environment Team will be assessing structures for visual or indirect impacts where access is not required (reconnaissance level inventory of historic structures).
- Eric Ritter (BLM): There will be impacts to sites other than those on PacifiCorp lands.
- Betty Hall (Shasta Nation): What about the sites below the dams?
- Mike Kelly (AECOM): Those sites will be part of a subsequent analysis and part of the mitigation phase of the project. Currently, sites associated with the reservoirs will be evaluated for impacts. KRRC is starting to contact landowners to gain access to private lands downstream.
- Eric Ritter (BLM): Is the Klamath River considered navigable?
- Kate Stenberg (CDM Smith): They are a lot of agencies with different areas of jurisdiction. The CA FWS regulates up to the riparian zone, and they have jurisdiction. The CA State Lands Commission is not involved (not occupying the riverbed and not sovereign waters). The Corps is involved because they are looking where fill will be placed in the mainstem river and tributaries. Up to RM 38, the Klamath River is traditionally Navigable.

RECREATION PLAN UPDATE

Chris Park (CDM Smith) provided an update on the recreation plan. A draft recreational plan was released with broad conceptual plans of where potential recreation sites might be located. Since the draft recreation plan was completed, a larger amount of detail has been included in the plan to better inform decision makers and the public about what KRRC is proposing to do and how the recreation sites will affect scenic quality. The revised draft also includes information on the existing scenic quality along the river, as well as details about where the recreation sites will be located and their preliminary conceptual designs.

Whitewater users are concerned about their commercial access to the river. As a result, KRRC is implementing a flow study to evaluate what stretches will be useful during expected average flows after dam removal. KRRC is trying to design the recreational sites for rafters, the fishing community, and passive recreationalists. Both commercial rafters and Tribes are concerned about what sections of the river will be useable and what times of the year.

Eight river access sites are proposed. They have already been refined and shifted based on feedback that has been received from the stakeholders, as well as known cultural and biological sensitivity. The sites are a work in progress, and some of the sites already need to be shifted slightly due to cultural concerns.

Site1 Keno Dam: It is the furthest upstream site, and following dam removal, will be owned and managed by the Bureau of Reclamation. Due to interest of this site by recreational users, KRRC has developed conceptual designs for the site but KRRC will not implement as part of the Recreation Plan. Due to biological and cultural concerns, Alternative A is most feasible.

Site 2 Highway 66 Bridge Crossing in OR: Recreational users at Keno could get out at this location, and this section of the river is expected to transition to a gradual gradient for the next mile or so. Recreational use may include canoeing, flatwater boaters, and fishing users.

Site 3 Moonshine Falls: This site is immediately downstream of the existing JC Boyle site. It is a put in location for water users that would like to access the bypassed reach of the Klamath River. It will be advanced whitewater (Class IV and V rapids). The site is on a fairly steep slope, and a trail is proposed down to the river, as well as a slide and lynch system to lower the boats into the river.

Site 4 Turtle Camp: This site has already shifted based on feedback from the last recreation webinar. It has shifted upstream to an existing BLM dispersed camping site. Due to cultural concerns, the conceptual design will need to be revised to avoid a resource of concern.

Site 5 Copco Valley: Within a proposed restoration area, so there is not a lot of flexibility in the layout until that reservoir restoration is underway. There will be a new parking and an access trail down to the river.

Site 6 Copco No. 2 Powerhouse: There are two alternatives or layouts for the proposed site, and part of the decision on the layout will be dependent on what happens to the Copco No. 2 Powerhouse (The building itself may not be demolished.). The two alternatives are currently upstream of the existing Fall Creek Day Use Area in highly disturbed areas. Revegetation would occur to better control the number of people on site, and a ramp would be developed down to the river's edge.

Site 7 Camp Creek: Access is from Copco Road, and it is proposed within the existing reservoir footprint, so there is some uncertainty to the exact layout of the site. It is not being proposed for commercial use and will be used for fishing access and passive recreation use with access down to river.

Site 8 Iron Gate Hatchery: The site is downstream of the existing hatchery. The site has been shifted upstream since the last meeting due to a request to move it from the bridge crossing and a spawning area at the confluence.

Next Steps of the Recreation Plan:

The final recreation plan is underdevelopment, and the sites are being refined. Comments on the plan are requested by June 28. Another webinar is planned for late August in regards to the revised conceptual designs.

Comments/Questions:

- Betty Hall (Shasta Nation) expressed concern in regards to the flow of the river and the usability of the river.
- Perry Chocktoot (Klamath Tribes): There is more to recreation than rafting the canyon, and part of the problem will be due to hiking, camping, and fishing and potential looting of cultural sites. Once the dams are removed and the recreational areas are identified, it will be really important to "police" the canyon. Looting is currently still going on today, and the new camping sites and access roads post-dam removal will cater to the looters.
- Mike Kelly (AECOM): The Looting and Vandalism Protection Plan is one of the near future deliverables that KRRC will work on to prepare, in collaboration with CRWG.
- Chris Park (CDM Smith) would like to reference the Looting and Vandalism Plan in the Recreation Plan. Because of the looting concern, KRRC is proposing that the 8 proposed

recreational sites are day-use areas. No new camping sites are being proposed. Although, it is recognized that this does not fully resolve concern in regards to looting and vandalism.

- Eric Ritter (BLM): Has BLM agreed to the Turtle Camp Recreation Site as it will increase maintenance costs?
- Chris Park (CDM Smith): No, BLM has not agreed to this site yet.
- Roy Hall (Shasta Nation): Are there any identified cultural areas within the proposed Copco Valley recreation site?
- Elena Nilsson (AECOM): It is anticipated that remnants of the Ward Bridge across the historic river corridor. There are also some ranch lands encompassed in this area, but there are no structures or buildings depicted on the historic maps. When the reservoir waters come down, there may be cultural features that are exposed. Currently, there is no known site in the area.
- Crystal Robinson (Quartz Valley Indian Reservation): The development of the proposed recreational sites is to mitigate for the loss of recreation through the removal of the reservoirs. How did you choose the number of sites? I think fewer sites are better, but what is needed to fully mitigate the loss of the reservoir recreation sites?
- Chris Park (CDM Smith): The mitigation was identified in the 2012 EIS/EIR. The goal is to identify a recreation site both upstream and downstream ends of each of the four reservoirs. During meetings, the whitewater groups requested 20 sites. Since the request, KRRC has worked with these groups to identify which sites are the most important to them, as KRRC does not have the funding to develop their initial request and there are significant concerns with many of their sites.
- Perry Chocktoot (Klamath Tribes): Regarding Site 6 Copco No. 2 Powerhouse, hopefully the fish passage will not be disturbed.
- Chris Park (CDM Smith): That is our understanding of the requirements. The only uncertainty is to the powerhouse structure upslope from the river.
- Eric Ritter (BLM): How would the hydrology change in terms of the eddy at the Iron Gate Hatchery site?
- Chris Park (CDM Smith): There is some question about how sediment might accumulate in the upper portion of the eddy following dam removal, but there are steps that the project can take in its configuration, such as rock barriers, to protect the eddy. It will still be an eddy, but the footprint may be reduced to some extent.
- Eric Ritter (BLM): The plan does not discuss recreational trails or interpretative signage. Who is doing this analysis?
- Chris Park (CDM Smith): We are not proposing any new trail systems along the river due to the number of landowners that control different sections of the river, and the KRRC was not equipped to implement in terms of a trail system. The final plan does discuss the amenities at each of the eight site, as well as the interpretative signage.
- Eric Ritter (BLM): Are any of these interpretative signs going to include input from the Tribes and other community groups?
- Chris Park (CDM Smith): The interpretative signs are not being developed now so interest from the Tribes and other groups would be excellent for the final Recreation Plan.
- Crystal Robinson (Quartz Valley Indian Reservation): Are any of the eight sites not a threat to cultural or biological resources, already have ground disturbance, and are ideal for the boaters? Those are the sites that could be supported, and do any of these three factors line up at any of the eight sites?
- Chris Park (CDM Smith): We have tried to identify sites that serve the recreation stakeholders interests while addressing any biological and cultural concerns. The biological concerns are easier to avoid than the cultural concerns.
- Perry Chocktoot (Klamath Tribes): As the outreach continues, we will want to make sure the Recreation Plan mentions another plan that will protect cultural sites.

CULTURAL RESOURCES PLAN UPDATE AND SECTION 106 OUTREACH

Mike Kelly (AECOM) provided an update on the Phase II Study Plan and Inadvertent Discovery Plan (IDP). The Phase II Study Plan was provided to the CRWG on May 3, 2019. Comments have been received by the Oregon and California SHPOs. The comment period has been extended to June 19, 2019, and the comments will be distributed after June 19. Fieldwork is anticipated Fall 2019.

The Monitoring and Inadvertent Discovery Plan is currently under review by KRRC and AECOM Project Management. The CRWG should receive a draft by June 28, 2019.

KRRC is currently preparing letters for distribution to local jurisdictions, historical societies, counties, and other potentially interested parties under the Section 106 outreach. Information on historic roads and trails may be collected from the historical societies to enhance the data collection effort.

Comments/Questions:

- Roy Hall (Shasta Nation): The project is putting issues out to all the Tribes, but it is not necessary.
- Mike Kelly (AECOM): It is a requirement of Section 106 to consult with all of the Tribes who are federally recognized up and down the river. Lists of the Tribes that should be consulted have been provided by FERC, the Native American Heritage Commission, and LCIS to KRRC/AECOM.
- Elena Nilsson (AECOM): When we initially sent out letters about the project, we sent letters to the Native American Heritage Commission and the Oregon Legislative Commission of Indian Services asking them if they could provide a list of Tribes that was appropriate for the area. A list was provided by these agencies of the appropriate Tribes to contact. The Tribes that responded back with interest in the Project are part of the CRWG. FERC separately contacted Tribes to discuss their thoughts on the process, but not the cultural component yet. They have had meetings with the federally recognized Tribes about a year and half ago. These meetings were not under Section 106; FERC has not initiated Section 106 consultation yet. KRRC and PacifiCorp have been asked by FERC to be the federal representative for Section 106. The project proponent cannot be in direct communication with FERC in regards to the CRWG.
- Mike Kelly (AECOM): KRRC/PacifiCorp is not in the position to decide which Tribes to consult with. The list of Tribes is provided to the project proponent, and we are asked to reach out to those specific Tribes.
- Crystal Robinson (Quartz Valley Indian Reservation): How different are the monitoring plans from the different Tribes?
- Mike Kelly (AECOM): Not very different. The documents are pretty standard.
- Crystal Robinson (Quartz Valley Indian Reservation): Then it becomes of a question of which Tribes to contact?
- Mike Kelly (AECOM): Yes, that will be in part resolved when we come to a consensus as to who will be monitoring where. Protocols still need to be determined for inadvertent discoveries. We do not intend to exclude any Tribes from the monitoring.
- Crystal Robinson (Quartz Valley Indian Reservation): Does the State have a map that shows who to contact in the event of an inadvertent discovery?
- Mike Kelly (AECOM): They primarily use the map in the Handbook of North American Indians (vol. 8).

- Brian Person (AECOM): During the tribal caucus, monitoring of the Phase II investigations was discussed. The Klamath Tribes position is that their ancestors were indigenous to entire river corridor. And, it is understood that the Shasta disputes that. The Shasta Nation and the Shasta Indian Nation have asserted that Copco and below is the area of their ancestry and where their rights need to be protected. More than one Tribe will likely be represented during the monitoring. Specifics of the monitoring will need to be resolved.
- Crystal Robinson (Quartz Valley Indian Reservation): Is there a framework that can be used for the monitoring and inadvertent discoveries (i.e., State process, map)?
- Mike Kelly (AECOM): During a meeting with the Heritage Commission, guidance was specifically requested on inadvertent discovery protocols; however, none was provided.
- Betty Hall (Shasta Nation): Each Tribe should provide monitors and conduct monitoring on their own territory.
- Roy Hall (Shasta Nation): This may take a few years to clear up in court.
- Eric Ritter (BLM): In this process, who is the ultimate decision maker?
- Mike Kelly (AECOM): At this point, the ultimate decision maker in this process is KRRC and PacifiCorp, until FERC engages.
- Roy Hall (Shasta Nation): All inclusive monitoring will not be an acceptable alternative. Documents and tribal elders provide evidence that Shasta can document the river.
- Mike Kelly (AECOM): The Heritage Commission noted that they typically defer to established tribal territories in human remains discovery situations. The Handbook includes Shasta Nation and Shasta Indian Nation territory, including the project area.
- Roy Hall (Shasta Nation): The Shasta Nation can submit another packet of documents that establishes the Shastas on the Klamath River up to Lake Ewauna.
- Brian Person (AECOM): At this stage in the process, there are two Tribes that the project has obligations to. The best solution is to accommodate both Tribes by not excluding the other.
- Eric Ritter (BLM): The anthropology is pretty clear that this is Shasta territory, and there was interaction between different groups, including Klamath Tribes, up and down the river.
- Roy Hall (Shasta Nation): According to the constitution, Native American lands can only be taken by treaty. Our land was never taken by treaty; we never signed a treaty and have unextinguished land title to our lands. We are sovereign.
- Mike Kelly (AECOM): We intend to continue to not differentiate between federally recognized and non-federally recognized tribes.
- Crystal Robinson (Quartz Valley Indian Reservation): Quartz Valley recognizes Shasta territory along the river, and being that there are three separate sovereign nations for Shasta, all three share similar ideas on ancestral lands.
- Eric Ritter (BLM): For the Recreation Plan, will comments be taken into consideration and incorporated in the final Plan?
- Mike Kelly (AECOM): We will share any concerns so that they can be incorporated into the Plan.
- Eric Ritter (BLM): In terms of territories and language groups, *California Indian Languages* by Victor Golla is recommended. The book describes changes in territory from a linguist prospective.

ACTION ITEMS

Action Item	KRRC/AECOM Action	CRWG/Tribal Action
June 2019 presentation distribution	Circulate presentation and maps (including hardcopy to Shasta Nation)	June 17, 2019

Action Item	KRRC/AECOM Action	CRWG/Tribal Action
Distribute Section 106 Deliverable Schedule	Circulate deliverable schedule table to CRWG	July 2019
Monitoring/Inadvertent Discovery Plan	Distribute Plan to CRWG by June 28, 2019	Comments due back TBD
Phase II Study Plan	Comments will be distributed after June 19, 2019.	Comments due back on June 19, 2019.
Recreation Plan	Maps of the site locations will be distributed to the CRWG by KRRC/AECOM.	Comments on the Recreation Plan and site locations are due on June 28, 2019.
Prepare Local Jurisdiction Letters	Prepare and distribute letters to local jurisdictions and historical society	July 5, 2019

The meeting ended at 3:30 pm.

Meeting Minutes

Klamath River Renewal Project KRRRC Cultural Resources Working Group (CRWG) Meeting

Date	July 30, 2019
Time	1:00-4:00 pm PST (Tribal Caucus 10:00am – 12:00pm)
Location	Best Western Miners Inn, Yreka, CA
Attendees	<i>In person:</i> AECOM: Mike Kelly, Elena Nilsson, Brian Person, Shoshana Jones, Sarah McDaniel, Kirk Ranzetta, Andrew York BLM-Redding: Eric Ritter Karuk Tribe: Scott Quinn, Alex Watts-Tobin KRRRC: Mark Bransom OR SHPO: Tracy Schwartz Shasta Nation: Carl Hall, James Prevatt Shasta Indian Nation: Janice Crowe, Frank Crowe USFS-Klamath NF: Jeanne Goetz Yurok Tribe: Rosie Clayburn <i>Via telephone:</i> BLM: Sara Boyko, Heidi Anderson CA SHPO: Amanda Blosser PacifiCorp: Russ Howison
Prepared	August 28, 2019
Prepared by	AECOM
Distribution	KRRRC Cultural Resources Working Group (CRWG)

MEETING OBJECTIVE

To continue consultation between cultural resources stakeholders with the Klamath River Renewal Corporation (KRRRC) and its technical team, AECOM. This month's meeting was focused on continuing discussion of the Phase II Study Plan and on providing an overview of the Monitoring and Inadvertent Discovery Plan (MIDP).

UPDATES

After introductions, Brian Person, AECOM meeting facilitator, began by going over the Action Items Review from the June meeting and upcoming deliverable dates.

SCHEDULE UPDATE

Document Schedule (the following dates are when the draft is due to the CRWG)

- Phase II Study Plan – Final Draft due July 31, 2019
- Monitoring and Inadvertent Discovery Plan (MIDP) – 1st Draft due July 31, 2019
- Programmatic Agreement (PA) – 1st Draft due August 5, 2019
- Looting and Vandalism Prevention Plan (LVPP) – 1st Draft due September 6, 2019
- Historic Properties Management Plan (HPMP) – November 2019
- Treatment of Human Remains (to be provided by Tribes) – November 2019

TRIBAL CAUCUS UPDATE

The Tribal Caucus met in the morning, prior to the CRWG meeting. Brian Person (AECOM) facilitated. The Tribal Caucus discussed monitoring; the effectiveness of drone technology and use during the drawdown, with a focus on sites of tribal interest; and what to do if damage is observed during the drawdown. The Civil War Cemetery was discussed, and a warning against disturbing tribal artifacts. The group discussed recreation plan development and how the drawdown might elevate site visibility, and the positives and negatives of a Wild and Scenic River designation in terms of protecting cultural resources.

The Looting and Vandalism Prevention Plan (LVPP) is next in line for distribution. Members expressed the need for provisions for limiting access, preventing damage to sites, patrols, consequences, use of drone technology, and fencing.

One of the main topics was the review of the draft Phase II Plan. Several tribes voiced opposition to excavation proposed under the Phase II Plan.

The group discussed proposed Historic American Engineering Record (HAER) documentation for the dams and how such documentation needs to account for the negatives of the dams, for example decimating fish species and other impacts, as well as the benefits.

Comments/Questions:

- Alex Watts-Tobin (Karuk): I would like to emphasize the Phase II disconnect. Also, the ethnographic study section for the Karuk will need to be rewritten.
- Mike Kelly (AECOM): Regarding the Phase II Plan, this has been in place for some time and this group reviewed the SHPO comments previously, so I'm not sure where the disconnect came from. We need additional discussion.
- Alex Watts-Tobin (Karuk): There is consensus in the Tribal Caucus—none of the Tribes represented here support excavation testing, especially on the scale per the Oregon SHPO. There are other ways to address eligibility.
- Carl Hall (Shasta Nation): How it is written now isn't going to work for anybody. We're willing to talk. Recall the discussions we had about this last time in our one-on-one consultation meeting?
- Elena Nilsson (AECOM): Yes, and we followed up with the SHPOs. Their view is that we need to do some level of Phase II excavations to meet Section 106 requirements.
- Mike Kelly (AECOM): Oregon SHPO has treatment and guideline procedures, and after their review they requested we expand what we had originally proposed to excavate. It is difficult to determine site boundaries without excavation.
- Carl Hall (Shasta Nation): What about previous archaeological investigations that have already been done?
- Mike Kelly (AECOM): Those consisted of surface survey only, which is not enough information for full characterization of most of the sites.

- Alex Watts-Tobin (Karuk): When other archaeologists have come into Karuk territory to shovel test, we have said no to them too. There has been high quality and extensive archaeological work upriver as compared to downriver. I expect you have a pretty good handle on many of these 38 sites already.
- Elena Nilsson (AECOM): There are still some aspects we don't know about, like depth, or whether there are intact deposits.
- James Prevatt (Shasta Nation): We need to see how deep and where the holes are proposed.
- Mike Kelly (AECOM): Typically, we would go in cardinal directions working our way from the outside toward the site. Half of the units would be outside boundaries to help establish the boundaries, with some units inside the site to determine depth.
- James Prevatt (Shasta Nation): Would ground penetrating radar (GPR) or other types of x-ray equipment work?
- Mike Kelly (AECOM): That is more useful for burials and features, but not for general site characterization.
- James Prevatt (Shasta Nation): I'm concerned you're going to encounter a body.
- Mike Kelly (AECOM): If we did, we would immediately stop. There is no intent to excavate human remains.
- James Prevatt (Shasta Nation): Some Shasta sites are within the ADI, and no one besides us can know where or what sites are—we can't divulge that information. Sacred and ceremonial sites.
- Mike Kelly (AECOM): There are some TCP studies from 15 years ago, and OR SHPO asked us to see if these are still good and to move forward. If we know approximately where these are, we can avoid them.
- Alex Watts-Tobin (Karuk): We have a cultural monitoring program, for example, for infrastructure work. Finds are documented, but it is important that the artifact goes back in the dirt where it was found. By our protocols, things found go back in the ground.
- Mike Kelly (AECOM): We could try and propose that approach.
- Eric Ritter (BLM): Could you assume that a site is significant, and add a buffer based on GPR/soil chemistry or another non-invasive method?
- Mike Kelly (AECOM): If we assume eligibility, later in the process we have lots of adverse effects that we otherwise would be able to avoid. So that approach leads to additional concerns.
- Eric Ritter (BLM): Maybe you can do it for some sites, though, even if not for all. Maybe that's a compromise.
- Elena Nilsson (AECOM): We will need CA and OR SHPO input to see if that will work. And FERC, although they're still not on board yet.
- Eric Ritter (BLM): Who does the decision lie with?
- Elena Nilsson (AECOM): PacifiCorp and KRRC until FERC engages.
- Mark Bransom (KRRC): We are hopeful that FERC will engage by the end of the year. This is all good input and suggestions, but we are constrained. Let's get this group and the SHPOs talking about this issue now--I'm hopeful this will lead to resolution. Let's get a meeting arranged ASAP.
- Rosie Clayburn (Yurok): The meeting will need Tribes, SHPOs, AECOM, and KRRC. I want to clarify this is a BIG disconnect. These are tribal resources that are completely connected to people today. The project has damaged sites, and it's hard to balance tribal focus of dam removal and on cultural resources. We're willing to roll up our sleeves and bring everyone to the table. The Yurok are the first THPO in California; we're experienced, and we know we need to get this done by working together.

BUILT ENVIRONMENT UPDATE

Shoshana Jones and Kirk Ranzetta (AECOM) provided an update on the historic built resources within the ADI. These include hydroelectric facilities: dams, powerhouses, water conveyances, employee housing, a school, other operations buildings, fish management, and transportation. In 2003, previous field surveys and evaluations of the Klamath River Hydroelectric Project District were completed. Survey updates are now required to account for such things as: demolished, overlooked, and miscounted resources; resources that have since reached the age of 50; and a lack of data for non-hydroelectric resources. Historic themes include early exploration and settlement, mining, agriculture/ranching, logging, transportation, hydropower, fish management, and recreation. Upcoming fieldwork is planned for the Fall Creek Hatchery, hydro transmission lines, and non-hydro bridges and culverts within the ADI. Mitigation ideas are being sought; some include: HABS/HAER; potential for adaptive re-use of the buildings; relocation for residential/commercial re-use; grants to benefit local repositories; scholarship programs for regional students.

Comments/Questions:

- Alex Watts-Tobin (Karuk): It is interesting there was a school at Fall Creek. Regarding the slide of Klamath Hot Springs, I don't believe that was in the ADI; but maybe was in the larger APE? For the record, it is very interesting to read stories of the hotel and hot springs. About 4 miles upstream from Copco Lake, it was popular in the 1880s-1900s until Copco was constructed. It was popular because there were SO many fish.
- Eric Ritter (BLM): For historic context, consider adding "Euroamerican" to your "Settlement" and add "Tribal" and other peoples to this discussion. You could add "Surveys/Engineering" and later "Post-Dam Settlement" related to recreation, development of the dams and residences as themes.
- Tracy Schwartz (OR SHPO): What type of form will you be using?
- Shoshana Jones (AECOM): We are planning to record Oregon resources on OR SHPO database forms, and California resources on CA SHPO forms, then attach each to the other state's resources.
- Amanda Blosser (CA SHPO): Regarding your request to learn more context about hatcheries, there are examples of hatcheries with early design in California--for example at the Oroville Dam.
- Kirk Ranzetta (AECOM): Is there historic context at the state level for hatcheries?
- Amanda Blosser (CA SHPO): There are water resources in California. I've seen some come in, for example Fish and Game had some come in, but nothing standardized. I could try to find and email some documents.
- Scott Quinn (Karuk): Klamath Dam had fish racks, and remnants are still there.
- Tracy Schwartz (OR SHPO): A University of Oregon student wrote a thesis on a fish hatchery, and we have a copy.
- Eric Ritter (BLM): Other examples of hatcheries: 1870s at Bear Lake, Battle Creek and mouth of the Sacramento River. Have you considered making mitigation recommendations for buildings to remain preserved for use as clubs, recreation, fishing, etc.?
- Alex Watts-Tobin (Karuk): The potentials for re-use are good ideas. You could also consider doing mega Digi-pixel photography to piece together very detailed photographs. If museum displays are created, there should be a language included regarding what the effects of the dams were; how abundant fish were in that area.
- Kirk Ranzetta (AECOM): That could definitely be folded into larger interpretive displays.
- Eric Ritter (BLM): There is also some good 3D modeling technology to consider. Check out the Getty Museum for examples.

- Alex Watts-Tobin (Karuk): It would be good to have a 3D model of the river, before and after decommissioning.
- Tracy Schwartz (OR SHPO): I appreciated the thought you've put into this so far. The public benefit for the local community is important. We haven't concurred on adverse effects yet. What is the timeline for the report?
- Kirk Ranzetta (AECOM): ETA is soon. We would like to get in additional fieldwork first for identification and evaluation but could separate them into two reports depending on if you want more or less.
- Tracy Schwartz (OR SHPO): We would prefer it all at one time if possible but can be flexible.
- Amanda Blosser (CA SHPO): Same with us. We can talk about phasing if we need to.
- Kirk Ranzetta (AECOM): We have fieldwork scheduled for next month, so will plan to get SHPOs the full report.
- Eric Ritter (BLM): Have you considered disposal of historic debris? And integrating construction camps and dumps?
- Kirk Ranzetta (AECOM): Yes, and if there are areas of crossover between built environment and archaeology, we will coordinate on documentation. We're already coordinating the historic contexts.
- Tracy Schwartz (OR SHPO): What about other consulting parties? Who else wants to participate?
- Kirk Ranzetta (AECOM): We sent letters to about 10 parties. Not much response so far, but we'll follow up with an email with the presentation.
- Shoshana Jones (AECOM): The president of the Siskiyou County Historical Society is definitely interested.
- Kirk Ranzetta (AECOM): We're also reaching out to a Landscape Architect from the USFS in Yreka to include in these discussions.
- James Prevatt (Shasta Nation): Have you reached out to Josephine and Jackson County Historical Societies? There is Shasta land up there too.
- Scott Quinn (Karuk): Your last slide [slide 38], "scholarships to encourage study in history, engineering, cultural resources, geography, fish biology, etc." as potential mitigation; you should also add "anthropology." Also, for any interpretive displays, there should be an effort to include the effect of the dams as well as dam decommissioning on Tribes and NGOs; this would be important to include.

CLOSING REMARKS

The group reiterated the need to have a collective meeting between the CA and OR SHPO archaeological representatives (who were not in attendance for the current meeting), KRRC, and Tribes as soon as possible to resolve disagreement over Phase II excavation requirements. There was also a brief discussion regarding land ownership. Mark Bransom (KRRC) confirmed that Parcel B lands in the 2016 Settlement Agreement will go to the State of California, or a possible third party as designated by the State.

ACTION ITEMS

Action Item	KRRC/AECOM Action	CRWG/Tribal Action
July 2019 presentation distribution	Circulate presentation (including hardcopy to Shasta Nation)	
Resolve Phase II eligibility—need for testing	Set up meeting with SHPOs and Tribes	Respond to doodle poll and attend meeting

The meeting ended at 4:00 pm.

Meeting Minutes

Klamath River Renewal Project KRRRC Cultural Resources Working Group (CRWG) Meeting

Date	September 5, 2019
Time	1:00-4:00 pm PST (Tribal Caucus 10:00am – 12:00pm)
Location	Best Western Miners Inn, Yreka, CA
Attendees	<i>In person:</i> AECOM: Mike Kelly, Elena Nilsson, Brian Person, Sarah McDaniel, Kirk Ranzetta BLM-Redding: Eric Ritter Karuk Tribe: Scott Quinn, Anna Powell, Alex Watts-Tobin Klamath Tribes: Les Anderson, Perry Chocktoot KRRRC: Mark Bransom Shasta Nation: Betty Hall, James Prevatt USFS-Klamath NF: Jeanne Goetz Yurok Tribe: Rosie Clayburn <i>Via telephone:</i> BLM: Sara Boyko CDM Smith: Ben Swann CA SHPO: Brendan Greenaway OR SHPO: Dennis Griffin, Tracy Schwartz Shasta Indian Nation: Janice Crowe Karuk Tribe: Craig Tucker
Prepared	October 4, 2019
Prepared by	AECOM
Distribution	KRRRC Cultural Resources Working Group (CRWG)

MEETING OBJECTIVE

To continue consultation between cultural resources stakeholders with the Klamath River Renewal Corporation (KRRRC) and its technical team, AECOM. This month's meeting was focused on review of: the Monitoring and Inadvertent Discovery Plan (MIDP), the Phase II Evaluation Program, the Fall Creek Hatchery improvements plan, and language included in the upcoming draft Programmatic Agreement (PA).

UPDATES

After introductions, Brian Person, AECOM meeting facilitator, began by going over the Action Items Review from the July meeting and upcoming deliverable dates.

SCHEDULE UPDATE

Document Schedule

- Phase II Study Plan – Final Draft is in process of revision based on CRWG input
- Monitoring and Inadvertent Discovery Plan (MIDP) – comments on draft needed from CRWG by September 30, 2019
- Programmatic Agreement (PA) – comments on draft needed from CRWG by September 30, 2019
- Looting and Vandalism Prevention Plan (LVPP) – 1st Draft due to CRWG September 30, 2019
- Historic Properties Management Plan (HPMP) – 1st Draft due to CRWG January 2019
- Treatment of Human Remains (to be provided by Tribes) – November 2019

TRIBAL CAUCUS UPDATE

The Tribal Caucus met in the morning, prior to the CRWG meeting. Brian Person (AECOM) facilitated. The Tribal Caucus discussed the Phase II Study Plan which is in the process of being revised to reduce the amount of proposed excavation based on CRWG input. The Tribal Caucus members are in collective agreement that no excavation should occur. Past projects were cited where eligibility and impacts could be discussed without the need for additional testing. The Klamath Tribes has an inadvertent discovery plan they will share to assist with the draft MIDP. The Tribal Caucus also discussed the Recreation Plan.

Comments/Questions:

- Scott Quinn (Karuk Tribe): I think it would be more effective if tribes wrote individually to the SHPOs regarding no excavation for Phase II evaluation.
- Craig Tucker (Karuk Tribe): Regarding the Recreation Plan, it would be a good idea to have a pamphlet to educate recreators, like we discussed in the Tribal Caucus.
- Perry Chocktoot (Klamath Tribes): And they need to note protocols, like using public facilities for calls of nature, because that's normally how they come across these sites. They need to stay out of the shell middens.
- Craig Tucker (Karuk Tribe): They could require a "pack it in, pack it out" policy for recreation access; that means everything, including human waste.
- Eric Ritter (BLM): The BLM issues permits out of Oregon. There are all sorts of complications with permitting and who would run it.

PHASE II EVALUATION PLAN UPDATE

There was general discussion regarding tribal opposition to any excavation work within the archaeological sites to evaluate them for NRHP eligibility, and the need for KRRC and the Project to comply with Section 106 of the NHPA in evaluating sites and determining impacts. KRRC, AECOM, OR and CA SHPO representatives, and John Eddins of the ACHP (responsible for FERC projects) had an initial call on August 15, 2019. The ACHP intends to have a conversation with FERC, who is not yet engaged in this process.

Comments/Questions:

- Mike Kelly (AECOM): We need to get guidance from the ACHP and FERC to help navigate this issue. KRRC is required to implement Section 106, including assessments for eligibility.

- Mark Bransom (AECOM): KRRRC appreciates all of the hard work this group has done, and I have a deep respect for the tribal members working through these different issues. For now, we are a non-federal designee of FERC. You may not care about Section 106, but I have to. We need to find a way to navigate this process. We all want to provide for the protection of these sensitive sites, and I'm confident we can get there. I have to balance regulatory requirements with concerns brought up here. We are planning for dam removal, and I think it will take place. Be thinking about how we can do things today to prepare for when we see dam removal underway. For example, if we can avoid an inadvertent discovery situation that's what we want. We're open to using such methods as dogs and alternate approaches. I welcome your input: 1) what technologies or approaches are feasible and appropriate; 2) what other prior experiences do you have that can help inform our approach? This impasse needs to be resolved. Thank you for sharing your experience; it's meaningful and helpful.
- Rosie Clayburn (Yurok Tribe): Regarding the revised in-preparation Phase II Plan, how close did you incorporate SHPO comments for additional excavation?
- Elena Nilsson (AECOM): We made changes and are preparing a revised draft, but there are a lot of comments and it is not ready to be distributed, pending additional discussions.
- Mike Kelly (AECOM): I think from our previous discussions with Dennis Griffin, he understands the need for a reduced level of effort.
- Dennis Griffin (OR SHPO): Many of the sites proposed for testing need additional data for possible mitigation, not necessarily for eligibility.
- Perry Chocktoot (Klamath Tribes): Ruby Pipeline is a good example of where we did not excavate sites, we just called them all eligible.
- Dennis Griffin (OR SHPO): I have no problem with the eligibility discussion, but how do you address the adverse effect? You can cap sites. But if there are remaining portions of sites, that's another thing.
- Mike Kelly (AECOM): We currently don't have a good handle on depth or boundaries for sites that are just visible from the surface.
- Perry Chocktoot (Klamath Tribes): They're overdue for maintenance and monitoring. Just do some Phase I work.
- Elena Nilsson (AECOM): We did visit them.
- Perry Chocktoot (Klamath Tribes): Were the tribes involved?
- Elena Nilsson (AECOM): No.
- Perry Chocktoot (Klamath Tribes): That's a big problem.
- Elena Nilsson (AECOM): We saw most boundaries expand, which is a change in the 15 years since they were last visited or recorded. That's why we're unsure of site boundaries, maybe they're expanding through erosion.
- Perry Chocktoot (Klamath Tribes): Erosion happens all the time, to all sites.
- Mike Kelly (AECOM): But we need to be prepared to plan for impacts and mitigation.
- Dennis Griffin (OR SHPO): Sometimes it's easier to assume sites are eligible. With minimal testing to make sure a new site isn't being exposed.

RESTORATION PLAN

Mike Kelly explained that the restoration plan needs input for the types of native plants that would be appropriate for planting, and where; i.e., are there any tribally important areas for particular plant species that should be considered. Feedback is needed as soon as possible.

Comments/Questions:

- Scott Quinn (Karuk): In easy-access areas, basket materials like willow would be good.
- Perry Chocktoot (Klamath Tribes): Bear grass, tule, cat tail—there's a whole list.

- Scott Quinn (Karuk): Just riparian, or upslope too?
- Elena Nilsson (AECOM): The current reservoir footprint.
- Eric Ritter (BLM): Also, roads and construction zones, too.
- Jeanne Goetz (USFS): I know KRRC's botanist has contacted the USFS.
- Elena Nilsson (AECOM): The KRRC Definite Plan appendix also has information on species.
- Alex Watts-Tobin (Karuk): Is the Definite Plan susceptible to input by the Tribes at this point?
- Mark Bransom (KRRC): Yes, definitely.
- Les Anderson: Is the plan adoptable based on mortality?
- Mark Bransom (KRRC): Yes.

INTRODUCTION TO LOOTING AND VANDALISM (LVPP) PLAN OUTLINE

Mike Kelly provided an overview of the LVPP which is still in draft form and needs to be reviewed by KRRC before distribution to the CRWG. Some of the draft possible protection measures were briefly discussed, and would be expected to vary on a site-by-site basis. One difficulty is that AECOM has not found an example of an LVPP for guidance. The CRWG was asked to provide any examples they may have seen or used in the past.

Comments/Questions:

- Perry Chocktoot (Klamath Tribes): Patrolling should be mandatory, not "possible." Consider establishing a phone number that anyone could call in an area with cell coverage. Like a "see something, say something" campaign or that old image of a criminal-looking looter that you used to see on those anti-looting posters. Come up with a number that goes to law enforcement in this canyon. Don't make known the set schedule for patrols; that has to fluctuate based on maybe holidays or high-use periods. Have something that bites. This canyon is going to need managed for a long while.
- Sarah McDaniel (AECOM): The LVPP is currently written to span the period that KRRC is responsible for managing. Once KRRC ceases to exist, we can't project how that will work with unknown future landowners.
- Perry Chocktoot (Klamath Tribes): That's a big problem. This needs to be long-term.
- Sarah McDaniel (AECOM): I think there may be some mechanism on how to ensure that happens after KRRC's involvement, but we need this group to brainstorm that and get attorney input on how that can happen. For now, it's being written for while KRRC is the responsible party.
- Scott Quinn (Karuk Tribe): As far as creating longevity, maybe something like if a future landowner wants the Parcel B lands, they have to accept the LVPP conditions.
- Jeanne Goetz (USFS): What about a tribal site stewardship program?
- Perry Chocktoot (Klamath Tribes): we have to be careful on who to involve. Some BLM and USFS employees have some of the largest artifact collections! Be very careful on who we involve.
- Eric Ritter (BLM): We attempt to educate people, including our own employees, in training.
- Les Anderson (Klamath Tribes): From a tribal perspective, the tribes here should have that stewardship.
- Eric Ritter (BLM): KRRC also needs to deal with how to deal with indirect effects: trampling, garbage dumping, ORV trails, etc.

PARCEL B LANDS

There was a brief discussion on where Parcel B lands, which will be handed over by KRRC. Elena Nilsson (AECOM) pointed out the KHSA 7.6.1 defines Parcel B lands. Basically, these are the lands that are around the reservoirs and inundated lands. Parcel A lands include 11,000 acres

owned by PacifiCorp that are not directly associated with the Klamath Hydroelectric Project, like the ranchlands between J.C. Boyle and Copco. PacifiCorp will be retaining the Parcel A lands.

MONITORING AND INADVERTENT DISCOVERY PLAN (MIDP)

The MIDP had been distributed to the CRWG but few comments had been received to date. A brief discussion followed.

Comments/Questions:

- Alex Watts-Tobin (Karuk): I would like to reiterate that humans can't safely access the drawdown area. We have partnered with a group at U.C. Davis that has high definition drone technology well suited for monitoring the sites during drawdown.
- Perry Chocktoot (Klamath Tribes): A lot of tribes have this technology.
- Alex Watts-Tobin (Karuk): Yes, but it needs to be very detailed and high scale. Their battery technology allows for 2,500 acres per day.
- Eric Ritter (BLM): Page 56 of the MIDP states that impacts involved with moving several structures from Iron Gate to Humbug Creek. Do previous plans cover this?
- Mike Kelly (AECOM): No, we don't have access yet and that's not part of Parcel B lands as those lands are private. We did a windshield reconnaissance and recognize the need; we're not ignoring it and will make sure this is covered in future documentation.
- Elena Nilsson (AECOM): We have conducted record searches for this areas.

FALL CREEK HATCHERY UPDATE

Ben Swann (CDM Smith) provided an update regarding the proposed Fall Creek Site Modifications. He discussed hatchery production and presented photographs of the locations of modifications, and of the current Upper Raceway, Lower Raceway, and Diversion Points.

Comments/Questions:

- Mike Kelly (AECOM): We did not find any surface evidence of prehistoric sites at the Fall Creek area during the 2018 field visit.
- Perry Chocktoot (Klamath Tribes): What about consulting with Tribes?
- Mike Kelly (AECOM): We have talked about it and know it's an extremely sensitive location. We're working with Ben and team to limit improvements at the hatchery. The first step is to confirm a lack of subsurface deposits, and we know there will be a need for monitoring.
- Jim Prevatt (Shasta Nation): Coho were brought in from Japan in the late 1800s or early 1900s. They're not from here. I keep hearing they're going to resurrect the Coho. The only place they've ever known is the hatchery!
- Perry Chocktoot (Klamath Tribes): Fish studies at PSU show differently.
- Ben Swann (CDM): Coho is a controversial subject but is beyond KRRC's work objective to get into that. Our objective is the disturbed footprint of the old facilities.
- Perry Chocktoot (Klamath Tribes): Will you set on septic/sewage system? That could run sludge on the fish areas, whereas another line would have more protective measures?
- Ben Swann (CDM): Given the 8-year lifespan of the project, high water still wouldn't allow sludge into the creek.
- Perry Chocktoot (Klamath Tribes): Are you treating it before it goes into the settling pond?
- Ben Swann (CDM): An unlined pond would discharge into the creek. The California State Water Board has requirements the pond must meet. There is a plan to put in a cascade. Not adding enough to change oxygen or temperature, but we will be monitoring it nonetheless.

- Mark Bransom (KRRC): The hatchery has 8 years of funding from PacifiCorp. Beyond that is the responsibility of Fish and Wildlife.
- Eric Ritter (BLM): Fall Creek has private lands—what are their water rights?
- Ben Swann (CDM): PacifiCorp is the primary water right holder along Fall Creek. There are three primary holders: City of Yreka, PacifiCorp, and the California Department of Fish and Wildlife.
- Kirk Ranzetta (AECOM): There also could be an adverse effect to the hatchery as a historic property that may need to be mitigated.

PROGRAMMATIC AGREEMENT (PA)

Kirk Ranzetta, AECOM Architectural Historian, provided an introductory overview of the PA, including the purpose, overall structure, FERC's expectations, standard language, and typical sections. FERC uses a Historic Property Management Plan (HPMP) template following the 2002 Guidelines.

Comments/Questions:

- Perry Chocktoot (Klamath Tribes): Tribes are considered “Consulting Parties” instead of “Concurring Parties” to keep us from objecting.
- Alex Watts-Tobin (Karuk): Invited signatories have certain rights.
- Perry Chocktoot (Klamath Tribes): FERC can't delegate consultation.
- Kirk Ranzetta (AECOM): FERC's PAs for hydro projects are very minimal. The priority of this effort is to come to agreement where we can so FERC can focus on the bigger issues. The reason we need a PA is because it is regional in scope, the effects are not fully determined, and KRRC as a non-federal party has been delegated major responsibilities.
- Perry Chocktoot (Klamath Tribes): Was this enacted under the Clean Energy Act—George Bush in 1997?
- Alex Watts-Tobin (Karuk): I think it was under Clinton?
- Kirk Ranzetta (AECOM): In 2002 they published Guidelines for HPMPs. These documents include what other agencies would typically put as stipulations in their PAs.
 - “Signatories” include SHPOs, ACHP, and FERC.
 - “Invited Signatories” are not included. Why? Because when FERC is dealing with the Federal Power Act they won't allow inclusion of the licensee because they could back out.
 - “Concurrence by Others” is used and includes BLM, USFS, USACE, Tribes, local governments, etc.
- Tracy Schwartz (OR SHPO): ACHP involvement is “pending”, correct? When will letters go out?
- Kirk Ranzetta (AECOM): They are involved and will likely have a letter announcing engagement soon.
- Tracy Schwartz (OR SHPO): Has the USFS delegated FERC as the lead agency?
- Kirk Ranzetta (AECOM): No, they manage the lands. We'll need to double check if they are considering this an undertaking versus as a land manager. They're still working out if they will participate in the PA or not.
- Brendan Greenaway (CA SHPO): Are you planning to use the FERC template PA?
- Kirk Ranzetta (AECOM): Yes, with appropriate revisions to account for a number of projects in Oregon where the template has been modified. We're trying to anticipate changes.
- Brendan Greenaway (CA SHPO): This is not a standard undertaking like relicensing. And because the USFS and BLM have land in the APE, they also have 106 responsibilities.
- Perry Chocktoot (Klamath Tribes): This is rough for the Tribes: we're always Consulting Parties. What if we don't agree, and what if we don't sign?

- Kirk Ranzetta (AECOM): FERC will continue to consult.
- Les Anderson (Klamath Tribes): Are the BLM and USFS going to start holding other meetings for consultation?
- Jeanne Goetz (USFS): I don't foresee that.
- Eric Ritter (BLM): I'm not sure about Oregon.
- Jeanne Goetz (USFS): The PA refers to the APE, but what about the ADI (which has less USFS land)?
- Kirk Ranzetta (AECOM): The PA will apply to the entire APE.
- Perry Chocktoot (Klamath Tribes): You need to take into account visual impacts.
- Alex Watts-Tobin (Karuk Tribe): The APE includes Karuk Tribal Trust lands, and we should be a main signatory.
- Rosie Clayburn (Yurok Tribe): The Karuk and Yurok would have to be signatories because we're both in the APE.
- Scott Quinn (Karuk): Would the PA commit CDFW to operating fisheries/hatcheries?
- Kirk Ranzetta (AECOM): No, it only pertains to cultural resources.
- Scott Quinn (Karuk): Fish ARE cultural resources. CDFW and Oregon Fish and Wildlife could be signatories too?
- Jeanne Goetz (USFS): We had an example of a PA where the Karuk were a concurring party and other tribes were invited signatories.
- Perry Chocktoot (Klamath Tribes): Hasn't there already been one surrender at JC Boyle that's been in the headlines lately?
- Mark Ransom (KRRRC): ODEQ issuance of water quality certification, but that is not part of FERC. In CA, for water quality certification the EIR is currently underway.
- Perry Chocktoot (Klamath Tribes): Your slide about Swan Lake lifted my hackles [note: this refers to PowerPoint Slide 25, which cites Swan Lake as a recent FERC PA example]. I don't agree in any way, shape, or form. This area is filled with religious alters, burials, and they're protecting NOTHING. This is heartache for the Klamath Tribes.
- Kirk Ranzetta (AECOM): We will make sure we're not adopting anything from that agreement that could be troublesome.
- Tracy Schwartz (OR SHPO): Be sure to add a "Whereas" clause for other consulting parties like CLGs and historical societies.
- Eric Ritter (BLM): Is there EIS interplay? Who is writing that?
- Kirk Ranzetta (AECOM): FERC. As soon as "notice" is given for the surrender proceeding, they will initiate NEPA. We expect they will initiate that sooner rather than later. But the PA needs to be signed before that.
- Perry Chocktoot (Klamath Tribes): Will there be public hearings?
- Mark Bransom (KRRRC): Yes, but we don't know the dates or process yet.
- Eric Ritter (BLM): Given the current administration and the hurrying up these days, I'm not sure of the review process.
- Alex Watts-Tobin (Karuk Tribe): We'll be getting an ethnographic statement to you. That EIS public document should NOT contain sensitive information about any resources or locations.
- Scott Quinn (Karuk Tribe): You will need to look at grazing impacts, too.
- Eric Ritter (BLM): There are a lot of cattle along the river. Look at open range along the river.

CLOSING REMARKS

Next steps include review of the draft "Whereas" statements within 30 days. The next CRWG meeting will present PA Stipulations.

Rosie Clayburn requested that the next meeting be moved to Medford in order to accommodate those who drive long distances to attend the Yreka meetings.

ACTION ITEMS

Action Item	KRRC/AECOM Action	CRWG/Tribal Action
Sept 2019 presentation distribution	Circulate presentation (including hardcopy to Shasta Nation)	-
List of cultural plants needed for Restoration Plan	-	- Provide list of culturally important plants as soon as possible. - Describe which areas they were in traditionally and/or where they should be considered for replanting
Schedule Oct and Nov meetings	Send out Doodlepoll and emails to CRWG	Respond to AECOM Doodlepoll re: day preferences
Monitoring/Inadvertent Discovery Plan Comments	Draft MIDP was distributed to CRWG in late August	Comments due back to KRRC/AECOM by <u>October 5, 2019</u>
Provide IDP examples to AECOM	-	Provide any examples of Tribal IDPs to AECOM as soon as possible
Provide LVPP examples to AECOM	-	Provide any examples of LVPPs to AECOM as soon as possible
Parcel B maps and description needed	Circulate electronic version of maps/description (hardcopy to Betty)	-
Programmatic Agreement Comments	Edit draft PA "Whereas" clauses per meeting discussion	Comments due back to KRRC/AECOM by <u>October 5, 2019</u>
APE versus ADI per FERC signatory process	Investigate how FERC treats signatory parties (all tribes in APE are signatories, versus only ADI?)	-
USFS and BLM and FERC process	-	Confer on how the 106 process for the BLM and USFS will proceed in conjunction with FERC

The meeting ended at 4:00 pm.

Meeting Minutes

Klamath River Renewal Project
 KRRC Cultural Resources Working Group (CRWG) Meeting

Date	October 29, 2019
Time	1:00-4:00 pm PST (Tribal Caucus 10:00am – 12:00pm)
Location	Holiday Inn Express, Yreka, CA
Attendees	<p><i>In person:</i> AECOM: Mike Kelly, Kirk Ranzetta, Brian Person, Stephanie Butler BLM-Redding: Eric Ritter CDM Smith: Kate Stenberg Karuk Tribe: Scott Quinn, Alex Watts-Tobin Klamath Tribes: Les Anderson Quartz Valley Indian Reservation: Crystal Robinson Shasta Nation: Betty Hall, Jim Prevatt USFS Klamath NF: Jeanne Goetz</p> <p><i>Via telephone:</i> AECOM: Sarah McDaniel BLM-Klamath Falls: Sarah Boyco Klamath Tribes: Perry Chocktoot OR SHPO: Dennis Griffin, Tracy Schwartz PacifiCorp: Russ Howison Yurok Tribe: Rosie Clayburn</p>
Prepared by	AECOM
Distribution	KRRC Cultural Resources Working Group (CRWG)

MEETING OBJECTIVE

To continue consultation between cultural resources stakeholders with the Klamath River Renewal Corporation (KRRC) and its technical team, AECOM. This month’s meeting was focused on discussion of the Programmatic Agreement and the Looting and Vandalism Protection Plan. The status of the Phase II evaluation program and the Monitoring and Inadvertent Discovery Plan were also briefly discussed.

REVIEW OF ACTION ITEMS FROM THE SEPTEMBER 2019 TRIBAL CAUCUS AND CRWG MEETING

Individual meetings with the Tribes are ongoing to discuss the review of the Phase II Evaluation Plan, as well as any other project concerns. To date, three meetings have occurred, and additional meetings will be scheduled with the Klamath, Shasta Indian Nation, and Karuk Tribes.

No information has been received on culturally important plant species that should be included in the Recreation Plan, with the exception of those discussed during the CRWG meeting.

No written comments have been received on the Monitoring and Inadvertent Discovery Plan from any of the tribes. The comment period will be extended to November 15. A final draft of the Plan is on hold pending receipt of tribal comments.

Comments have been received from BLM and Oregon SHPO on the PA. Additional information on FERC and other federal agency responsibilities for the PA has not been obtained.

Comments/Questions:

- Eric Ritter (BLM): Are culturally important plants (cultivars, orchard crops) associated with historic homesteads and ranches in the Klamath River valley being considered? Studies have been conducted on the cultivars.
Mike Kelly (AECOM): Those resources have likely not been taken into consideration, but prior studies can be reviewed.

TRIBAL CAUCUS SUMMARY

The Tribal Caucus met in the morning, prior to the CRWG meeting. During the Tribal Caucus, Rosy Clayburn (Yurok Tribe) emphasized that tribal ordinances should be included in both the Monitoring and Inadvertent Discovery Plan and the Looting and Vandalism Protection Plan. There was general concern about long-term funding and law enforcement, particularly after transfer of Parcel B lands. There will be potential for greater exposure and access to cultural resources post-project, so how will they be protected over the long term. Federal funding (e.g., USFS, BLM) and other funding sources will need to provide for necessary law enforcement. The Looting and Vandalism Plan discusses the See and Say program, which will need to be followed up on post-project.

A recommendation was provided that as a condition of the transfer of Parcel B lands, there could be restrictions on any subsequent transfers on the nature of land use that would help protect tribal and cultural assets.

Signage was also discussed, specifically the concern that signs warning against tampering and looting may label cultural resources within the vicinity. Instead, signs should be placed at defined entrance points with general warnings.

Modifications to the Phase II Plan were discussed. The Phase II effort has been scaled back in terms of the level of ground surface disturbance. Artifact analysis and curation will still need to be resolved. There was some discussion if artifacts can be analyzed without removal from the site; and if removal is necessary, can the artifacts be put back in the exact location as originally discovered.

The overlay of Kiewit's design was discussed and how it does not necessarily consider the avoidance of known sites. AECOM will meet with Kiewit to discuss this concern.

PROJECT UPDATE

Mike Kelly (AECOM) provided a project update. The comment period for the Monitoring and Inadvertent Discovery Plan has been extended to November 15, and any comments, such as the inclusion of tribal ordinances, should be submitted.

The Phase II Evaluation Plan is currently being revised to minimize impacts to sites, and individual meetings with tribes are being conducted to reach a consensus on the level of effort. Fieldwork will occur in Spring 2020.

Ethnographic summaries have been submitted to each tribe, and feedback has been requested.

A revised draft of the Recreation Plan was sent out to the consulting parties, and comments are requested on this plan.

Comments on the Looting and Vandalism Protection Plan are requested at the end of the month. The Human Remains Treatment Plan and the Historic Properties Management Plan (HPMP) will be the next documents to be prepared. The HPMP will not be finalized until the evaluations have been completed. Input from the tribes will be required for the Human Remains Treatment Plan.

Comments/Questions:

- Dennis Griffin (OR SHPO): Are the documents that require review submitted to SHPO via Go Digital?
Mike Kelly (AECOM): The Monitoring and Inadvertent Discovery Plan has been submitted electronically (August 2019) to SHPO, however, the Looting and Vandalism Protection Plan will be submitted within the next few days.

LOOTING AND VANDALISM PROTECTON PLAN

Mike Kelly (AECOM) provided a general summary of the Looting and Vandalism Protection Plan (LVPP). The Plan is a working draft that was designed to generate discussion and new ideas. The Plan includes: 1) law and regulations that pertain to the protection of cultural/tribal/historic resources; 2) a training program for construction personnel and monitors; 3) summary of known resources within the project area; 4) site protection measures; 5) procedures for responding to looting and vandalism; 6) post-decommissioning; and 7) contact information.

Examples of site protection measures include periodic monitoring during decommissioning and law enforcement and security both during and after decommissioning. Visits to specific sites would occur to monitor changes in site conditions, which would include evidence of erosion and looting/vandalism. Surveillance cameras may be used, which are already in place for fire protection. Access restrictions are being reviewed, both temporary during construction and long term for protection.

Post-decommissioning options include land transfer considerations, continuation of the LVPP procedures, endowments and site stewardship programs, and education programs.

Comments/Questions:

- Eric Ritter (BLM): Is the LVPP for the APE or ADI? There may be potential indirect effects that should be covered in the Plan.
Mike Kelly (AECOM): The Plan is for the ADI. Indirect effects are not covered in detail in the Plan due to access and other issues, but it will be taken into consideration in the revised LVPP.
- Les Anderson (Klamath Tribe): What is your tribal stewardship program? Will drones be used? Will there be a maintenance and monitoring form?
Mike Kelly (AECOM): Stewardship is part of the Plan and we are looking for additional suggestions and ideas. Drones are also described in the Plan, especially during

decommission activities, as well as an observation form (as well as another form for project-related impacts).

Les Anderson (Klamath Tribe): Will there be funding available for restoration of a site that is impacted by erosion?

Kirk Ranzetta (AECOM): If a site is actively impacted by the new river course, then it would be subject to the HPMP, and it would be determined if maintenance or restoration would be used to arrest whatever erosion may be occurring at the site. A number of mitigation measures could be proposed in the HPMP, and KRRC would have to implement the measures once the license order is received. And, KRRC would have to demonstrate sufficient funds.

- Eric Ritter (BLM): Funding for local sheriff's department needs to be taken into consideration.
- Betty Hall (Shasta Nation): Lands should be transferred back to the Shasta.

Alex Watts-Tobin (Karuk Tribe): Tribal entities are eligible to receive rights to land transfers.

- Brian Person (AECOM): Can lands be transferred to a private interest and not one of the two states?

Kate Stenberg (CDM Smith): There must be a public interest to it, so a non-profit group might be able to make that case.

- Crystal Robinson (Quartz Valley Indian Reservation): The site protection measures may interplay with the Restoration Plan because there may be some ways that restoration can protect further erosion of a site.

Brian Person (AECOM): The Plan addresses erosion resistance measures.

PROGRAMMATIC AGREEMENT

Review of Comments on the Whereas Statements

Kirk Ranzetta (AECOM) provided an update on the review of the Whereas Statements in the Programmatic Agreement (PA), as well as a review of comments received from BLM and SHPO. Specific comments on the Whereas Statements of the PA are discussed below.

Sarah Boyco (BLM) commented that the districts should be referred to by their formal names. Revisions were made and the PA now refers to the Redding District, the Klamath Falls Resource Area, and the Lakeview District, as opposed to calling them all districts.

Tracy Schwartz (OR SHPO) asked if BLM, USFS, and the Corps delegated FERC as the lead federal agency for the project. No changes have been proposed because these agencies have not provided in writing that they concede to FERC. It is also uncertain if the USFS and BLM have a Section 106 undertaking related to this project or if purview is strictly within existing resource management plans and the granting of archaeological permits. It needs to be determined if the agency's role in the project needs to be more specific or if the current Whereas Statements sufficiently define it.

Tracy Schwartz (OR SHPO) makes a statement about rewording a Whereas Statement that the Commission is consulted with the Oregon and California SHPOs. Tracy suggests just stating that the Commission is consulted with the Oregon and California SHPOs pursuant to 36 CFR 800 and are signatories to the PA (and cut out some of the references).

Tracy Schwartz (OR SHPO) asked since the BLM, USFS, and Corps are going to participate in the PA and have responsibilities under the agreement, why wouldn't they be an invited signatory. In the past, FERC has expressed the desire to keep the signatories as narrow as possible, particularly because of the Federal Power Act. They don't want to provide other federal agencies terminating authority over an agreement. They also don't want the applicant to have terminating

authority over an agreement. When FERC enters the process, it is suggested to inquire about the invited signatories to the agreement. Also, because the APE extends through tribal lands, shouldn't the THPOs of the respective tribal governments also be signatories to the agreement, particularly when the SHPOs are signatories.

The Confederated Tribes of Siletz Indians and the Resighini Rancheria were inadvertently omitted from the consulting party list in the Whereas Statement. Those tribes have been added to the statement.

A Whereas Statement will also be added that outlines what other consulting parties have been contacted to part of the consultation process. This includes: City of Yreka, Siskiyou County, Klamath County, California Preservation Foundation, Siskiyou County Museum, Klamath County Museum, Southern Oregon Historical Society, and Restore Oregon.

Another Whereas Statement has been added in regards to FERCs public outreach under NEPA/Section 106 process.

Tracy Schwartz (OR SHPO) inquired about the involvement of the Advisory Council on Historic Preservation (ACHP). The ACHP has not submitted a letter indicating that they are officially participating in consultation, but they have participated in calls for the CRWG. AECOM will ask the ACHP when that letter might be forthcoming.

Dennis Griffin (OR SHPO) inquired about the completion of the HPMP within six months of the order issuance. AECOM indicated the HPMP schedule is just a goal, and components of the HPMP will be reviewed during CRWG meetings.

Dennis Griffin (OR SHPO) commented about the IDP and the curation and collection of artifacts, particularly the distinction of different land owners (federal, non-federal public, private) when developing a collection and curation plan.

Comments/Questions:

- Eric Ritter (BLM): There isn't a Redding District Office; it is a Field Office. There is also an entire new structure for BLM for Region 10.
- Kate Stenberg (CDM Smith): BLM does have an undertaking. There will be some work near JC Boyle and there are some FERC activities that go a little outside of the FERC boundary (BLM ROW) and other direct actions that BLM needs to consider. No changes to a RMP.
- Tracy Schwartz (OR SHPO): When are we planning to engage FERC?
Kirk Ranzetta (AECOM)/Kate Stenberg (CDM Smith): FERC is technically involved, and they are reviewing the transfer application, which transfers the ownership of the dams from PacifiCorp to KRRC. Once the FERC has reviewed the transfer application and are comfortable with KRRC's funds for dam removal, they will then review the surrender application. When FERC does that, they will begin the NEPA and Section 106 process, including formal consultation. It is anticipated that FERC will decide on the transfer order in early spring.

Review of Standard Provisions of the PA

Within a FERC PA, the HPMP is the most important document, as it describes the consultation process for identification and evaluation of historic properties and for the resolution of adverse effects.

The interim treatment of historic properties is the 6-month period between when the PA is initiated and when the HPMP will be accepted by the consulting parties. FERC will write in the PA that the Commission will follow Section 106 during those 6 months, under 36 CFR 800.4-7.

Coordination with other federal reviews: This provision may/may not be in the PA after FERC is involved. The provision is in the PA to provide flexibility in case another federal agency comes into the process and decides to use the PA for Section 106 compliance (e.g., the Corps).

FERC's dispute resolution process: Anyone involved in the project can file a complaint about Section 106 compliance to FERC (the Commission). FERC will take that complaint and distribute it to the other consulting parties and signatories, and then they will consult on it to see if they can gain resolution on it. If there isn't a resolution, the issue is forwarded to the ACHP, and the ACHP will respond within 30 days and will provide FERC with their perspective on the matter. FERC will take the ACHP's position into account and then the process moves forward. Change may or may not happen through the dispute resolution process.

Amendment of the Programmatic Agreement: Any consulting party or signatory can propose an amendment to the PA; however, all the signatories (FERC, ACHP, OR SHPO, CA SHPO, and any other signatory) must agree on the amendment. The amendment is filed with the ACHP.

Termination of the Programmatic Agreement: Only a signatory of the PA may elect to terminate the agreement.

Duration of the PA: FERC will make the time period consistent with however long they are involved with the project. When signs off that KRRC has no further responsibilities under the Federal Power Act for the decommissioning process, the PA would likely end. At minimum, the duration would be 10 years.

Effective Date: The effective date of the PA will be when all the signatories sign the agreement and when the license surrender order is filed by FERC.

Execution of this Programmatic Agreement in Counterparts: An agency can sign one page and it can be added to the agreement.

Review of HPMP Outline

The purpose of the HPMP is to ensure the identification and evaluation of historic properties, and if there is a potential for adverse effects, to ensure that those adverse effects are resolved. A HPMP may include measures to avoid resources, minimize impacts, or provide treatment measures if an adverse effect can't be avoided. In addition, the HPMP is the conduit for consultation.

The current "signatories" of the PA include FERC, OR SHPO, CA SHPO, and the ACHP. The consulting parties and the other federal agencies involved in the project can also sign the agreement as a "concurring party". By signing as a concurring party, the party is agreeing to the contents of the PA, but it doesn't commit those organizations or governments to do anything within the confines of the PA.

FERC has published guidelines on what a HPMP is required to contain, including the project location and description; regulatory context; cultural context (precontact, ethnographic, and historic periods); previous cultural resources studies, known cultural resources, and data gaps;

delineation of the APE and the ADI (area of direct impacts); identification of historic properties, including NRHP, state, and local significance.

The HPMP will describe the different project effects, including erosion; looting and vandalism; access; and demolition of the structures. Any pre-construction activities may be identified in this section of the HPMP, as well as the decommissioning process (i.e., demolition of the dams and construction of access road) and the post-decommissioning and restoration activities. Recreational use and the potential for looting and vandalism would be identified within the HPMP and the potential for effects.

Once project effects have been identified, measures to avoid, minimize, or mitigate any adverse impacts would be described in the HPMP. The consulting parties would be able to provide input on the types of mitigation at both the site-specific level and more broad creative mitigation. Types of resources that may have avoidance, minimization, or mitigation measures may include archaeological resources, traditional cultural properties, tribal cultural resources, and historic structures.

Management measures for historic properties: FERC will be interested in how KRRC will manage the coordination and protection of cultural resources once pre-construction and decommissioning activities occur. Construction personnel and cultural awareness training, as well as confidentiality provisions to protect known cultural resources under Section 304, would be outlined in this section. Archaeological site protection measures, a plan for collection and curation, and protocols for inadvertent discoveries would be outlined. There will also be opportunities for interpretation and public education.

Consultation will be a critical part of the agreement. There will be a consultation period for identification and evaluation of historic properties, and consultation will occur during the development of mitigation measures to resolve adverse effects.

Implementation Procedures: KRRC would prepare annual reports to show progress over the 10-year period. There is typically an annual meeting to touch base on the PA and the HPMP.

Comments/Questions:

- Eric Ritter (BLM): Are the tribes a concurring party?
Kirk Ranzetta (AECOM): Correct. However, if FERC determines that the APE is extending through tribal lands, then several tribes could potentially be signatories.
- Scott Quinn (Karuk Tribe): Is there any risk when signing the PA?
Kirk Ranzetta (AECOM): Litigation is usually with the lead federal agency. The federal agency is ultimately responsible for all decisions.
- Crystal Robinson (Quartz Valley Indian Reservation): Who decides the consulting parties?
Kirk Ranzetta (AECOM): Any organization or agency who has been approached by the KRRC with an interest in cultural resources is being considered a consulting party.
- Jim Prevatt (Shasta Nation): Why wouldn't the major tribes in the area be a signatory?
Kirk Ranzetta (AECOM): It has to do with the definition of Native American tribes in Section 106, as well as having a THPO. When the HPMP is negotiated, there will be many opportunities for the consulting parties, including the tribes, SHPOs, and ACHP, to provide their opinions to FERC. FERC will have to consider any comments.
- Jeanne Goetz (USFS)/Mike Kelly (AECOM): The level of protection is the same for a cultural resource that has been determined eligible for listing in the NRHP and one that has been listed on the National Register.

- Eric Ritter (BLM): Is the previous HPMP prepared by PacifiCorp being considered?
AECOM: Yes.
- Eric Ritter (BLM): Will the HPMP be good until the lands are transferred to the state?
Kirk Ranzetta (AECOM): The HPMP will be applicable for the duration of FERC’s involvement and/or if another agency decides to use the PA for their own compliance.
- Kate Stenberg (CDM Smith): Is there a way for the Corps to adopt a portion of the agreement?
Kirk Ranzetta (AECOM): The Corps could join in to the PA and state the limits of their jurisdiction and authority (i.e., the permit area for the Corps could be the limits). The Corps could also choose to be independently responsible for Section 106.
- Eric Ritter (BLM): Because PacifiCorp will still own land, will they also have some oversight?
Mike Kelly (AECOM)/Russ Howison (PacifiCorp): PacifiCorp will be retaining the Parcel A lands, but those are outside of the FERC boundary. There will be cultural resources within the indirect APE that may be on Parcel A lands, and PacifiCorp would have a role in that process.
- Tracy Schwartz (OR SHPO): FERC may be releasing a new PA template.

GOALS FOR NEXT MEETING

- Content and Implementation of the HPMP
- Interim Treatment of Historic Properties
- Phase II Decisions and Scheduling

ACTION ITEMS

Action Item	KRRC/AECOM Action	CRWG/Tribal Action
Looting and Vandalism Protection Plan	AECOM to submit to Oregon SHPO via Go Digital	Review Plan by end of the month
Monitoring/Inadvertent Discovery Plan	Comments will be distributed after November 15, 2019	Comments due back November 15, 2109
Recreation Plan	Comments will be distributed after XXXXXX.	Comments on the Recreation Plan are due on XXXXXX.
Historic Property Historic Management Plan	HPMP stipulations will be distributed XXXXX.	Review stipulation within 30 days of submittal to CRWG.

The meeting ended at 4:00 pm.

Meeting Minutes

Klamath River Renewal Project KRRC Cultural Resources Working Group (CRWG) Meeting

Date	December 12, 2019
Time	10:00-11:30 am PST
Location	Teleconference
Attendees	AECOM: Mike Kelly, Kirk Ranzetta, Elena Nilsson, Sarah McDaniel, Stephanie Butler BLM-Klamath Falls: Sara Boyco BLM-Redding: Eric Ritter CA SHPO: Brendan Greenaway CDM Smith: Kate Stenberg Karuk Tribe: Alex Watts-Tobin KRRC: Mark Bransom OR SHPO: Tracy Schwartz PacifiCorp: Russ Howison USFS Klamath NF: Jeanne Goetz Yurok Tribe: Rosie Clayburn
Prepared by	AECOM
Distribution	KRRC Cultural Resources Working Group (CRWG)

MEETING OBJECTIVE

To continue consultation between cultural resources stakeholders with the Klamath River Renewal Corporation (KRRC) and its technical team, AECOM. This month's meeting was focused on continued review of the Programmatic Agreement.

REVIEW OF OCTOBER 2019 MEETING AND ACTION ITEMS

KRRC requested comments as soon as possible on the Recreation Plan. No comments have been received from the CRWG.

KRRC requested comments on the Monitoring and Inadvertent Discovery Plan. The comment period was extended to November 15. A final draft of the Plan is on hold pending receipt of comments.

Comments have been received from BLM and Oregon SHPO on the PA. Additional information on FERC and other federal agency responsibilities for the PA has not been obtained.

PROJECT UPDATES

Mike Kelly (AECOM) provided a project update:

- The comment period for the Monitoring and Inadvertent Discovery Plan was extended to November 15; no input has been received from Tribes.
- Ethnographic summaries have been submitted to each Tribe; no input has been received from Tribes.
- The Phase II Evaluation Plan is currently being revised to minimize impacts to sites. KRRC is meeting with Tribes individually to reach a consensus on the level of effort. Fieldwork will occur in Spring 2020. The Phase II Plan has been revised to minimize impacts to sites.
- Comments on the Looting and Vandalism Protection Plan were requested by November 23. Comments have been received by OR SHPO.
- FERC Status Report. In early 2020, KRRC plans to submit a report to advise FERC on the current status of consultation.
- CRWG Meetings and Tribal Caucus: Starting in January 2020, KRRC will transition from hosting monthly Tribal Caucus and CRWG meetings to individual tribal and agency meetings. Several tribes have requested this.

Comments/Questions:

- Mark Bransom (KRRC): The Status Report will be submitted to FERC in early 2020. Although the report will be broad and include other matters leading toward FERC's consideration in addition to cultural resources, it will include cultural resources topics.
- Rosie Clayburn (Yurok): Is there anything you need from us for the status report?
- Mark Bransom (KRRC): Comments on these outstanding reports would be helpful to help with FERC's engagement.
- Rosie Clayburn (Yurok): I'm okay with moving away from Tribal Caucus, but the CRWG meetings include agencies and I feel those are helpful because we can hear SHPO comments and don't want to be isolated into our little bubbles. Can we still do that?
- Mark Bransom (KRRC): We can consider a variety of approaches—like as needed CRWG meetings, or written correspondence-- to give folks opportunity to stay connected.

PROGRAMMATIC AGREEMENT**Review of Standard Provisions**

Kirk Ranzetta (AECOM) provided an update on the review of the Standard Provisions in the Programmatic Agreement (PA). Accomplishments to date include:

- Completed Review of Whereas Statements
- Review of BLM and OR SHPO Comments
- Review of Standard Provisions of the PA
- Review of HPMP Structure and Content

Kirk noted that the number of provisions have been modified by FERC in consultation with Oregon and California SHPOs for recent projects. Some examples include Prospect No. 3 Hydroelectric Relicensing - Oregon (2019), Lassen Lodge Hydroelectric Project - California (2019) and Swan Lake North Pumped Storage Hydroelectric Project - Oregon (2019). These projects serve as recent examples and help inform how to approach the standard provisions to this surrender license process. KRRC is modifying the standard FERC agreement documents given OR and CA SHPO concerns by using similar language presented in these recent approved FERC PAs.

Stipulation III. Interim Treatment of Historic Properties. This outlines the process for complying with Section 106 for the gap between the Surrender Order issuance and HPMP approval. The interim treatment of historic properties is the 6-month period between when the PA is initiated and

when the HPMP will be accepted by the consulting parties. FERC will write in the PA that the Commission will follow Section 106 during those 6 months, under 36 CFR 800.4-7.

Stipulation IV. Coordination with Other Federal Reviews. This provision would allow a federal agency to accept the PA and integrate it into its Section 106 decisional process. This provision may/may not be in the PA after FERC is involved. The provision is in the PA to provide flexibility in case another federal agency comes into the process and decides to use the PA for Section 106 compliance (e.g., the Corps).

Stipulation V. Dispute Resolution. Objections can be filed by any federal agency, ACHP, Tribes, SHPO, or License Applicant to FERC. FERC will take that complaint and distribute it to the other consulting parties and signatories, and then they will consult on it to see if they can gain resolution on it. If there isn't a resolution, the issue is forwarded to the ACHP, and the ACHP will respond within 30 days and will provide FERC with their perspective on the matter. FERC will take the ACHP's position into account and then the process moves forward. Change may or may not happen through the dispute resolution process.

Stipulation VI. Amendment to the PA. Any consulting party or signatory can propose an amendment to the PA; however, all the signatories (FERC, ACHP, OR SHPO, CA SHPO, and any other signatory) must agree on the amendment. The amendment is filed with the ACHP.

Stipulation VII. Termination of the PA. If any signatory determines that the PA terms can't be carried out, continue consultation and attempt amendment. If no resolution is reached, the agreement is terminated and FERC can either execute a new PA or consult with the ACHP. Only a signatory of the PA may elect to terminate the agreement.

Stipulation VIII. Duration of the Agreement. Addresses the duration of the surrender order and the temporal limits of FERC's oversight responsibilities. FERC will make the time period consistent with however long they are involved with the project. When signs off that KRRC has no further responsibilities under the Federal Power Act for the decommissioning process, the PA would likely end. At minimum, the duration would be 10 years.

Stipulation IX. Effective Date. The effective date of the PA will be when all the signatories sign the agreement and when the license surrender order is filed by FERC.

Stipulation X: Execution of this PA in Counterparts. Allows for signatures to be collected individually on different pages.

The current "signatories" of the PA include FERC, OR SHPO, CA SHPO, and the ACHP. The consulting parties and the other federal agencies involved in the project can also sign the agreement as a "concurring party". By signing as a concurring party, the party is agreeing to the contents of the PA, but it doesn't commit those organizations or governments to do anything within the confines of the PA.

Comments/Questions

- Brendan Greenaway (CA SHPO): We haven't seen the draft of the PA yet.
- Kirk Ranzetta (AECOM): We haven't formally submitted it but circulated an earlier draft. Just to clarify, we are not asking for formal comments yet.
- Eric Ritter (BLM): Under Stipulation VI (Amendment to the PA), are non-federally recognized tribes able to amend the PA?

- Kirk Ranzetta (AECOM): Yes, there is language for “any party.”
- Brendan Greenaway (CA SHPO): Typically parties that can amend are not Consulting Parties but are Invited Signatories and Signatories have amendment termination rights per the regulations.
- Kirk Ranzetta (AECOM): I don’t think FERC because of the Federal Power Act doesn’t like to have “Invited Signatories”, including the Applicant. The problem is it may allow the Applicant to terminate the PA—basically, allow a back-door for the Applicant to get out of the relicense or surrender, so that ‘s why FERC maintains that role for Invited Signatories.
- Brendan Greenaway (CA SHPO): The problem is that FERC has a large role. It’s something to be mindful of and we’ll comment on it.
- Tracy Schwartz (OR SHPO): Has the ACHP reviewed the first draft?
- Kirk Ranzetta (AECOM): They will look at this draft version. Jon Eddins didn’t provide comments on the earlier version.
- Eric Ritter (BLM) and Rosie Clayburn (Yurok): Does Kiewit have anyone on board with a cultural resources background? And if so, when will we start engaging with them?
- Mike Kelly (AECOM): Yes, we will be in including them in future meetings. We haven’t met yet but will be soon.
- Tracy Schwartz (OR SHPO): Where do built environment resources fall into this timeline?
- Kirk Ranzetta (AECOM): There will be a report, separate from the Phase II archaeological report due to delays with the Phase II evaluation. The report is underway. Also, we’ve reached out other consulting parties as part of the consultation process, including City of Yreka, Siskiyou County, Klamath County, California Preservation Foundation, Siskiyou County Museum, Klamath County Museum, Southern Oregon Historical Society, and Restore Oregon. No response yet, but we’ll follow up again.
- Tracy Schwartz (OR SHPO): I think that’s important, thank you.
- Brendan Greenaway (CA SHPO): When will we see a draft of the PA?
- Kirk Ranzetta (AECOM): KRRC is reviewing the current draft, but we will circulate it in a week or so.
- Alex Watts-Tobin (Karuk): I have extra comments on the LVPP that I would like to share. What is the update on Phase II?
- Mike Kelly (AECOM): We are currently making revisions to the Phase II plan by minimizing impacts to sites. We will prepare a Status Report to FERC and KRRC will be making a decision on how to move forward very soon.
- Eric Ritter (BLM): OR SHPO commented, are there comments from CA SHPO?
- Brendan Greenaway (CA SHPO): Yes, we will be sure to comment when it is available.
- Rosie Clayburn (Yurok): We did provide comments on the ethnographic summary. Do you need me to resend?
- Elena Nilsson (AECOM): Yes, please resend.
- Alex Watts-Tobin (Karuk): I’ll give you comments on the Karuk ethnography in the next few days. The analysis is too prone to quoting anthropologists rather than native peoples.

ACTION ITEMS

Action Item	KRRC/AECOM Action	CRWG/Tribal Action
CA SHPO needs Draft PA	AECOM to submit to CA SHPO	-
Distribute Powerpoint	AECOM to email meeting Powerpoint to CRWG	-
Comment on Draft PA	-	Provide comments
Comment on LVPP	-	Provide comments

Action Item	KRRC/AECOM Action	CRWG/Tribal Action
Comment on Ethnographies	-	Rosie stated she will resend. Alex stated he will send.

The meeting ended at 11:30 am.

NEXT STEPS

- Complete draft documents
- Prepare Status Report for FERC in early 2020
- Schedule individual Tribal meetings in early 2020
- Reach final decision on Phase II evaluation approach
- Implement Phase II evaluation

Project Name: Klamath River Dam Removal NHPA Section 106 Consultation	Participants:
Date: August 29, 2022	Julianne Polanco (SHPO)
Location: Teleconference	Kirk Ranzetta (AECOM)
Time: 14:00 to 15:30pm PDT	Sarah McDaniel (AECOM)
Subject: Path Forward for the Historic Properties Management Plan	Mike Kelly (AECOM)
<p>*Meeting notes include edits from the CA SHPO following the agency's review.</p> <p>Agenda</p> <ol style="list-style-type: none"> 1. Introductions 2. Project Status (where are we now?) <ol style="list-style-type: none"> a. Draft EIS prepared by FERC b. Final EIS (Fall 2022) c. FERC Decision (late 2022) d. Post-Decision: Project Scheduling e. Pre-Drawdown Construction (Road Improvements, laydown areas, etc.) (Spring 2023-EOY 2023) f. Section 106 Status: Phase II Report, Built Environment Report, Historic Properties Management Plan (HPMP), Looting and Vandalism Protection Plan (LVPP), and Monitoring and Inadvertent Discovery Plan (MIDP) 3. FERC's instructions <ol style="list-style-type: none"> a. Update eligibility in HPMP based upon California State Historic Preservation Officer's (CA SHPO's) comments on the Phase II Report <ol style="list-style-type: none"> i. 10 sites inundated (unevaluated)(update tables in Sections 4 and 7) ii. 12 sites (not inundated recommended as eligible) (switch to unevaluated) iii. 9 sites (Phase II) and 2 sites (surface identification) (unevaluated) iv. CA SHPO concurred with 7 sites as ineligible and 3 sites as eligible v. Discussion – rationale behind this approach – CA SHPO's concerns regarding eligibility determinations and how to complete the evaluation stage for the inundated sites will be resolved after drawdown – upland site eligibility discussions will be revised consistent with SHPO comments. b. Resolution of adverse effects (35LK2412) being specific about how adverse effects would be resolved. <ol style="list-style-type: none"> i. Clarification – inundated sites will not be considered post-review discoveries – should be evaluated for NRHP or can we propose avoidance/minimization measures? <ol style="list-style-type: none"> 1. Are NRHP evaluations necessary if effects to cultural resources could be resolved through monitoring, restricting vehicle access, signage, and other non-intrusive measures ii. Provide specific treatment measures for the mitigation of impacts to each site (unless impacts are unknown) (as opposed to a range of options) iii. Clarification – decision making process regarding in-field determinations of eligibility and selection of treatment measures – flow chart – for when known sites are impacted and when previously unidentified sites are discovered. iv. Ensure that these processes are consistent across all documents (HPMP, MIDP, LVPP) v. FERC agrees with our recommendations concerning the Big Bend TCP, Klamath Cultural Riverscape, Kikaceki District TCP as eligible for the NRHP – FERC wants the Renewal Corporation to discuss the effects of decommissioning activities on these properties. c. Other questions concerning CA SHPO comments on HPMP <ol style="list-style-type: none"> i. Pre-PA vs. Post-PA HPMP – FERC - Project timing 	Maralee Wernz (AECOM) Elena Nilsson (AECOM) Brendon Greenaway (SHPO) Mike McGuirt (SHPO) ACHP = Advisory Council on Historic Preservation AECOM = AECOM Consulting Services

- ii. Break HPMP down into four phases of the project - implications
- iii. Monitoring of sites determined not eligible through consensus determination
- iv. Range of mitigation options for sites (other potential suggestions)
- v. Shovel Creek District (?)
- 4. Additional Questions, Comments, Suggestions, Concerns
- 5. Next Steps
 - a. Meeting Notes to be distributed for review by COB Friday – request comments back by August 31st. Feel free to provide additional comments if the SHPO feels it needs to clarify its positions on discussion points
 - b. Hold Tribal/SHPO Section 106, Consultation Meeting next week (week ending September 2) – availability?
 - c. Revise the HPMP and send to FERC by September 15, 2022

Introductions and Purpose

- Purpose: By letter, dated August 15, 2022, the Federal Energy Regulatory Commission (FERC) requested that the Klamath River Renewal Corporation (Renewal Corporation) consult with the California State Historic Preservation Office (SHPO) concerning several components of the Historic Properties Management Plan (HPMP). The Renewal Corporation has requested that its Section 106 technical representative AECOM Technical Services convene a meeting with the SHPO to discuss these components and attempt to gain consensus on approaches and provide information on project timelines.

Project Updates

- Draft EIS prepared by FERC
- Final EIS (filed August 26, 2022)
- FERC Decision (anticipated late-2022)
- Post-Decision: Project Scheduling
 - Pre-Drawdown Construction (Road Improvements, laydown areas, etc.) (Spring 2023-EOY 2023)
 - Section 106 Status: Phase II Report, Built Environment Report, HPMP (LVPP, MIDP)

Discussion Items

- California SHPO stated that using the HPMP as the primary Section 106 document is problematic. The SHPO advised that a project-specific Programmatic Agreement that phases consultation would offer the best framework for success. The PA and the HPMP need to be coordinated. CA SHPO's goal is to facilitate legally adequate compliance with Section 106, meaningful stakeholder input, and the development of as seamless a set of compliance processes as possible.
- CA SHPO suggested that phasing will allow the Project to commence while outstanding items are being completed. CA SHPO advised that the PA is the legally binding document that guides the Section 106 process and that other plans such as the HPMP tier off of it.
- AECOM noted that FERC's *ex parte* rule makes the Licensee's development of the HPMP and participation in the PA development challenging from a coordination standpoint.
- SHPO advised that documents and supporting plans etc. developed pursuant to Section 106 should be limited to Section 106. The HPMP has a lot of information about what KRRC will do, and state laws that burden the document. The CA SHPO noted that problem with including non-Section 106 information is should those other things change, the PA/HPMP may need modification as well. Non-

Section 106 items should be appendices to the PA or HPMP. It is not common for SHPOs to sign documents that include obligations for which they have no authority. CA SHPO requested some type of resolution.

- AECOM stated that FERC in its letter dated August 15, 2022, has required inclusion of a discussion of California Tribal Cultural Resources (TCRs) 5-8 that are part of the State Water Board EIR. TCRs 5-8 have to do with land transfers. Also, Oregon SHPO asked us to include more state laws related to archaeological sites in their previous comments on the December 2021 version of the HPMP. AECOM asked CA SHPO whether their comment to remove state laws applied to inclusion of laws related to the LVPP or MIDP, for example penalties for looting or procedures for human remains discoveries.
- CA SHPO suggested that the LVPP, MIDP, CEQA, and AB52 measures be appended to the HPMP CA SHPO stated that it does not think the current draft of the HPMP under discussion is not actually an HPMP, per se. An HPMP provides processes that a federal agency will follow, long term, to manage a known inventory of historic properties. The draft HPMP under discussion includes a number of processes such as inventory and evaluation plans, frameworks for effects assessments and mitigation development, and monitoring and discovery proposals that are unrelated to property management. In recognition of these circumstances, the CA SHPO recommended that FERC sort these different processes out and make them stand-alone documents appended to the HPMP. The purpose of this recommendation is to clarify these different processes, help the stakeholders more easily focus on the issues that arise, and reduce the potential for miscommunication during project implementation.
- With regard to TCPs and the Klamath Riverscape, CA SHPO stated that without information as to if the tribes concur with the eligibility determinations, it would be premature for SHPO to give its concurrence and comments concerning potential project effects to these resources. For any historic resource, it is important to know the basis for eligibility in order to assess effects. The CA SHPO also noted that formal determinations of eligibility for these resources had yet to be received. Absent formal determinations of eligibility and documentation of the tribes' concurrence, the CA SHPO felt it was premature to conclude formal consensus determinations for the resources
- AECOM stated that FERC agreed with the Renewal Corporation's approach in the HPMP to assume and treat as eligible the TCPs and Klamath Riverscape without consulting on significance.
- AECOM stated that the Shasta Indian Nation is on record in response to the Draft HPMP. Also, during CRWG meetings and individual tribal consultation by the Renewal Corporation, this topic about the districts and riverscape was repeatedly brought up regarding desire of tribes to forward eligibility to SHPOs for concurrence. No responses were received by the tribes. The Klamath and Shasta Indian Nation stand by their respective TCP reports from the relicensing studies and Daniel's most recent (2021) report. The Renewal Corporation is reaching out to tribes in early September to discuss this further.
- CA SHPO responded that information is needed, in writing, to connect the tribes' concurrence with the eligibility determinations before CA SHPO can concur.
- CA SHPO asked if FERC is consulting with certain tribes directly. AECOM responded that the Renewal Corporation does not have knowledge of FERC's tribal consultation but has not seen anything in the administrative record to that effect.
- AECOM noted that the Project Phases (Pre-drawdown, Drawdown, etc.) will be overlapping, making it challenging to identify when sites will be impacted and would trigger activity and effect in a linear fashion.

<ul style="list-style-type: none">• CA SHPO suggested that if the phases of the undertaking are not as discrete and easily defined as Phases 1-4, a phasing PA can still accommodate a process to consult on effects to historic properties. CA SHPO advised that as long as the consultation process was followed to allow parties to understand effects and provide comments prior to project actions being implemented, then Section 106 was being followed and complied with. CA SHPO suggested the Vandenberg PA as an example of project phasing. CA SHPO managed that efficiently and would send back a letter in response. SHPO will provide AECOM with a sample letter and PA that outlines the process.• AECOM asked about a comment by CA SHPO in HPMP to monitor sites determined not eligible. The CA SHPO added that there is a distinction between archaeological and tribal monitoring, and the consideration of what configuration of monitoring may be warranted should be on a property-by-property basis.• CA SHPO responded that monitoring of not eligible sites can be discretionary of the federal agency. If that is what the tribes want, it would be appreciated if the implementing party considers implementing those requests.• AECOM responded that in some cases where there is high probability for archaeological resources based on a sensitivity model, monitoring would be potentially recommended to overlap areas that include NRHP ineligible sites due to the general probability.• Regarding the Phase II evaluations, SHPO stated that the report did not sufficiently go into why this is important information when drafting the NRHP eligibility recommendations. CA SHPO also advised that determinations of significance for archaeological sites made solely on surface observations would not provide the information necessary to properly assess effects or mitigate any adverse effects. There is a need for more information for many of the sites in order to assess significance under criterion D, which is separate from other criteria for which the tribes are the experts. What datasets are present, integrity—there is not a lot of information on those components of the evaluations.• AECOM acknowledged that the report was currently being revised to supplement the eligibility discussions and because it was a quick turnaround, some of the data analysis reports are now available and will be incorporated.• Regarding the processes in the HPMP, CA SHPO stated that a real sticking point is that the Renewal Corporation is making determinations, steps are being compressed, etc. Simultaneous consultations present challenges in that CA SHPO wants to ensure that tribes were meaningfully consulted with and that their concerns were meaningfully considered. AECOM suggested that perhaps the Renewal Corporation needs to clarify with a flowchart the post-review discovery protocol and not confuse it with emergency response procedures. CA SHPO did not object to this suggestion.• AECOM is working through a flowchart on how the consultation process will work in the HPMP revisions that includes consultation time frames for eligibility determinations, effect findings, treatment plans, and inadvertent discoveries.• The meeting ended at 3:30pm. Meeting notes were distributed to CA SHPO for comment.	
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Project Name: Klamath River Dam Removal NHPA Section 106 Consultation	Participants:
Date: September 1, 2022	John Eddins (<i>ACHP</i>)
Location: Teleconference	Kirk Ranzetta (<i>AECOM</i>)
Time: 11:00am to 12:00pm PDT	Sarah McDaniel (<i>AECOM</i>)
Subject: Path Forward for the Historic Properties Management Plan	Mike Kelly (<i>AECOM</i>)
<p>*Meeting notes include edits from the CA SHPO following the agency’s review.</p> <p>Introductions and Purpose</p> <ul style="list-style-type: none"> The purpose today is to provide ACHP updates on the Project. AECOM has some questions following comments from FERC and others in order to provide a revised Historic Properties Management Plan (HPMP) to FERC. The Final EIS was released on Friday of last week (8/26/22). About 2 weeks before that, FERC outlined what they want to see in the HPMP and AECOM has 30 days to complete their requests. One request was to consult with ACHP regarding concerns from the CA SHPO. <p>Comments Received on the Revised HPMP</p> <ul style="list-style-type: none"> In May, the Renewal Corporation submitted the Phase II Archaeology Report, HPMP, and the Built Environment Report to FERC and the consulting parties. The Renewal Corporation received comments from ACHP, CA SHPO, and Shasta Indian Nation. The Renewal Corporation has been having discussions with [insert] in the background. <ul style="list-style-type: none"> AECOM sent some information reports to the OR SHPO that requested some Smithsonian numbers (no determinations or findings were made) and received an interesting response back. Kirk will send that letter to John Eddins. The CA SHPO did not concur with eligibility recommendations for submerged sites. Because of that, the Renewal Corporation is only focusing on upland sites that have the potential to be impacted by the first year of construction (pre-drawdown construction). AECOM will be going there this fall to evaluate a few sites and then the Renewal Corporation will be able to propose potential mitigation and submit eligibility recommendations. Eddins will call the OR SHPO next week and see where they are on May 2022 submittals and if they have questions on the undertaking, etc. In his perspective, the undertaking is what they will be doing as part of the surrender process (removing dams, etc.) and FERC is directing the proponent to do these things as part of the surrender. It seems that the undertaking and the action are straightforward and should go through Section 106 process. Kirk agreed and noted that this will be clarified based on the ACHP’s comments in all the documents. <p>Process</p> <ul style="list-style-type: none"> To date, the approach has been to have a streamlined PA, with the project details in the HPMP. Both of the SHPOs are advocating for a more detailed PA. FERC is planning to execute the PA and hopefully the HPMP simultaneously. It could hold up the project schedule if we must do additional consultation on the HPMP after FERC makes a decision. Eddins noted that it doesn’t matter to ACHP if the PA is streamlined as long as clear protocols for consultation about scope of identification effort, determinations of eligibility, assessment of effects and adverse effects, and resolution of adverse effects are set forth in one of the documents, they make sense and don’t contradict each other. The PA and HPMP must both be clear and consistent with each other. There must be clarity about how the duration of the PA and HPMP relate to FERC’s actions as well. Eddins clarified that his comments in the HPMP and PA are about clarifying roles, timelines, and delegations. The proponent still has to provide determinations of eligibility/ finding of effect to FERC so it can forward it to the SHPOs for review and it should be clear when that is done. References to the HPMP should be clear in the PA and must be consistent. That is one reason why the SHPOs aren’t comfortable with the shorter PA because once it is executed, and the details of the HPMP is being developed, there are no clear opportunities for SHPOs to respond or consult on it. AECOM is attempting to bring the process back to a typical Section 106 process. There are some exceptions, like handling the drawdown, but we are trying to make it clear who is making decisions, how reports are submitted, and how consultation will proceed in each circumstance. The CA SHPO mostly agreed with the ACHP comments and 	Maralee Wernz (<i>AECOM</i>) Elena Nilsson (<i>AECOM</i>) Jessica Evans (<i>AECOM</i>) <small><i>ACHP = Advisory Council on Historic Preservation</i></small> <small><i>AECOM = AECOM Consulting Services</i></small>

also wanted clarification on the effects of project phases. It is a bit difficult since the phases overlap, but the Renewal Corporation will try to be clear about what resources will be impacted from each phase. The biggest unknown is the inundated sites but AECOM/KRRC is developing an HPMP that adaptively responds to eroding sites after drawdown occurs without diminishing consultation opportunities for the SHPOs, tribes, ACHP, etc. but also not compromising project schedules.

- AECOM will also add timelines for upcoming evaluations and analysis in the near term. For instance, regarding the upland work: the field work will be done this fall, the report will be done in the spring, and consultation wrapped up before construction begins. During the second year, there will be drawdown for several months. During that time AECOM will be working in a monitoring capacity only, to accommodate for limited access and safety concerns. We will try to use a drone for overflights; we generally know where the features may be and can watch how those areas are being impacted.

Traditional Cultural Properties

- AECOM will arrange a Cultural Resources Working Group meeting on September 9, 2022. FERC wants input on the potential effects upon three TCPs: The Klamath Cultural Riverscape, the Big Bend TCP, and the Kikaceki District TCP. FERC agrees with our recommendations for eligibility. One comment from the CA SHPO was to do additional evaluation on those resources despite several previously prepared reports that identify and evaluate these resources. It is not clear that the tribes want us to do more evaluation work. FERC does want the KRRC to report on the results of consultation with the tribes about how the project would be affecting those resources. There would be some beneficial effects (rivers would return salmon) but there would be some adverse effects to archaeological resources. FERC wants to hear back from everyone about our consideration of impacts to resources associated with these TCPs. The Tribes are supportive of the Project and the concerns of the tribes have been centered on minimizing impacts to resources but acknowledging that some adverse effects may happen.
- Eddins noted that oftentimes SHPOs are uncomfortable agreeing to federal agencies making a determination of eligibility for TCPs or treating them as eligible without clarifying why they are eligible. That makes it hard to assess effects and resolve adverse effects. Other issues occur when an APE does not encompass all of a TCP. Kirk mentioned that the Klamath Cultural Riverscape is less clearly defined geographically. AECOM has included the parts of the TCPs that will be affected within the project APE. Tribes seemed okay with this approach. Eddins agreed with that approach. The APE is where the effects occur and an adverse effect is to a district that is partly in an APE. SHPOs do like to have more information on eligibility to help with concurring with that decision but ultimately it is the federal agency's decision. ACHP can only provide advisory comment. For disputes about eligibility, the ACHP will tell the federal agency to submit the issue to the Keeper when eligibility issues come up. Kirk agreed and stated that maybe the key is to clarify why they are considered eligible and how the project is affecting those characteristics. After speaking with the tribes on these issues, Renewal Corporation and AECOM think that the ethnographic studies provide sufficient information to ascertain eligibility and assess effects. AECOM will make it more clear how and why we are making those recommendations to FERC. Eddins agreed with this approach.

State Regulations in the HPMP

- CA SHPO has expressed concerns about including state laws in the HPMP. It was contrary to the comments from the OR SHPO (who want us to add more state regulations to the regulatory context section of the HPMP) and FERC who has requested additional information pertaining to California State Water Board Mitigation Measures TRC-5 through -8 which are from the California State Water Board's Final EIR. Some state laws are listed in the beginning of the HPMP where we lay out the regulatory context for both Oregon and California. One comment from the OR SHPO on a prior version was to include additional laws. The CA SHPO wants us to take state laws completely out. There are some important connections between the undertaking and the state regulations, including the creation of an HPMP and other mitigation measures involving potential land transfers. The CA SHPO appears to be hesitant to sign/approve/concur with documents if those regulations are described in the document. Eddins said that he will schedule a call to the CA SHPO to ask about the

issue. Section 106 documents cannot require the application of other regulations, but they can reference them as being concurrently being complied with. This happens frequently when inadvertent discovery plans are prepared. Eddins added that he can make that case to the CA SHPO as well. AECOM added that the CA SHPO is concerned that if a state law or regulation changes, the Section 106 document would have to be amended. Inadvertent discovery plans have state laws in them and they align with each other—they can do both at the same time. Eddins said he will give them a call next week to talk about it.

Subsurface Testing

- One sticking point seems to be between the Tribes not wanting to do subsurface testing and the SHPOs wanting it. Eddins responded that if a dispute is submitted to ACHP about it, they could look at it. In a situation where the Tribes don't want artifacts to be taken offsite, ACHP has agreed with that in the past. AECOM mentioned that part of Phase II evaluation is planned with a dialed-back approach. SHPOs want more evaluation to delineate. The Renewal Corporation anticipates that when submerged sites are emerged, there will be more of this disagreement. AECOM noted that our goal is to get enough information to protect the resource. Eddins said he can see both sides.

Action Items

- Eddins will call the OR SHPO
- Eddins will call the CA SHPO
- Kirk Ranzetta will provide the OR SHPO letter concerning the information reports submitted for Smithsonian numbers.

Project Name: Klamath River Dam Removal NHPA Section 106 Consultation	Participants:
Date: September 9, 2022	John Eddins (<i>ACHP</i>)
Location: Teleconference	Joshua Adrian (<i>Thompson Coburn LLP</i>)
Time: 1:00pm to 3:00pm PST	Alex Watts-Tobin (<i>Karuk Tribe</i>)
Subject: Path Forward for the Historic Properties Management Plan	Brian Daniels (<i>UPDA – SIN</i>)
<p>Introductions and Purpose</p> <ul style="list-style-type: none"> The purpose of the meeting is to provide the Oregon and California SHPOs and the tribes the opportunity to review and comment on the Klamath River Renewal Corporation's responses to FERC's letter of August 15, 2022. (Appendix A). The goal is for FERC to finalize the PA in consultation with the California and Oregon SHPOs and the Advisory Council of Historic Preservation, the Klamath River Renewal Corporation, Tribes and other consulting parties. The Renewal Corporation has been asked to re-submit the Historic Properties Management Plan (HPMP) in accordance with FERCs request. AECOM wants to confirm that the Project's effects to the traditional cultural properties (TCP) identified in Phase II and discussed in the HPMP are representative of those discussed throughout the tribal consulting process over the past five years. <p>Comments Received on the Revised HPMP</p> <ul style="list-style-type: none"> On August 15, 2022, the Renewal Corporation received a letter from FERC with comments on the HPMP requiring updates and the Renewal Corporation drafted proposed responses. The Renewal Corporation confirms that the HPMP has been updated to reflect current eligibility status of sites based on the recent CA SHPO consultation letter. To address the ten inundated sites, the Renewal Corporation will initiate Phase II work within three months after drawdown is complete. To address the twelve sites not inundated, the HPMP has been updated to reflect the current eligibility status based on the CA SHPO letter dated July 2022. The Renewal Corporation is now focused on sites affected by the pre-drawdown construction areas and we now have the 100 percent design plan. If there is no chance of impacting the sites, no further evaluations will be conducted. Approximately 3 sites will be revisited for Phase II field work in fall 2022 and will be reported on by February 2023. There are nine sites subject to Phase II where the CA SHPO did not concur with eligibility recommendations. No further fieldwork will be proposed. To address the CA SHPO comments, AECOM will resolve issues by revisiting what was originally written and address additional information needs. Two sites evaluated based on archival and survey information will not require further fieldwork. AECOM will work with the CA SHPO to resolve the status of these sites and will be included in the February 2023 deliverable. The plan and schedule for completing work associated with accessible upland sites is as follows: conduct field work by November 2022 and provide a report to FERC by February 2023. For submerged sites, within three months of completion of drawdown, fieldwork will be conducted in the drawdown area. The Renewal Corporation will submit a report within six months after completion of field work. AECOM noted that one comment from FERC is to clarify in the HPMP how adverse effects will be resolved. A revised Table 7-2 in the HPMP will be included to explain the evaluation process and clarify proposed treatment measures for each historic property. The table has been updated to reflect proposed measures based on updated 100 percent engineering design plans and current eligibility status. <ul style="list-style-type: none"> AECOM stated that with confirmation that an eligible resource will be adversely affected, they will consult with the SHPOs and consulting parties at each step. The HPMP will be consulted on by the SHPOs, the Advisory Council, and consulting parties – particularly in reviewing the Historic Properties Treatment Plans (HPTP). John Eddins from ACHP asked for clarification on Table 7-2, and asked if there will be a process on engaging in consultation process in finalization of the HPMP or PA. AECOM confirmed periods of consultation will occur for modifications to the Area of Potential Effect, determinations of eligibility, and findings of effect/resolution of adverse effects. 	Craig Tucker (<i>SSC</i>)
	Frankie Myers (<i>Yurok Tribe</i>)
	Jessica Gabriel (<i>OR SHPO</i>)
	Brendon Greenway (<i>CA SHPO</i>)
	Russ Howison (<i>PacifiCorp</i>)
	Kirk Ranzetta (<i>AECOM</i>)
	Sarah McDaniel (<i>AECOM</i>)
	Mike Kelly (<i>AECOM</i>)
	Hoopa Valley Tribe
	Janice Crowe (<i>Shasta Indian Nation</i>)
	Joseph James (<i>Yurok Tribe</i>)
	Kasey Sirkin (<i>USACE</i>)
	Michael McGuirt (<i>CA SHPO</i>)
	Morton McMillen (<i>McMillen Jacobs Associates - KRRC</i>)
	Jessica Evans (<i>AECOM</i>)
	Elena Nilsson (<i>AECOM</i>)
	Perry Chocktoot (<i>Klamath Tribes</i>)
	John Pouley (<i>OR SHPO</i>)
	Richard Roos-Collins (<i>KRRC - Water and Power Law Group</i>)
	Ryan Ray (<i>Yurok Tribe</i>)
	Kevin Takei (<i>CA DFG</i>)
	Maralee Wernz (<i>AECOM</i>)
	Laura Zagar (<i>PC-KRRC</i>)
	Taralyn Ipina (<i>Yurok Tribe</i>)
	Arika Mercer (<i>AECOM</i>)
	Joshua Saxon (<i>Karuk Tribe</i>)
	K. Colegrove (<i>Hoopa Valley Tribe</i>)
Connie Collins (<i>Shasta Indian Nation</i>)	
Reno Franco (<i>ACHP Board</i>)	
Julianna Polanco (<i>CA SHPO</i>)	
Michael Belchik (<i>Yurok Tribe</i>)	
Sam Jo Difuntorum (<i>Shasta Indian Nation</i>)	
Robert Super (<i>Karuk Tribe</i>)	
Rosie Clayburn (<i>Yurok Tribe</i>)	
Megan Rocha (<i>Yurok Tribe</i>)	
Amy Cordalis (<i>Yurok Tribe</i>)	

<ul style="list-style-type: none"> ○ Eddins commented that the HPMP and appendices are large, the PA can be complicated, and consistency of both is important. They expressed concerns about the time to review both to ensure consistency and provide clear protocols on consultation to avoid confusion in implementation. After sharing with FERC, John said another review period would be ideal. AECOM will try to synchronize the ongoing draft PA comments with the applicable sections of the HPMP. ○ The Renewal Corporation is reviewing the CA SHPO PA comments and PA examples. The Renewal Corporation emphasized FERC's responsibility to respond with the updated PA but are ready to engage once provided. With respect to the HPMP, they are responding to comments from CA and OR SHPO but certain sites will require further research and consultation, so submittal of the HPMP will be considered responsive to comments but not final. ● Shasta Indian Nation stated that it is important that mitigation measures be negotiated with Tribal input. ● Perry Chocktoot from the Klamath Tribes asked if impacts to installing dams are analyzed anywhere in the document. AECOM clarified that analysis in Phase II, impacts of proposed decommissioning are discussed. Chocktoot expressed emphasis on analysis of impacts to the original installation of the dams. AECOM clarified that in historical analysis, impacts during and after construction are reviewed. For Section 106 the focus is looking at undertaking's impacts. Chocktoot raised concerns on how to differentiate impacts from placement of dam vs decommissioning and stated that cultural surveys have been completed to get a well-rounded view of damage caused by placing dams. ● Elena Nilsson of AECOM stated that the Phase II report includes impacts due to inundation such as erosion and shoreline stripping. They understand the concerns on including that information in the HPMP. ● Shasta Indian Nation representatives indicated that they will submit recommended mitigation actions on impacts to Shasta TCPs after meeting. ● AECOM noted that the adverse impacts if project is approved include impacts from construction, erosional impacts from natural processes and drawdown, increased public access, and vandalization, and loss of Section 106 within current FERC Project boundaries and Parcel B lands. AECOM/Renewal Corporation to ensure to include tribal input when making adverse effect recommendations to FERC. <p>Meeting Discussion</p> <ul style="list-style-type: none"> ● There is confusion on who determines what makes a tribal resource eligible. The CA SHPO stated that tribes determine eligibility. Some participants on the call expressed confusion on why additional documents are necessary to prove eligibility. The CA SHPO clarified the response was to a general comment and additional documentation is not necessary if tribes have already declared resources. ● The consensus with tribes in the meeting is that Renewal Corporation has done an adequate job in consultation and there is no need for any additional consultation. Consensus from the tribes is for the SHPOs to sign the PA. ● The Yurok Tribe expressed frustration with how long the process is and the importance of protecting their cultural resources for their tribe and their people. They expressed frustration at the impacts to their river, salmon, and culture. They expressed frustration with the SHPOs and their responsibilities to protect their culture. They have observed not being able to use water in ceremonies, juvenile fish kills taking out whole runs of fish. They expressed frustration on the misuse of the National Historic Preservation Act and the lack of protection to their river resources. They expressed frustration of caring more about impacts to property than people. They expressed frustration at lack of signature on the PA after the tribes came together to provide recommendations. ● CA SHPO extended an apology and a reminder that that the purpose of the Project and meeting is to support tribes and not to their question privacy or authority. They will work with Renewal Corporation and FERC to see this project forward. ● There is confusion amongst consulting parties on who needs to move forward first, the SHPOs or FERC in regards to signing the PA. The CA SHPO and Renewal Corporation clarified the PA is not a part of this conversation and is what FERC will do next. FERC has not called on the SHPOs to sign the PA yet, but the HPMP will be a part of the PA and the SHPOs will work to get the PA signed after they consult with FERC. CA and OR SHPOs have not received a request from FERC to sign PA yet. 	<p><i>ACHP = Advisory Council on Historic Preservation</i> <i>AECOM = AECOM Consulting Services</i> <i>CA = California</i> <i>DFG = Dept. of Fish and Game</i> <i>OR = Oregon</i> <i>SHPO = State Historic Preservation Office</i> <i>SSC = Suits and Signs Consulting</i> <i>UPDA = University of Pennsylvania Department of Anthropology</i> <i>USACE = U.S. Army Corps of Engineers</i></p>
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- Many Tribes expressed the importance of time regarding the removal of dams. Tribe consensus in meeting was that the PA and the HPMP need to be signed and finalized and dams need to be removed.
 - The following is a summary of the main points of today's meeting (NOTE: These eight statements were reviewed, revised, and confirmed during a meeting with the Renewal Corporation, ACHP, OR and CA SHPOs on September 12, 2022):
 - 1) The Tribes that attended the meeting unanimously confirmed that they consider the Big Bend TCP, the Klamath Cultural Riverscape, and the Kikaceki District TCP eligible for the NRHP.
 - 2) Upon hearing the Tribes' statements, the OR and CA SHPOs verbally confirmed that they agree with FERC's determinations and the Tribes' perspectives that Big Bend, Klamath Cultural Riverscape, and the Kikaceki Districts are eligible for the NRHP which is consistent with the recommendations made by the Renewal Corporation in section 4.3 of the HPMP. The SHPOs requested a letter formally requesting an eligibility concurrence for these properties.
 - 3) The Tribes asserted that the continued existence of the dams and the environmental impacts from their past, present, and future operation, even with the current Section 106 protections, is an adverse effect upon these historic properties and upon their culture and people and that their removal represents a clear benefit that outweighs potential adverse effects upon other cultural resources impacted by the project.
 - 4) The ACHP, OR and CA SHPOs, and Renewal Corporation will meet on Monday September 12, 2022 to make final clarifications concerning the statements made and the actions needed by the SHPOs, ACHP, and Renewal Corporation in regards to the HPMP and PA.
 - 5) Several Tribes anticipate that they will be providing FERC with additional communications reiterating their support for the project, that the HPMP should be accepted, and the PA needs to be signed as soon as possible by the Signatories.
 - 6) The ACHP committed to contacting FERC to confirm the upcoming schedule for final consultations involving the Programmatic Agreement and that consultation will be expedited.
 - 7) The Renewal Corporation reiterated that the Project schedule is in a critical stage and that it is important for FERC to make a decision regarding the LSO not later than November 2022 that would permit work to pre-drawdown work to occur in 2023.
 - 8) The ACHP, OR and CA SHPOs confirmed that they understand the critical nature of project scheduling and as soon as FERC forwards the next draft of the PA, the agencies will engage with FERC staff to finalize the agreement.
 - The next steps are that AECOM will revise the HPMP, consider and update the PA, and then send it out to be signed. There is question about when PA needs to be signed to meet Project timeline.
 - Eddins explained the PA is legally executed when signatures of FERC, CA and OR SHPOs, and ACHP have signed.
 - The Renewal Corporation clarified that for drawdown and dam removal to begin on schedule, a notice to proceed to the contractor must be issued in March 2023. To issue the notice, a license transfer and final contract negotiations must be done. For closing to occur on this schedule, the license to surrender order must be issued in November 2022. There is no fixed schedule for when the PA needs to be signed but the next 30 days are important to complete all the additional steps to keep the schedule to ensure timely removal of the dams.
 - CA SHPO explained FERC has open comment filing and urges those on the call who wish to share with FERC that they want the PA signed to submit those comments to FERC.
- Next Steps**
- AECOM to meet Monday September 12, 2022, with CA SHPO to work out further details for next steps.
 - AECOM to revise the HPMP from meeting and from discussions with ACHP and CA SHPO.

- September 16, 2022, the Renewal Corporation will be submitting the HPMP to FERC.

Action Items

- Eddins will call FERC to inquire about timeline and finalizing PA.
- The Renewal Corporation to meet with CA SHPO Monday September 12, 2022.
- September 16, 2022, the Renewal Corporation will be submitting the HPMP to FERC.

<p>Project Name: Klamath River Dam Removal NHPA Section 106 Consultation</p> <p>Date: September 12, 2022</p> <p>Location: Teleconference</p> <p>Time: 9:00am to 10:00pm PDT</p> <p>Subject: Path Forward Following CRWG Meeting 9/9/2022</p>	<p>PARTICIPANTS</p>
<p>Introductions and Purpose</p>	<p>John Eddins (ACHP) Kirk Ranzetta (AECOM) Sarah McDaniel (AECOM) Maralee Wernz (AECOM) Joshua Adrian (Thompson Coburn) Brendon Greenaway (CA SHPO) Julianne Polanco (CA SHPO) Michael McGuirt (CA SHPO) Jessica Gabriel (OR SHPO) John Pouley (OR SHPO) Richard Roos-Collins (Renewal Corporation) Laura Zagar (Perkins Coie/Renewal Corporation)</p>
<p>The purpose of the meeting to discuss and review action items resulting from the CRWG meeting on Friday 9/12/22.</p>	<p>ACHP = Advisory Council on Historic Preservation AECOM = AECOM Consulting Services</p>
<p>Attendees reviewed the Renewal Corporation's Draft Table of Responses to FERC letter dated August 15, 2022 that was presented as part of the CRWG meeting on September 9, 2022.</p>	
<p>Draft Table Item Number 4: regarding the TCPs was reviewed by the group:</p>	
<p>1) <i>"The Tribes that attended the meeting unanimously confirmed that they consider the Big Bend TCP, the Klamath Cultural Riverscape, and the Kikaceki District TCP eligible for the NRHP."</i></p>	
<p>CA SHPO and OR SHPO confirmed that the above statement is accurate based on their understanding from the September 9, 2022 meeting.</p>	
<p>2) <i>Upon hearing the Tribes' statements, the Oregon and California SHPOs verbally confirmed that they agree with FERC's determinations and the Tribes' perspectives that Big Bend, Klamath Cultural Riverscape, and the Kikaceki Districts are eligible for the NRHP which is consistent with the recommendations made by the Renewal Corporation in section 4.3 of the HPMP. They requested a letter formally requesting an eligibility concurrence.</i></p>	
<p>The Renewal Corporation stated this outcome is consistent with the recommendations made by the Renewal Corporation.</p>	
<p>CA SHPO stated that they have never received a request to confirm eligibility of the TCPs and requested clarification about who would send this request. CA SHPO is prepared to concur but information in Draft HPMP says it "considers it eligible." If the Renewal Corporation sends a letter requesting concurrence, the SHPOs will respond in a letter concurring this week before the revised HPMP is due to FERC on September 16th.</p>	
<p>CA SHPO stated they will provide redline edits to the meeting notes from August 29, 2022 meeting which will clarify their statements and correct some language, which should be flagged to correct in the Draft Table of Responses to FERC.</p>	
<p>3) <i>The Tribes asserted that the continued existence of the dams and the environmental impacts from their past, present, and future operation, even with the current Section 106 protections, is an adverse effect upon these historic properties and upon their culture and people and that their removal represents a clear benefit that outweighs potential adverse effects upon other cultural resources impacted by the project.</i></p>	
<p>The CA SHPO and OR SHPO suggested running this by the Tribes. It is accurate from what they understood from the meeting.</p>	

- 5) *Several Tribes anticipate that they will be providing FERC with additional communications reiterating their support for the project, that the HPMP should be accepted, and the PA needs to be signed as soon as possible by the Signatories.*

Attendees acknowledged this statement and the urgency for the project schedule. The CA and OR SHPOs and the ACHP requested a project schedule.

The fifth item concerns the letters that the tribes will be writing. No additional comments there.

The Renewal Corporation will provide the most recent schedule, which was submitted to FERC on 6/30/2022. The CA SHPO and OR SHPO believes this is an accurate statement from what they understood from the meeting.

- 6) *The ACHP committed to contacting FERC to confirm the upcoming schedule for final consultations involving the Programmatic Agreement and that consultation will be expedited.*

The ACHP has put a call into FERC and confirmed this is correct. After the meeting, the ACHP followed up with an email stating that FERC is very aware of the concerns of the Tribes and consulting parties and reassured this was a high priority case for FERC. FERC indicates timely process forward is dependent upon Renewal Corporation's ability to address edits to the HPMP as requested by FERC based upon CA and OR SHPO and ACHP comments, as well as the ability to finalize the PA. ACHP and FERC acknowledge the PA may be finalized and executed even if HPMP needed additional edits, as long as the PA stipulates the HPMP be finalized within specified time frame after execution of the PA; all of which would be incorporated into the Order issued by FERC.

ACHP suggested both CA and OR SHPO and ACHP prioritize responding to review requests and finalize both documents.

FERC also noted that Section 106 was not the last review or issue that needed completion prior to FERC making decision about decommissioning/license surrender.

- 7) *The Renewal Corporation reiterated that the Project schedule is in a critical stage and that it is important for FERC to make a decision regarding the LSO soon after October 3, 2022 so it may implement the project and ensure that preconstruction commences and that reservoir drawdowns can begin in Year 2.*

The Renewal Corporation stated that the project is at a critical stage and it has requested that FERC make a decision regarding the LSO not later than November 2022, which would allow for preparatory work to occur in 2023 to ensure the timely removal of the dams.

CA SHPO requested a project schedule for reference. Renewal Corporation stated they would provide it to CA and OR SHPO.

- 8) *The ACHP, OR and CA SHPOs confirmed that they understand the critical nature of project scheduling and as soon as FERC forwards the next draft of the PA, the agencies will engage with FERC staff to finalize the agreement.*

CA SHPO recommended edit, “the agencies will engage as soon as they are contacted by FERC to finalize the agreement.”

Consultation processes clarified in HPMP

The Renewal Corporation has revised consultation processes trying to be consistent with project deadlines and the standard Section 106 consultation process for changes to the APE, determinations of eligibility and finding of effects/HPTPs and Inadvertent Discoveries. Renewal Corporation will make efforts to ensure that these consultation periods align with what is currently proposed in the draft PA and after taking into account the comments on the PA from the SHPOs. We are using the ACHP’s guidance on HPMPs.

There have been concerns about putting information pertaining to state laws into the HPMP by the CA SHPO. The Renewal Corporation has added some clarifying language into the HPMP to address this concern, but state laws are described in the HPMP to ensure coordination – and FERC in their August 15, 2022 letter requested that Mitigation Measures TCR 5-8 be discussed. CA SHPO has concerns that Section 106 consultation would need to be reopened if there are changes to the state mitigation measures. The HPMP will be updated to make sure to add language to note that if state mitigation items change, a change in the Section 106 documentation would not be required.

Inadvertent Discoveries

The Renewal Corporation noted that the revised HPMP will include an inadvertent discovery consultation process that will follow closely the post-review discovery process from 36 CFR 800. The consultation would include the SHPOs, tribes, and other consulting parties. Sites exposed during drawdown will not be treated as inadvertent discoveries as a post-drawdown survey will occur and identified resources will be evaluated and effects from the project will be assessed. Consultation will occur as these resources are evaluated and when effect findings are made. The emergency provisions from the previous draft of the HPMP have been removed.

The Renewal Corporation noted that in some instances an immediate response may be required and efforts to stabilize conditions may need to be taken, however, after these protection measures are put in place consultation concerning long term effect minimization measures would occur. The Renewal Corporation noted that it might be infeasible to treat during urgent stabilization.

Action Items

- 1) John Eddins will call FERC to verify schedule/timing of future PA consultations
- 2) Richard Roos-Collins will email the project schedule to SHPOs and ACHP
- 3) CA SHPO will provide redline edits to meeting notes from August 28, 2022 and will respond to request for concurrence for eligibility of TCPs as soon as it is received
- 4) Renewal Corporation/AECOM will draft the letter requesting concurrence for the Big Bend TCP, Kicaceki TCP, and Klamath Riverscape TCP.
- 5) Renewal Corporation will submit today’s meeting notes to tribes and other attendees of September 9, 2022 meeting.

Adjourn

Project Name: Klamath River Dam Removal NHPA Section 106 Consultation	Participants:
Date: September 13, 2022	Julianne Polanco (CA SHPO)
Location: Teleconference	Kirk Ranzetta (AECOM)
Time: 11:00 to 12:00pm PDT	John Pouley (OR SHPO)
Subject: TCP Discussion	Joshua Adrian (Thompson Coburn – State of CA)
<p><u>Discussion concerning TCP Eligibility</u></p> <p>CA SHPO explained that in its HPMP, the Renewal Corporation “considered” the TCPs to be eligible which is similar to “assuming” the TCPs are eligible without having identified/assessed the criteria under which the TCP would in fact be eligible. FERC agreed with the Renewal Corporation that one could “consider” the TCPs eligible (i.e. assume the TCPs are eligible) which FERC verified in their August 15, 2022 letter. CA SHPO stated that if one assumes the TCP is eligible without justifying the eligibility based on the applicable criteria, then one is not able to appropriately determine the project’s effects on the TCP because one doesn’t know why the TCP is in fact eligible. CA SHPO stated that if one can’t appropriately assess the effect then one can’t appropriately identify any necessary avoidance/minimization/mitigation measures.</p> <p>CA SHPO stated that the Renewal Corporation should identify the eligibility criteria that would be used in order for the SHPOs to be in a position to concur that the TCPs are in fact eligible. Alternatively, the SHPOs could agree to consider (i.e. assume) the TCPs as eligible, but they would also request that the Renewal Corporation subsequently provide additional information regarding eligibility criteria at a later stage in the process in order to determine effects and identify any necessary mitigation. OR SHPO stated that it generally prefers to defer to Tribes on tribal resource eligibility, effects, and mitigation determinations but agreed that the process as outlined by CA SHPO was appropriate under the regulations. The Renewal Corporation stated that it had deferred to Tribes on the eligibility question and expressed reluctance to seek additional information, particularly in light of the clear statement from the Tribes-on Friday that no additional information is necessary to make the determination of eligibility or to determine effects.</p> <p>CA SHPO stated that based on their review of the available information, the Renewal Corporation has sufficient information to apply the NRHP eligibility criteria for the TCPs that otherwise don’t currently have the NRHP criteria applied in the ethnographic reports and doesn’t need more input from the Tribes. CA SHPO also asserted that Renewal Corporation has delegated authority from FERC to make the determination of eligibility and findings of effect. OR SHPO clarified that although they need the NRHP criteria, they don’t require too much detail.</p> <p>Adjourn</p>	Kevin Takei (State of CA)
	Brendon Greenaway (CA SHPO)
	Mike McGuirt (CA SHPO)
	AECOM = AECOM Consulting Services

APPENDIX F CORRESPONDENCE ON THE HPMP

Attachment 1

Klamath River Renewal Corporation Responses to FERC’s August 15, 2022, Letter regarding Updates to Historic Property Management Plan (HPMP)

Comment Number	FERC Comment	Renewal Corporation Response
1	Please update the HPMP to reflect the determinations of eligibility for National Register of Historic Places (National Register) provided by the California SHPO in its letter.	The Klamath River Renewal Corporation (Renewal Corporation) has updated the HPMP to reflect current status of eligibility determinations based on the California SHPO letter dated July 6, 2022. The updates are included in HPMP Tables 4-7, 4-8, and 7-2.
2	During Commission staff’s review of the California SHPO’s comments and your Phase II Report, we note that 10 sites that you recommend are eligible for listing on the National Register are inundated. Therefore, you were not able to complete Phase II work during the field season.	<p>Ten sites that are inundated: The Renewal Corporation will initiate Phase II work within <u>3 months after drawdown is complete</u>. The ten sites are:</p> <ul style="list-style-type: none"> CA-SIS-3913 CA-SIS-3914 CA-SIS-3915 CA-SIS-3920 CA-SIS-3921 CA-SIS-3924 CA-SIS-3925 CA-SIS-3926 CA-SIS-3930 CA-SIS-3942
3	Twelve other sites that are not inundated for which Phase II studies were proposed were also not evaluated but are recommended to be eligible. Please update the HPMP (particularly the tables in sections 4 and 7) to reflect that these 22 sites remain unevaluated, and the eligibility has not been determined at this time.	<p>Twelve sites that are not inundated: The Renewal Corporation understands FERC’s comment to refer to the following 12 sites, and has updated the HPMP (including Tables 4-7, 4-8, and 7-2) to reflect current eligibility status of these 12 sites based on California SHPO’s concurrence letter dated July 6, 2022:</p> <p>CA-SIS-326 – This is a large upland site that is also partially inundated as it likely expands into the reservoir and additional materials will be potentially exposed after drawdown. The Renewal Corporation will</p>

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Klamath River Renewal Corporation Responses to FERC’s August 15, 2022, Letter regarding Updates to Historic Property Management Plan (HPMP)

		<p>update and clarify its recommendation for eligibility in the fieldwork summary report to be completed by February 2023.</p> <p>CA-SIS-2824 – This is an upland site and there are no anticipated impacts based on the 100% design plans. The Renewal Corporation does not plan to evaluate this site further.</p> <p>CA-SIS-2825 – This is an upland site that will be subject to construction impacts and the Renewal Corporation will conduct <u>Phase II fieldwork by November 2022</u> and revise the eligibility recommendation in a fieldwork summary report to be completed by February 2023.</p> <p>CA-SIS-1670 - This is an upland site and there are no anticipated impacts based on the 100% design plans. The Renewal Corporation does not plan to evaluate this site further.</p> <p>CA-SIS-1671 – This is an upland site that will be subject to construction impacts and the Renewal Corporation will conduct <u>Phase II fieldwork by November 2022</u> and revise the eligibility recommendation in the fieldwork summary report to be completed by February 2023.</p> <p>CA-SIS-2129 - This is an upland site that will be subject to construction impacts and the Renewal Corporation is reassessing eligibility. The Phase II Research Design indicated archival research only and no fieldwork is planned. The Renewal Corporation will conduct <u>archival research by November 2022</u> and revise the eligibility recommendation in the fieldwork summary report by February 2023.</p> <p>LKP-2018-6 - This is an upland site and there are no anticipated impacts based on the 100% design plans. The Renewal Corporation does not plan to evaluate this site further.</p>
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Klamath River Renewal Corporation Responses to FERC’s August 15, 2022, Letter regarding Updates to Historic Property Management Plan (HPMP)

		<p>LKP-2018-7 - This is an upland site and there are no anticipated impacts based on the 100% design plans. The Renewal Corporation does not plan to evaluate this site further.</p> <p>CA-SIS-3918 - This is an upland site and there are no anticipated impacts based on the 100% design plans. The Renewal Corporation does not plan to evaluate this site further.</p> <p>CA-SIS-3919 - This is an upland site and there are no anticipated impacts based on the 100% design plans. The Renewal Corporation does not plan to evaluate this site further.</p> <p>CA-SIS-3927 – This is an upland site that will be subject to construction impacts and the Renewal Corporation will complete detailed <u>surface documentation by November 2022</u> and revise the eligibility recommendation in the fieldwork summary report by February 2023.</p> <p>CA-SIS-3938 - This is an upland site and there are no anticipated impacts based on the 100% design plans. The Renewal Corporation does not plan to evaluate this site further.</p>
4	<p>Additionally, the California SHPO did not provide concurrence with your recommendations of National Register-eligibility for nine sites that were subject to Phase II investigations and two sites that were evaluated based on archival information or surface surveys. Please review the California SHPO’s July 6, 2022, comments and update the HPMP to address the California SHPO’s concerns and</p>	<p>Nine sites subject to Phase II: The Renewal Corporation completed Phase II fieldwork at the following 9 sites. Based on this Phase II fieldwork, the Renewal Corporation made eligibility determinations for these nine sites. In its July 6, 2022 letter, the California SHPO concurred with eligibility determinations for three sites and stated that it did not concur with eligibility determinations for six sites:</p> <p>LKP-2018-08 (Renewal Corporation determined as Eligible)—the Renewal Corporation has updated and clarified its recommendation that the historic component is eligible and precontact component is non-</p>

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Klamath River Renewal Corporation Responses to FERC’s August 15, 2022, Letter regarding Updates to Historic Property Management Plan (HPMP)

<p>requests regarding these sites. If additional consultation with the California SHPO is needed to finalize these determinations, please engage in such consultation, and document it in the HPMP.</p>	<p>contributing in the fieldwork. summary report to be completed by February 2023. The Renewal Corporation does not believe additional Phase II fieldwork would be informative for this site, and no additional field work will be performed.</p> <p>CA-SIS-2403 (Renewal Corporation determined as Eligible) – The Renewal Corporation will clarify its recommendation that the site is eligible and is part of the K’ika·c’é·ki District TCP in the eligibility discussion in the fieldwork summary report to be completed by February 2023. The Renewal Corporation will not conduct additional Phase II fieldwork at this site.</p> <p>CA-SIS-3933 (Renewal Corporation determined as Eligible) - The Renewal Corporation will clarify its recommendation that the site is eligible and is part of the K’ika·c’é·ki District TCP in the fieldwork summary report to be completed by February 2023. The Renewal Corporation will not conduct additional Phase II fieldwork at this site.</p> <p>CA-SIS-3940 (Renewal Corporation determined as Eligible) - The Renewal Corporation will clarify its recommendation that the site is eligible and further develop its significance associated with the Cupped Rock Art Complex and as a TCP, in the fieldwork summary report to be completed by February 2023. The Renewal Corporation will not conduct additional Phase II fieldwork at this site.</p> <p>LKP-2019-9 (Renewal Corporation determined as Eligible) – The Renewal Corporation has received specialized analysis reports to better address Criterion D and will update the eligibility discussion in the fieldwork summary report to be completed by February 2023. The Renewal Corporation will not conduct additional Phase II fieldwork at this site.</p>
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Klamath River Renewal Corporation Responses to FERC’s August 15, 2022, Letter regarding Updates to Historic Property Management Plan (HPMP)

		<p>LKP-2018-11 (Renewal Corporation determined as Eligible) - The Renewal Corporation has since received specialized analysis reports to better address Criterion D and will update the eligibility discussion in the fieldwork summary report to be completed by February 2023. The Renewal Corporation will not conduct additional Phase II fieldwork at this site.</p> <p>CA-SIS-3922 (Renewal Corporation determined as Eligible) – The California SHPO concurred with the Renewal Corporation’s determination, and the HPMP has been updated to reflect the concurrence</p> <p>CA-SIS-2239/3923 (Renewal Corporation determined as Eligible) – The California SHPO concurred with the Renewal Corporation’s determination, and the HPMP has been updated to reflect the concurrence</p> <p>LKP-2019-3 (Renewal Corporation determined as Not Eligible) – The California SHPO concurred with the Renewal Corporation’s determination, and the HPMP has been updated to reflect the concurrence</p> <p>Two sites evaluated based on archival info/surface surveys:</p> <p>The two sites that the Renewal Corporation evaluated based on archival information are:</p> <p>CA-SIS-2129 (Renewal Corporation determined as Eligible) - As noted above (as one of twelve sites that are not inundated), California SHPO did not concur with CA-SIS-2129 and the Renewal Corporation will update the HPMP to reflect the eligibility status.</p>
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Klamath River Renewal Corporation Responses to FERC’s August 15, 2022, Letter regarding Updates to Historic Property Management Plan (HPMP)

		<p>CA-SIS-3945 (Renewal Corporation determined as Not Eligible) - California SHPO did not respond to the Phase II report evaluation of CA-SIS-3945. The Renewal Corporation will not conduct additional Phase II fieldwork at this site.</p> <p>Section 9.13 of the HPMP has been revised to commit the Renewal Corporation will consult with the California SHPO to resolve evaluation status for these two sites prior to the submittal of the fieldwork summary report to be completed by February 2023.</p>
5	<p>In addition, based on comments from the California SHPO, additional phase II work needs to be conducted for sites that are inundated. You may have to conduct additional survey work for those non-inundated sites that you cannot avoid that were not subject to phase II investigations. Therefore, please provide a plan and schedule for completing this work and incorporate it into the HPMP.</p> <p>FERC 8/15/22 letter, p. 2.</p>	<p>Plan and Schedule for completing work: The Renewal Corporation has updated Section 9.13 of the HPMP to commit that, for those sites where the Renewal Corporation anticipates there will be project impacts at 100% design, the Renewal Corporation will conduct fieldwork by <u>November 2022</u> for accessible upland sites and update eligibility recommendations in a fieldwork summary report. Section 9.13 of the revised HPMP commits the Renewal Corporation to providing this report to FERC by <u>February 2023</u>.</p> <p>Section 9.13 of the HPMP has been revised to commit the Renewal Corporation to initiating a survey of submerged areas and Phase II evaluation work on submerged sites <u>within 3 months after completion of drawdown</u>. Section 9.13 of the revised HPMP stipulates that the Renewal Corporation will submit to FERC an identification and evaluation report for the submerged resources within <u>6 months</u> after completion of the fieldwork.</p>
6	<p>Please also provide clarification in the HPMP regarding the resolution of adverse</p>	<p>General Response: The HPMP has been revised to include a new table and text which explains the Renewal Corporation’s NRHP Evaluation</p>

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Klamath River Renewal Corporation Responses to FERC’s August 15, 2022, Letter regarding Updates to Historic Property Management Plan (HPMP)

	<p>effects on archaeological sites that cannot be avoided. For example, treatment of some sites in Tables 7-1 and 7-2 includes both “avoidance” and “data recovery” (see site 35LK2412). The HPMP must identify in Table 7-2 and discuss what mitigation measures would be conducted specific to historic properties and cultural resources. If specific measures cannot yet be determined due to the inability to determine exact project impacts for specific sites, please indicate that in Table 7-2 of the HPMP.</p> <p>Specifically, we recommend updating the HPMP, and in particular, Table 7-2 (Proposed Management Measures), to:</p>	<p>Process and Resolution of Adverse Effects in Section 8.2. Table 7-1, <i>Archaeological Treatment Measures: Effects and Responses</i>, has been updated and the Renewal Corporation added text in the preceding paragraphs under Section 7.1 to clarify it will propose treatment measures for each historic property through the use of Historic Property Treatment Plans (HPTPs); HPTPs are then discussed further in revised Section 8.2. This addresses California SHPO comments regarding the inability to determine exact project impacts for all sites at this time. The table is revised to reflect impacts associated with 100% engineering design as of September 2022.</p> <p>Table 7-2, <i>Proposed Management Measures for Archaeological Historic Properties</i>, lists the Renewal Corporation’s proposed measures for each site. For some sites, multiple measures will be completed. In the cases where “avoidance” and “data recovery” were marked in the May 2022 HPMP Draft, it was noted in the Comments column that if avoidance were not possible, the Renewal Corporation will consider data recovery. In some cases, data recovery or erosion control is noted with a [?] symbol. As noted at the bottom of the table in “Table Notes”, this is to indicate that the measure, such as erosion control, is more likely to be a concern at this site as compared to others but may be contingent upon future observations such as those made during site condition monitoring. The Renewal Corporation has revised Table 7-2 to reflect proposed measures based on updated 100% engineering design plans and current eligibility status.</p>
7	<p>Note that the evaluation of the 12 sites that are not inundated and were to be subject to Phase II investigations need not be treated as “post-review discoveries” as evaluation of these sites could occur pre-drawdown;</p>	<p>The Renewal Corporation acknowledges that sites that are not inundated will not be treated as “post-review discoveries.”</p>

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Klamath River Renewal Corporation Responses to FERC’s August 15, 2022, Letter regarding Updates to Historic Property Management Plan (HPMP)

8	Provide, to the best of your ability, more specific treatment measures for the mitigation of impacts to each site (unless impacts are unknown) instead of providing a range of possible measures;	The Renewal Corporation has revised Table 7-2 to reflect specific treatment measures based on 100% engineering design plans. The table includes measures that the Renewal Corporation proposes for each site. However, as discussed above, Section 9.13 of the HPMP has been revised to commit the Renewal Corporation to perform additional fieldwork based in part on California SHPO’s July 6, 2022, response letter, and pending Oregon SHPO’s review of eligibility determinations submitted in May 2022. The report of his fieldwork is to be submitted to FERC in February 2023. Therefore, the Renewal Corporation may propose in its February 2023 report to FERC that some of the management measures be revised. The HPMP revisions require the Renewal Corporation to provide HPTPs to consulting parties to resolve adverse effects to specific sites.
9	Clarify the decision-making process regarding in-field determinations of eligibility and selection of treatment measures. Please include a flow chart to aid in understanding the processes for both known sites and post-review discoveries;	The Renewal Corporation has modified the HPMP to clarify the decision-making process regarding in-field determinations of eligibility and selection of treatment measures in revised Section 8.2, NRHP Evaluation and Resolution of Adverse Effects. A new table has been added, Table 8-1, <i>Consultation Process and Review Times</i> .
10	Discuss TCRs 5-8 identified in the California Water Board April 9, 2020 Environmental Impact Report. FERC 8/15/22 letter, pp. 2-3.	The Renewal Corporation added discussion of California AB 52 Mitigation Measures TCRs 5-8 in Section 1.3.2. Originally the Renewal Corporation only discussed Mitigation Measures TCRs 1-4 because these relate to development of the HPMP (TCR-1), Looting and Vandalism Prevention Program (TCR-2), Inadvertent Discovery Plan (TCR-3), and an Endowment for Post-Project Implementation (TCR-4), each of which are addressed by or discussed directly in the Draft HPMP. Mitigation Measure TCR-5 clarifies that TCRs-1 through 3 do not apply to the Yurok Reservation. The Area of Direct Impacts does not include any lands of the Yurok Reservation.

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Klamath River Renewal Corporation Responses to FERC’s August 15, 2022, Letter regarding Updates to Historic Property Management Plan (HPMP)

		<p>Mitigation Measures TCR-6 (Land Transfer), TCR-7 (Land Easement and Transfer Stipulations) and TCR-8 (Off-site Land Transfer) pertain to mitigation measures that the California State Water Board suggested as possibly reducing impacts, but they did not rely on their implementation in reaching their significance determinations for the Final EIR because it was infeasible for the Renewal Corporation to implement under the terms of the KHSA.</p> <p>The HPMP provides an update to the current status of TCRs 5-8 in Section 1.3.2. The Renewal Corporation will transfer lands to the States of California and Oregon and will therefore have no control over any easement or transfer stipulations that the states may enact (TCR-6 and TCR-7). The Renewal Corporation has not purchased land for off-site land transfer as a mitigation measure (TCR-8).</p> <p>The following is an update on the planning process for the potential future ownership and management of the California Parcel B lands as contemplated Mitigation Measure TCR-[insert]:</p> <p>The California Natural Resources Agency and California Department of Fish and Wildlife (collectively the “State of California”) continue their consultation with Tribes to help develop a plan for the future ownership and management of California Parcel B lands. These efforts are guided by the Statement of Administration Policy on Native American Ancestral Lands released by Governor Newsom on September 25, 2020, and the California Public Utility Commission’s guidelines to implement its Tribal Land Policy.</p> <p>Over the past twelve months, the State of California sent notices to 16 potentially affected tribes that there is an opportunity to consult on the management and disposition of California Parcel B lands. The State of</p>
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Klamath River Renewal Corporation Responses to FERC’s August 15, 2022, Letter regarding Updates to Historic Property Management Plan (HPMP)

		<p>California received positive responses from three tribes. The State held independent consultations with each of the three tribes where updates to the process were provided, and an invitation to submit additional comments in writing. A site visit is scheduled between three tribes and the State on October 21. The parties will visit recreations sites, certain buildings, and culturally sensitive areas on Parcel B lands to help inform future management and disposition.</p> <p>Once consultation with Tribes is complete, the State of California will consider input from Klamath Hydroelectric Settlement Agreement (KHSA) signatories and other interested parties, reconcile differing perspectives, and finalize its decision for the future ownership and management of land.</p>
11	<p>Please also provide more information about how determinations of appropriate treatment will be made “in the field” during project activities (drawdowns, etc.). For example, section 8.5 of the HPMP states that following additional surveys, National Register evaluations would be undertaken in accordance with 36 CFR § 800.4(c), but section 8.6 states that determination of appropriate treatment would follow the process for inadvertent discoveries provided in section 7.1 of the proposed Monitoring and Inadvertent Discovery Plan (MIDP, HPMP Appendix B). The MIDP refers to the 48-hour process provided in 36 CFR § 800.13(b)(3) for eligible post-review discoveries “without prior planning” and</p>	<p>The Renewal Corporation has modified the HPMP to clarify the decision-making process regarding in-field determinations of eligibility and selection of treatment measures in revised Section 8.2, NRHP Evaluation and Resolution of Adverse Effects. A new table has been added, Table 8-1, <i>Consultation Process and Review Times</i>.</p> <p>Sites for which planning is possible are not post-review discoveries and the process for evaluation and assessment of effects of these sites will follow a consultation process as outlined in Table 8-1, <i>Consultation Process and Review Times</i>. The MIDP summarizes the 48-hour Post-Review Discovery Process, which is introduced in the HPMP.</p>

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	<p>states that the Klamath River Renewal Corporation’s Cultural Resources Specialists (CRS) would determine appropriate site treatment after “notification” is provided to the Commission, Advisory Council, Oregon SHPO, California SHPO, participating Tribes, applicable federal land managers, and other consulting parties. It is not clear that that this same process would also apply to previously documented resources that are not inundated and were proposed for Phase II evaluations but remain unevaluated. These sites are not post-review discoveries and the process for evaluation and assessment of effects of these sites should commence as quickly as possible and should follow the standard section 106 process provided in 36 CFR §§ 800.4 and 800.5.</p>	
12	<p>In addition, we recommend consulting with the SHPOs to determine if National Register evaluations are necessary if effects to cultural resources could be resolved through monitoring, restricting vehicle access, signage, and other non-intrusive measures. FERC 8/15/22 letter, p. 3.</p>	<p>The Renewal Corporation’s consultant (AECOM) and California SHPO had a telephone meeting on 8/29/2022. California SHPO stated that eligibility must be determined before effects can be resolved. Additional consultation meetings with the California SHPO were convened on 8/9/2022 (as a part of the Cultural Resources Working Group (CRWG) meeting), 8/12/2022, and 8/13/2022. Appendix E includes the meeting minutes from these meetings. The Renewal Corporation will continue to consult with the California SHPO concerning eligibility and effects; provide recommendations to FERC regarding NRHP eligibility for sites affected by the Project; and propose measures (in an HPTP if applicable)</p>

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		<p>to avoid, minimize, or mitigate adverse effects in consultation with the California SHPO and consulting parties. These steps will be taken consistent with the timelines noted in responses 1 and 3 and according to the consultation review periods in Table 8-1 and implementation schedule outlined in Table 9-1 of the HPMP.</p>
<p>13</p>	<p>We agree with your recommendations in section 4.3 of the HPMP to consider the Big Bend Traditional Cultural Property (TCP), the Klamath Cultural Riverscape; and the Kíkacéki District TCP as eligible for listing on the National Register. We request that you consult with the California SHPO and participating Tribes regarding the effects of decommissioning activities on these properties and present the results of this consultation in section 6.3 of the revised HPMP. FERC 8/15/22 letter, p. 3.</p>	<p>The Renewal Corporation’s consultant (AECOM) and California SHPO had a telephone meeting on 8/29/2022. California SHPO stated that before it will comment on effects to the TCPs and Riverscape, they must have confirmation of the Tribes’ views concerning eligibility. California SHPO stated that the tribes must be consulted and provide their comments in writing. Subsequent to this meeting, the Renewal Corporation and consultant (AECOM) hosted a CRWG meeting on 9/9/2022. During the meeting, the Renewal Corporation reviewed its proposed modifications to the HPMP requested by FERC. During the discussion concerning the effects upon the Big Bend TCP, the Klamath Cultural Riverscape, and the Kíkacéki District, several points were made:</p> <ol style="list-style-type: none"> 1) The Tribes that attended the meeting unanimously confirmed that they consider the Big Bend TCP, the Klamath Cultural Riverscape, and the Kíkacéki District TCP eligible for the NRHP. 2) Upon hearing the Tribes’ statements, the Oregon and California SHPOs verbally confirmed that they agree with FERC’s determinations and the Tribes’ perspectives that Big Bend, Klamath Cultural Riverscape, and the Kíkacéki Districts are eligible for the NRHP which is consistent with the recommendations made by the Renewal Corporation in section 4.3 of the HPMP. 3) The Tribes asserted that the continued existence of the dams and the environmental impacts from their past, present, and future operation, even with the current Section 106 protections, is an adverse effect upon these historic properties and upon their culture

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		<p>and people and that their removal represents a clear benefit that outweighs potential adverse effects upon other cultural resources impacted by the project.</p> <ol style="list-style-type: none">4) Several Tribes anticipate that they will be providing FERC with additional communications reiterating their support for the Project, that the HPMP should be accepted, and the PA needs to be signed as soon as possible by the Signatories.5) The ACHP committed to contacting FERC to confirm the upcoming schedule for final consultations involving the Programmatic Agreement (PA) and that consultation will be expedited.6) The Renewal Corporation reiterated that the Project schedule is in a critical stage and that it is important for FERC to make a decision regarding the LSO soon after October 3, 2022 so it may implement the project and ensure that preconstruction commences and that reservoir drawdowns can begin in Year 2.7) The ACHP, OR and California SHPOs confirmed that they understand the critical nature of the Project schedule and as soon as FERC forwards the next draft of the PA, the agencies will engage with FERC staff to finalize the agreement. <p>The ACHP, OR and California SHPOs, and Renewal Corporation met on Monday September 12, 2022 to make final clarifications concerning the statements made on September 9, 2022 and the actions needed by the SHPOs, ACHP, and Renewal Corporation in regards to the eligibility of TCPs, HPMP, and PA.</p> <p>On September 13, 2022, the Renewal Corporation sent a letter to the California SHPO and Oregon SHPO, requesting concurrence on the eligibility of the Kíkacéki District TCP, Klamath Cultural Riverscape, and the Big Bend TCP. AECOM hosted a meeting with the CA and Oregon</p>
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Klamath River Renewal Corporation Responses to FERC’s August 15, 2022, Letter regarding Updates to Historic Property Management Plan (HPMP)

		<p>SHPO on September 13, 2022 to discuss the contents of the letter. Consultation with the SHPOs is ongoing.</p> <p>The Renewal Corporation has revised Section 6.3 to include the results of this consultation. The meeting summaries and the list of meeting participants are included in Appendix E of the HPMP. Appendix F includes the correspondence from the Renewal Corporation to the California SHPO and Oregon SHPO.</p>
14	<p>Within 30 days of the date of this letter, we request you file a revised HPMP that addresses the comments in this letter and the California SHPO’s and the Advisory Council’s comments. When filing the revised HPMP, you should also include documentation of your consultation with the California and Oregon SHPOs, Advisory Council, participating Tribes, and other consulting parties. The Commission strongly encourages electronic filing. FERC 8/15/22 letter, p. 3.</p>	<p>The Renewal Corporation is filing a revised HPMP dated September 15, 2022. The Renewal Corporation has addressed California SHPO’s and ACHP comments.</p> <p>Documentation of consultation with California and Oregon SHPOs, ACHP, and Tribes is included in Appendix E and Appendix F of the HPMP.</p>

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Klamath River Renewal Corporation’s Responses to ACHP’s June 21, 2022 Comments Regarding Updates to May 2022 Historic Property Management Plan

Number	ACHP Comment	Renewal Corporation Response
1	The mischaracterization of FERC’s consideration and issuance of the License Surrender Order (LSO) as the undertaking under Section 106 must be changed globally throughout the PA, HPMP, MIDP, and LVPP	The HPMP, MIDP, and LVPP have been globally revised after taking into account the ACHP’s suggestions concerning FERC’s LSO, the definition of the undertaking, and what is the federal action.
2	For all previous studies or identified properties referenced in the HPMP for which SHPOs have yet to provide concurrence on eligibility, effect, and resolution of adverse effect, and other consulting parties have not had a documented opportunity to comment regarding recommended determinations of eligibility and findings of effect, and proposed resolution of adverse effects, where in the HPMP is the clear and detailed process set forth for the consultation necessary to address such findings, determinations, and proposed resolution of adverse effects?	The HPMP has been revised to more precisely identify the consultation protocols and implementation schedules for determinations of eligibility, findings of effects and development of Historic Property Treatment Plans. See for example Tables 8-1 and 9-1 of the HPMP. The HPMP includes the latest (September 2022) updates in consultation regarding the eligibility concurrences received from the SHPOs. For those components of consultation that have not been completed, the HPMP has been updated to reflect that consultation is “pending” or “ongoing.”
3	The best way to do this would be to provide a process for each of the phases of the undertaking, similar to the Phases of the undertaking referenced in Section 2.1 of the HPMP i) The different phases should include: (1) Pre-drawdown for all properties located in the APE, including those identified in previous surveys (2) Drawdown (3) Post-Drawdown Removal/Demolition (4) Post-Drawdown Surveys in footprint of reservoir (5) Post-Drawdown Restoration work	This comment has been taken into account and when known, the applicable tables have been updated to reflect which resources would be affected by which phase. An implementation schedule, informed by the applicable project phase has been developed (Table 9-1) in response to comment to provide reviewers with currently anticipated timeline for the implementation of identification efforts and reporting.
4	Obviously Table 7.2 is the heart of the HPMP. It includes previous or recommended determinations of eligibility, recommended assessments of effect, and proposed steps to resolve adverse effects for previously identified properties i) Is review of the HPMP by SHPOs, Tribes, other consulting parties considered to be the consulting party	The HPMP has been revised to update the consultation protocol so that the applicable parties, the timeline for reviews, and the principal decision points such as changes to the APE, determinations of eligibility, and findings of effect/review of Historic Property Treatment Plans (HPTPs) are identified and explained. During a meeting with the

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	<p>opportunity to comment, concur, or disagree with determinations of eligibility, assessment of effect, and proposed resolution of adverse effect? (1) Has this been stated anywhere? How? When? (2) If so, have SHPOs, tribes, and consulting parties concurred with this process. That is, have they concurred with using review of the HPMP as the vehicle for consultation on determinations of eligibility, findings of effect and adverse effect, and proposals for resolution of adverse effects for the previously identified properties? (3) Comments on an HPMP do not necessarily or automatically equate with concurrence on determinations of eligibility, assessment of effect and adverse effect, and steps to resolve adverse effects to a specific historic property or to adverse effects in general. (4) Everybody in this consultation needs to be clear about where things stand.</p>	<p>Tribes on September 9, 2022, the Tribes requested that they find the HPMP acceptable and that the ACHP, FERC, OR and CA SHPOs sign the Programmatic Agreement as soon as practicable.</p>
5	<p>What are the timeframes for any such consultation? Section 9.4 of the HPMP references timelines specified in the PA and MIDP (1) The PA only has a reference to 30 days that appears to be inserted as an afterthought in Stipulation I. a. (a) This reference to a 30-day response time should be a separate sub-stipulation under Stipulation I which should include sub-stipulations on development, finalization, implementation, and amendment, etc., of the HPMP. (b) The HPMP should include a description of the consultation to be carried out for determinations of eligibility, findings of effect, and resolution of adverse effect and associated time frames for review and response</p>	<p>See Table 8-1 of the revised HPMP. The consultation periods in the MIDP will be checked for consistency to ensure that the consultation periods outlined in HPMP Table 8-1.</p>
6	<p>Post-Review Discovery and Emergency should be treated differently a) Emergencies should be defined and treated as emergencies are under the Section regulations at 36 CFR 800.12 i) Either you cite the appropriate portions of the</p>	<p>The section concerning emergency responses has been deleted and the post-review discovery process has been revised to more closely follow the requirements of 36 CFR 800.13. Table 9-1 was prepared to identify when</p>

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Klamath River Renewal Corporation’s Responses to ACHP’s June 21, 2022 Comments Regarding Updates to May 2022 Historic Property Management Plan

	<p>Section 106 regulations as the process to follow or you create your own process under the HPMP. If you try to do both, you create confusion. Don’t loosely characterize or paraphrase the process set forth in the regulations and then cite the regulations too. b) Post-Review discoveries are not Emergencies i) So either use the process set forth under 36 CFR 800.13 or create a specific process for this undertaking ii) I would recommend you create a specific, different process appropriate to each of the different phases, or groupings of phases of the undertaking as appropriate. It may be problematic to create one process and then talk about exceptions to it. That can get confusing. Also, I don’t think that Post-Drawdown Surveys in footprint of reservoir should be considered post-review discovery. Those surveys are part of the identification effort, delayed till after drawdown. (1) The different undertaking phases that might require different Post-review Discovery protocols might be: (a) Pre-drawdown preparations for drawdown; (b) Drawdown (c) Post-Drawdown Facility Removal/Demolition (d) Post-Drawdown during Restoration Work</p>	<p>components of the HPMP would be implemented and connected the implementation period with a particular phase/activity of the Project.</p>
7	<p>The PA and the HPMP should provide clarification about timing related to FERC’s jurisdiction over the undertaking, and the associated “Implementation Period” for the terms of the PA and associated HPMP, MIDP, LVPP a) As fulfilling the terms of the PA should be one of the conditions on the License Surrender Order, then it would seem that FERC couldn’t issue a notice that the Surrender Order is effective, ending its jurisdiction and closing out the PA before the terms of the PA and associated HPMP, MIDP, and LVPP are completed. b) The duration clause in</p>	<p>The duration of the HPMP has been revised to state that the HPMP will remain in place up until license surrender is “effective” signaling the end of federal jurisdiction. This determination will be made after FERC verifies that the Renewal Corporation has completed the obligations contained in the HPMP and PA in consultation with the consulting parties.</p>

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	<p>the PA should clarify these issues. The HPMP should also clearly explain these issues.</p>	
<p>8</p>	<p>Remove ACHP from all reviews in the PA, HPMP, MIDP, LVPP except for Dispute Resolution a) Remember that disputes about the eligibility of properties go to the Keeper of the National Register. That needs to be referenced appropriately in the PA and HPMP.</p>	<p>Comment noted. Revisions to HPMP made as noted in comment with additional clarifications concerning when the Keeper would be consulted during disputes between a SHPO and FERC arise concerning the NRHP eligibility of a resource.</p> <p>NOTE: In general, most of the ACHP’s comments concerning recommended text edits have been accepted. A track change version of the HPMP has been provided for reference and tracking of those edits.</p> <p>NOTE: The MIDP and LVPP have been revised to align with the latest changes to the HPMP particularly those related to the definition of the undertaking; consultation protocols for changes to the APE, determinations of eligibility, and findings of effect/preparation of HPTPs; discussion of mitigation developed under California state laws and regulations.</p> <p>NOTE: The Renewal Corporation has revised the MIDP and LVPP in response to comments from the CA SHPO and the ACHP. In general, these revisions are consistent with the changes in the HPMP and reflect the latest updates concerning consultation protocols.</p>

Attachment 3.

Klamath River Renewal Corporation’s Responses to California SHPO’s July 6, 2022 Comments Letter Regarding Updates to May 2022 Historic Property Management Plan

Number	CA SHPO Comment	Renewal Corporation Response
1	<p>In general, the document includes affirmation of things that have not yet occurred (consultation on the HPMP), indicates that things are still pending that, perhaps will be resolved in consultation with FERC/Signatory/Concurring Parties, etc.</p> <p>Therefore, it is recommended that these things be resolved in the final document to reflect the status of things upon completion. Otherwise, as written, it serves to confuse the consultation status.</p>	<p>The HPMP has been updated with latest information pertaining to consultation (through September 14, 2022), determinations of eligibility, and findings of effect. The status of consultation has noted as “pending” or “ongoing” as applicable throughout the HPMP.</p>
2	<p>The HPMP, as part of a PA, is only for the purposes of Section 106 of the NHPA, no other state laws. This should be corrected.....</p> <p>As previously stated, this HPMP is a document for the implementation of obligations under Section 106 of the NHPA. Obligations under state law are not governed by the MOA or HPMP and are, therefore, not appropriate to be signed off by any Signatory Party. For example, should the obligations under AB 52 or any other requirement change, the MOA and HPMP would require an associated change.</p>	<p>FERC requested in their August 15, 2022 letter that the HPMP include a discussion of mitigation measures derived from the state’s AB 52 consultation process (most notably in TCRs 5 through 8). In addition, the Oregon SHPO has requested that we add several additional laws into the regulatory environment section of the HPMP for Oregon in their response of January 2022. Inadvertent discovery plans implemented under Section 106 in the States of California and Oregon commonly refer to applicable state laws governing the protection of cultural resources. The ACHP encourages the coordination of Section 106 responsibilities with state laws. (See for instance https://www.achp.gov/drafting_section_106_agreements). To remove all references would result in a lack of coordination and may harm cultural resources and responses to inadvertent discoveries. It is acknowledged that the PA (and hence this HPMP) is <i>solely for documenting FERC's compliance with Section 106 of the NHPA</i>. Furthermore, if changes to state-required mitigation measures occur at the request of the state agency under state law, the HPMP would</p>

Number	CA SHPO Comment	Renewal Corporation Response
		not be updated to reflect that change, but the Renewal Corporation would provide the consulting parties with an update on what those changes or updates entail in its Annual Report for informational purposes.
3	It may be premature to determine this as the mitigation measures cannot be agreed upon until historic properties have been surveyed, evaluated, and effects known. This will need modification.	This is a statement of overarching goals for the HPMP is not a commitment to specific mitigation measures for specific resources. The bullet that discusses coordinating Section 106 measures with state regulatory requirements has been deleted. The goals of the HPMP have been revised to stipulate that prior to the development of mitigation documents (HPTPs), consultation regarding the evaluation of historic properties, findings of effect, and mitigation will occur consistent with Table 8-1 of the HPMP.
4	This is where further confusion ensues. Informal consultation has been permitted. FERC retains the responsibility for formal consultation and government to government consultation with the Tribes. This entire paragraph needs clarification.	The comment is noted; however, no additional clarification needed. Nothing in this paragraph states that the FERC licensee engaged in government-to-government consultation -- only that it consulted with Tribes and other parties. This consultation was permitted by FERC consistent with 36 CFR § 800.2(c)(4).
5	Important that this determination is consulted on rather than stated in this HPMP as fact. Determinations of eligibility and resulting effects are made in consultation with all consulting parties. It is premature to include this statement in the text until such time as eligibility determinations and any potential effects have been completed.	Consultation regarding determinations of eligibility, findings of effect/HPTPs will be conducted consistent with Table 8-1 of the HPMP.
6	Because this undertaking has the potential to cause significant indirect effects, evaluation of an identified cultural landscape would seem to be appropriate regardless of the fact that only a portion of the resource is expected to be present within the area of direct impacts. Further, a portion of a resource being present within the APE would	The APE includes those areas that have the potential to be affected by the Proposed Action. To date, the Tribes and consulting parties have not requested an expansion of the APE to include components of the Klamath Cultural Riverscape that are beyond the Proposed Action's effects. No effects from the decommissioning that extend beyond the

Number	CA SHPO Comment	Renewal Corporation Response
	<p>require an APE delineation to include the entirety of the resource in order to properly consider effects to it.</p> <p>Formal evaluations and concurrence with determinations of eligibility for the NRHP are necessary in order to assess potential effects and determine avoidance, minimization or mitigation, as appropriate.</p> <p>Further, if parts of these resources are on land that is governed by other federal agencies, consultation with them on determinations of eligibility is necessary</p>	<p>currently identified APE have been identified by consulting parties. Changes in the APE, formal NRHP evaluations, and findings of effect/development of mitigation measures will be consulted on consistent with Table 8-1.</p>
7	<p>General comment: all statements affirming historic properties are not valid until the concurrence is received by the SHPOs. [This is in reference the following statement in HPMP - <i>This section several districts considered as historic properties for management under the HPMP. These include one proposed archaeological district (Spencer Creek District), one proposed TCP District (Kikacéki District TCP, which is inclusive of sites previously considered as part of the Fall Creek District [PacifiCorp 2006]), and five built environment districts.</i>]</p>	<p>The HPMP has been revised to reflect the latest updates in SHPO consultation concerning the evaluation of cultural resources as of September 2022. Changes in the APE, formal NRHP evaluations, and findings of effect/development of mitigation measures will be consulted on consistent with Table 8-1.</p>
8	<p>From previous draft of HPMP "Further survey and investigation are required to identify NRHP-eligible properties within the areas that are subject to Project effects on private property. This includes the area between Iron Gate Dam and Humbug Creek and around Copco Lake."</p> <p>To reiterate comment previously made on that draft: when is this (further survey and investigation on private property) proposed to occur? This information is needed in order to evaluate significance and assess effects, including cumulative effects..</p>	<p>This survey work and the related determinations of eligibility and findings of effect were submitted to the SHPOs in May 2022 in the Historic Built Environment Technical Report. The Renewal Corporation's consultant, AECOM, will provide the CA SHPO with the requested information from its July 2022 letter concerning the Historic Built Environment Technical Report in October 2022 for review and concurrence.</p>

Number	CA SHPO Comment	Renewal Corporation Response
9	Please clarify whether or not these evaluations were consulted on with stakeholders and concurred or not with SHPO. This applies generally throughout this document.	When eligibility of resources is discussed, the tables and the text of the HPMP have been updated to note the resources status as to whether or not it has received the concurrence of the respective SHPOs or not. Resources listed as “unevaluated” have not received SHPO concurrence.
10	It should be clear that the measures to minimize and mitigate that follow [in Section 5 of the HPMP] would be developed in consultation.	The HPMP has been revised to stipulate that consultation will occur for the effect finding and development of a HPTP. See Table 8-1 in revised HPMP for consultation periods.
11	This doesn’t seem appropriate for a preservation document. It may be the goal of KRRC but "exceeding environmental regulations" is not a goal for Section 106. This is a plan pursuant to Section 106. Remove other "environmental regulations."	The referenced sentence in Section 5.1 has been revised to state that “Implement cost effective protection measures for historic properties that meet regulatory requirements in consultation with the consulting parties.”
12	Indirect effects from altered water flow once the dams are removed has potential to cause effects. Not sure if that is considered in this plan sufficiently.	The May 2022 draft of the Historic Built Environment report includes consideration of effects from increases in water elevation downstream from the Iron Gate Dam.
13	This needs consultation per the PA, it cannot simply be stated to be so. <i>[For the LKP, these impacts will be avoided and minimized by the legal protections offered by state laws that govern management of cultural resources (e.g., PRC Section 21083.2, ORS 358.653), as well as implementation of the HPMP for the duration of the License Surrender process.]</i>	The following text has been added to Section 6.0: “Consultation regarding the effects of the Proposed Action on historic properties are ongoing. The consultation process for effects from the Proposed Action is included in Table 8-1.”
14	The assessment that erosion from periodic drawdowns would be similar to a potential high volume of water released from the drawdown needs additional consideration and discussion with clear evidence in support. [Comment concerning Table in Section 6 “Types of Effects to Archaeological Sites/TCPs”]	Citation added “RD National Reservoir Inundation Study in Section 4.1.1 (Lenihan et al. 1981)”. Text revised to note that these are different types of drawdown effects.

Number	CA SHPO Comment	Renewal Corporation Response
15	Effects is the appropriate term for S106, instead of impacts.	“Impacts” revised to “effects” as appropriate in the document.
16	The Renewal Corporation making determinations is a problem throughout. In addition, the statements that effects would be minimized by enforcement of existing state laws is not a settled matter and needs to be consulted on per the PA. This applies throughout the document.	When referencing the Renewal Corporation’s recommendations to FERC, the HPMP has been revised to note the NRHP and/or effect assessment is a recommendation as opposed to a determination pending additional consultation conducted consistent with Table 8-1.
17	This will require consultation per the PA and possibly resolution through a HPTP that tiers off of this HPMP. [comment concerning how resources identified during the post-drawdown survey will be evaluated, how effects will be assessed, and how adverse effects will be revised.]	The HPMP has been revised throughout to reference the consultation periods in Table 8-1. The HPMP has also been updated to include a discussion of when HPTPs will be prepared and the associated consultation period that would occur. See also Section 8.2.5.
18	The undertaking will have one finding of effect instead of no historic properties affected per resource(s). Recommend stating instead, the Copco Lake recreational residences will not be affected to avoid confusion. Such a finding would however also require consultation per the PA.	The HPMP was revised to note that the recreational residences are not historic properties and would not be affected consistent with the findings of the Historic Built Environment Report and contingent upon consultation with the CA SHPO and consulting parties.
19	This section needs to tier off into Historic Properties Treatment Plans that prescribe avoidance, minimization, and mitigation measures, once historic significance and effects are understood. Listed here are general mitigation options to choose from, the specifics should be consulted on and agreed to in the HPTP. At present, full understanding has not been achieved and in some cases won't be until the project is underway.	Section 7.1 (Treatment Measures – Archaeological) has been revised. These are now recommended treatment measures that will be applied to archaeological resources adversely affected by the undertaking and that would be utilized on a site-by-site basis and applied via an HPTP in consultation with the SHPO and consulting parties consistent with Table 8-1. See also Section 8.2.5.
20	There appears to be no process for determining the who, what, when, where of implementing mitigation measures. Who determines what level of 'appropriate' or 'emergency' etc. that is listed in these proposed mitigation measures?	The Renewal Corporation deleted the emergency clause and adopted a clearer definition of inadvertent discoveries and included Table 8-1 of the HPMP that clearly identifies when consultation occurs for HPTPs, how long review periods will be, and who will be consulted.

Number	CA SHPO Comment	Renewal Corporation Response
	The process for how implementation occurs needs to be a part of either this plan, referenced in the PA, etc.	
21	This needs additional consideration in consultation. Effects to any unevaluated or eligible resource need to be assessed, whether partially avoided or not. Archaeological monitoring is not mitigation per se, it is to ensure avoidance and for post-review discoveries.	The Renewal Corporation will consult with the CA SHPO and consulting parties concerning avoidance measures for all sites in the APE in the upcoming Phase II report for the upland sites. For those sites where avoidance is not possible, an HPTP would be prepared.
22	This measure and all measures to avoid, minimize, mitigate effects to historic properties will need additional consultation. It is unclear whether that is the intent or not.	Section 7.1 (and its subsections) has been revised to state that measures developed for avoidance, minimization, and mitigation will be included in an HPTP in consultation with the consulting parties. The consultation process for the HPTP is noted in Table 8-1.
23	To whom? Saying to the states is so broad that it conveys little information that is relevant to the Section 106 process. This needs clarification	The referenced paragraph is now in Section 7.1.7 and has been updated to clarify how changes in road use and measures to reduce public access in culturally sensitive areas will be implemented at applicable sites. These measures will appear in an HPTP for the applicable sites. The HPTP will be prepared in consultation with the consulting parties consistent with the timelines noted in Table 8-1.
24	Consultation is necessary between FERC, signatories, and consulting parties.	See response to Comment 22.
25	Consultation not coordination. Agency official not Cultural Resources Specialist.	Mitigation measures would be agreed upon consistent with the consultation process for HPTPs as outlined in Table 8-1. Once the HPTP is approved, the CRS would be responsible for implementing the mitigation measures discussed here including fencing, gates, signage, and/or strategic plantings.
26	Sentences like this are so broad that it does not convey what will occur. The use of 'coordination' and 'consultation' also needs clarification, as does 'agencies'.	Section 7 has been revised to be more specific in terms of consultation. See also response to Comment 22.

Number	CA SHPO Comment	Renewal Corporation Response
27	If archaeological sites have been identified where active erosion is likely and methods to address it are known and predicted, it is recommended that those sites be evaluated for historic significance and effects from the measures be assessed and consulted on per the PA, prior to drawdown, with the understanding that they might not be implemented.	Section 7.1.10 was revised to clarify that an “interim” immediate protective response is intended to address erosion effects during drawdown and that long term measures would be developed through preparation of an HPTP in consultation with the consulting parties. Those sites potentially affected by erosion effects will be identified during the post-drawdown survey, evaluated, and effects assessed. HPTPs will be implemented for sites affected by erosion in consultation with the consulting parties.
28	This mitigation measure is an example of a general plan that should be worked out in a Historic Properties Treatment Plan (HPTP) once significance and effects are fully understood as well as the specifics of the research questions and methods to recover the important data. The lack of full understanding of archaeological properties and effects precludes any meaningful consultation to resolve those effects.	Information concerning the development of HPTPs and the associated requirements for consultation has been added to the HPMP in Table 8-1 (consultation process) and Section 8.2.5 (HPTP).
29	In general, these sections [Sections under 7.1] need to be removed or rewritten with a process so that it is clear who all parties, agencies, etc. are, who is on point, what things like ' within the time available" mean (I am unaware of this term in Section 106), etc. It's too vague and will lead to many misunderstandings during implementation.	See response to Comment #28. This section has been revised and updated as noted above.
30	Isn't there a separate plan for this? How are the Tribes and other stakeholders involved?	Comment noted. Section 7.1.13 has been revised to note that the Renewal Corporation will report to the consulting parties within two months of FERC’s LSO of the feasibility of enforcement patrols.
31	Process and timeline for this and other consultations is not currently well defined in the PA. [Section 7.1.14]	The consultation process for this and other forms of mitigation have been updated in Section 7.1.14, Table 8-1, and in Section 9.

Number	CA SHPO Comment	Renewal Corporation Response
32	HABS/HAER as mitigation should be stipulated in the PA.	As opposed to being placed into a PA, the Renewal Corporation has revised Section 7.2 to indicate that HABS/HAER mitigation will be developed in an HPTP in consultation with the consulting parties following adoption of the HPMP.
33	Not sure how adaptive reuse is mitigation? This needs further discussion.	The adaptive reuse plan would be a part of an HPTP prepared in consultation with the consulting parties consistent with the process outlined in Table 8-1. The Plan would support efforts to determine the feasibility of potentially preserving former facilities that are currently recommended as eligible for the NRHP.
34	Mitigation should be based on the actual resources that are adversely effected, and not on themes. This requires more consultation.	Current Section 7.2.2 was drafted to be consistent with the format/organization contained in the Historic Built Environment Technical Report. This section has been revised to read “No transportation resources have been recommended as eligible for the NRHP in the Historic Built Environment Technical Report (AECOM 2022). No mitigation is currently recommended. Consultation with the CA SHPO regarding the NRHP eligibility of transportation-related resources is ongoing.”
35	The Dry Creek Bridge was mentioned in previous drafts as an unevaluated resource. Please clarify the statement that no NRHP eligible transportation resources are present.	This is correct. The May 2022 Historic Built Environment Technical report clarified that this bridge was identified by Caltrans as not eligible. Consultation with the CA SHPO concerning NRHP eligibility is ongoing.
36	Mentioned previously was that historic property identification efforts for private lands was pending. Please clarify this statement.	The private properties mentioned in current Section 6.6 and 7.2.3 have been identified and evaluated in the May 2022 Historic Built Environment Report and recommended as not eligible. Consultation with the CA SHPO concerning NRHP eligibility is ongoing.
37	Unless they are for the purposes of Section 106 of the NHPA, these do not belong in this document?	Section 7.3.1 has been revised to delete much of the previous content. The information has been added to the LVPP since it relates to vandalism/looting concerns.

Number	CA SHPO Comment	Renewal Corporation Response
38	Mitigation in this section should only be for Section 106. Other objectives, etc. should not be in this document as any changes to those other programs will require a change to the document. If an endowment is to be created for the purposes of Section 106, it needs to be better defined, known and clearly understood.	Discussions of the TCR Mitigation Measures developed as a part of the AB 52 consultation process as a part of the California Water Board's Final EIR have been included in this document at the request of FERC. Text has been added to the HPMP to specify that if changes to this state-related mitigation requirement were to change as a part of the state's associated regulatory process, the HPMP would not require changes. The Renewal Corporation would notify the consulting parties of any changes to the state mitigation measures in the Annual Report for informational purposes.
39	Consultation on post-review discoveries should include Indian tribes	This section been moved to 8.2.2. The timelines and parties involved in consultation have been revised to conform to the applicable sections of 36 CFR 800 concerning post-review discoveries, are also included in Table 8-1 of the HPMP. The MIDP contains a more in-depth discussion of procedures for post-review discoveries.
40	Please clarify and edit this statement and section. 800.12 is for emergency actions, 800.13 is for post-review discoveries. This is not an emergency action and 800.12 should not be cited to avoid confusion when the project is being implemented.	Section 8.4 concerning emergency actions has been deleted.
41	Please see earlier comment on erosion. If sites have been identified as likely to be affected by erosion, they need to be evaluated now, and effects from erosion prevention measures or erosion itself should be assessed prior to drawdown.	Sites that can be addressed now are being evaluated now; Current Section 8.2 is intended to refer to unanticipated erosion as a result of the Proposed Action, including at any new sites identified. Some sites are now only partially exposed but due to the lack of SHPO concurrence on these partially inundated sites additional planning will not be feasible until they are exposed. Phased identification, as discussed in Section 9.13, will occur to identify, evaluate, and treat resources (as applicable) consistent with the consultation process in Table 8-1.

Number	CA SHPO Comment	Renewal Corporation Response
42	If proposed actions are anticipated to affect historic properties then evaluate for significance rather than treating as eligible.	Deleted parentheses text “(treated as eligible)” in current Section 8.2 (formerly Section 8.5). Section 8.2 has been extensively revised to address comment. While effects are anticipated at some sites, they are currently submerged and NRHP eligibility cannot be confirmed. Post-drawdown surveys will identify resources (see Section 9.13) and eligibility and effects will be confirmed through the consultation processes in Table 8-1.
43	Please clarify the difference between evaluation and comprehensive evaluation and how the decision is made on level of evaluation.	This text has been deleted.
44	Consultation on post-review discoveries should include Indian tribes	See response to Comment #39.
45	Please clarify and edit this statement and section. 800.12 is for emergency actions, 800.13 is for post-review discoveries. This is not an emergency action and 800.12 should not be cited to avoid confusion when the project is being implemented.	Former Section 8.6 has been deleted and discussions of emergency actions have been removed.
46	This section [originally 8.5 “Subsurface Excavations”] seems somewhat redundant to other sections in the HPMP. Also, why are procedures in the Monitoring and Inadvertent Discovery Plan (MIDP) guiding what seems like routine subsurface testing not during post-review discovery? Guidance on methods also seems to be provided below...	References to MIDP procedures has been deleted from current Section 8.2.7.
47	FERC as lead agency should conduct consultation.	FERC has been added as the lead agency that will conduct consultation during the preparation of HPTPs.
48	Belongs in the PA [Schedule and Reporting – Section 8.5.3]	Section 8.5.3 (as numbered in the prior draft HPMP) has been deleted but the information added to a new Table 9-1 entitled “Implementation Requirements and Schedule.”
49	It's not at all clear whether this entire section (Chapter 8) is for post-review discoveries or not, please clarify.	Section 8.6.2 in the prior draft HPMP has been deleted.

Number	CA SHPO Comment	Renewal Corporation Response
50	Add meet the SOI qualifications.	Section 9.1 has been revised to note that the CRS will meet the qualifications as provided in the MIDP (HPMP Appendix B).
51	Add annual meeting to discuss annual report, during the draft phase might be most appropriate. This and the annual report itself should be stipulations in the PA	The Renewal Corporation added an annual meeting requirement in Section 9.7.
52	Tribes and ACHP are listed below in drafts but not here. Please clarify. [Section 9.7 Annual Meeting and Reporting].	The noted text in current Section 9.7 concerning the ACHP has been deleted because the ACHP has requested to not participate in the Annual Meeting. The Tribes are invited to the Annual Meeting.
53	<p>There appears to be no process for determining the who, what, when, where of implementing mitigation measures. Who determines what level of 'appropriate' or 'emergency' etc. that is listed in these proposed mitigation measures?</p> <p>The process for how implementation occurs needs to be a part of either this plan, referenced in the PA, etc.</p>	Revised Table 9-1 in Section 9.13 contains specifics on consultation, timing, and who would be implementing specific measures. The emergency discussion has been deleted from the HPMP.
<p>Note: The Renewal Corporation has revised the MIDP and LVPP in response to comments from the CA SHPO and the ACHP. In general, these revisions are consistent with the changes in the HPMP and reflect the latest updates concerning consultation protocols.</p>		

September 13, 2022

Ms. Julianne Polanco
California State Historic Preservation Officer
California Office of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, CA 95816

John Pouley
State Archaeologist
Oregon Parks and Recreation Department
Oregon Heritage/State Historic Preservation Office
725 Summer Street NE, Suite C
Salem, OR 97301

**Re: Section 106 Consultation for the surrender of Lower Klamath project
CA SHPO Project No. FERC_2018_0507_001
OR SHPO Project No. 17-1370**

Dear Ms. Polanco and Mr. Pouley,

In its August 15, 2022 letter to the Klamath River Renewal Corporation (Renewal Corporation), the federal Energy Regulatory Commission (FERC) agreed with the Renewal Corporation's recommendations in section 4.3 of the Historic Properties Management Plan (HPMP) to consider the Big Bend Traditional Cultural Property (TCP), Klamath Cultural Riverscape, and the Kikaceki District TCP as **eligible** for listing on the National Register for Historic Properties (NRHP) (FERC 2022). Information pertaining to these properties appears in Chapter 7 of the "NRHP Evaluations and Management Recommendations" of the *Phase II Archaeological Testing and NRHP Evaluation* report (see pages 1094 to 1102). FERC adopted the "findings of effect provided in the Phase II report and the built environment report". FERC submitted these reports to the Oregon and California State Historic Preservation Offices on May 13, 2022 and requested the concurrence of the SHPOs. Following receipt of the HPMP and *Phase II* report, in comments submitted on July 6, 2022, the California State Historic Preservation Office (SHPO) requested that "formal evaluations and concurrence with determinations of eligibility for the NRHP are necessary."

During the meeting held on September 9, 2022, the Cultural Resources Working Group discussed the Big Bend Traditional Cultural Property (TCP), the Klamath Cultural Riverscape, and the Kikaceki District TCP. During this discussion, the tribes, including representatives from the Quartz Valley Indian Community of Quartz Valley Reservation of California, Hoopa Valley Tribe, Klamath Tribe, Yurok Tribe, Shasta Indian Nation, and Karuk Tribe, confirmed that they believe that these TCPs are **eligible** for the NRHP as they apply to their respective cultures and traditions. The significance of these TCPs are discussed and/or summarized in several documents, but most recently in (Deur

2003/2004 (Big Bend); Daniels 2021 (Kikaceki); and King 2004 (Riverscape)). As noted above, this information is distilled and summarized in the Phase II Report and the HPMP.

To ensure that the administrative record is clear on this matter, the Renewal Corporation requests that the Oregon and California SHPOs provide their written agreement with FERC's determinations (and the Renewal Corporation's recommendation) concerning the eligibility of the Big Bend TCP, the Klamath Cultural Riverscape, and the Kikaceki District TCP pursuant to 36 CFR 800.4. The Oregon SHPO's concurrence is requested for the Big Bend TCP and the California SHPO's concurrence is requested for the Klamath Cultural Riverscape and the Kikaceki District TCP consistent with their respective jurisdictions of review.

Thank you again for your continued participation and consultation on this Lower Klamath project.

Sincerely,



Laura Hazlett
Chief Operations Officer & Chief Financial Officer
Klamath River Renewal Corporation

Cc: John Eddins, ACHP
Kevin P. Arnett, USACE
Jared Bottcher, BLM
Kristen Bonanno, USFS
Russell Attebery, Karuk Tribe
Harold Bennett, Quartz Valley Indian Community of Quartz Valley Reservation of California
Delores Pigsley, Confederated Tribes of the Siletz Indians of Oregon
Fawn C. Murphy, Resighini Rancheria
Garth Sundberg, Cher-Ae Heights Indian Community of Trinidad Rancheria
Joe Davis, Hoopa Valley Tribe
Don Gentry, Klamath Tribes
Joseph James, Yurok Tribe
Janice Crowe, Shasta Indian Nation
Roy Hall Jr., Shasta Nation
Brendon Greenaway, California SHPO
Mike McGuirt, California SHPO
Jessica Gabriel, Oregon SHPO
Russ Howison, PacifiCorp

MEMORANDUM

TO: Federal Energy Regulatory Commission

FROM: Klamath River Renewal Corporation

DATE: May 2, 2022

RE: Response to Oregon and California SHPO Comments on February 2021 Draft of HPMP

This memorandum was prepared to address the comments provided by staff from the Oregon and California State Historic Preservation Offices (SHPOs) for the Lower Klamath Project's (FERC Project No. 14803; LKP) Historic Properties Management Plan (HPMP) prepared as a part of the Federal Energy Regulatory Commission's Hydropower License Surrender and Decommissioning process. These letters and the in-text comments were received by FERC on January 13, 2022 (California) and on January 21, 2022 (Oregon).

These comments have been reviewed by the Klamath River Renewal Corporation (Renewal Corporation) and, in general, have been largely adopted in the revised HPMP submitted to the Federal Energy Regulatory Commission (FERC) on April 29, 2022. Rather than proceeding comment by comment, this memorandum provides a thematic review of comments submitted by the SHPOs and how the Renewal Corporation addressed them on a chapter-by-chapter basis.

General Comments

In general, both of the SHPOs had questions regarding the need for more information concerning the National Register of Historic Places (NRHP) eligibility of resources within the undertaking/Proposed Action's Area of Potential Effects (APE). To address this information need, in January 2021, each of the SHPOs received the *Historic Built Environment Technical Report* and concurrent with this letter the Renewal Corporation is submitting the Confidential *Lower Klamath Project Archaeological Phase II Testing and NRHP Evaluation, Siskiyou County, CA and Klamath County, OR* (Phase II Report). Within this report, the Renewal Corporation has included determinations of eligibility for resources investigated during 2021 field investigations and considers the significance of resources under each of the NRHP Criteria. The *Phase II Report* and HPMP also integrate information pertaining to the potential eligibility of Historic Properties of Religious and Cultural Significance to an Indian Tribe (HPRCSIT) and Traditional Cultural Properties (TCPs) and how these, and other historic properties located in the APE have the potential to be directly and indirectly affected by Proposed Action. The *Phase II Report* includes management recommendations for NRHP-eligible resources and the HPMP includes measures for managing historic properties during implementation of the Proposed Action.

In addition to that document, the Renewal Corporation is providing a revised *Historic Built Environment Technical Report* to address the comments received from the Oregon SHPO concerning information about the J.C. Boyle Hydroelectric Development Historic District, the integration of recreational areas into the evaluation of the district, the need for latitude/longitude to be entered, and the need for additional photographs to be added to the Oregon SHPO database. The report also provides updated NRHP-eligibility and project effects analysis for resources located in California for the review and concurrence of the California SHPO.

Key Definitions

APE

The Renewal Corporation has provided clarifications in the HPMP, Phase II Report, and Built Environment Report regarding the differences between the Area of Direct Impact (ADI), FERC Project Boundary, Project Limits of Work (LOW), Undertaking, and the APE. Maps of the APE have been provided in the HPMP, Phase II Report, and Built Environment Report. The APE for the Proposed Action received the concurrence of the Oregon and California SHPOs in 2018.

Chapter 1: Overview and Executive Summary

Use of an HPMP for hydroelectric decommissioning projects (as opposed to licensing)

FERC has required that the Renewal Corporation prepare an HPMP for this Project and the Renewal Corporation has complied with that requirement. The implementation of the HPMP is contingent upon the completion of an associated Section 106 Programmatic Agreement developed by FERC in consultation with the ACHP, SHPOs, Tribes, federal land managers, Renewal Corporation, and other consulting parties.

State laws and regulations listed in the HPMP

Under FERC's HPMP guidance (2002), HPMP's should contain state law requirements for the treatment of human remains and under Principle 9, FERC notes that the HPMP "should consider other federal, state, and local laws and regulations that provide authority for its implementation and may affect its scope." The Renewal Corporation has included a section on the statutory and regulatory context to address FERC's guidance.

The HPMP's Relationship with the Programmatic Agreement

The Renewal Corporation followed the 2002 FERC HPMP guidance and included timelines for consultation, duration of the undertaking, and proposed changes to the APE. If components of the HPMP, such as these, are integrated into the text of the Programmatic Agreement, the requirement in the PA should be coordinated with the contents in the HPMP.

Other comments centered on clarifying the nature of consultation with Tribes over the course of the project. FERC has held several government-to-government meetings with Indian Tribes over the course of project consideration. The Renewal Corporation has held several meetings Indian Tribes over the course of the project, principally through a series of Cultural Resource Working Group Meetings that occurred between 2017 and 2019 and via email and phone from 2020-present which has helped to inform the Renewal Corporation's documentation of cultural resources. These outreach efforts have been used to support FERC's Section 106 tribal consultation process.

Chapter 2: Background Information

Transfer of Parcel B Lands

In Section 3.10.3.1 of the February 2022 Draft Environmental Impact Statement, FERC has provided additional information regarding the implications of its withdrawal of jurisdiction over cultural resources located within the FERC Project Boundary.

Chapter 3: Identification of Historic Properties

Repetition and Consistency

The Renewal Corporation has made a good faith effort to reduce the level of repetition and to ensure consistency across Section 106 consultation submittals to the SHPOs particularly when discussing the APE, the eligibility of resources, and potential project effects. Maps of the APE are provided in the Appendices of the HPMP. The HPMP has also been revised to clarify the role overlapping federal jurisdiction plays in the management of historic properties within the APE.

Determinations of Eligibility

The Renewal Corporation has provided determinations of eligibility in the Phase II Report and the Built Environment Report for review and concurrence of the Oregon and California SHPOs. The Oregon SHPO concurred with the eligibility determinations for Built Environment Resources located in Oregon on January 21, 2022. In an April 15, 2022 letter to FERC, the California SHPO has noted that “it appears that efforts to identify built environment resources that would qualify for inclusion in the National Register of Historic Places are reasonable and that the National Register criteria at 36 CFR Part 63 were applied appropriately.” Additional detail in the HPMP has been provided as to the process for determinations of eligibility.

Indirect Effects

The Phase II Report, Built Environment Report, and the HPMP contain more details about the potential for indirect effects and has included renderings of the existing condition and the desired condition. It has also updated discussions concerning the potential for indirect effects to resources including archaeological resources, cultural landscapes, Historic Properties of Religious and Cultural Significance to Indian Tribes (HPRCSIT), archaeological districts, and built environment resources.

Archaeological Inventory, Effects to Archaeological Resources, and Resolution of Adverse Effects

The HPMP has been updated with information contained in the Phase II Report regarding the eligibility of archaeological resources, potential effects from the Proposed Action, and measures to avoid, minimize, and treat adverse effects to historic properties. The HPMP would be implemented once the PA is completed and ratified by the Signatory Parties.

CRHR

Inappropriate references to the California Register of Historical Resources have been removed from the HPMP.

Built Environment

The Built Environment Report and HPMP have been updated with information obtained for built environment resources in the APE located on private property in the Copco Lake area and downriver of the Iron Gate Dam. Determinations of eligibility have been presented in the Built Environment Report for these resources and the HPMP has been updated accordingly. No additional architectural survey is now required. Information pertaining to Dry Creek Bridge has also been obtained to revise its NRHP status from eligible to not eligible following the receipt of information from the California Department of Transportation.

Chapter 4: Historic Properties

Tables that contain information pertaining to NRHP eligibility status in the HPMP have been updated with recommended NRHP determinations for built environment and archaeological resources. As noted above additional information pertaining to the eligibility status of TCPs/HPRCSITs also have been added to the HPMP and discussed in the Phase II Report. Determinations of eligibility for archaeological and built environment resources are pending SHPO concurrence.

Chapter 5: Preservation Goals

As required by FERC's 2002 HPMP guidance concerning Preservation Goals, this section outlines the Renewal Corporation's overarching goals for managing historic properties as the Proposed Action is implemented.

Additional information has been included in the Built Environment section that identifies which specific buildings will likely be retained. Some of these building may retain sufficient integrity to retain eligibility for the NRHP following the removal of the hydroelectric facilities.

Chapter 6: Project Effects

The HPMP, Phase II Report, and Built Environment Report have been revised to include information pertaining potential types of effects that may affect their historic integrity and thus their ability to convey their significance. This includes a broader range of effects than previously included in the HPMP and the Built Environment Report including effects triggered from FERC's withdrawal of jurisdiction from the FERC Project Boundary.

Chapter 7: Mitigation and Management Measures

The table in Chapter 7 that discusses "Archaeological Treatment Measures" has been revised to address comments from the California SHPO including those pertaining to sediment capping and the need to identify the historic characteristics of a site prior to implementing treatment measures. The information contained in the Phase II report provides additional detail on the significance of archaeological resources that have the potential to be affected by the Proposed Action. Additional detail has been provided in several instances to provide additional justification for the proposed avoidance, minimization, or treatment measure including for construction/condition/tribal monitoring, archival research, emergency data recovery, alternative mitigation, HABS/HAER/HALS recordation, and adaptive reuse plan for built environment resources.

The HPMP's proposal for a marketing plan has been revised and this measure is now replaced with an adaptive reuse plan for built environment historic properties that may remain following demolition activities. Additional clarifications have been added for the interpretation plan as well.

Chapter 8: Provisions for Additional Survey, Monitoring, Inadvertent Discoveries, Treatment of Human Remains

This section has been revised to address comments concerning construction monitoring and appropriateness of measures and processes to address inadvertent discoveries, treatment of human remains, and effects from reservoir drawdown. The sections refer to details provided in two subplans: the Monitoring and Inadvertent Discoveries Plan (MIDP) and Looting and Vandalism Prevention Plan

(LVPP). The section on Confidentiality has been revised to address comments concerning how to provide sufficient information for decision making while balancing the protection of the affected resource. Additional details regarding the curation of artifacts and documents have been added and takes into account concerns of several Tribes and the SHPOs.

Chapter 9: Implementation Procedures

Chapter 9 is now Implementation Procedures; the previous version chapter of “Other Programs” has been integrated into Chapter 7, as “Treatment Measures – Other Programs” to address California SHPO comments. Additional information has been added to Chapter 9 to clarify implementation procedures. The California SHPO comments concern the placement of such procedures in the agreement document rather than the HPMP. The Renewal Corporation retained the implementation procedures in the HPMP to be consistent with FERC 2002 HPMP guidance.

Ranzetta, Kirk

From: Ranzetta, Kirk
Sent: Tuesday, April 26, 2022 1:05 PM
To: Ranzetta, Kirk
Subject: FW: Lower Klamath Project Phase II Study and HPMP
Attachments: Klamath Revised HPMP_v2_20210211.pdf; Klamath Dam Phase II Research Design_nonredacted_Finalized_05.19.21.pdf

From: Kelly, Mike S (Portland)
Sent: Wednesday, May 19, 2021 6:45 PM
To: 'Brendon.Greenaway@parks.ca.gov' <Brendon.Greenaway@parks.ca.gov>; POULEY John * OPRD <John.Pouley@oregon.gov>; Goetz, Jeanne M -FS <jeanne.goetz@usda.gov>; Eric Ritter <eritter@blm.gov>; Sara Boyko <sboyko@blm.gov>; 'L.K.Sirkin@usace.army.mil' <L.K.Sirkin@usace.army.mil>; sarafina.s.maraschino@usace.army.mil; Richard Roos-Collins <rrcollins@waterpowerlaw.com>; Mark Bransom (mark@klamathrenewal.org) <mark@klamathrenewal.org>; Laura Zagar (LZagar@perkinscoie.com) (LZagar@perkinscoie.com) <LZagar@perkinscoie.com>
Subject: Lower Klamath Project Phase II Study and HPMP

Lower Klamath Project CRWG Members,

KRRC is moving forward with the license surrender process for removal of the Lower Klamath Project dams. In February 2021, KRRC submitted a package of 16 management plans (plus 28 sub-plans) to the Federal Energy Regulatory Commission (FERC) in conjunction with the amended license surrender application (November 2020). KRRC included the Historic Properties Management Plan (HPMP), plus sub-plans (Looting and Vandalism Prevention Plan and Monitoring and Inadvertent Discovery Plan), which have been discussed and reviewed during our CRWG meetings. A copy of the HPMP is attached for your reference. (Hard and/or electronically filed copies of these documents will be provided to the SHPOs as appropriate).

KRRC will implement Phase II testing of archaeological sites potentially affected by preconstruction, dam removal, and restoration efforts. Attached is the final confidential (non-redacted) version Phase II evaluation plan for the Lower Klamath Project, which has undergone only minor modifications since our CRWG meetings in late 2019. Under separate cover, KRRC will provide a redacted version to the affected tribes. As agreed to during our discussions, field methods have been minimized to reduce impacts to archaeological sites. KRRC will initiate implementation of this plan in June 2021, with an anticipated fieldwork start date of June 21, 2021. All fieldwork will be monitored by Klamath Tribes and Shasta Indian Nation monitors under contract to KRRC.

KRRC is also in the process of responding to additional information requests (AIRs) received from FERC. This confirms that FERC has formally engaged in project review. FERC, along with the US Army Corps of Engineers and the states of California and Oregon, is also in the process of initiating formal consultation with affected tribes under NHPA section 106. One question raised in the AIR focused on the status of tribal review of ethnographic context statements for inclusion in project documents, as well as the status of Traditional Cultural Property (TCP) identification and nomination. While we have received comments from several tribes on several of the draft ethnographic context statements circulated during the 2018-2019 CRWG meetings, not all tribes have approved their respective context statements. We have offered to recirculate those statements for review to facilitate additional revisions or modifications. With respect to identification of TCPs, we have requested that tribes revisit the TCP documents prepared for PacifiCorp's 2006 relicensing efforts, update those as necessary, and move forward with recommendations. KRRC and AECOM have offered to assist with that process if desired.

Please let me know if you have any questions. Thank you, and we look forward to working with you.

Mike

Michael S. Kelly, RPA

Associate Vice President and Principal Archaeologist

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Direct: 1-971-323-6306 Cell: 1-503-475-2426

AECOM

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Fax: 1-503-222-4292

www.aecom.com

Please note new telephone number.

Ranzetta, Kirk

From: Ranzetta, Kirk
Sent: Tuesday, April 26, 2022 1:10 PM
To: Ranzetta, Kirk
Subject: FW: OR SHPO Case No. 17-1370: Lower Klamath Project

From: Butler, Stephanie
Sent: Tuesday, May 25, 2021 2:40 PM
To: ORSHPO.Clearance@Oregon.gov
Cc: Kelly, Mike S (Portland) <mike.s.kelly@aecom.com>
Subject: OR SHPO Case No. 17-1370: Lower Klamath Project

Hello,

Please find attached the following files for the Lower Klamath Project (SHPO # 17-1370):

1. OR SHPO Submittal Form
2. Final Phase II Archaeological Research Design and Testing Plan
3. Historic Properties Management Plan

Thank you,

Stephanie Butler, RPA
Senior Archaeologist/Project Manager
Direct 1-503-478-2767
stephanie.butler@aecom.com

AECOM
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FEDERAL ENERGY REGULATORY COMMISSION
Washington, D. C. 20426

OFFICE OF ENERGY PROJECTS

Project No. 14803-001—Oregon and
California
Lower Klamath Project
PacifiCorp

September 28, 2021

Via USPS First-Class Mail

Ms. Julianne Polanco
California State Historic Preservation Officer
California Office of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, CA 95816

Via USPS First-Class Mail and email

Ms. Christine Curran
Deputy State Historic Preservation Officer
Oregon Parks and Recreation Department
Oregon Heritage/State Historic Preservation Office
725 Summer Street NE, Suite C
Salem, OR 97301
ORSHPO.Clearance@oregon.gov

Subject: Draft Historic Properties Management Plan: Request for Comments and Update

Dear Ms. Polanco and Ms. Curran:

We are providing for your review the draft Historic Properties Management Plan (HPMP) filed by the Klamath River Renewal Corporation (Renewal Corporation) on February 26, 2021, and supplemented on May 20, 2021, for the Lower Klamath Hydroelectric Project No. 14803. The project is located on the Klamath River in Klamath County, Oregon, and Siskiyou County, California.

As discussed below, we seek comments from the Oregon and California SHPOs on the draft HPMP; direct the Renewal Corporation to provide the Commission with additional information; and direct the Renewal Corporation to provide the Oregon and

Project No. 14803-001

- 2 -

California SHPOs with certain privileged material. Lastly, we invite parties with an interest in the project's historic, cultural, and tribal resources to file comments on the draft HPMP with the Commission.

Background

On November 17, 2020,¹ PacifiCorp and the Renewal Corporation jointly filed an amended application for surrender of the Lower Klamath Project license and removal of project works within four developments: J.C. Boyle, Copco No. 1, Copco No. 2, and Iron Gate.

On June 17, 2021, the Commission issued its notice of intent to prepare an Environmental Impact Statement, requested comments, provided a schedule for environmental review, and provided notice of virtual scoping sessions that were held in July 2021. The comment period for scoping ended August 19, 2021.

Also on June 17, 2021, the Commission approved a transfer of license for the Lower Klamath Project from PacifiCorp to the Renewable Corporation and the States of Oregon and California, as co-licensees.² The June 17 order provides these entities an extended period of time, until 30 days following any Commission order on the surrender application, to accept the license transfer and co-licensee status. Until then, PacifiCorp remains the licensee while the Commission considers the surrender application.

National Historic Preservation Act

Section 106 of the National Historic Preservation Act (NHPA) requires that the Commission take into account the effects of its actions on historic properties and afford the Advisory Council on Historic Preservation (Advisory Council) a reasonable opportunity to comment on the undertaking. Historic properties are those that are listed or eligible for listing on the National Register of Historic Places (National Register). Section 106 also requires that the Commission seek concurrence with the state historic preservation office (SHPO) on any finding involving effects or no effects on historic properties, and consult with interested Indian tribes or Native Hawaiian organizations that attach religious or cultural significance to historic properties that may be affected by an undertaking.

¹ The November 17, 2020 amended surrender application was supplemented on February 26, March 22, May 20, and August 12, 2021. The original application for surrender of license was filed on September 23, 2016, with a number of supplements following the initial filing.

² *PacifiCorp*, 175 FERC ¶ 61,236 (2021). See also, 176 FERC 61,202 (2021).

Draft HPMP

The draft HPMP defines the Area of Potential Effect (APE), provides background on the project, identifies historic properties (both archaeological and built environment), discusses the types of effects that may be expected, proposes mitigation and management measures for adverse effects pursuant to 36 C.F.R. 800.5, includes provisions for additional monitoring (e.g., monitoring post-drawdown and during construction), and describes implementation procedures that include, but are not limited to, staff training, reporting, and ongoing consultation with the Cultural Resources Working Group (CRWG). The draft HPMP also includes a monitoring and inadvertent discovery plan, as well as a looting and vandalism prevention plan.

Findings of Preliminary Review

While the results of the Phase II studies are not yet available, the draft HPMP was prepared in accordance with the Advisory Council and the Commission's joint document, *Guidelines for the Development of Historic Properties Management Plans for FERC Hydroelectric Projects* (2002), with placeholders for the pending information. We also recognize the Renewal Corporation's ongoing consultation with tribes regarding the treatment of Traditional Cultural Properties (TCPs) and the proposed cultural riverscape (i.e., ethnographic studies).

In our April 26, 2021 letter to the Renewal Corporation, we requested specific information regarding the draft HPMP and the ongoing consultation and studies including:

- an update on consultations with the Oregon and California SHPOs regarding the recommendations for National Register eligibility for resources located within the APE;
- confirmation on whether the draft HPMP filed on February 26, 2021, was reviewed by the Oregon and California SHPOs;
- revisions to Table 3-4 of the draft HPMP to include more detailed information on archaeological sites at the project and their locations relative to the APE, the project boundary, the Area of Direct Impact/Limits of Work (ADI/LOW), and Parcel B lands;
- descriptions of any preservation/management measures for all sites that are located within the current project boundary, including but not limited to, Parcel B lands that would ultimately be transferred to non-federal ownership/oversight;
- descriptions of any additional consultation completed by the Renewal Corporation in 2021 (including tribal consultation on the ethnographic summary; identification of proposed treatment measures for TCPs; completion of Phase II archaeological studies; and identification of project effects on eligible resources); and

- a detailed schedule for completion of the following tasks: (1) continued consultation with participating tribes on the ethnographic summary; (2) identification of proposed treatment measures for TCPs; (3) completion of Phase II archaeological studies; and (4) identification of project effects on eligible resources, to include a proposed schedule for any outstanding SHPO and tribal consultation.

In its response filed May 20, 2021, the Renewal Corporation stated that it had not requested formal review of the draft HPMP by the Oregon and California SHPOs, and that it understood the Oregon and California SHPOs would provide formal review only after the Commission initiates consultation with them under section 106 of the NHPA.

Regarding eligibility determinations and the identification of project-related effects (including but not limited to the transfer of Parcel B lands from federal jurisdiction), the Renewal Corporation indicated that those determinations are dependent on completion of the Phase II studies and that additional consultation on those determinations would be necessary. As requested, the Renewal Corporation provided a revised Table 3-4,³ as well as maps of all archaeological sites at the project in relation to the ADI/LOW, identifying whether those sites were subject to continued Phase II archaeological investigations.⁴

Lastly regarding the schedule, the Renewal Corporation indicated that consultation with the tribes regarding the ethnographic summary and TCPs would occur from May-July 2021, Phase II studies would be complete by June 2021, and identification of project effects on eligible resources would be ongoing from June 2021-February 2022. The Renewal Corporation did not identify when the results of these studies and ongoing consultation would be filed with the Commission.

Discussion

On December 10, 2016, the Commission designated the Renewal Corporation as its non-federal representative for gathering information and consulting with the Oregon and California SHPOs pursuant to section 106 of the NHPA and the Advisory Council's regulations at 36 C.F.R. 800.2(c)(4); however, the Commission remains ultimately responsible for making the necessary determinations and ensuring that appropriate consultation has been conducted. At this time, we acknowledge the Renewal Corporation's desire to have Commission staff now take the lead on the review of the draft HPMP to continue fulfilling our responsibilities under section 106 of the NHPA.

³ Attachment 3 of the May 20, 2021 filing, which supersedes Table 3-4 of the February 26, 2021 filing.

⁴ The maps were identified as privileged information.

Project No. 14803-001

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Commission staff expects that the pending Phase II studies will provide recommendations of the National Register eligibility of identified cultural resources in accordance with section 106 of the NHPA and its implementing regulations found at 36 C.F.R. 800.4(b). Commission staff further expects that the report on the studies will find that some historic properties would experience adverse effects in accordance with 36 C.F.R. 800.5(a). According to its May 20, 2021 filing, the Renewal Corporation intends to continue to work with the Oregon and California SHPOs to finalize the eligibility determinations once the Phase II studies are complete.

Thus, we anticipate the Renewal Corporation will file a supplement to the HPMP that includes an update on this ongoing consultation regarding National Register eligible resources, as well as specific measures to resolve any adverse effects in accordance with 36 C.F.R. 800.6.

As proposed, the HPMP would be implemented in accordance with an executed agreement document. The Renewal Corporation filed with the Commission a draft Memorandum of Agreement (MOA) on March 22, 2021, which remains under Commission staff review.

By copy of this letter, we are directing the Renewal Corporation to file with the Commission by November 30, 2021, an update on the status of the ongoing consultation regarding the Phase II studies, as well as the ongoing consultation with the tribes regarding the treatment of TCPs and the ethnographic studies. In this filing we also request that the Renewal Corporation provide the Commission with specific contact information (e.g., name, address, email) for each member of the CRWG.⁵ Commission staff expects to use this contact information as we continue to review the draft the MOA. Finally, we direct the Renewal Corporation to assist the Oregon and California SHPOs in their review of the February 26, 2021 draft HPMP and the May 20, 2021 supplement by providing them with the privileged material filed on May 21, 2021.

Concurrently, to help us move forward with our responsibilities under section 106, we respectfully request the Oregon and California SHPOs' comments and concurrence on the draft HPMP and the general measures it contains, with the caveat that it would be updated to include the information discussed above.

A copy of the draft HPMP, filed on February 26, 2021 (the draft HPMP is Exhibit F of the filing) and the supplement filed on May 20, 2021 (which includes an update to Table 3-4), can be accessed using the links below:

⁵ A partial list of members was included in Appendix E of the draft HPMP.

Project No. 14803-001

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https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20210226-5093&optimized=false

https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20210520-5129&optimized=false

We request that any comments on the draft HPMP be filed within 45 days of the date of this letter. The Commission strongly encourages electronic filing. Please file the requested information using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P-14803-001.

Thank you for your cooperation. If you have any questions regarding this matter, please contact Jennifer Polardino at (202) 502-6437 or Jennifer.polardino@ferc.gov, or Diana Shannon at (202) 502-6136 or Diana.shannon@ferc.gov.

Sincerely,



Kim A. Nguyen, Chief
Environmental and Project Review Branch
Division of Hydropower Administration
and Compliance

cc:

Via Electronic Mail

Mr. Markham Quehm, Attorney
Perkins Coie LLP
MQuehm@perkinscoie.com

Document Content(s)

P-14803-001_HPMP Letter_9_28_21.pdf.....1

**DEPARTMENT OF PARKS AND RECREATION
OFFICE OF HISTORIC PRESERVATION**

Armando Quintero, Director

Julianne Polanco, State Historic Preservation Officer

1725 23rd Street, Suite 100, Sacramento, CA 95816-7100

Telephone: (916) 445-7000 FAX: (916) 445-7053

calshpo.ohp@parks.ca.gov www.ohp.parks.ca.gov

November 17, 2021

VIA EMAIL/FERC e-file (P-14803-001)

In reply refer to: FERC_2018_0507_001

Ms. Kim A. Nguyen, Chief
Environmental and Project Review Branch
Division of Hydropower Administration and Compliance
Federal Energy Regulatory Commission
Washington, D.C. 20426

RE: Lower Klamath Project

Dear Ms. Ngyuen,

The California State Historic Preservation Officer (SHPO) received your consultation letter dated September 28, 2021, pursuant to Section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. § 300101), as amended, and its implementing regulation, 36 CFR § 800.

Along with its letter, the Federal Energy Regulatory Commission provided a draft of the following document for a 45-day review period:

- *Lower Klamath Project Historic Properties Management Plan (HPMP)* (Klamath River Renewal Corporation, February 2021)

The draft HPMP defines the Area of Potential Effects, provides background on the project and historic properties that may be expected to be present, and proposes mitigation and management measures for them.

Your September 28th letter also notes that the results of Phase II studies that identify and evaluate cultural resources for their historic significance and listing in the National Register of Historic Places (NRHP) are not yet available.

It is critical to the development of pertinent treatment measures to understand whether and exactly why cultural resources that may be damaged by the proposed undertaking are historically significant. This information informs our understanding of what values may be lost as a result of the potential damage to each resource and helps develop treatment measures that target and mitigate the specific resource values that are threatened. Once the Phase II studies are complete, findings have been reviewed and commented on by consulting parties, and formal National Register of Historic Places

Ms. Kim A. Nguyen, Chief

FERC_2018_0507_001

November 17, 2021

Page 2 of 2

eligibility determinations have been made for each resource, please provide this information so that I would be able to conclude comments on your efforts, pursuant to 36 CFR § 800.4(c)(2), to evaluate the historical significance of the subject resources.

If you have any questions or concerns, please contact Associate State Archaeologist Brendon Greenaway at Brendon.Greenaway@parks.ca.gov.

Sincerely,

A handwritten signature in blue ink, consisting of a stylized 'J' followed by a horizontal line extending to the right.

Julianne Polanco
State Historic Preservation Officer

Electronic cc: Jennifer Polardino, Federal Energy Regulatory Commission

Document Content(s)

CA SHPO FERC P 14803 001.pdf.....1

**FEDERAL ENERGY REGULATORY COMMISSION
E-mail Log**

DATE: November 23, 2021

FROM: Jennifer Polardino
Office of Energy Projects, DHAC

TO: Public files for the Lower Klamath Hydroelectric Project (FERC No. 14803-001)

SUBJECT: Correspondence from the Oregon State Historic Preservation Office regarding comments for the draft Historic Properties Management Plan for the Lower Klamath Hydroelectric Project No. 14803

On November 10, 2021, Jennifer Polardino of the Commission's staff received comments from the Oregon State Historic Preservation Office regarding the draft Historic Properties Management Plan for the Lower Klamath Hydroelectric Project No. 14803. We request the attached document be included in the project record for p-14803-001.



Oregon
Kate Brown, Governor

Parks and Recreation Department
State Historic Preservation Office
725 Summer St NE Ste C
Salem, OR 97301-1266
Phone (503) 986-0690
Fax (503) 986-0793
www.oregonheritage.org



November 10, 2021

Kim Nguyen, Chief
Federal Energy Regulatory Commission
888 First St NE
Washington, DC 20426

RE: SHPO Case No. 17-1370
FERC 14803, KRRC LOWER KLAMATH PROJECT
Removal of dams Oregon and California
Multiple locations, Klamath County

Dear Kim:

Oregon SHPO prefers to review the draft HPMP and MOA simultaneously. If consultation with tribes regarding historic properties of religious and cultural significance and traditional cultural properties is ongoing, and information on eligibility is still being gathered, the draft HPMP seems somewhat premature. That being said, reviewing it and the applicable MOA at the same time would seemingly be a better use of time since more would be known regarding historic properties and effects as they relate to the undertaking.

Additional consultation regarding this case must be sent through Go Digital. In order to help us track the undertaking accurately, reference the SHPO case number above in all correspondence.

Sincerely,

A handwritten signature in cursive script that reads "John D. Pouley".

John Pouley, M.A., RPA
State Archaeologist
(503) 480-9164
john.pouley@oregon.gov

cc: Jennifer Polardino, Federal Energy Regulatory Commission

Document Content(s)

p-14803-001-memo.pdf.....1
SHPO Response Letter Case Nbr SHPO Case No._ 17-1370.pdf2



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PerkinsCoie.com

November 29, 2021

Kimberly D. Bose
Secretary, Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

Re: Response to Request for Additional Information on Status of Draft Historic Properties Management Plan, FERC Nos. 14803-001, 2082-063

Dear Secretary Bose:

On September 28, 2021,¹ Commission staff provided the California Office of Historic Preservation (CA SHPO) and the Oregon Heritage/State Historic Preservation Office (OR SHPO) the draft Historic Properties Management Plan (HPMP) for the Lower Klamath Hydroelectric Project No. 14803. Commission staff also directed the Klamath River Renewal Corporation (Renewal Corporation) to provide additional information regarding the status of Phase II studies and ongoing consultations with the tribes. The Renewal Corporation now provides the following information in response to Commission staff's September 28, 2021 letter.

Status of Phase II studies:

The data collected from Phase II studies are sufficient for analysis of project-related effects and conditional eligibility determinations. Through its consultant, AECOM, Renewal Corporation initiated Phase II field investigations in July 2021. It suspended this work due to intense heat, smoke, and wildfire danger in the project area that led to hazardous working conditions for outdoor field staff. Fieldwork resumed in October 2021 and was completed on November 23, 2021. Crews collected as much data as conditions allowed. Some sites remain fully or partially inundated, as PacifiCorp is maintaining reservoirs at peak heights due to drought conditions. Field investigations will be reinitiated in the spring field season if and as needed.

Consultation with the tribes regarding the treatment of TCPs and the ethnographic studies:

The Renewal Corporation has been engaged in informal consultation with the tribes on ethnographic context statements since 2018. The Renewal Corporation provided a complete

¹ Letter from Kim A. Nguyen, Chief, Environmental and Project Review Branch, FERC Division of Hydropower Administration and Compliance to Ms. Julianne Polanco California State Historic Preservation Officer, California Office of Historic Preservation and to Ms. Christine Curran Deputy State Historic Preservation Officer, Oregon Parks and Recreation Department Oregon Heritage/State Historic Preservation Office (September 28, 2021), FERC accession no. 21210929-3942.

Kimberly D. Bose
November 29, 2021
Page 2

consultation record with the Renewal Corporation's *Response to April 26, 2021 Additional Information Request*² (April 2021 AIR Response). The Renewal Corporation has received no further comments and the ethnographic information collected to date will be incorporated into the Phase II Report.

Tribal consultation on Traditional Cultural Properties (TCPs) is summarized in the consultation record provided with the April 2021 AIR Response. A summary was also included in the Draft HPMP. The Renewal Corporation has received no further comments on TCPs.

If the Renewal Corporation receives any further information from the tribes regarding TCPs or the ethnographic studies, the Renewal Corporation will include this information in the consultation record and, as appropriate, update the HPMP. The tribes may elect to provide further direction on these matters in formal government-to-government consultations with FERC. If the Renewal Corporation can provide Commission staff any further information or support ongoing consultation with respect to these matters, please let us know.

Steps taken to assist the CA SHPO and the OR SHPO:

On May 19, 2021, the Renewal Corporation provided the draft HPMP, the Phase II Research Plan and all the privileged material filed with the April 2021 AIR Response to the CA SHPO and to the OR SHPO.

On October 13, 2021, the Renewal Corporation contacted the OR SHPO and the CA SHPOs offering to host "question and answer" sessions regarding studies conducted for the license surrender application, including the draft HPMP and Phase II testing plan. The CA SHPO acknowledged receipt of this invitation. Emails and/or calls were directed to the CA SHPO and OR SHPO on November 2, 2021 regarding comments to be submitted to FERC on the HPMP by November 12, 2021.

On November 10, 2021, the OR SHPO filed comments on the draft HPMP.³ The CA SHPO filed comments on November 18, 2021.⁴ In response to these comments, the Renewal Corporation provided the OR SHPO and the CA SHPOs with copies of the draft Memorandum of Agreement, as previously filed with the Commission on March 22, 2021.⁵

Contact information for the Cultural Resources Working Group:

Contact information for each member of the Cultural Resources Working Group is provided below.

² FERC accession no. 20210520-5129 (public); FERC accession no. 20210520-5130 (privileged).

³ FERC staff included these comments in the record of this proceeding on November 23, 2021. FERC accession no. 20211123-3020.

⁴ FERC accession no. 20211118-5016.

⁵ FERC accession no. 20210322-5335.

Kimberly D. Bose
November 29, 2021
Page 3

State and Federal Agencies:

John Pouley, State Archaeologist	OR SHPO	John.Pouley@oregon.gov	503-480-9164	725 Summer St. NE, Suite C, Salem, OR 97301
Julianne Polanco, State Historic Preservation Officer	CA SHPO	Julianne.Polanco@parks.ca.gov	916-445-7000	1725 23rd St., Suite 100, Sacramento, CA 95816
Sara Boyko, Archaeologist	BLM, Klamath Falls Field Office	sboyko@blm.gov	541-885-4114	2795 Anderson Avenue, Building 25, Klamath Falls, OR 97603
Eric Ritter, Archaeologist	BLM, Redding Field Office	eritter@blm.gov	530-224-2131	6640 Lockheed Drive, Redding, CA 96002
Jeanne Goetz	USFS, Klamath National Forest	jgoetz@fs.fed.us	530-841-4488	1711 South Main Street, Yreka, CA 96097

Tribes:

TRIBE	CONTACT/TITLE	E-MAIL ADDRESS	Phone Number	Address
Cher' Ae' Heights of the Trinidad Rancheria	Rachel Sundberg Tribal Historic Preservation Officer	rsundberg@trinidadrancheria.com	707-677-0211	P.O. Box 630, Trinidad, CA 95570

Kimberly D. Bose
November 29, 2021
Page 4

Hoop Valley Tribe	Keduesha Lara-Colegrove Tribal Historic Preservation Officer	hvt.thpo@gmail.com	530-625-4284, ext.112	P.O. Box 1348 Hoopa, CA 95546
Karuk Tribe	Alex Watts-Tobin Tribal Historic Preservation Officer	atobin@karuk.us	530-627-3446, ext. 3015	39051 Hwy 96, P. O. Box 282, Orleans, CA 95556
Klamath Tribes	Perry Chocktoot Tribal Historic Preservation Office	Perry.chocktoot@klamathtribes.com	541.783.2764 ext. 107	P.O. Box 436, Chiloquin, OR 97624
Modoc Nation	Blake Follis Environmental Director	Blake.follis@gmail.com	918.724.2335	22 North Eight Tribes Trail, Miami, OK 74354
Quartz Valley Indian Reservation	Crystal Robinson Environmental Director	Crystal.robinson@qvir-nsn.gov	530-468-5907 ext. 318	13601 Quartz Valley Road, Fort Jones, CA 96031
Resighini Rancheria	Megan Van Pelt Executive Director	meganvanpelt@resighinirancheria.com	707-954-1173	P.O. Box 529 Klamath, CA 95548
Shasta Indian Nation	Janice Crowe Chairwoman	Twocrowes63@att.net	530-244-2742	19349 Kinene Court, Redding, CA 96003
Shasta Nation	Roy Hall Jr. Chief	shastanation@hotmail.com	530-468-2314	P.O. Box 1054, Yreka, CA 96097
Yurok Tribe	Rosie Clayburn Tribal Heritage Preservation Officer	rclayburn@yuroktribe.nsn.us	707-482-1350 ext. 1309	PO Box 1027 Klamath, CA 95548

Kimberly D. Bose
November 29, 2021
Page 5

Plan and schedule to finalize the HPMP:

The Renewal Corporation will provide a Draft Historic Built Environment Technical Report to the CA SHPO and to the OR SHPO on before December 10, 2021. The Renewal Corporation will use the information contained in this report, together with any comments received from the SHPOs, to update the HPMP. The Renewal Corporation will file the Draft Historic Built Environment Technical Report with Commission staff as part of the consultation record.

The Renewal Corporation will use the results of Phase II studies and any further input received from the tribes or the SHPOs to update the HPMP. The Renewal Corporation will file this information with Commission staff as part of the consultation record. The Renewal Corporation will provide Commission staff with a final HPMP on or before March 31, 2022.

Please let us know if there is any other information or documentation we can provide in connection with this matter. Thank you.

Respectfully submitted,

s/ Markham A. Quehrn

Markham A. Quehrn
Perkins Coie LLP
Attorneys for Klamath River Renewal Corporation

s/ Richard Roos-Collins

Richard Roos-Collins
General Counsel, Klamath River Renewal Corporation

cc: Service List (FERC Nos. P-14803-001 and P-2082-063)

CERTIFICATE OF SERVICE

I hereby certify that, on this 29th day of November 2021, I have served KRRC's Response to Request for Additional Information on Status of Draft Historic Properties Management Plan, FERC Nos. 14803-001, 2082-063 via email containing a link thereto, or via U.S.P.S. if no email address was available, upon each person designated on the official service lists compiled by the Secretary in these proceedings.

/s/ Ivy Carr

Ivy Carr

Legal Practice Assistant

Perkins Coie LLP

10885 NE 4th Street, Suite 700

Bellevue, WA 98004-5579

(425) 635-1400

ICarr@perkinscoie.com

Document Content(s)

2021-11-29 KRRC Cultural Resource AIR Response.pdf.....1
2021.11.29 COS.pdf.....6

FEDERAL ENERGY REGULATORY COMMISSION
Washington, D. C. 20426

OFFICE OF ENERGY PROJECTS

Project No. 14803-001—Oregon and
California
Lower Klamath Hydroelectric Project
PacifiCorp

December 1, 2021

Via USPS First-Class Mail

Ms. Julianne Polanco
California State Historic Preservation Officer
California Office of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, CA 95816

Via USPS First-Class Mail and email

Ms. Christine Curran
Deputy State Historic Preservation Officer
Oregon Parks and Recreation Department
Oregon Heritage/State Historic Preservation Office
725 Summer Street NE, Suite C
Salem, OR 97301
ORSHPO.Clearance@oregon.gov

Subject: Section 106 consultation on surrender of Lower Klamath Project

Dear Ms. Polanco and Ms. Curran:

By letter dated September 28, 2021, we provided for your review a draft Historic Properties Management Plan (HPMP) filed by the Klamath River Renewal Corporation (Renewal Corporation) on February 26, 2021, and supplemented on May 20, 2021, for the surrender of the Lower Klamath Hydroelectric Project No. 14803. The project is located on the Klamath River in Klamath County, Oregon, and Siskiyou County, California.

A copy of the draft HPMP filed as Exhibit F and the supplement which includes an update to Table 3-4 can be accessed using the links below:

https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20210226-5093&optimized=false

https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20210520-5129&optimized=false

In a letter dated November 10, 2021,¹ the Oregon State Historic Preservation Officer (SHPO) filed a response and indicated that it prefers to review the draft HPMP and draft Memorandum of Agreement (MOA) simultaneously, and suggested it may be premature to review the draft documents since tribal consultation is ongoing and eligibility determinations for the National Register of Historic Places (National Register) are not complete. On November 17, 2021, the California SHPO responded indicating that understanding why cultural resources that may be damaged by the proposed undertaking are historically significant is critical to the development of any measures to specifically target and mitigate the specific resources values that are threatened. The California SHPO also indicated that it may be able to conclude its comments on the proposed action when the Phase II studies are completed, any comments and findings of consulting parties are made, and formal National Register eligibility is determined.

Herein, we are responding to your letters and providing you with a status of our review. To prevent unnecessary delays in our review of the surrender application, and to complete of consultation under Section 106 of the National Historic Preservation Act, we reiterate our request for any comments on the draft HPMP and provide you with a copy of the draft MOA, as requested by the Oregon SHPO. Even though the draft HPMP may be incomplete, our initial review of the filing shows that the Renewal Corporation included the following: (1) background information on the project; (2) discussion of the types of effects that may be expected and proposed mitigation and management measures; (3) identification of the area of potential of effect; (4) provisions for additional survey and monitoring (e.g. post-drawdown and during construction), inadvertent discoveries and the treatment of human remains; and (5) implementation procedures, that include but are not limited to, staff training, reporting, ongoing consultation with the Cultural Resources Working Group, and internal review procedures. We believe your review and comments on these sections of the draft HPMP at this time would help in expediting review and preventing delays.

¹On November 23, 2021, Commission staff filed an Electronic Mail Memorandum providing correspondence from the Oregon State Historic Preservation Office regarding the draft HPMP.

The draft MOA, filed on March 22, 2021 and included as Attachment B, for your review, can be accessed using the link below:

https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20210322-5335&optimized=false

Also, we note that on September 29, 2021, the applicants, the states of California and Oregon, the Yurok Tribe, and the Karuk Tribe reiterated their request for expedited review of the surrender application.

As our scoping document² indicates, we are planning to issue a draft Environmental Impact Statement in February 2022. Our intent in requesting comments from your offices, as discussed in our September 28, 2021 letter, was to identify any preliminary comments from your offices on the draft HPMP. Early consultation in this manner would allow for possible resolution of those concerns earlier in our review process. Therefore, we would appreciate any comments you have on the proposed measures in the draft HPMP, with the understanding the draft would be supplemented at a later point.

In a November 29, 2021 filing, the Renewal Corporation states it would provide the final HPMP to the Commission on or before March 31, 2022. In addition, the Renewal Corporation states it would provide your offices a draft Historic Built Environment Report on December 10, 2021 for review and comment. The Renewal Corporation intends to use the information contained in the report, with any comments received, to update the HPMP. The Renewal Corporation contends that the data collected from the Phase II studies are sufficient for analysis of project-related effects and conditional eligibility determinations. Moreover, the Renewal Corporation did not receive any further comments on the ethnographic context statements or traditional cultural properties (TCPs) from the Tribes. However, the Renewal Corporation notes that if it receives any further information from the Tribes regarding TCPs or ethnographic studies, it will include this information in the consultation record, and update the HPMP, as appropriate.

We request that any comments on the draft MOA be filed within 45 days of the date of this letter. In addition, we welcome any preliminary comments you can provide on the draft HPMP, as well as the draft Historic Built Environment Report that will be provided to you on December 10, 2021.

The Commission strongly encourages electronic filing. Please file the requested information using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. For assistance, please contact FERC Online Support

² Issued on June 17, 2021.

at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P-14803-001.

Thank you for your cooperation. If you have any questions regarding this matter, please contact Jennifer Polardino at (202) 502-6437 or Jennifer.polardino@ferc.gov, or Diana Shannon at (202) 502-6136 or Diana.shannon@ferc.gov.

Sincerely,

A handwritten signature in black ink that reads "kim A. Nguyen". The signature is written in a cursive style with a long horizontal flourish at the end.

Kim A. Nguyen, Chief
Environmental and Project Review Branch
Division of Hydropower Administration
and Compliance

cc:

Via Electronic Mail

Mr. Markham Quehrn, Attorney
Perkins Coie LLP
MQuehrn@perkinscoie.com



Oregon
Kate Brown, Governor

Parks and Recreation Department
State Historic Preservation Office
725 Summer St NE Ste C
Salem, OR 97301-1266
Phone (503) 986-0690
Fax (503) 986-0793
www.oregonheritage.org



January 13, 2022

Kim Nguyen, Chief
Federal Energy Regulatory Commission
888 First St NE
Washington, DC 20426

RE: SHPO Case No. 17-1370
FERC 14803, KRRC LOWER KLAMATH PROJECT
Removal of dams Oregon and California
Multiple locations, Klamath County

Dear Kim:

Thank you for the most recent submission to Oregon SHPO for review. At this time, please know that we are planning on providing a response by January 21, 2022. Comments will be specific to the draft MOA, draft HPMP, and the draft Historic Built Environment Report.

Sincerely,

John Pouley, M.A., RPA
State Archaeologist
(503) 480-9164
john.pouley@oregon.gov

cc: Jennifer Polardino, Federal Energy Regulatory Commission
Kirk Ranzetta, AECOM
Laura Hazlett, Klamath River Renewal Corporation



DEPARTMENT OF PARKS AND RECREATION
OFFICE OF HISTORIC PRESERVATION

Armando Quintero, Director

Julianne Polanco, State Historic Preservation Officer

1725 23rd Street, Suite 100, Sacramento, CA 95816-7100

Telephone: (916) 445-7000 FAX: (916) 445-7053

calshpo.ohp@parks.ca.gov www.ohp.parks.ca.gov

January 13, 2022

VIA EMAIL/FERC e-file (P-14803-001)

In reply refer to: FERC_2018_0507_001

Ms. Kim A. Nguyen, Chief
Environmental and Project Review Branch
Division of Hydropower Administration and Compliance
Federal Energy Regulatory Commission
Washington, D.C. 20426

RE: Lower Klamath Project

Dear Ms. Ngyuen,

The California State Historic Preservation Officer (SHPO) received your consultation letter dated December 1, 2021, pursuant to Section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. § 300101), as amended, and its implementing regulation, 36 CFR § 800.

The letter responded to my letter dated November 17, 2021, that stated it is critical to understand the historic significance of cultural resources in the development of any mitigation and indicated that comments will be provided once Phase II studies and National Register of Historic Places eligibility determinations were complete.

The Federal Energy Regulatory Commission (FERC)'s December 1, 2021, letter acknowledges that the draft Historic Properties Management Plan (HPMP) is incomplete but again requested review and comment on sections within the HPMP and the draft Memorandum of Agreement (MOA).

Along with its letter, the FERC provided drafts of the following documents:

- *Lower Klamath Project Historic Properties Management Plan (HPMP)* (Klamath River Renewal Corporation, February 2021)
- *Memorandum of Agreement Between the Federal Energy Regulatory Commission and The California State Historic Preservation Office The Oregon State Historic Preservation Office Regarding the Lower Klamath Hydroelectric Project License Surrender in Klamath County, Oregon and Siskiyou County, California (FERC No. 14803) (March, 22, 2021)*

The following comments are provided with the understanding that these comments can only be general in nature until all historic properties within the undertaking's Area of Potential Effect (APE) are identified and evaluated, and Indian tribes and other interested parties have been afforded the opportunity to comment.

Additional comments on the MOA and HPMP are provided in the body of each document and are attached to this submission.

- As drafted, the MOA is absent many important components including stipulated timeframes for consulting party review and comment, provisions to amend the Area of Potential Effects, Professional Qualification Standards, stipulations to guide historic property identification efforts, and measures to take in the event of a post-review discovery. Other usual components, such as FERC's retention of its responsibilities to conduct Government-to-Government consultation with Indian tribes and clarity on the relationship other federal agencies have to the document, are also needed.
- The size and scope of the undertaking, the many historic resources that are yet to be identified and evaluated, the fact that some resources will not be able to be surveyed until the undertaking is well underway and that effects cannot, therefore, be determined prior to the approval of the undertaking make the use of an MOA in this instance problematic.
- As such, I suggest that a programmatic agreement pursuant to 36 CFR 800.14(b)(1)(ii) is a more appropriate and effective type of agreement document to allow the undertaking to commence while identifying processes to complete the currently missing components.
- The Advisory Council on Historic Preservation (ACHP)'s guidance on Section 106 agreement documents ([Guidance on Agreement Documents | Advisory Council on Historic Preservation \(achp.gov\)](#)) as well as the previously executed *Programmatic Agreement Between the Federal Energy Regulatory Commission and the California State Historic Preservation Officer Regarding the Activities Associated with the Anderson Dam at the Anderson Dam Hydroelectric Project (FERC Project No. 5737-007)*, Santa Clara County executed in 2020 may serve as useful and applicable to the development of a programmatic agreement for this undertaking.
- Regarding the Historic Built Environment Technical Report submitted on December 10, 2021, the letter attached to the report requested comments by January 15, 2021. It is unclear what comments are being requested as the letter did not make any determinations of eligibility or assessments of effects. Please clarify what comments are being requested.

Ms. Kim A. Nguyen, Chief
January 13, 2022
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If you have any questions or concerns, please contact Associate State Archaeologist
Brendon Greenaway at Brendon.Greenaway@parks.ca.gov.

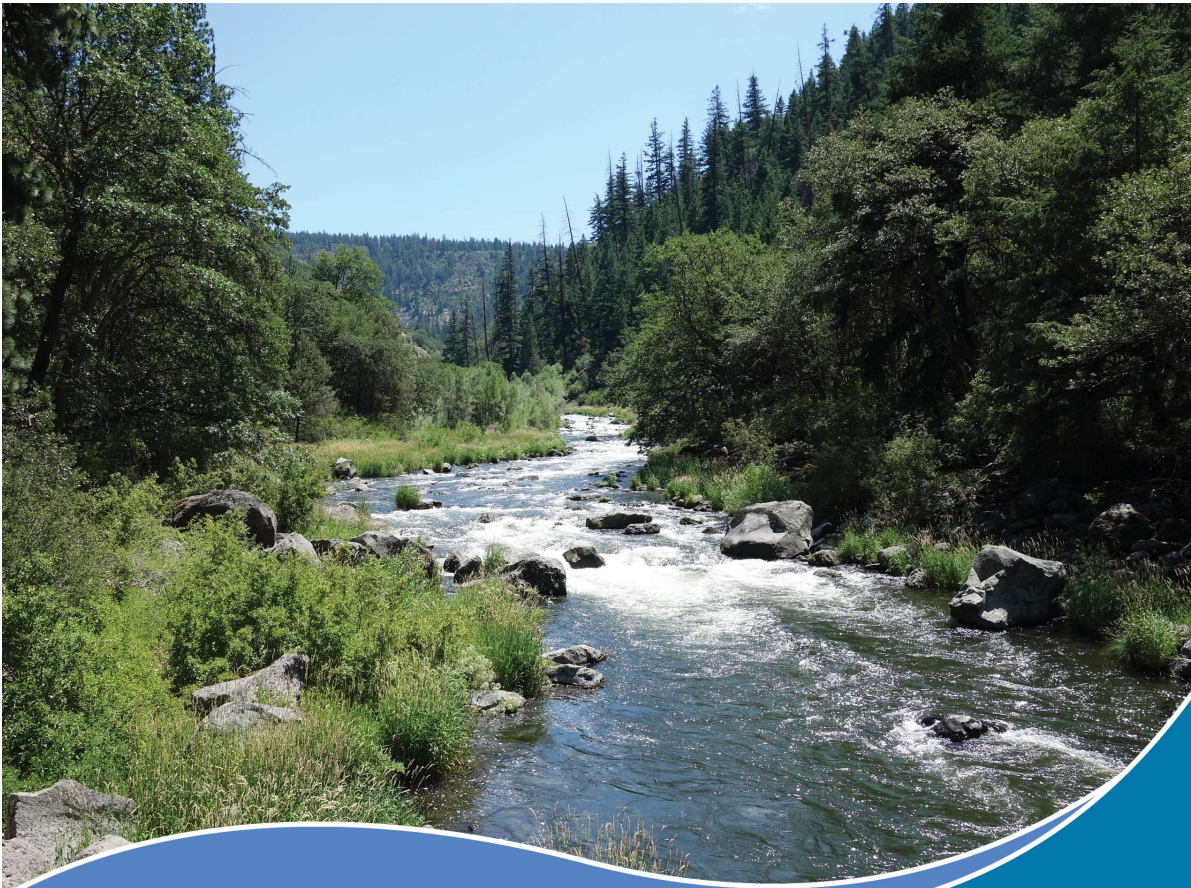
Sincerely,



Julianne Polanco
State Historic Preservation Officer

cc:

John Eddins, Program Analyst, Advisory Council on Historic Preservation
Chrissy Curran, Oregon SHPO
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John Pouley, State Archaeologist, Oregon SHPO
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Richard Roos-Collins, Klamath River Renewal Corporation
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Regulatory Commission



Lower Klamath Project

Historic Properties Management Plan (HPMP)

February 2021





Prepared for:

Klamath River Renewal Corporation

Prepared by:

Klamath River Renewal Corporation Technical Representatives:

AECOM Technical Services, Inc.
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Appendices

- Appendix A Maps of the APE/ADI
- Appendix B Historic Context Report
- Appendix C Monitoring and Inadvertent Discovery Plan
- Appendix D Looting and Vandalism Prevention Plan
- Appendix E Correspondence on the HPMP
- Appendix F Consultation Meeting Minutes

Acronyms and Abbreviations

AB 52	Assembly Bill 52
ACHP	Advisory Council on Historic Preservation
ADI	Area of Direct Impacts
AIRFA	American Indian Religious Freedom Act
ALSA	Amended License Surrender Application
APE	Area of Potential Effects
ARPA	Archaeological Resources Protection Act
BIA	Bureau of Indian Affairs
BLM	Bureau of Land Management
ca.	circa
Caltrans	California Department of Transportation
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
C.F.R.	Code of Federal Regulations
cfs	cubic feet per second
Copco	California–Oregon Power Company
CRHR	California Register of Historical Resources
CRS	Cultural Resource Specialist
CRWG	Cultural Resources Working Group
DDP	Definite Decommissioning Plan
DPR	Department of Parks and Recreation
EIR	Environmental Impact Report
EL	elevation
EO	Executive Order
FERC	Federal Energy Regulatory Commission
FIC	Field Inventory Corridor
FLPMA	Federal Land Policy and Management Act
FTR	Final Technical Report
GIS	geographic information system
HABS	Historic American Building Survey
HAER	Historic American Engineering Survey
HALS	Historic American Landscape Survey
HPMP	Historic Properties Management Plan



KHP	Klamath Hydroelectric Project
KHSA	Klamath Hydroelectric Settlement Agreement
KRHP	Klamath River Hydroelectric Project
LKP	Lower Klamath Project
LOC	Library of Congress
LOW	Limits of Work
LSO	License Surrender Order
LVPP	Looting and Vandalism Prevention Plan
MIDP	Monitoring and Inadvertent Discovery Plan
MOA	Memorandum of Agreement
msl	mean sea level
MW	megawatt
NAGPRA	Native American Graves Protection and Repatriation Act
NAHC	Native American Heritage Commission
NEPA	National Environmental Policy Act
NFS	National Forest System
NHPA	National Historic Preservation Act
NOAA	National Oceanic and Atmospheric Association
NPS	National Park Service
NRHP	National Register of Historic Places
OAR	Oregon Administrative Rules
ORS	Oregon Revised Statutes
PRC	Public Resources Code
Project	Decommissioning of the Lower Klamath River Project
Renewal Corporation	Klamath River Renewal Corporation
RM	river mile
SCR	Sensitive Cultural Resource
SHPO	State Historic Preservation Officer
SWPPP	Stormwater Pollution Prevention Plan
TCP	Traditional Cultural Property
TCR	Tribal Cultural Resource
THPO	Tribal Historic Preservation Officer
USACE	United States Army Corps of Engineers
USBR	United States Bureau of Reclamation
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Service
U.S.	United States

Lower Klamath Project
HPMP



U.S.C. United States Code
USFS United States Forest Service

Key Definitions

This Historic Properties Management Plan (HPMP) uses several terms to describe the location of the Project and cultural resources. The following definitions describe these terms and their uses in this document, which are intended to be consistent with federal and state laws.

Archaeological isolate: An archaeological isolate in Oregon is defined as one (1) to nine (9) artifacts discovered in a location that appears to reflect a single event, loci, or activity (Oregon Revised Statutes [ORS] 192.005). The presence of any feature advances the find into a site status. Similar guidelines will be followed in California, where a written policy for isolate definition is not provided. Alternatively, on lands managed by federal agencies, the policies of those agencies will be followed.

Archaeological object: The federal definition of an archaeological object is a material thing of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment (36 Code of Federal Regulations [C.F.R.] § 60.3). The State of Oregon defines an archaeological object as comprising the physical evidence of an indigenous and subsequent culture, including material remains of past human life including monuments, symbols, tools, facilities, and technological by-products, that is at least 75 years old¹ (ORS 192.005). The State of California defines an archaeological object as a manifestation primarily artistic in nature or relatively small in scale and simply constructed. Although it may be movable by nature or design, an object must be associated with a specific setting or environment. The object should be in a setting appropriate to its significant historical use, role, or character; for example, a fountain or boundary marker (14 California Code of Regulations [CCR] Appendix A).

Archaeological site: The federal definition of an archaeological site is the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical or archeological value regardless of the value of any existing structure (36 C.F.R. § 60.3). The term “archaeological site” refers to a site that is eligible for or is listed on the National Register of Historic Places (NRHP; historic properties) as well as sites that do not qualify for the NRHP. The State of Oregon defines an archaeological site as ten (10) or more artifacts (including lithic debitage) or a feature likely to have been generated by patterned cultural activity within a surface area reasonable to that activity (a form of density measure), that is at least 75 years old² (ORS 358.905). The State of California defines an archaeological site as a bounded area of a resource having archaeological deposits or features defined in part by the character and location of such deposits or features (14 CCR Appendix A).

Area of Direct Impact (ADI): The ADI of the Project Area of Potential Effect (APE) corresponds geographically to the Project’s Limits of Work (LOW). The LOW refers to the physical extent of on-the-ground construction activities associated with dam decommissioning and removal, reservoir restoration activities, safety zone,

Commented [GB1]: Per 36 CFR 800, there is one APE for the undertaking. Please clarify that while ADI is a relevant term used to instruct historic property identification work and assessment of direct v. indirect effects, ADI is not defined in the regulations.

¹ Because Section 106 of the National Historic Preservation Act (NHPA) applies, this Project will use the NRHP guideline of 50 years.

² Because Section 106 of the NHPA applies, this Project will use the NRHP guideline of 50 years.

the Yreka pipeline crossing relocation, and improvements to Fall Creek Hatchery. The LOW also includes rim stability areas around Copco Lake and the floodproofing habitable structures within the modeled post-dam removal floodplain, which occurs between Iron Gate Dam and the Klamath River-Humbug Creek confluence in California. The ADI expands on the LOW to include the complete boundaries of archaeological sites (buffered 40 meters) that intersect the LOW or are within 40 meters of the LOW and the modeled post-dam removal floodplain.

Area of Potential Effects (APE): The geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist (36 C.F.R. § 800.16(d)). The Project's APE is primarily established as a 0.5-mile-wide area extending from the shoreline of each side of the Klamath River from the upper reach of the J.C. Boyle Reservoir to the river mouth at the Pacific Ocean. However, around the reservoirs where topography is more open and rolling, the APE extends at least an additional 0.5 mile to create a minimum 1-mile-wide area in these locations for addressing potential for indirect effects primarily related to potential viewshed alterations from reservoir removal. Due to the potential for landscape-level visual changes, the APE around each reservoir may extend beyond the 1-mile-wide area to include areas that are within sightlines of the reservoirs and ADI.

Associated funerary object: Objects reasonably believed to have been placed with human remains as part of a death rite or ceremony. The use of the adjective "associated" refers to the fact that these items retain their association with the human remains with which they were found and that these human remains can be located. It applies to all objects that are stored together as well as objects for which adequate records exist permitting a reasonable reassociation between the funerary objects and the human remains that they were buried with (25 United States Code [U.S.C.] § 3001 (3)(A)).

Burial Site: Any natural or prepared physical location, whether originally below, on, or above the surface of the earth, into which as part of the death rite or ceremony of a culture, individual human remains are deposited (25 U.S.C. § 3001 [1]; ORS 358.905).

Construction area: Refers to areas where construction activities will occur in the Project area.

Construction monitoring: Direct oversight of ground-disturbing activities by a qualified monitor/tribal advisor within areas where there is a high potential for inadvertent discoveries and/or where historic properties are known to exist and must be avoided.

Cultural patrimony: An object having ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual Native American, and which, therefore, cannot be alienated, appropriated, or conveyed by any individual regardless of whether or not the individual is a member of the Indian tribe or Native Hawaiian organization and such object shall have been considered inalienable by such Native American group at the time the object was separated from such group (25 U.S.C. § 3001 (3)(D)).

Cultural resources: Locations of human activity, occupation, or use. Cultural resources are not defined in federal law but include archaeological, historic, or architectural sites, structures, or places with important

Commented [GB2]: There is one APE for the entire undertaking. It must be defined at the time of agreement. Provisions to modify the APE, should it become necessary, should be included in the associated agreement document.

A map of the APE should be included in the agreement document and HPMP for reference.

public and scientific uses and locations of traditional cultural or religious importance to specific social or cultural groups (BLM n.d.).

Curation: The management and preservation of a collection according to professional museum and archival practices, including, but not limited to (1) Inventorying, accessioning, labeling, and cataloging a collection; (2) Identifying, evaluating, and documenting a collection; (3) Storing and maintaining a collection using approved methods and containers and under environmental conditions and physically secure controls following industry standards; (4) Periodically inspecting a collection and taking such actions as may be necessary to preserve it; and (5) Providing access and facilities to study a collection and handling, cleaning, stabilizing, and conserving a collection in such a manner as to preserve it (USFS 2015).

Definite Decommissioning Plan: The Project's Definite Decommissioning Plan (Renewal Corporation 2020) details removal limits construction access, staging and disposal sites, demolition methods, imported materials, and waste disposal for each of the four dam facilities. Other key components include measures to reduce effects to aquatic and terrestrial resources, road and bridge improvements, relocation of the City of Yreka's pipeline across Iron Gate Reservoir and associated diversion facility improvements, demolition of various recreation facilities adjacent to the reservoirs, recreation improvements, downstream flood control improvements, groundwater system improvements, water supply improvements, and fish hatchery modifications and improvements.

Footprint: The geographic LOW as presented in the Definite Decommissioning Plan (Renewal Corporation 2020). In addition, the Project footprint extends below Iron Gate Dam to Humbug Creek, in California, a distance encompassing approximately 83 river miles (RMs).

Historic property: This term is defined in 36 C.F.R. § 800.16(l)(1) as "any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the NRHP..." The 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 and Indian tribe or Native Hawaiian organization and that meet the National Register criteria."

Historic Properties Management Plan (HPMP): As defined by the Federal Energy Regulatory Commission, an HPMP is a plan for considering and managing effects on historic properties of activities associated with constructing, operating, and maintaining hydropower projects.

Human remains: The States of California and Oregon define the term "human remains" or "remains" as the body of a deceased person, regardless of its stage of decomposition, and cremated remains (California Health and Safety Code § 7001 [2018]; ORS 97.010 [2007]). The regulations of the Native American Graves and Repatriation Act (NAGPRA [Public Law 101-601; 25 U.S.C. §§ 3001-3013]) define human remains as the physical remains of the body of a person of Native American ancestry. The term does not include remains or portions of remains that may reasonably be determined to have been freely given or naturally shed by the individual from whose body they were obtained, such as hair made into ropes or nets. For the purposes of determining cultural affiliation, human remains incorporated into a funerary object, sacred object, or object of cultural patrimony must be considered as part of that item (43 C.F.R. § 10.2 (d)).

Commented [GB3]: How does the footprint correlate to the APE? Please clarify.

Commented [GB4]: As drafted, this does not seem to apply to decommissioning/deconstruction/removal activities. See the overall comments regarding the use of this vehicle for decommissioning/deconstruction/removal activities.

Inadvertent discovery: Any discoveries of human skeletal remains, artifacts, archaeological sites, or any other cultural resources during ground disturbing or monitoring activities. The Section 106 process addresses “post-review discoveries” under 36 C.F.R. § 800.13. The Native American Graves Protection and Repatriation Regulations (43 C.F.R. § 10.2 (g)(4)) define an inadvertent discovery as the unanticipated encounter or detection of human remains, funerary objects, sacred objects, or objects of cultural patrimony found under or on the surface of federal or tribal lands pursuant to Section 3 (d) of NAGPRA.

Klamath River Hydroelectric Settlement Agreement: Settlement (2010, amended 2016) agreed to by PacifiCorp, the United States, the States of California and Oregon, and other parties for resolving a pending Federal Energy Regulatory Commission (FERC) relicensing proceeding by establishing a process for potential facilities removal and operation of the Klamath River Hydroelectric Project until that time.

Limits of work (LOW): Refers to the physical extent of on-the-ground construction activities associated with dam decommissioning and removal, reservoir restoration activities, safety zone, the Yreka pipeline crossing relocation, and improvements to Fall Creek Hatchery. The LOW also includes rim stability areas around Copco Lake and the floodproofing of habitable structures within the modeled post-dam removal floodplain, which occur between Iron Gate Dam and the Klamath River-Humbug Creek confluence in California.

Looted: A looted antiquity is one recovered from the ground in an unscientific manner. The antiquity is decontextualized, and physical integrity is jeopardized (Gerstenblith 2016). The term “looting” is applied to illegal excavation and artifact theft at archaeological sites (USFS 2015).

Memorandum of Agreement: An agreement document between federal agencies and others stipulating how adverse effects of federal actions on historic properties will be resolved under Section 106 and its governing regulations.

Lower Klamath River Project (Lower Klamath Project): Refers to four hydroelectric developments on the Klamath River: J.C. Boyle, California–Oregon Power Company (Copco) No. 1, Copco No. 2, and Iron Gate. The Klamath River Renewal Corporation (Renewal Corporation) has applied to FERC to surrender the license for the Lower Klamath Project for the purpose of implementing the Klamath River Hydroelectric Settlement Agreement, as amended in 2016.

Parcel B lands: Project lands subject to transfer by Renewal Corporation to the States or to a designated third-party designee once Renewal Corporation has met all surrender license conditions.

Project: The Renewal Corporation’s comprehensive plan to physically remove the Lower Klamath River Project and achieve a free-flowing condition and volitional fish passage, site remediation and restoration, and avoidance of adverse downstream impacts.

Project area: Refers to the area defined by the FERC boundary of the Lower Klamath Project. Such boundaries encompass lands and waters between the upper reach of J.C. Boyle Reservoir (RM 234.1) and the toe of Iron Gate Dam (RM 193.1). This definition of Project area is used for purposes of the Definite Decommissioning Plan. It may be revised for purposes of environmental review under the National

Commented [GB5]: Please clarify if and how this differs from the Undertaking.

Commented [GB6]: Please clarify if this differs from the APE.

Environmental Policy Act, the California Environmental Quality Act, or other applicable laws, in future procedures.

Sacred object: Specific ceremonial objects that are needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents (25 U.S.C. § 3001 (3)(C)).

Site condition monitoring: Repeat, periodic site inspections to an individual archaeological site to assess changes over time to site integrity.

Traditional Cultural Property (TCP): Refers to a property that is eligible for inclusion in the NRHP based on its associations with the cultural practices, traditions, beliefs, lifeways, arts, crafts, or social institutions of a living community. TCPs are rooted in a traditional community's history and are important in maintaining the continuing cultural identity of the community.

Tribal Cultural Resource (TCR): TCRs are defined in California Public Resources Code (PRC) Section 21074(1)(a) as either a site, feature, place or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to the affected tribe, and that is: listed or eligible for listing in the national or California Register of Historical Resources, or in a local register of historical resources; or a resource that the lead agency determines is a tribal cultural resource. California Native American tribes traditionally and culturally affiliated with the geographic area of a project may have expertise concerning their TCRs (PRC Section 21080.3.1).

Undertaking: Consists of the Renewal Corporation's measures to remove the four hydroelectric developments, remediate and restore the reservoir sites, and avoid or minimize adverse impacts downstream that FERC will be approving as part of the license surrender order.

Vandalism: In cultural resource management context, the willful destruction or spoiling of archaeological and historic sites, including graffiti, defacement, demolition, removal, and other criminal damage (USFS 2015).



**Chapter 1: Overview and
Executive Summary**

OVERVIEW AND EXECUTIVE SUMMARY

1.1 Purpose of the HPMP

The Lower Klamath River Project (Lower Klamath Project) (FERC No. 14803) consists of four hydroelectric developments on the Klamath River: J.C. Boyle, Copco No. 1, Copco No. 2, and Iron Gate. The Klamath River Renewal Corporation (Renewal Corporation) has applied to the Federal Energy Regulatory Commission (FERC) to surrender the license for the Lower Klamath Project for the purpose of implementing the Klamath River Hydroelectric Settlement (KHS) (2010, as amended in 2016), which establishes a process for the removal of the hydroelectric developments, as agreed to by PacifiCorp, the United States, the States of California and Oregon, and other parties.

The Renewal Corporation is the entity responsible for facilities removal under the KHS. The Definite Decommissioning Plan (DDP) is filed as Exhibit A-1 of the Amended License Surrender Application (ALSA) and is the Renewal Corporation's comprehensive plan to physically remove the Lower Klamath Project and achieve a free-flowing condition and volitional fish passage, site remediation and restoration, and avoidance of adverse downstream impacts ("the Project") (Renewal Corporation 2020).

This Historic Properties Management Plan (HPMP) has been prepared on behalf of the Renewal Corporation as the management tool for considering and managing effects associated with the decommissioning of the Lower Klamath Project on historic properties. The following are the primary goals of this HPMP:

- Support management of historic properties within the Project's Area of Potential Effects (APE).
- Follow FERC requirements (18 Code of Federal Regulations [C.F.R.] §§ 4.51 and 16.8) for the identification, evaluation, and treatment of historic properties potentially affected by the Project.
- Follow applicable federal and state laws and regulations regarding the management of historic properties, including Section 106 of the National Historic Preservation Act (NHPA), as amended (54 United States Code [U.S.C.] § 300101 et seq.).
- Satisfy the stipulations of a Memorandum of Agreement (MOA).
- Satisfy the commitments to mitigation developed under California's Assembly Bill 52 (AB 52).
- Ensure appropriate interagency coordination of activities that have the potential to affect historic properties in the APE.
- Establish a process for consulting with agencies, tribes, local jurisdictions, other interested parties, and the public during the implementation of the HPMP.
- Establish procedures for properly protecting and managing historic properties for the duration of FERC's license surrender process.

Commented [GB7]: In general, the document includes affirmation of things that have not yet occurred (consultation on the HPMP), indicates that things are still pending that, perhaps will be resolved in consultation with FERC/Signatory/Concurring Parties, etc.

Therefore, it is recommended that these things be resolved in the final document to reflect the status of things upon completion. Otherwise, as written, it serves to confuse the consultation status.

Commented [GB8]: This is a Section 106 document. It has no bearing on the State AB52 obligations. As such, it is recommended that this be removed from the purpose of the HPMP section.

Commented [GB9]: References to timelines are confusing. For example, is 'during the implementation of the HPMP' and 'the duration of FERC's license surrender process' one in the same or different? This should be clarified throughout.

1.2 Executive Summary

To create a free-flowing river to allow volitional fish passage, the Renewal Corporation will deconstruct the J.C. Boyle Dam and Powerhouse, Copco No. 1 Dam and Powerhouse, Copco No. 2 Dam and Powerhouse, and Iron Gate Dam and Powerhouse, and associated features. To meet the objective for volitional fish passage, a restoration program will be implemented in the previously inundated areas in the former reservoir footprints, on the mainstem of the Klamath River, and on high-priority tributaries within the original Lower Klamath Project reservoirs. Such restoration will involve assisted sediment evacuation and residual sediment stabilization; tributary reconnection, selective post-drawdown grading to provide volitional fish passage, revegetating through native plantings; and enhancing aquatic habitat.

Section 106 of the NHPA requires FERC to take into account the effect of its undertakings on historic properties. An undertaking includes any project, activity, or program requiring a federal permit, license, or approval. Under the Federal Power Act (16 U.S.C. Part 12), FERC's issuance of the License Surrender Order (LSO) for the Lower Klamath Project is an undertaking subject to Section 106.

Section 106 is implemented through the Advisory Council on Historic Preservation's (ACHP) regulations, "Protection of Historic Properties" (36 C.F.R. Part 800). For the Lower Klamath Project's decommissioning as part of the current Project, FERC has entered into an MOA with the ACHP and State and/or Tribal Historic Preservation Office (SHPO/THPO), in addition to concurring parties such as the licensee, tribes, and other involved parties. The MOA is incorporated by reference into the LSO. The Renewal Corporation, as the applicant, bears the responsibility of implementing the terms of the MOA, which includes the preparation and implementation of this HPMP to manage and/or mitigate effects on cultural resources that are eligible for the National Register of Historic Places (NRHP). Eligible resources are referred to as "historic properties."

As the FERC licensee and consistent with FERC's authorization under 36 C.F.R. § 800.2(c)(2), the Renewal Corporation consulted with the ACHP; United States (U.S.) Department of Agriculture Forest Service (USFS) (Klamath National Forest and Six Rivers National Forest); U.S. Department of Interior Bureau of Land Management (BLM) Redding District and Klamath Falls Resource Area, Lakeview District; U.S. Bureau of Reclamation (USBR), U.S. Army Corps of Engineers (USACE); Indian tribes (including the Klamath Tribes, Shasta Indian Nation, Modoc Nation, Karuk Tribe, Yurok Tribe Yurok Reservation, Shasta Nation, Quartz Valley Indian Community of the Quartz Valley Reservation of California, Confederated Tribes of Siletz Indians of Oregon, Resighini Rancheria, Cher-Ae Heights Indian Community of Trinidad Rancheria, and the Hoopa Valley Tribe), Oregon and California SHPOs, and other interested parties. This consultation included teleconferences, in-person meetings, written correspondence, and emails that discussed various components of the Section 106 compliance process, including an invitation to consult, identification of an Area of Potential Effect (APE), methods to identify historic properties, evaluation of cultural resources, and assessment of the undertaking's potential for effects to historic properties.

Following 36 C.F.R. Part 800, the Renewal Corporation defined an APE for the Project and inventoried archaeological, cultural, and historic properties within the APE. Following the completion of the data collection and inventory process, the Renewal Corporation evaluated identified properties and made recommendations on the NRHP eligibility of each resource (defined in 36 C.F.R. § 60.4). The identification

Commented [GB10]: In the paragraph above, it states that the undertaking is FERC's issuance of the License Surrender Order. Here it says that decommissioning as part of the current project is the basis for the MOA. This should be clarified.

Commented [GB11]: It is ultimately up to FERC as the lead federal agency to ensure Stipulations in an Agreement are fulfilled.

Commented [GB12]: This is inconsistent with 36 CFR 800. The Renewal Corporation may have been given responsibility for preparing the HPMP on behalf of FERC. And FERC may require the Renewal Corporation to implement the terms of the MOA, but, FERC ultimately retains responsible as the lead federal agency. This language should be clarified.

Commented [GB13]: This is where further confusion ensues. Informal consultation has been permitted. FERC retains the responsibility for formal consultation and government to government consultation with the Tribes.

This entire paragraph needs clarification.

Commented [GB14]: For this paragraph, the comment directly above this one applies. Clarification is needed.

and evaluation process completed to date was reported in the Cultural Resources Final Technical Report (under development).

Prior to the initiation of the Section 106 process, the Renewal Corporation applied to the California State Water Resources Control Board (State Water Board) for water quality certification for the proposed Project, pursuant to Section 401 of the Clean Water Act. The State Water Board is the lead agency for the California Environmental Quality Act (CEQA), which requires analysis of impacts. For the Environmental Impact Report (EIR) for the Lower Klamath Project License Surrender, the State Water Board addressed impacts to historical and Tribal Cultural Resources (TCRs) (State Water Board 2018). AB 52 amended Section 5097.94 of the Public Resources Code (PRC) to require consideration of TCRs in CEQA review. As part of the State Water Board impacts analysis, the Renewal Corporation has committed to implementing specific mitigation measures developed through consultation as part of the AB 52 process. These mitigation measures, which include the preparation of this HPMP, are proposed for FERC's approval as a term of the Lower Klamath Project LSO.

This HPMP describes the historic properties identified, measures to avoid and minimize effects to historic properties, and mitigation of historic properties adversely affected by the Project. In addition, this HPMP provides the Renewal Corporation a summary of the regulatory context for the identification, evaluation, protection, and management of cultural resources in the Project's APE. Lastly, the HPMP prescribes a process for consultation between the Renewal Corporation and the agencies, tribes, local jurisdictions, and other interested parties during the evaluation of cultural resources, assessment of effects, and treatment of historic properties for the duration of FERC's hydroelectric license surrender process. The Renewal Corporation developed this HPMP following guidelines jointly issued by FERC and the ACHP (FERC 2002) and by obtaining comments from agencies, tribes, and other interested parties through a Cultural Resources Working Group (CRWG). The HPMP prepared by PacifiCorp (2006) for the Klamath Hydroelectric Project (KHP; FERC Project No. 2082) is also referenced in this document.

The Renewal Corporation is responsible for managing and treating effects of the Project on historic properties. Close cooperation among all parties will be essential to protect and manage historic properties in the APE. Implementation of this HPMP will mitigate potential adverse effects of the Project on historic properties. The Renewal Corporation is committed to responsible stewardship of these properties by following applicable federal, state, and local laws and regulations in consultation with oversight agencies and affected Indian tribes and community groups.

The HPMP consists of 12 chapters. This first chapter describes how the [KMP-HPMP](#) is intended to be used and the statutory and regulatory authority under which it has been developed.

Chapter 2 provides background information, including descriptions of the existing hydroelectric facilities and Project actions.

Chapter 3 describes the efforts to identify historic properties, including a description of results from completed surveys, while Chapter 4 describes known historic properties.

Commented [GB15]: This does not seem to be necessary to include in a document related only to the federal Section 106 process. See previous comment about this.

Commented [GB16]: As mentioned in the cover letter, the FERC 202 guidelines indicate they are for the purpose of construction, operations and maintenance. This does not appear to be an appropriate mechanism for decommissioning/deconstruction/removal. Also, please make sure all citations are listed in the reference cited section.

Commented [GB17]: The FERC is responsible to ensure that the Renewal Corporation manages and treats historic properties in accordance with 36 CFR part 800.

Chapter 5 outlines Project management and preservation goals and priorities for archaeological properties, Traditional Cultural Properties (TCPs), and built environment resources.

Chapter 6 details expected Project effects on historic properties.

Chapter 7 outlines mitigation and management measures for historic properties, including archaeological and built environment resources.

Chapter 8 includes provisions for archaeological procedures and resolution of adverse effects to sites, as well as procedures for responding to looting and vandalism, protection of confidentiality, and artifact and document curation.

Chapter 9 outlines other programs applicable to the HPMP, including law enforcement and agency coordination, public information and interpretation, culturally significant plant enhancement, and endowment.

Chapter 10 details the HPMP's implementation procedures, including HPMP coordination, staff training, internal review procedures, amendments, annual reporting, consultation meetings, and dispute resolution.

Chapter 11 lists references used in the HPMP.

Chapter 12, the final chapter, lists HPMP preparers.

Five appendices are included in this document:

- Appendix A – Maps of the APE/ADI
- Appendix B – Historic Context Report
- Appendix C – Monitoring and Inadvertent Discovery Plan
- Appendix D – Looting and Vandalism Prevention Plan (LVPP)
- Appendix E – Correspondence on the HPMP

1.3 Authority

1.3.1 FERC License Surrender Order

This HPMP is being prepared to satisfy the requirements of FERC's LSO issued under the agency's authority pursuant to the Federal Power Act. The LSO also includes the MOA pursuant to FERC's obligations under Section 106 of the NHPA. Under 36 C.F.R. § 800.14(b)(1), the preparation of the MOA is consistent with the approach used by FERC for decommissioning projects. Executed by FERC, Oregon and California SHPOs, and ACHP, the MOA contains a stipulation that requires the Renewal Corporation to prepare and implement this HPMP in consultation with FERC, tribes, California and Oregon SHPOs, local jurisdictions, and other

interested parties. The MOA, and therefore the HPMP, will remain in force until the Renewal Corporation fulfills the applicable requirements of the LSO, as determined by FERC.

In the event that another federal agency not initially a part to or subject to this MOA receives an application for funding/license/permit related to the LSO as described in this MOA, that agency may fulfill its Section 106 responsibilities by stating, in writing, that it concurs with the terms of the MOA and notifying FERC, Oregon and California SHPOs, and the ACHP.

1.3.2 California State Water Board/AB-52 Mitigation Measures

This HPMP has also been prepared to comply with mitigation developed under California AB 52. Prior to federal involvement, the Renewal Corporation applied to the State Water Board for water quality certification pursuant to Section 401 of the Clean Water Act. The State Water Board is the lead agency for CEQA, which requires analysis of impacts. For the Draft EIR for the Lower Klamath Project License Surrender, the State Water Board addressed impacts to historical resources and TCRs (State Water Board 2018). The California AB-52-amended PRC Section 5097.94 requires consideration of TCRs in CEQA review. As part of the State Water Board impacts analysis, The Renewal Corporation has committed to implementing specific mitigation measures developed through consultation as part of the AB 52 process. These mitigation measures will be proposed for FERC's approval as a term of the Lower Klamath Project LSO and include the following:

- Mitigation Measure TCR-1 – Develop and Implement HPMP/Tribal Cultural Resources Management Plan
- Mitigation Measure TCR-2 – Develop and Implement a Looting and Vandalism Prevention Program
- Mitigation Measure TCR-3 – Develop and Implement an Inadvertent Discovery Plan
- Mitigation Measure TCR-4 – Provide Endowment for Post-Project Implementation

1.4 Statutory and Regulatory Context

In addition to Section 106 of the NHPA and the Federal Power Act, the Project is subject to additional federal and state statutes and regulations governing human remains and burials, cultural resources, historic properties, and tribal outreach consultation. This section provides an overview of the NHPA as well as those additional statutes and regulations. This HPMP concurrently complies with the NHPA and these additional statutes and regulations, including California AB 52.

1.4.1 Federal Laws, Regulations, Standards, and Guidelines

Federal laws provide for the protection and management of cultural resources for projects that are subject to federal jurisdiction, including permitting, licensing, and land management. The applicability of these laws depends upon the specific authorities of the federal agencies involved, the types of resources affected, the government-to-government relationship of federal agencies to tribes, and the types of activities occurring on federal lands. The following is a list of statutes, regulations, and guidance that may apply to the decommissioning of the Klamath River Project.

Commented [GB18]: Items such as the duration of the MOA, HPMP should be included in the MOA, and not in the HPMP. This to avoid confusion and as the MOA is the governing agreement to which the HPMP is a part.

Commented [GB19]: This belongs in the MOA, not the HPMP.

Commented [GB20]: As previously stated, this HPMP is a document for the implementation of obligations under Section 106 of the NHPA. Obligations under state law are not governed by the MOA or HPMP and are, therefore, not appropriate to be signed off by any Signatory Party.

For example, should the obligations under AB 52 or any other requirement change, the MOA and HPMP would require an associated change.

Commented [GB21]: See comments above on this matter.

Report on Historical and Archaeological Resources

Regulations in the Report on Historical and Archaeological Resources (18 C.F.R. § 4.51(f)(4)) implement FERC's responsibilities under the Federal Power Act regarding compliance with federal cultural resource protection laws in the agency's licensing of existing hydroelectric projects.

Guidelines for the Development of Historic Properties Management Plans for FERC Hydroelectric Projects

FERC prepared these guidelines in conjunction with the ACHP to assist hydropower project licensees in the development of HPMPs, in order to consider and manage the effects of the Project on historical properties.

American Indian Religious Freedom Act of 1978

The American Indian Religious Freedom Act (AIRFA; 42 U.S.C. § 1996) promotes federal agency consultation with tribes on activities that may affect their traditional religious rights and cultural practices. These include, but are not limited to, access to sacred sites, freedom to worship through ceremonial and traditional rights, and use and possession of objects considered sacred. These rights and practices may be associated with, and lend significance to, a property. Archaeological site protection is a federal activity related to AIRFA, because it directs the various agencies to consult with Native traditional religious leaders in a cooperative effort to develop and implement policies and procedures that will aid in determining how to protect and preserve Native American cultural and spiritual traditions (Carnett 1991).

Antiquities Act of 1906

The Antiquities Act of 1906 (Public Law 59-209, 34 Stat. 225, 54 U.S.C. §§ 320301-320303) historically has been used as the basis for federal protection of cultural and paleontological resources on federal lands. The act authorizes the government to regulate the disturbance of objects of antiquity on federal lands through the responsible managing agency and to prosecute individuals responsible for the unauthorized damage or removal of such objects. The law also regulates and establishes a permit system for legitimate study of archeological resources and protection from looting.

Archaeological Resources Protection Act of 1979 (ARPA)

The ARPA (Public Law 96-95 as amended, 93 Stat. 721, codified at 16 U.S.C. §§ 470aa-470mm) was enacted in 1979 and confers ownership of archaeological resources found on federally owned and tribal lands, with exceptions now provided in Native American Graves Protection and Repatriation Act (NAGPRA). ARPA was enacted to protect archaeological sites, artifacts, and human remains on federal lands from looting by providing effective law enforcement and penalties for convicted violators. ARPA makes it illegal to excavate or damage archaeological resources found on federal public or Native lands without a permit, and to sell, purchase, exchange, transport, or receive archaeological resources that were excavated illegally under federal, state, or local law. ARPA also calls for the preservation of objects and associated records in a suitable repository once recovered from a site. ARPA sets up guidelines for the proper procedures for

obtaining permits and permission to excavate archaeological sites on public lands by qualified individuals (NPS 2019a).

Executive Order 11593 – Protection and Enhancement of the Cultural Environment (1971)

Executive Order (EO) 11593 directs the federal government to provide leadership in preserving, restoring, and maintaining the historic and cultural environment of the nation through management of federally owned sites, structures, and objects of historical, architectural, or archaeological significance. The order directs the federal government, in consultation with the ACHP, to institute procedures to assure that federal plans and programs contribute to the preservation and enhancement of non-federally owned sites, structures, and objects of historical, architectural, or archaeological significance.

Federal Land Policy and Management Act of 1976

Management of cultural resources on the public lands is primarily determined by the Federal Land Policy and Management Act of 1976 (FLPMA [Public Law 94-579; 90 Stat. 2743, U.S.C. §§ 1701-1782]). The FLPMA establishes public land policy and guidelines for its administration and provides for the management, protection, development, and enhancement of public lands. FLPMA requires that public lands administered by the BLM be managed in a manner that protects the quality of their scientific values.

Bureau of Land Management 8100 and 8140 Manuals

BLM Manual Section 8100 (The Foundations for Managing Cultural Resources) provides BLM managers with basic information and general summary guidance for managing cultural resources (BLM 2004). More detailed information, policy direction, and operating procedures are found in the subsidiary Manual Sections and Handbooks in the BLM 8100 series.

BLM Manual Section 8140 (Protecting Cultural Resources) provides general guidance for protecting cultural resources from natural or human-caused deterioration; for making decisions about recovering significant cultural resource data when it is impossible or impractical to maintain cultural resources in a nondeteriorating condition; for protecting cultural resources from inadvertent adverse effects associated with BLM land use decisions, pursuant to the NHPA, the National Environmental Policy Act (NEPA), EO 11593, and the national Programmatic Agreement, and for controlling unauthorized uses of cultural resources (BLM 2019).

National Historic Preservation Act of 1966

The NHPA (Public Law 89-665, 54 U.S.C. § 300101 et seq.) establishes the federal government's policy on historic preservation and the programs, including the NRHP, through which that policy is implemented. The Act established a federal policy of cooperation with other nations, tribes, states, and local governments to protect historic sites and values. Together with its implementing regulations, the NHPA authorized the NRHP, created the ACHP, provided further considerations for National Historic Landmarks, and created procedures for approved state and local government programs (Carnett 1991). In addition, regulatory

provisions accompanying the NHPA required the SHPOs to prepare and implement state historic preservation plans.³

Section 106 of the NHPA (54 U.S.C. § 300101 et seq.) and its implementing regulations, “Protection of Historic Properties” (36 C.F.R. Part 800), require that federal agencies take into account the effects of their undertakings (e.g., issuing a federal permit) on historic properties (cultural resources listed in or determined eligible for inclusion in the NRHP [(36 C.F.R. § 800.1(a)) and to afford the ACHP and SHPO a reasonable opportunity to comment on an undertaking. The NRHP is a list kept by the Secretary of the Interior of “districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering and culture” (36 C.F.R. § 60.1(a)). Criteria applied in the NHPA Section 106 process to determine whether a property is eligible for nomination to the NRHP are in 36 C.F.R. § 60.4. If significant (i.e., NRHP eligible or listed) resources are identified, then federal agencies are directed to seek ways to avoid, minimize, or mitigate any adverse effects.

Section 101(d)(6)(A) of the NHPA allows properties of traditional religious and cultural importance to a tribe to be determined eligible for inclusion in the NRHP. Cultural institutions, lifeways, culturally valued viewsheds, places of cultural association, and other valued places and social institutions must also be considered under NEPA, EO 12898, and sometimes other authorities (EO 13006, EO 13007, NAGPRA).

Major amendments to the NHPA in 1980 provided support for archaeological resources protection through EO 11593, which required federal agencies to develop programs to inventory and evaluate historic resources (Carnett 1991). The amendments also authorized federal agencies to charge reasonable costs for such activities to federal permittees and licensees (Carnett 1991).

Native American Graves Protection and Repatriation Act of 1990

The NAGPRA (25 U.S.C. § 3001) supports consultation with Native groups when Native burials may be, or are accidentally, disturbed by an action on federal lands, and for inventorying and repatriating collections already held by federal museums and institutions. Native human remains, funerary objects, sacred objects, and objects of cultural patrimony as defined in NAGPRA, encountered on federal land in connection with an undertaking, shall not be intentionally excavated or removed without a permit under the ARPA (16 U.S.C. § 470cc) and consultation with the appropriate tribes. NAGPRA regulations apply only to federally managed lands.

NAGPRA is a comprehensive approach to the disposition of Native American human remains and cultural items. The Act addresses the rights of lineal descendants, Indian tribes, and Native Hawaiian organizations to Native American cultural items, including human remains, funerary objects, sacred objects, and objects of cultural patrimony. NAGPRA specifies special treatment for Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony. NAGPRA stipulates that illegal trafficking in human remains and cultural items may result in criminal penalties.

³ State of California historic preservation plan: <http://ohp.parks.ca.gov/pages/1069/files/10%20comb.pdf>; State of Oregon historic preservation plan: https://www.oregon.gov/oprd/HCD/docs/2018_2023_shpo_plan.pdf.

NAGPRA has two main purposes. One is to require that federal agencies and museums receiving federal funds inventory holdings of Native American funerary remains and funerary objects. They must also provide written summaries of other cultural items. This helps to forge paths for federal agencies and Native tribes to work together in identifying and returning human remains and funerary objects.

The second purpose is to give Native American burial sites greater protection. NAGPRA requires that Indian tribes and Native Hawaiian organizations be consulted when archaeological investigations are anticipated or when cultural items are unexpectedly uncovered.

Three primary components characterize NAGPRA. First, under certain circumstances, NAGPRA provides for the restitution of newly discovered human remains and associated burial items discovered on federally owned or controlled land to Native American tribes. Second, NAGPRA provides a mechanism for the restitution to Native American tribes of human remains, associated and unassociated burial goods, sacred objects, and objects of cultural patrimony that are in the collections of federal agencies and museums that receive federal funding. Third, NAGPRA prohibits trafficking in Native American human remains without the right of possession, as provided under NAGPRA, and in cultural items that were obtained in violation of NAGPRA.

Organic Act of 1897 (USFS Land)

The Organic Act (Title 16, U.S.C. §§ 473-478, 479-482, 551) is the original act governing the administration of National Forest System (NFS) lands. It is one of several federal laws under which the USFS operates. Under this act, the Secretary of Agriculture may make regulations and establish services necessary to regulate the occupancy and use of NFS lands and preserve them from destruction. Persons violating the act or regulations adopted under it are subject to fines or imprisonment. The Organic Act is one authority used to issue Permits for Archaeological Investigations.

Prohibitions in 36 C.F.R. Part 261

The Secretary of Agriculture's regulations (36 C.F.R. Part 261) provide in part for regulating the occupancy and use of archaeological sites on national forest lands. ARPA sets two criteria that must be met by national forests in considering whether a site or artifact is significant for protection: (1) The site or artifact must be at least 100 years of age; and (2) Must be of archaeological interest. However, on federal land, other statutes and regulations provide protections for resources that are not protected under ARPA.

1.4.2 State Laws and Regulations

California

California has several laws and regulations that protect archaeological sites and Native American tribal cultural resources.

- AB 52 (Chapter 532, Statutes 2014) establishes a consultation process with all California Native American tribes on the Native American Heritage Commission List (federally and non-federally)

Commented [GB22]: See comments above about including State obligations in a Section 106 agreement document. This section should be removed in its entirety.

recognized tribes). Recognizes tribal cultural resources, considers tribal cultural values in determination of project impacts and mitigation, and requires tribal notice and meaningful consultation. AB 52 required an update to CEQA Guidelines to include questions related to impacts to tribal cultural resources. See also CEQA, below.

- PRC Section 5024.1 established the California Register of Historical Resources (CRHR) and criteria to determine significance, eligible properties, and nomination procedures.
- PRC Section 5097.5 makes any unauthorized removal or destruction of archaeological or paleontological resources on sites located on public land a misdemeanor. Public lands are those owned by, or under the jurisdiction of, the state, or any city, county, district, authority, or public corporation, or any agency thereof.
- PRC Section 5097.9 prohibits the interference with the free expression of Native American religion as provided in the U.S. Constitution and the California Constitution and severe or irreparable damage to any Native American-sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine on public property, except on a clear and convincing showing that the public interest and necessity so require.
- PRC Section 5097.98 states that if the county coroner determines that discovered human remains are Native American, the coroner is required to contact the Native American Heritage Commission, which is then required to determine the “Most Likely Descendant” to inspect the burial and to make recommendations for treatment or disposition of the remains and any associated burial items.
- PRC Section 5097.99 prohibits obtaining or possessing Native American artifacts or human remains taken from a grave or cairn and sets penalties for these actions.
- PRC Section 21074 defines tribal cultural resources as sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either included or determined to be eligible for inclusion in the CRHR, or included in a local register; a resource determined by the lead agency to be significant to a California Native American tribe.
- PRC Section 21083.2 provides that if a project may affect a resource that has not met the definition of an historical resource set forth in Section 21084, then the lead agency may determine whether a project may have a significant effect on “unique” archaeological resources; if so, an EIR shall address these resources. If a potential for damage to unique archaeological resources can be demonstrated, such resources must be avoided; if they cannot be avoided, mitigation measures shall be required. The law also discusses excavation as mitigation; discusses the costs of mitigation for several types of projects; sets time frames for excavation; defines “unique and nonunique archaeological resources”; provides for mitigation of unexpected resources; and sets financial limitations for compliance with this section.
- PRC Section 21084.1 provides that a project may have a significant effect on the environment if it causes a substantial adverse change in the significance of a historic resource; the section further defines a “historical resource” and describes what constitutes a “significant” historical resource.
- Title 14, California Code of Regulations (CCR) Section 4307 states that no person shall remove, injure, deface, or destroy any object of paleontological, archaeological, or historical interest or value.

- CEQA Guidelines (Title 14, CCR) include sections that address archaeological and historic resources, including Section 15126.4, “Consideration and Discussion of Mitigation Measures Proposed to Minimize Significant Effects,” which discusses impacts of a historical resource and mitigation through avoidance, preferably by preservation in place, or by data recovery through excavation conducted following an adopted data recovery plan if avoidance or preservation in place is not feasible; Section 15064.5, “Determining the Significance of Impacts to Archaeological and Historical Resources,” which defines the term “historical resources” and explains when a project may be deemed to have a significant effect on historical resources and defines terms used in describing those situations, as well as CEQA’s applicability to archaeological sites; and Section 15064.7, “Thresholds of Significance,” which encourages agencies to develop thresholds of significance to be used in determining potential impacts and defines the term “cumulatively significant.”
- California Penal Code Section 622.5 states that anyone who willfully damages an object or thing of archaeological or historic interest can be found guilty of a misdemeanor.
- California Health and Safety Code Section 7050.5 states that if human remains are discovered during construction, the person(s) responsible for the excavation or their agent is required to contact the county coroner. Section 7050.5 establishes intentional disturbance, mutilation or removal of interred human remains as a misdemeanor. This section requires that further excavation or disturbance of land, upon discovery of human remains outside of a dedicated cemetery, cease until a county coroner makes a report. The county coroner must contact the Native American Heritage Commission (NAHC) within 24 hours if the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the remains to be those of a Native American.
- California Health and Safety Code Section 7051 governs the removal of human remains from interment, or from a place of storage while awaiting interment or cremation, with the intent to sell them or to dissect them with malice or wantonness as a public offense punishable by imprisonment in a state prison.
- California Health and Safety Code Section 7052 stipulates felony offenses related to human remains, stating that willing mutilation of, disinterment of, removal from a place of disinterment of any remains known to be human are felony offenses.
- California Health and Safety Code Section 7054 concerns depositing human remains outside of a cemetery and exempts reburial of Native American remains pursuant to PRC Section 5097.94 from definition of a misdemeanor.
- California Health and Safety Code Sections 8010-8011 contain the provisions of the California Native American Graves Protection and Repatriation Act of 2001. This act establishes a state repatriation policy intent that is consistent with and facilitates implementation of the federal NAGPRA. The act strives to ensure that all California Indian human remains and cultural items are treated with dignity and respect. It encourages voluntary disclosure and return of remains and cultural items by publicly funded agencies and museums in California. It also states an intent for the state to provide mechanisms for aiding California Indian tribes, including non-federally recognized tribes, in filing repatriation claims and getting responses to those claims.

- California Penal Code Section 622.5 establishes as a misdemeanor the willful injury, disfiguration, defacement, or destruction of any object or thing of archaeological or historical interest or value, whether situated on private or public lands.
- California Penal Code 623 establishes as a misdemeanor the disturbing or alteration of any archeological evidence in any cave without the written permission of the owner of the cave, punishable by up to 1 year in the county jail or a fine not to exceed \$1,000, or both.
- California Penal Code 7050.5 declares the intentional disturbance, mutilation, or removal of interred human remains as a misdemeanor crime and requires that further excavation or disturbance of land must cease upon discovery of human remains outside of a dedicated cemetery, until a county coroner makes a report. The code requires a county coroner to contact the NAHC within 24 hours if the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the remains to be those of a Native American.

Oregon

Oregon State laws are applicable to non-federal public and private lands in Oregon. Oregon Revised Statutes (ORS) that apply to cultural resources include the following:

- ORS 97.740–97.760, which protect Indian graves and protected objects and establish procedures for their treatment
- ORS 192.501, which protects the confidentiality of information on archaeological sites
- ORS 358.905–358.995, which provide overall policy guidance on archaeological objects and sites
- ORS 390.235–390.237, which require a permit from the Oregon State Parks and Recreation Department before archaeological materials can be excavated from public lands or within a known archaeological site, following the Oregon Administrative Rules (OAR) for the permitting (OAR 736-051-0000 to 0090).

1.5 Participants in HPMP Development

Pursuant to its responsibilities under the NHPA, FERC initiated consultation with the California and Oregon SHPOs through the “Notice of Applications” on December 10, 2016. Within the Notice, FERC designated PacifiCorp and the Renewal Corporation as the Commission’s “non-federal representative for carrying out informal consultation” pursuant to 36 C.F.R. § 800.2(c)(4). Following that designation, the Renewal Corporation extended invitations to consult with other federal and state agencies, tribes, local jurisdictions, and other interested parties.

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1.5.1 Cultural Resources Working Group

To initiate Section 106 compliance, the Renewal Corporation formed a CRWG in August 2017. The purpose of the group is to compile information to assist FERC with regulatory compliance and to ensure open communication among all consulting parties. Invited members to the CRWG include PacifiCorp; the Oregon and California SHPOs, USFS (Klamath National Forest); BLM (Redding and Klamath Falls Field Offices);

USACE (San Francisco District); USBR; and representatives of the Klamath Tribes, Modoc Nation (formerly Modoc Tribe of Oklahoma), Shasta Indian Nation, Shasta Nation, Karuk Tribe, Yurok Tribe, Quartz Valley Indian Community of the Quartz Valley Reservation of California, Cher’Ae Heights of the Trinidad Rancheria, Confederated Tribes of the Siletz Indian Reservation, Resighini Rancheria, and the Hoopa Valley Tribe.

CRWG meetings focused on a broad range of topics, including an overview of the Section 106 process; the Project schedule and updates; restoration and recreation planning; APE; cultural resource identification methods, NRHP evaluation of potentially affected sites (Phase II); and development of the MOA, LVPP, Monitoring and Inadvertent Discovery Plan (MIDP), and this HPMP. In conjunction with the CRWG meetings, and at the request of tribal participants, the Renewal Corporation has also hosted Tribal Caucuses, held before each CRWG meeting and open to tribal representatives only. In addition, the Renewal Corporation has taken part in meetings with individual tribes on an as-requested basis. Individual meetings have been held with the Klamath Tribes, Modoc Nation, Shasta Indian Nation, Shasta Nation, Quartz Valley Indian Reservation, Karuk Tribe, Yurok Tribe, and Resighini Rancheria. A major goal of the CRWG has been to provide input on documents designed to assist the Renewal Corporation with compliance with Section 106 requirements.

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1.5.2 Local Jurisdictions and Other Consulting Parties

In addition to federal agencies, tribes, and state agencies, the Renewal Corporation has also invited local jurisdictions and other potentially interested organizations to consult under Section 106 of the NHPA. While some parties expressed an interest in the Project, none have attended or otherwise participated in the CRWG.

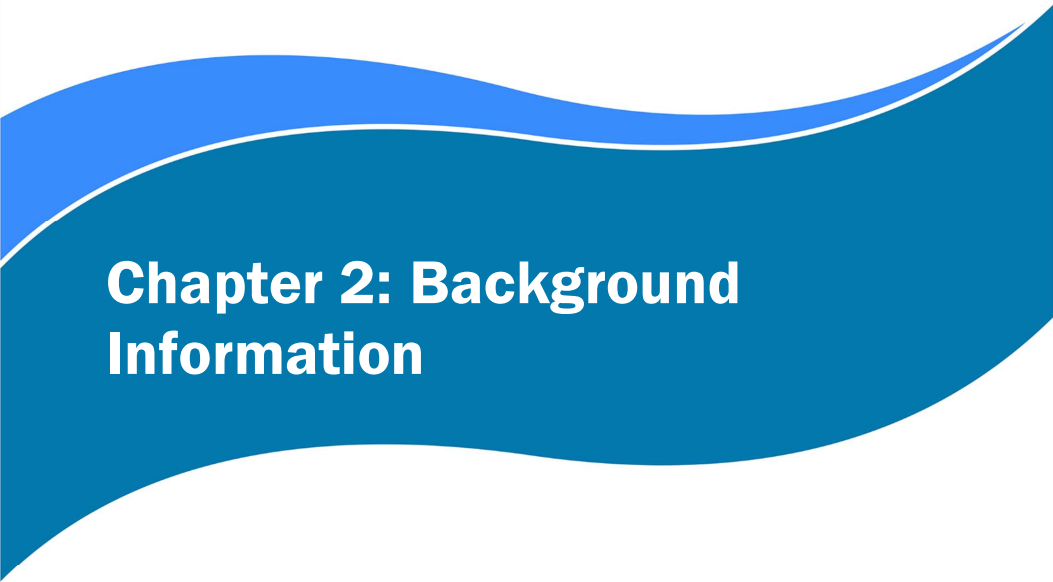
1.5.3 HPMP Consultation Procedures and Protocols

Since FERC issued its Notice of Applications on December 10, 2016, the Renewal Corporation has consulted with federal agencies, SHPOs, tribes, and other stakeholders concerning various components of the HPMP, including the APE, process for identifying and evaluating historic properties, assessment of effects, MIDP, and the LVPP. Having received input from these parties during consultation meetings and/or written correspondence, a Draft HPMP [will be] was distributed to the CRWG for review and comment consistent with the FERC guidelines. Comments received from the participants were taken into account by the Renewal Corporation, and the document was revised accordingly.

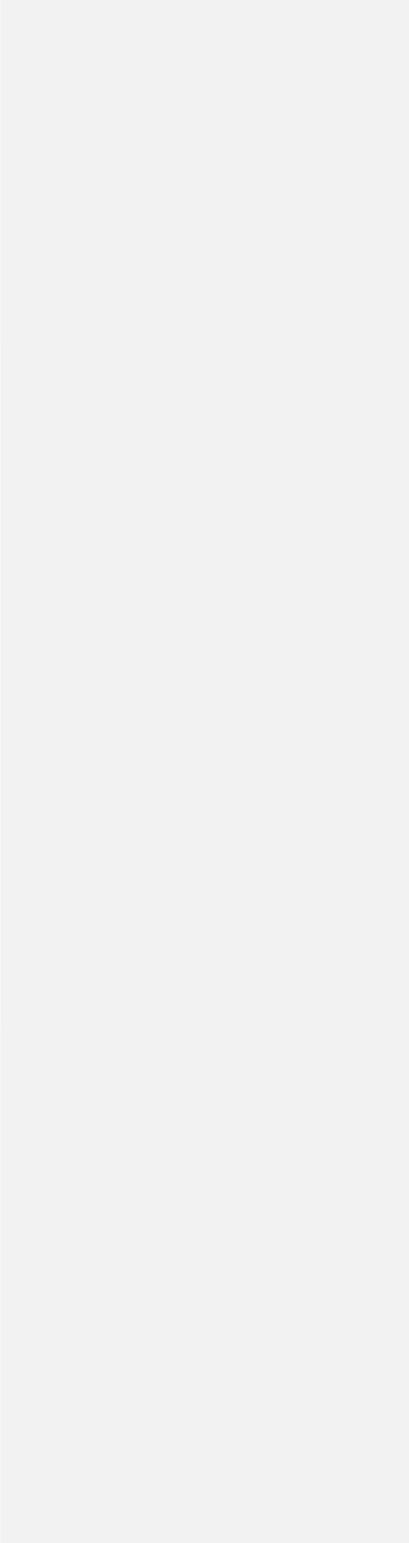
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This comment applies elsewhere in the document to statements about processes that are yet to be completed



**Chapter 2: Background
Information**



BACKGROUND INFORMATION

This section provides an overview of the Lower Klamath Project removal activities, beginning with a general description and introduction to the four existing hydroelectric developments.

2.1 Location

The Lower Klamath Project is along the upper Klamath River in Klamath County, Oregon (south-central Oregon) and Siskiyou County, California (north-central California), approximately 200 miles upstream from the Pacific Ocean (Figure 0-1 Figure 2-4). The Lower Klamath Project encompasses the lands and waters between the upper reach of J.C. Boyle Reservoir, at river mile (RM) 234, and the toe of Iron Gate Dam, at RM 193. The nearest principal cities are Klamath Falls, Oregon, located about 15 miles northeast of the upstream end of the Project area; Medford, Oregon, 45 miles northwest of the downstream end of the Project area; and Yreka, California, 20 miles southwest of the downstream end of the Project area. Figure 0-1 Figure 2-4 is a map of the Lower Klamath Project hydroelectric facility locations.

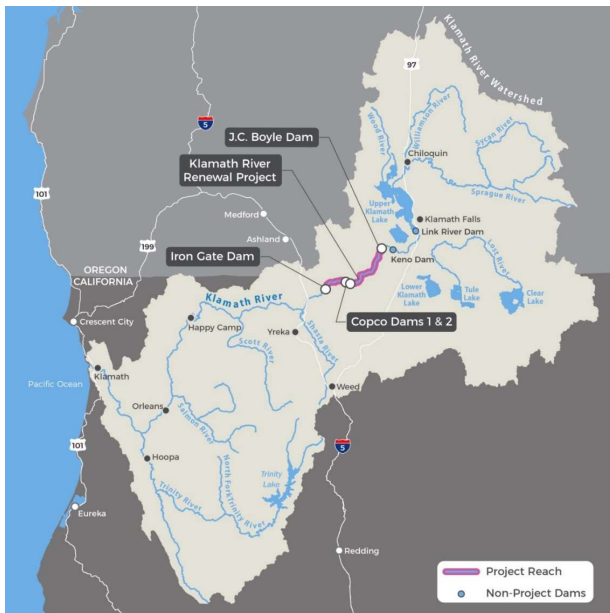


Figure 0-1 Klamath Basin watershed and Lower Klamath Project hydroelectric facility locations

2.2 Existing Hydroelectric Facilities and Fish Hatcheries

The Lower Klamath Project existing hydroelectric facilities and existing fish hatcheries are described in Renewal Corporation 2020, and a summary is provided below.

2.2.1 J.C. Boyle

The J.C. Boyle development (originally known as the Big Bend development) is located between RM 224.7 (dam) and RM 220.4 (powerhouse) on the Klamath River in Oregon (PacifiCorp 2004). The development includes the dam and intake structure, reservoirs, water conveyance system, scour hole, and the powerhouse and substation. The J.C. Boyle Dam is a 68-foot-tall concrete and earth fill dam that is approximately 700 feet long. The dam impounds approximately 3,495 acre-feet of water, at a reservoir elevation (EL.) 3,796 feet in a narrow reservoir with a surface area of approximately 420 acres (FERC 2018). A concrete pool and weir fish ladder (approximately 569 feet long with 63 pools) is located along the abutment wall between the embankment and concrete sections to provide upstream fish passage at the dam (PacifiCorp 2004). J.C. Boyle Reservoir supplies water through a concrete conveyance system comprised of a 600-foot siphon and pipeline, a 2-mile-long concrete power canal, a 1,660-foot-long low-pressure tunnel, and two 956-foot-long by 10.5-foot-diameter surface-mounted high-pressure steel penstocks. The conveyance system extends to a powerhouse containing two units with an authorized capacity of 98 megawatts (MW) (FERC 2018). There is also an eroded scour hole downstream of the forebay structure. The development includes a switchyard, substation, and transmission lines. Recreation facilities at J.C. Boyle include the Topsy Campground and boat launch, Pioneer Park east and west units and boat launches, Spring Island whitewater boating launch, and numerous dispersed shoreline recreations sites.

2.2.2 Copco No. 1

The Copco No. 1 dam and associated facilities are located on the Klamath River between RM 204 and RM 198 in Siskiyou County, California. The Copco No. 1 hydroelectric facilities consist of a 230-foot-high (measured from the lowest point of the foundation excavation to the spillway crest) by 415-foot-long dam with a spillway section containing 13 Tainter gates and an abandoned and concrete-plugged diversion tunnel and concrete inlet control structure. The reservoir is 1,000 surface acres and contains about 33,724 acre-feet of total storage capacity at elevation 2,607.5 (FERC 2018). The two 10-foot-diameter (reducing to 8-foot-diameter) steel penstocks feed Unit No. 1 in the powerhouse. The right intake houses four vertical-lift gates. A single, 14-foot-diameter (reducing to two 8-foot-diameter) steel penstock close to the river feeds Unit No. 2. The powerhouse contains two units at an authorized capacity of 20 MW. The development also contains a switchyard, substation, and transmission lines (FERC 2018). Recreation facilities at Copco No. 1 include Mallard and Copco Cove with boat launches.

2.2.3 Copco No. 2

The Copco No. 2 development powerhouse is located immediately downstream of Copco No. 1 at RM 198.3 in California. The Copco No. 2 reservoir is small (approximately 40 acres), with a storage capacity of 73 acre-

feet at EL. 2,483 feet) and is located immediately downstream of Copco No. 1 dam. The Copco No. 2 dam is a 33-foot-tall concrete gravity diversion dam with a 132-foot-long earth fill embankment section at the right abutment. The development also includes a 145-foot-long overflow spillway with five 26- by 11-foot radial (Tainter) gates and a 4,863-foot-long water conveyance system. The conveyance system includes a 2,440-foot concrete-lined tunnel, 1,313-foot wood-stave penstock, an additional 1,110 feet of concrete-lined tunnel, two steel penstocks approximately 375 feet long, and a surge tank (FERC 2018). The Copco No. 2 Powerhouse has two units, and an authorized capacity of 27 MW (FERC 2018). The Copco No. 2 development also includes a switchyard, substation, and transmission lines. The bypass reach is approximately 1.5 miles long. The Copco 2 development does not contain recreation facilities accessible by the public (PacifiCorp 2004).

2.2.4 Iron Gate

The Iron Gate facilities comprise the farthest downstream Lower Klamath Project development in California located between RM 196.8 (dam) and RM 190.0 (powerhouse). The dam and associated facilities consist of an approximately 944 surface-acre reservoir with 58,794 acre-feet of storage capacity at EL. 2,328.0 (FERC 2018). The dam has a height of 189 feet from the rock foundation to the dam crest at EL. 2,343.0 feet mean sea level (msl). Iron Gate also has fish trapping and holding facilities located on the random fill area at the dam toe. The top of the random fill area is at EL. 2,189.0 feet msl. High (EL. 2,310.0 feet msl) and low-level (EL. 2,250 feet msl) intakes for the fish facility water are incorporated into the dam. In 2003, PacifiCorp modified Iron Gate Dam to raise the dam crest elevation from EL. 2,343 feet msl to EL. 2,348 feet msl. The modifications included construction of a sheetpile wall extension along the dam crest, anchored into the existing dam structure. Additional riprap materials were placed on the upstream face of the dam to protect those areas inundated by higher reservoir elevations. This work included shotcrete protection at the top of the spillway and spillway chute (PacifiCorp 2004).

The spillway crest is 727 feet long and consists of a concrete ogee and slab placed over the excavated rock ridge. The upper part of the channel is partly lined with concrete. At the end of the chute, a flip-bucket terminal structure is located approximately 2,150 feet downstream of the toe of the dam (PacifiCorp 2004). The Iron Gate Powerhouse has one unit with an authorized capacity of 18 MW, a switchyard, substation, and transmission lines. The powerhouse is located at the base of the dam on the left bank. The Iron Gate development also includes the Iron Gate fish hatchery, which raises steelhead, coho salmon, and Chinook salmon, and includes a fish trapping and holding facility. The hatchery complex includes an office, incubator building, rearing ponds, fish ladder with trap, visitor information center, and employee residences. Up to 50 cubic feet per second (cfs) is diverted from the Iron Gate reservoir to supply the 32 raceways and fish ladder. The hatchery is operated by the California Department of Fish and Wildlife (CDFW) (PacifiCorp 2004). Recreation facilities at Iron Gate include the Fall Creek day-use area and boat launch, campgrounds, and other boat launch areas and dispersed shoreline sites.

2.2.5 Iron Gate Hatchery

Iron Gate Hatchery was constructed in 1962 to mitigate for lost anadromous salmonid spawning and rearing habitat between Copco No. 2 Dam and Iron Gate Dam. The Iron Gate Hatchery is approximately 0.5 mile

downstream of Iron Gate Dam, adjacent to the Bogus Creek tributary. The main hatchery complex includes an office, incubator building, rearing/raceway ponds, fish ladder with trap, settling ponds, visitor information center, and four employee residences. The collection facility is at Iron Gate Dam and includes a fish ladder consisting of twenty 10-foot weir-pools that terminate in a trap, a spawning building, and six 30-foot circular holding ponds. The Iron Gate Hatchery operates with a gravity-fed, flow-through system that has five discharge points into the Klamath River. The Iron Gate Hatchery obtains its water supply from Iron Gate Reservoir. Two subsurface influent points at a depth of approximately 17 feet and 70 feet, respectively, deliver water to Iron Gate Hatchery. Up to 50 cfs are diverted from the Iron Gate Reservoir to supply the 32 raceways and fish ladder. The existing spawning facility discharges through the main ladder and steelhead return line. An overflow line drains excess water from the aeration tower. The hatchery facility also has a discharge at the tailrace that supplies the auxiliary ladder or fish discharge pipe, and two flow-through settling ponds for hatchery effluent treatment that converge to a single discharge point. The historical mitigation goals include a release of 6,000,000 Chinook salmon (5,100,000 fingerlings and 900,000 yearlings), 75,000 coho salmon yearlings, and 200,000 steelhead yearlings, annually. The Southern Oregon Northern California Coast coho salmon Evolutionarily Significant Unit, which includes coho salmon produced at Iron Gate Hatchery, is listed as threatened under the federal Endangered Species Act and the California Endangered Species Act. The Renewal Corporation will demolish the existing fish collection facility at the toe of Iron Gate Dam and the water supply intake and associated infrastructure along with the dam and hydropower developments.

2.2.6 Fall Creek Hatchery

California Oregon Power Company built the Fall Creek Hatchery in 1919 as compensation for loss of spawning grounds due to the construction of Copco No. 1 Dam. Six of the original rearing ponds remain (two above Copco Road and four below the road). CDFW last used these ponds from 1979 through 2003 to raise approximately 180,000 Chinook salmon yearlings, which they released into the Klamath River at Iron Gate Hatchery. Although the raceways remain and CDFW continues to run water through them, they have not produced fish since 2003, when CDFW moved all mitigation fish production to Iron Gate Hatchery. There are two existing diversion structures (Diversion A and Diversion B). Diversion A is the primary diversion for the water supply, and Diversion B is the secondary diversion under current and future operating conditions. The facility retained its water rights but needs substantial renovation to become operational.

2.3 Project Description

To create a free-flowing river to allow volitional fish passage, the Renewal Corporation will remove the J.C. Boyle Dam and Powerhouse, Copco No. 1 Dam and Powerhouse, Copco No. 2 Dam and Powerhouse, and Iron Gate Dam and Powerhouse, as well as associated features. Associated features vary by development, but generally include powerhouse intake structures, embankments, and sidewalls, penstocks and supports, decks, piers, gatehouses, fish ladders and holding facilities, pipes and pipe cradles, spillway gates and structures, diversion control structures, aprons, sills, tailrace channels, footbridges, powerhouse equipment, distribution lines, transmission lines, switchyards, original cofferdam, portions of the Iron Gate Fish Hatchery, residential facilities, and warehouses. The removal also includes site remediation and restoration, including

areas previously inundated by the reservoirs; measures to avoid or minimize adverse downstream impacts; and all associated permitting for such actions.

As described in the DDP (Renewal Corporation 2020), the removal will be completed within an approximate 20-month period. The removal schedule includes a 9-month period of site preparation and partial drawdown at Copco No. 1. To access the dams for deconstruction, the Renewal Corporation will perform a controlled reservoir drawdown using both existing and modified infrastructure for approximately 4 to 6 months depending on water year type. Dam demolition will occur over approximately 6 to 8 months using multiple techniques, including contained blasting and hydraulic excavators.

Road maintenance, improvements, and rehabilitation; culvert replacements; and bridge protection, strengthening, or replacement will occur at numerous locations within the Lower Klamath Project Limits of Work (LOW)⁴ to support construction activities. The removal activities also involve the relocation of the Yreka water conveyance pipeline, Fall Creek Hatchery improvements, and the removal of recreation facilities adjacent to the reservoirs.

To meet the objective for volitional fish passage, a restoration program will be implemented in the previously inundated areas in the former reservoir footprints, on the mainstem of the Klamath River, and on high-priority tributaries within the original Lower Klamath Project reservoirs. Such restoration will involve assisted sediment evacuation and residual sediment stabilization; tributary reconnection, selective post-drawdown grading to provide volitional fish passage, revegetating through native plantings; and enhancing aquatic habitat.

The DDP (Renewal Corporation 2020) describes the decommissioning activities in three phases: Phase 1 Pre-Drawdown; Phase 2 Drawdown; and Phase 3 Post-Drawdown ([Table 0-1](#)[Table 2-1](#)). Phase 1 and Phase 2 involve activities up to the final reservoir drawdown, including those activities that occur during the final reservoir drawdown immediately prior to the physical removal of the facilities. Phase 3A includes the physical removal of the facilities from the river and in-channel grading. Phase 3B includes site restoration and other ancillary work (e.g., recreation sites, Yreka water line, and fish hatchery activities). The DDP provides the proposed schedule for the decommissioning of the Lower Klamath Project (Renewal Corporation 2020).

During the Phase 2 Drawdown, the Renewal Corporation (through its contractor) will draw down the water surface elevation in each reservoir as low as possible to help accumulated sediment evacuation and to create a dry work area for development removal activities. Based on the stability analyses and assessments, the maximum recommended drawdown rate is 5 feet per day (Renewal Corporation 2020:29, 35).

After the Phase 2 Drawdown is accomplished, remaining reservoir sediments will be stabilized to the extent feasible, and dam and hydropower development removal will begin under Phase 3A. Full reservoir restoration and other ancillary work will begin during Phase 3B.

⁴ The LOW is a geographic area that encompasses the pre-drawdown, drawdown, and post-drawdown activities and may or may not expand beyond the FERC boundary associated with the Lower Klamath Project.

Table 0-1 Phases for Decommissioning and Schedule

Phase	Title	Description	Expected Start (earliest, any development)	Expected Finish (latest, any development)
Phase 1	Pre-Drawdown	Includes all activities up to the initiation of drawdown such as construction and site access and powerhouse/water conveyance modifications	July 2022	January 2023
Phase 2	Drawdown	Includes all activities during the initial drawdown, which will occur approximately from January 1–March 15, and the final reservoir drawdown, which will occur when the water surface elevation is at the historic coffer dam, otherwise considered the Klamath River historic channel. This phase is immediately prior to the physical removal of the facilities.	January 1, 2023	March 15, 2023
Phase 3A	Post-Drawdown Facility Removal	Includes all activities associated with removing the physical facilities, and in-channel grading.	March 2023	October 2023
Phase 3B	Post-Drawdown Site Restoration and Ancillary Site Improvements	Includes all activities occurring post-facility removal, including site restoration and other ancillary work (e.g., recreation sites, Yreka water line, fish hatchery activities).	January 2022*	September 2024

Notes: Compilation of tables in Chapter 5 of the DDP (Renewal Corporation 2020), using the earliest start and latest finish dates for any development. * Some site restoration activities will begin as early as January 2022, while others will occur post-drawdown.

2.3.1 Phase 1: Pre-Drawdown and Phase 2: Drawdown

Overview

The DDP describes the Phase 1 Pre-Drawdown and Phase 2 Drawdown activities related to Construction and Site Access, Powerhouse and Water Conveyance Modifications, and Reservoir Drawdown Stages for each hydroelectric facility. [Table 0-2](#) summarizes the activities by facility (Renewal Corporation 2020).

Table 0-2 Summary of Phase 1: Pre-Drawdown and Phase 2: Drawdown Activities by Facility

Facility	Construction and Site Access Improvements	Powerhouse and Water Conveyance Modifications	Reservoir Drawdown
J.C. Boyle	None	None	Four stages

Facility	Construction and Site Access Improvements	Powerhouse and Water Conveyance Modifications	Reservoir Drawdown
Copco No. 1	Construct and improve roads, temporary bridge, work platform at base of spillway	Construct one outlet on dam, dredge upstream, modify reservoir operations	Three stages
Copco No. 2	Develop temporary access roads/track	Remove downstream historic cofferdam, excavate material in the downstream channel at Spillway Bay No. 1, dispose of materials at approved on-site disposal location	Three stages
Iron Gate	Construct access to tunnel across base of dam and work platform, access road	Partially line diversion tunnel and remove weir at outlet	Two stages

Note: Compiled from the DDP (Renewal Corporation 2020).

Ancillary Pre-Drawdown Site Improvements

As part of the larger dam decommissioning effort, the Renewal Corporation will install the Yreka water supply line and move fish hatchery operation to Falls Creek Fish Hatchery.

Yreka Water Supply Line

The Yreka water supply line traverses the upper end of Iron Gate Reservoir. The Renewal Corporation has reached agreement with the City of Yreka to construct a new segment of buried pipeline in the immediate vicinity of the existing waterline crossing. The new section of the pipeline will tie into the existing buried pipeline at either end. The pipeline will be temporarily routed across the Daggett Road Bridge until the new pipeline is constructed following drawdown. Following drawdown, a trench will be dug across the Klamath River for the construction of the new pipeline. The trench will be dug behind a cofferdam and will be constructed in two stages to allow the river to be routed around the work zone.

Fall Creek Hatchery Improvements

The existing Iron Gate Hatchery facilities are part of the Lower Klamath Project, and they are operated by CDFW. Pursuant to KHSA, the Renewal Corporation has consulted with CDFW regarding hatchery facilities. With the removal of Iron Gate Dam, the Renewal Corporation will remove the water intake and fish capture, holding, and spawning facilities of the Iron Gate Hatchery. The functions and goals of the existing Iron Gate Hatchery will be replaced by the reopening and operation of the Fall Creek Hatchery by CDFW until the license surrender is effective. The Renewal Corporation will demolish the existing fish collection facility located at the toe of the Iron Gate Dam. The Renewal Corporation proposes to upgrade the plumbing and reconstruct the Fall Creek Hatchery to be operated by CDFW. The Fall Creek Hatchery will be located on

PacifiCorp lands outside of the boundaries respectively of the Lower Klamath Project or the Klamath Project, P-2082. The Renewal Corporation, PacifiCorp, and CDFW will enter into a lease or similar legal arrangement for this purpose, to ensure that the Renewal Corporation (as future licensee) has adequate control over the lands and waters associated with this facility for compliance with the applicable condition of the LSO.

2.3.2 Phase 3A: Post-Drawdown Facility Removal

Phase 3A Post-Drawdown Facility Removal includes the physical removal of the facilities from the river and in-channel grading. Each of the developments are described for activities related to (1) Dam Removal and Volitional Fish Passage Channel Construction; (2) Water Conveyance Decommissioning; (3) Powerhouse, Substation, and Ancillary Facilities Removal. For Iron Gate, a fourth category is included to describe Fish Hatchery Decommissioning Activities (Renewal Corporation 2020) ([Table 0-3Table-2-3](#)).

Table 0-3 Summary of Phase 3A Post-Drawdown Facility Removal Activities by Facility

Facility	Dam Removal and Volitional Fish Passage Channel Construction	Water Conveyance Decommissioning	Powerhouse, Substation, and Ancillary Facilities Removal	Fish Hatchery Decommissioning Activities
J.C. Boyle	Construct and improve roads; remove dam concrete and fish ladder; remove earthfill embankment; remove cofferdam and accumulated sediment	Remove 14-foot-diameter pipeline; close the power canal and remove buildings and equipment; bury tunnel portal inlet; leave Power Canal Access Road in place; fill scour hole; dispose of steel penstocks	Remove powerhouse and all associated structures; remove J.C. Boyle village (demolish all buildings)	N/A

Facility	Dam Removal and Volitional Fish Passage Channel Construction	Water Conveyance Decommissioning	Powerhouse, Substation, and Ancillary Facilities Removal	Fish Hatchery Decommissioning Activities
Copco No. 1	Complete diversion tunnel; remove concrete dam; excavate material upstream or downstream of the dam; remove the diversion tunnel cofferdam	Remove penstocks	Remove powerhouse, switchyard, transmission lines, and ancillary structures	N/A
Copco No. 2	Remove dam and embankment; construct fish passage channel and install riprap for erosion on stream banks near dam	Demolish intake structure, wood-stave penstock, and steel penstocks; backfill with local materials	Remove powerhouse and ancillary structures; remove Copco Village (demolish all buildings)	N/A
Iron Gate	Remove embankment; install riprap/erosion protection; construct fish passage channel	Remove concrete from spillway; remove penstock; fill intake and outlet of diversion tunnel opening	Remove powerhouse and ancillary structures; decommission Iron Gate substation	Remove fish facilities and piping

Notes: Condensed from the DDP (Renewal Corporation 2020). N/A = not applicable

2.3.3 Phase 3B: Post-Drawdown Site Restoration and Ancillary Site Improvement Activities

After the physical dam removal and the majority of in-water work occurs (Phases 1, 2, and 3A), the Renewal Corporation will implement site restoration activities, including planting, evaluating volitional fish passage barriers that may develop, and invasive exotic vegetation management, to stabilize and restore the river.

Site Restoration

Site restoration is the primary activity to support the overall habitat restoration goal for coho salmon, fall-run and spring-run Chinook salmon, winter-run and summer-run steelhead, redband trout, and Pacific lamprey. Therefore, site restoration will be an active part of all phases of the decommissioning. The restoration is primarily tied to the removal of the four dams and associated infrastructure, but there will be additional restoration of the former reservoirs as well. To be sensitive to cultural resources and minimize costly restorations in difficult access areas, the restoration will focus on the mainstem of the Klamath River, high priority tributaries, and natural springs and will include the primary restoration areas identified in the following sections. Restoration details are outlined in detail in the Reservoir Area Management Plan developed in consultation with governmental agencies and tribes.

The site restoration effort will include streams and floodplain restoration, upland restoration, revegetation, and invasive exotic vegetation management. On floodplains, the Renewal Corporation will remove un-natural sediment stored on historic floodplains, protect streambanks from erosion, and improve hydrologic connectivity to off-channel areas and the floodplain. Upland restoration will focus on re-grading former dam sites with natural materials and using soil erosion control. Revegetation will occur in wetland, riparian, and upland planting zones. Invasive exotic vegetation management will commence during pre-removal activities and continue for 2 years after removal.

Ancillary Post-Drawdown Site Improvements

Ancillary post-removal site improvements include recreation improvements. The Renewal Corporation is drafting a Recreation Facilities Plan, in coordination with stakeholders including commercial and private boaters, anglers, and tribes. The Renewal Corporation proposes changes to existing recreation sites included in the current license. These sites are listed on Table 4-1 in the DDP (Renewal Corporation 2020:56). Following the effective date of license surrender, the Renewal Corporation will transfer Project lands to the States of California and Oregon (Parcel B lands) or a designee. **The Renewal Corporation has consulted with the States to confirm that that, after the effective date for license surrender, they will assume responsibility for operation and maintenance of the sites.**

2.3.4 Transfer of Parcel B Lands

Decommissioning activities will primarily occur on lands that will be owned and managed by the Renewal Corporation at the time of implementation of this HPMP. Measures from the HPMP will be implemented on BLM land consistent with agency manuals, policies, and guidelines.

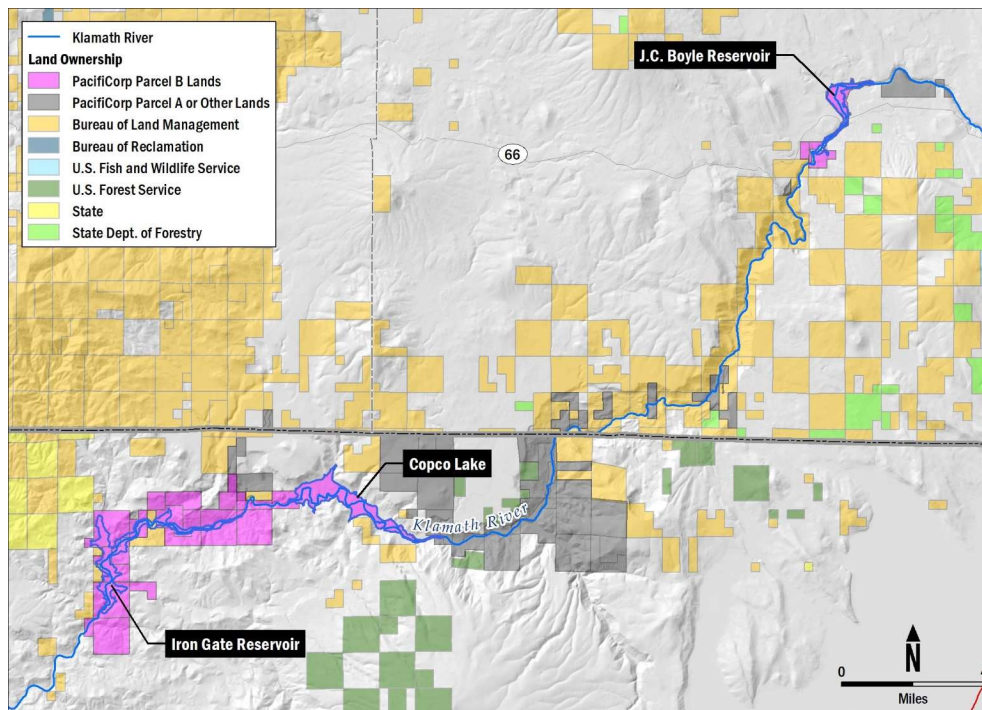
Commented [GB27]: Please clarify whether or not transfer of property out of federal control is considered an effect to historic properties in this HPMP or not.

Commented [GB28]: It is unclear what this means. Further clarification is requested.

This may also relate to the comment in the MOA whether or not other federal agencies were delegating consultation responsibility to FERC as the lead federal agency or using the MOA and HPMP as the basis for its own compliance with Section 106?

Project lands subject to transfer by the Renewal Corporation to the States or to a designated third-party designee once the Renewal Corporation has met all license surrender conditions are referred to as “Parcel B lands.” The process by which private Parcel B lands will be transferred is outlined in KHSA Section 7.6.4. First, PacifiCorp will transfer Parcel B lands associated with the Project to the Renewal Corporation before decommissioning begins. PacifiCorp will continue to operate and maintain the proposed Lower Klamath Project and will assume the financial and legal liabilities for the developments pending surrender of the transferred license. However, the Renewal Corporation alone will remove the dams. Once the Renewal Corporation has completed facilities removal and all surrender conditions have been satisfied, the Renewal Corporation will transfer ownership of these lands to the respective States or to a designated third-party transferee.

The general Project location and locations of Parcel B lands subject to transfer from the Renewal Corporation to the States are provided in [Figure 0-2](#) [Figure 2-2](#).



Source: 2012 EIS/R (USBR and CDFG 2012)

Figure 0-2 Map depicting land ownership, including Parcel B lands

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Chapter 3: Identification of Historic Properties

IDENTIFICATION OF HISTORIC PROPERTIES

3.1 Area of Potential Effects (APE) and Area of Direct Impacts (ADI)

The Renewal Corporation, in consultation with federal agencies, Oregon and California SHPOs, tribes, and other consulting parties, has developed an APE. This section describes the APE as required by 36 C.F.R. Part 800. It then describes the ADI, which is a subset of lands within the APE subject to direct physical effects associated with the Project. The APE and ADI are depicted on maps in Appendix A.

3.1.1 Area of Potential Effects (APE)

The APE is defined in 36 C.F.R. § 800.16(d) as 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.” Furthermore, the APE “is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.”

Defining an APE provides FERC and consulting parties with a basis for understanding the geographic extent of anticipated impacts from an undertaking, which is necessary to properly plan the level of effort for historic properties identification, evaluation, and effects assessments. To confirm the consideration of possible downstream effects below Iron Gate Dam, as well as within the river reaches between J.C. Boyle Dam and Copco Lake, a geographically broad APE is proposed. This APE allows for the examination of potential effects on the surrounding cultural landscape, a potentially NRHP-eligible riverscape, and other identified TCPs, Sacred Sites, and/or archaeological or historic districts located within Klamath River Canyon between J.C. Boyle and Iron Gate Reservoirs that are not in the ADI.

The proposed APE is primarily a 0.5-mile-wide area on each side of the Klamath River from the upper reach of the J.C. Boyle Reservoir to the river mouth at the Pacific Ocean (Appendix A). However, around the reservoirs where topography is more open and rolling, the APE extends at least an additional 0.5 mile to create a minimum 1-mile-wide area on each side of the reservoirs to address the potential for visual effects primarily related to viewshed alterations resultant from reservoir removal. Due to the potential for landscape-level visual changes, the APE around each reservoir may extend beyond the 1-mile-wide area to ensure inclusion of areas that are within sight lines of the reservoirs and ADI. The viewshed analysis is based on bare earth (e.g., no trees, vegetation, or other obstructions) inter-visibility, where geographic information system (GIS) application determines direct sight lines from one position to another considering intervening topography using a digital elevation model. Based on these results, the maximum extent of the APE has been set at 2 miles from the ADI. This distance incorporates most areas with direct sight lines to each reservoir

Commented [GB29]: Much of this section seems repetitive to previous sections regarding the APE.

Commented [GB30]: Recommend effects to historic properties instead of anticipated impacts

Commented [GB31]: Please confirm whether or not the APE has already been determined in consultation.

Commented [GB32]: Discussion of the APE here seems to differ from previous sections. Resolution of the APE description and where it belongs in the HPMP, the MOA, or both, should occur.

and ADI component yet excludes areas where adverse visual impacts are less likely based on distance and the probability of vegetation screening.

3.1.2 Area of Direct Impacts (ADI)

The Renewal Corporation has defined an ADI within the APE that delineates where there are anticipated direct physical impacts, particularly those areas that will be subject to ground disturbance, such as dam facility removal and reservoir restoration activities. The ADI generally corresponds with the LOW, which refers to the physical extent of on-the-ground construction activities (i.e., demolition and removal) and restoration activities per the DDP (Renewal Corporation 2020). In addition, the ADI extends between Iron Gate Dam (RM 193.1) and Humbug Creek (RM 174.0) in California to account for downstream flood control improvements for habitable structures located within the preliminary 100-year floodplain.

Commented [GB33]: If it is not already, a map or maps should be provided. If they have been provided, please include a reference to the location of said maps. (page, exhibit, etc.)

3.1.3 Land Ownership and Management

The ADI boundary includes 4,755.16 acres (as of January 2020). Prior to transfer to the States, the Renewal Corporation will own and manage 2,870.74 acres of Parcel B lands, which account for approximately 60.4 percent of the proposed ADI, including the land containing most of the Project powerhouses; portions of the transmission lines, conduits, canals, and dam facilities; and land underlying the Project reservoirs, Klamath River, and tributary streams. PacifiCorp will retain ownership of Fall Creek lands and other lands, totaling approximately 106 acres (2.2 percent). Approximately 304.79 acres (6.4 percent) are federally owned: portions of the J.C. Boyle canal and the entire powerhouse as well as portions of Iron Gate Reservoir are on BLM land (253.8 acres; 5.3 percent), while the USFS administers lands (50.99 acres, 1.1 percent) that fall within the revised 100-year floodplain below Iron Gate Dam (exclusive of Parcel B lands). Private ownership by others accounts for 1,473.5 acres (31 percent). No state lands are included in the ADI.

Commented [GB34]: The MOA and HPMP applies to the entire APE, regardless of land ownership. It is recommended that this section be clarified to this effect. If something else is intended, that should be made clear.

Lands within the APE situated below the Iron Gate Dam are generally held by private interests but also include parcels managed by the U.S. Bureau of Indian Affairs (BIA) and included within the reservation boundaries of the Yurok Tribe of the Yurok Reservation, Hoopa Valley Tribe, Quartz Valley Indian Tribe, and Resighini Rancheria. The Project also includes lands held by the BIA in trust for the Karuk Tribe in addition to lands held in fee-simple status by the Karuk Tribe. Contemporary land use includes hydroelectric generation, fish management, livestock grazing, recreation, and timberlands.

ADI lands are listed in [Table 0-1 Table 3-1](#). Land acreages calculated for use in the HPMP employed ESRI's ArcGIS (ArcMap) software. The acreages are current to the date presented on the cover of the HPMP.

Table 0-1 Lands of the United States within the ADI

Feature	Ownership Type	Acres	Percent of ADI
ADI Boundary	N/A	4,755.16	N/A
Parcel B Lands	Renewal Corporation	2,870.74	60.37%
Fall Creek Lands	PacifiCorp	48.73	1.02%

Feature	Ownership Type	Acres	Percent of ADI
Other PacifiCorp Lands	PacifiCorp	57.40	1.21%
BLM Lands	Federal	253.80	5.34%
USFS Lands	Federal	50.99	1.07%
All other lands	Private	1,473.50	30.99%

Notes: There are no state or tribal lands within the ADI boundary. ADI = Area of Direct Impact; N/A = not applicable

3.1.4 Proposed Changes to the APE

Federal agencies, SHPOs, tribes, and other consulting parties will be consulted if changes to the APE are proposed by the Renewal Corporation, consistent with the HPMP provisions for annual reporting (see Section 10.7). The Renewal Corporation may send proposed changes to the APE outside of the annual reporting calendar, but the consultation timelines will remain consistent with the general consultation requirements of this HPMP (see Chapter 10).

Commented [GB35]: Proposed changes to the APE belong in the agreement document. A process for consultation, rather than a statement that consultation will occur, is important to clearly understand how changes will be managed.

3.2 Cultural Resources Studies

3.2.1 Archaeology, Ethnography, TCPs, and Klamath Cultural Landscape

Cultural resources studies conducted in support of PacifiCorp's KHP relicensing study (PacifiCorp 2004, 2006), the USBR's 2010 Klamath Facilities Removal EIR (CardnoENTRIX 2012), and the Renewal Corporation's Lower Klamath Project (LKP) provide a comprehensive overview of known and potential historic properties that may be affected by planned actions. Presented below is a description of the studies that have been completed and those that will be required to identify historic properties that may be affected by Project activities. The cultural resources studies are divided into two sections: (1) archaeology, ethnography, TCPs, and the Klamath Cultural Riverscape; and (2) built environment resources. Since many of the Project's historic properties were first identified as part of an earlier KHP relicensing study (PacifiCorp 2004, 2006), a description of those cultural resources identification and evaluation efforts is also provided. A detailed discussion of the environmental, precontact, and historic setting for these resources is presented in Appendix B, *The Lower Klamath Project: Historic Context Report*.

Klamath Hydroelectric Relicensing Project (FERC No. 2082)

Cultural resources studies conducted by PacifiCorp in the early 2000s for the KHP (FERC License No. 2082) relicensing encompassed existing developments on the mainstem Klamath River, including the four dams that will be removed by the current Project. PacifiCorp's 2006 HPMP summarizes the various studies that were conducted between 2003 and 2006. The studies included cultural resource background research; pedestrian field surveys to inventory and record historic and archaeological resources; preparation of cultural resource context statements to facilitate evaluation of historic and archaeological resources for NRHP eligibility; ethnographic studies conducted to identify TCPs, Sensitive Cultural Resources (SCRs), and possible delineation of an NRHP-eligible ethnographic riverscape; a study of effects on cultural resources of

processes related to geomorphology; and an evaluation of historic hydroelectric Project facilities. Detailed results of these technical studies and confidential cultural resource information were presented in the confidential *Final Technical Report for Cultural Resources* (PacifiCorp 2004, 2006) submitted to FERC.

Archaeological Sites

For its KHP relicensing study, PacifiCorp defined a 5,775-acre Field Inventory Corridor (FIC) for pedestrian cultural resources survey that included the original FERC Project boundary (No. 2082), riparian and hydrologically connected areas along Project-affected reaches, and culturally sensitive lands within the Klamath River Canyon from ridgetop to ridgetop. Also inventoried was a short distance of land downstream from Iron Gate Dam to just below the Iron Gate Hatchery. PacifiCorp's inventory documented 165 archaeological sites within the FIC, including 112 precontact, 36 historic-period, and 13 multiple component sites. PacifiCorp identified three levels of NRHP eligibility for identified sites: eligible (38 sites), not eligible (31.5 sites), and potentially eligible/undetermined (109.5 sites). Eligible sites included those resources that were designated as historic properties on the basis of sufficient existing information about them to draw that conclusion. Those sites identified as not eligible lack attributes necessary for their inclusion in the NRHP. Potentially eligible/undetermined sites included those that would require more intensive, subsurface investigations to obtain information necessary to determine if they are or are not eligible for the NRHP under Criterion D. Neither the California nor Oregon SHPO has concurred with the NRHP evaluations offered in the PacifiCorp Final Technical Report (FTR) (PacifiCorp 2004, 2006).

Forty-eight of the archaeological sites in the current Project's ADI consist of resources documented in PacifiCorp's KHP cultural resources inventory. These resources are listed in [Table 0-4Table 3-4](#).

Archaeological Districts

PacifiCorp's HPMP (2006:6-20, 6-21) for the KHP relicensing study identified three potential precontact archaeological districts that corresponded with Project reservoirs. [Table 0-2Table 3-2](#) provides a summary of the proposed precontact archaeological districts within PacifiCorp's Project area (FERC boundary). For the J.C. Boyle Reservoir in Oregon, the Spencer Creek District was named for a group of eight sites found at the mouth of the Keno reach in the Klamath River Canyon (at and near the mouth of Spencer Creek). In California, two archeological districts were identified, comprising a cluster of five sites in the Copco Reservoir/Stateline area (Shovel Creek District) and a group of three sites in the Iron Gate Reservoir area (Fall Creek District). Determinations of NRHP eligibility of these proposed districts were not completed during earlier relicensing studies and have been addressed as part of the current Project. [Table 0-2Table 3-2](#) provides summary information for PacifiCorp's potential archaeological districts as listed in their 2006 HPMP.

Table 0-2 Information for PacifiCorp's (2006) Proposed Archaeological Districts

Site No.	Site Type	Contribution of Site to NRHP Eligibility
J.C. Boyle Reservoir Area, Oregon – Spencer Creek District		
35KL2399	Lithic Scatter, Food Processing	Potentially eligible (D)

Commented [GB36]: It is unclear what process will be employed for the California and/or Oregon SHPO to concur with NRHP evaluations and determinations of eligibility.

A process to concur with eligibility determinations consistent with Section 106 regulations should be included in the agreement document.

This comment applies to all cultural and historic resources, not just archaeological sites.

Commented [GB37]: Please clarify whether or not there has been determination of eligibility with consensus.



Site No.	Site Type	Contribution of Site to NRHP Eligibility
J.C. Boyle Reservoir Area, Oregon – Spencer Creek District		
35KL2401	Habitation/Village Site; Lithic Scatter, Milling Station, Petroglyph	Eligible (Criterion D)
35KL2430	Habitation/Village Site; Lithic Scatter, Petroglyph	Potentially eligible (Criterion D)
35KL1942	Lithic Scatter, Possible Pit Features	Potentially eligible (Criterion D)
35KL2397	Lithic Scatter, Food Processing, Possible Pit Features	Potentially eligible (Criterion D)
35KL2397	Habitation/Village Site; Lithic Scatter, Food Processing, Petroglyph	Eligible (Criterion D)
35KL2411	Lithic Scatter, Food Processing	Potentially eligible (Criterion D)
35KL2412	Lithic Scatter, Food Processing	Potentially eligible (Criterion D)
Copco Reservoir/Stateline Area, California – Shovel Creek District		
CA-SIS-1839-H	Habitation/Village Site; Lithic Scatter, Food Processing	Potentially eligible (Criterion D)
(unrecorded)	(Not recorded; contains cremation features)	(unknown)
CA-SIS-2567	Possible Pit Features; Lithic Scatter, Milling Stations	Potentially eligible (Criterion D)
CA-SIS-2578 (Locus 1)	Habitation/Village Site; Lithic Scatter, Food Processing	Eligible (Criterion D)
CA-SIS-2578 (Locus 2)	Lithic Scatter, Food Processing; Ceremonial Site	Potentially eligible (Criterion A)
Iron Gate Reservoir Area – Fall Creek District		
CA-SIS-2403	Village Site; Lithic Scatter, Food Processing, Pit Features	Eligible (Criterion D)
CA-SIS-2239/3923	Village Site; Lithic Scatter, Food Processing, Pit Features	Eligible (Criterion D)
CA-SIS-3933	Village Site; Lithic Scatter, Food Processing, Milling Stations, Petroglyphs	Eligible (Criteria C and D)

Note: Table information from PacifiCorp (2006: Table 6.1-2).

Of the three potential districts identified by PacifiCorp, one is within the current Project ADI: the Iron Gate Reservoir Area–Fall Creek District, consisting of three precontact or multiple component sites at the mouth of Fall Creek (CA-SIS-2239/3923, CA-SIS-2403, and CA-SIS-3933). Although CA-SIS-2403 is located above the Copco No. 2 Village bridge and considered to be within the Copco area of the Project, both CA-SIS-2239/3923 and CA-SIS-3933 are located downstream of the bridge (in the Iron Gate reservoir area); spatially, these are adjacent to one other at the mouth of the Copco No. 2 reach. The Fall Creek/Klamath

River confluence area was an extensively used location of precontact period settlement and represents an important site complex within the Upper Klamath River area. The three archaeological sites contain complex surface data that allowed researchers to deem the sites eligible for the NRHP under Criterion D at the survey level (PacifiCorp 2004); formal NRHP evaluation of these sites is pending. In addition, the large quantity of cupule boulders at CA-SIS-3933 represents important aesthetic values of local American Indians, and PacifiCorp (2004) also considered the site eligible for the NRHP under Criterion C (PacifiCorp 2004).

Commented [GB38]: Same comment as above regarding determinations of eligibility; a process should be included in the agreement document.

Ethnographic Information and TCPs

PacifiCorp (2004, 2006) sponsored tribal ethnographic studies, prepared by the Klamath, Shasta, Karuk, and Yurok Tribes, which combined ethnography with extensive oral interviews to identify TCPs/SCRs and analyze Project effects on them. These studies reviewed and researched background literature and tribal archives of published and unpublished studies, recorded oral histories, and maps. The studies also included oral history interviews of elders and site visits. The tribal ethnographic reports discuss the data gathering methods that were used, the results of the work, and the source materials referred to. Three tribal ethnographic reports were attached to the FTR (PacifiCorp 2004). Final tribal reports (kept confidential) were submitted to PacifiCorp and FERC. Section 4.3, *Traditional Cultural Properties*, provides additional information regarding these properties.

Klamath Cultural Riverscape

PacifiCorp investigated fishery resources, water quality, riparian vegetation, wildlife, erosion, and other aspects of the natural (and cultural) environment outside of the tribal ethnographic work scopes. PacifiCorp provided funding for an investigation of the feasibility of nominating the Klamath River corridor from Upper Klamath Lake to the mouth of the river at the Pacific Ocean as a traditional cultural riverscape. PacifiCorp contracted with the Yurok Tribal Heritage Preservation Officer, Dr. Thomas Gates, to prepare a regulatory analysis for a Klamath River TCR related to the relicensing.

The Klamath River Inter-Tribal Fish and Water Commission incorporated information from the tribal ethnographic studies, in addition to information provided by the Hoopa Valley Tribe, into an integration report (King 2004) that focused on the Klamath River. The entire length of the river was identified as a type of cultural or ethnographic landscape, termed the Klamath Cultural Riverscape, due to the relationship between the Klamath Tribes, Shasta, Karuk, Hoopa, and Yurok Tribes and the river and its resources (Gates 2003; King 2004). A portion of the proposed Klamath Cultural Riverscape is included within the current Project ADI.

The characteristics that contribute to the riverscape's cultural character include natural and cultural elements such as the river itself; its anadromous and resident fish; its other wildlife and plants; and its cultural sites, uses, and perceptions of value by the tribes (King 2004). Gates (2003) and King (2004) recommended the Klamath Cultural Riverscape as eligible for the NRHP based on its association with broad patterns of tribal environmental stewardship, spiritual life, and relationships between humans and the non-human world. The riverscape and/or ethnographic reports and eligibility determination have not been submitted by a federal agency to the Oregon and California SHPOs for NRHP-eligibility concurrence (USBR

and CDFG 2012: Vol. 1, 3.13-29). PacifiCorp noted that the riverscape as defined by King (2004) falls within the authority of several agencies and many private land holdings. Therefore, the report also addresses future studies or actions that could be undertaken by PacifiCorp and/or the federal agencies and states with jurisdiction in the basin (FERC; USACE; U.S. Department of the Interior [USBR, BLM, and BIA]; U.S. Department of Agriculture [USFS]; U.S. Department of Commerce [National Marine Fisheries Service]; and the States of Oregon and California) whose actions are potentially affecting historic properties. The concept of moving this study forward and proceeding with formal evaluation of the riverscape has been raised in meetings with affected tribes as part of informal consultation conducted for the current decommissioning effort. Because the ADI incorporates only a portion of the larger riverscape, tribes have expressed different opinions, and no resolution has been reached with regard to moving forward with further evaluation work or whether these studies should be forwarded to the SHPO for additional consultation and eligibility consideration.

Lower Klamath Project (FERC No. 14803)

Since 2017, the Renewal Corporation has completed a range of cultural resources studies to help with identification of historic properties in the Project ADI. Archaeological studies include supplemental inventory and site record updates, a historical landscape analysis, a submerged resources analysis, geoarchaeological sensitivity modeling, and NRHP evaluation of sites.

Record Searches

As part of the Klamath Hydroelectric Relicensing (FERC 2007) and Klamath River Dam Removal (USBR 2012) studies, PacifiCorp (2004) and CardnoENTRIX (2012) completed cultural resources records searches of previous archaeological research and historical information. These earlier record searches provided baseline resource data for the current Project through 2012. In 2017, the Renewal Corporation completed an updated records search and literature review for the Project to add information for the intervening 5-year period, or through 2017.

The 2017 the Renewal Corporation records search area extended from the outlet of the Klamath River at the southern end of Upper Klamath Lake in Klamath County, Oregon (RM 255), downstream to the confluence of Klamath River and Humbug Creek in Siskiyou County (RM 174), for a total of 81 river miles. The section of river below Iron Gate Dam (the most downstream Project dam) was included in the first records search because this area lies within the altered 100-year floodplain following dam removal, where cultural resources have the potential to be affected. The records search area encompassed a 0.5-mile-wide zone, extending on either side of the shorelines of Lake Ewauna, Link River, J.C. Boyle Reservoir, Copco Lake, and Iron Gate Reservoir, or from the center point of the Klamath River in areas where a flowing river exists. The records search identified 502 previously recorded cultural resources, comprising a broad range of archaeological sites, built environment resources, isolated finds, and a few locations of an undetermined resource type (Table 0-3Table 3-3). Detailed information regarding the Renewal Corporation record searches is provided in Appendix L of the Project's Definite Plan (2018).

Commented [GB39]: Because this undertaking has the potential to cause significant indirect effects, evaluation of an identified cultural landscape would seem to be appropriate regardless of the fact that only a portion of the resource is expected to be present within the area of direct impacts. Further, a portion of a resource being present within the APE would require an APE delineation to include the entirety of the resource in order to properly consider effects to it.

Formal evaluations and concurrence with determinations of eligibility for the NRHP are necessary in order to assess potential effects and determine avoidance, minimization or mitigation, as appropriate.

Further, if parts of these resources are on land that is governed by other federal agencies, consultation with them on determinations of eligibility is necessary

Table 0-3 Summary of Previously Recorded Cultural Resources for Oregon and California (2017 Records Search)

Resource Type	Component Type					Total
	Precontact	Historic	Multiple	Ethnographic Only	Unknown	
Archaeological Site	162	83	44	--	1	290
Ethnographic	--	--	--	1	--	1
Built Environment	--	24	3	--	--	27
Isolated Find	158	17	--	--	1	176
Undetermined	--	--	--	--	8	8
Total	320	124	47	1	10	502

Archaeological Inventory and Site Record Updates

Record search information specific to the Project ADI identified 80 previously recorded archaeological sites, including 20 in Klamath County, Oregon, and 60 in Siskiyou County, California. Between 2017 and 2019, the Renewal Corporation conducted several phases of archaeological inventory to identify historic properties located in previously unsurveyed areas of the Project ADI. The Renewal Corporation’s field inventories examined a total of 137.18 acres and identified and recorded 12 new archaeological sites (LKP numbers), for a current total of 92 sites in the ADI (as of March 2020).

In addition to the inventory, the Renewal Corporation monitored and updated site records for 44 of the previously recorded archaeological sites located on PacifiCorp Parcel B lands. Previously recorded archaeological sites located in the ADI, but not PacifiCorp Parcel B land (e.g., Iron Gate Dam to Humbug Creek and other select areas), have not been monitored or updated. Additional survey areas located outside the LOW were identified for pedestrian survey as part of definition of the Project APE, as well as based on recommendations derived during informal consultation with tribes and consulting parties.

Commented [GB40]: when is this proposed to occur? This information is needed in order to assess effects.

Archaeological Sites in the ADI

The Project ADI includes 92 archaeological sites identified through record searches, site record updates, and archaeological inventories conducted by the Renewal Corporation (2017–2019), PacifiCorp (2004), and other Upper Klamath River researchers (Table 0-4 Table 3-4). The geographic distribution of these sites consists of 22 sites in the J.C. Boyle Reservoir area, in Oregon, and 70 sites in California, including 26 in the Copco Lake area, 24 in the Iron Gate Reservoir area, and 20 in the area between Iron Gate Dam and Humbug Creek. To date, none of the 92 archaeological sites has been formally evaluated for NRHP eligibility.

Commented [GB41]: when is this proposed to occur? This information is needed in order to assess effects.

Table 0-4 Recorded Archaeological Sites in the ADI

Site No.	Location	Site Description	Submerged	In LOW	Landowner	Site Identified in PacifiCorp KHP Study	NRHP Eligibility Recommendation
35KL0013	J.C. Boyle	Precontact rockshelter, lithic scatter, pit feature. Excavated in 1959.	Part	Yes	PacifiCorp Parcel B / Private	Yes	Unevaluated
35KL0014	J.C. Boyle	Precontact rockshelter, lithic scatter, human burial. Excavated in 1959.	Part	Yes	PacifiCorp Parcel B/ Private	Yes	Unevaluated
35KL0015	J.C. Boyle	Precontact village, lithic scatter, bedrock milling stations, and possible pit feature; historic artifact scatter; Moonshine Falls	No	Yes	PacifiCorp Parcel B/ Private	Yes	Unevaluated
35KL1408	J.C. Boyle	Precontact lithic scatter	No	No	No	No	Unevaluated
35KL1472	J.C. Boyle	Precontact lithic scatter	No	Yes	No	No	Unevaluated
35KL1941	J.C. Boyle	Precontact lithic scatter; historic refuse scatter associated with McCollum Lumber Mill	Part	Yes	PacifiCorp Parcel B/ Private	Yes	Unevaluated
35KL1942	J.C. Boyle	Precontact village, lithic scatter, pit features, cupule boulder	Part	Yes	PacifiCorp Parcel B/ Private	Yes	Unevaluated

Site No.	Location	Site Description	Submerged	In LOW	Landowner	Site Identified in PacifiCorp KHP Study	NRHP Eligibility Recommendation
35KL1943	J.C. Boyle	Precontact village; historic artifact scatter	Part	Yes	PacifiCorp Parcel B/ Private	Yes	Unevaluated
35KL1944	J.C. Boyle	Precontact lithic scatter	No	Yes	PacifiCorp Parcel B/ Private	No	Unevaluated
35KL2397	J.C. Boyle	Precontact village, lithic scatter, and boulder features	Yes	Yes	PacifiCorp Parcel B	Yes	Unevaluated
35KL2398	J.C. Boyle	Precontact lithic scatter	No	Yes	PacifiCorp Parcel B	Yes	Unevaluated
35KL2399	J.C. Boyle	Precontact lithic scatter; historic irrigation ditch and artifact scatter	No	Yes	PacifiCorp Parcel B/ Private	Yes	Unevaluated
35KL2401	J.C. Boyle	Precontact village, lithic scatter, and boulder features	No	Yes	PacifiCorp Parcel B/ Private	Yes	Unevaluated
35KL2411	J.C. Boyle	Precontact lithic scatter	Part	Yes	PacifiCorp Parcel B	Yes	Unevaluated
35KL2412	J.C. Boyle	Precontact lithic scatter	Part	Yes	PacifiCorp Parcel B	Yes	Unevaluated
35KL2428	J.C. Boyle	Precontact village, lithic scatter	Part	Yes	PacifiCorp Parcel B / Private	Yes	Unevaluated
35KL2430	J.C. Boyle	Precontact village, lithic scatter, and milling station	Part	Yes	PacifiCorp Parcel B/ Private	Yes	Unevaluated

Site No.	Location	Site Description	Submerged	In LOW	Landowner	Site Identified in PacifiCorp KHP Study	NRHP Eligibility Recommendation
35KL2434	J.C. Boyle	Historic logging camp	No	Yes	BLM	Yes	Unevaluated
35KL2435	J.C. Boyle	Precontact lithic scatter	No	Yes	PacifiCorp Parcel B	Yes	Unevaluated
35KL2981	J.C. Boyle	Precontact bedrock feature; reassessed by Renewal Corporation as non-cultural	No	Yes	PacifiCorp Parcel B	No	Unevaluated
CA-SIS-155	Iron Gate Dam to Humbug Creek	Precontact village	No	No	No	No	Unevaluated
CA-SIS-156	Iron Gate Dam to Humbug Creek	Precontact village with midden	No	No	No	No	Unevaluated
CA-SIS-157	Iron Gate Dam to Humbug Creek	Precontact village, pit depression, midden	No	No	No	No	Unevaluated
CA-SIS-158	Iron Gate Dam to Humbug Creek	Precontact lithic scatter	No	No	No	No	Unevaluated
CA-SIS-159	Iron Gate Dam to Humbug Creek	Precontact lithic scatter	No	Yes	No	No	Unevaluated

Site No.	Location	Site Description	Submerged	In LOW	Landowner	Site Identified in PacifiCorp KHP Study	NRHP Eligibility Recommendation
CA-SIS-161	Iron Gate Dam to Humbug Creek	Precontact village, lithic scatter	No	No	No	No	Unevaluated
CA-SIS-264	Iron Gate Dam to Humbug Creek	Precontact isolated burial	No	No	No	No	Unevaluated
CA-SIS-326	Iron Gate	Precontact village, lithic scatter, pit features, and hearths. Excavated in 1960.	Part	Yes	PacifiCorp Parcel B	Yes	Unevaluated
CA-SIS-328	Iron Gate Dam to Humbug Creek	Precontact lithic scatter	No	No	No	No	Unevaluated
CA-SIS-329	Iron Gate Dam to Humbug Creek	Precontact lithic scatter, midden; historic artifact scatter	No	Yes	No	No	Unevaluated
CA-SIS-522	Iron Gate to Humbug Creek	Empire Quartz Mine	No	No	No	No	Unevaluated
CA-SIS-536	Iron Gate Dam to Humbug Creek	Klamathon townsite and lumber mill	No	No	No	No	Unevaluated

Site No.	Location	Site Description	Submerged	In LOW	Landowner	Site Identified in PacifiCorp KHP Study	NRHP Eligibility Recommendation
CA-SIS-632	Iron Gate Dam to Humbug Creek	Precontact village, lithic scatter, pit depression, cupule boulder; historic mining camp with features	No	No	No	No	Unevaluated
CA-SIS-873	Iron Gate Dam to Humbug Creek	Precontact lithic scatter	No	Yes	No	No	Unevaluated
CA-SIS-1670	Iron Gate	Precontact village, lithic and ground stone scatter	No	Yes	PacifiCorp Parcel B	No	Unevaluated
CA-SIS-1671	Copco	Klamath Lake Railroad Grade	No	No	PacifiCorp Parcel B/ Fall Creek	No	Unevaluated
CA-SIS-1840	Copco	Precontact village	Part	Yes	No	No	Unevaluated
CA-SIS-2129	Iron Gate	Historic irrigation ditch	No	Yes	PacifiCorp Parcel B / Private/BLM	No	Unevaluated
CA-SIS-2239/3923	Iron Gate	Agueda-Daggett Ranch with features and apple orchard; village site with lithic scatter	Part	Yes	PacifiCorp Parcel B	Yes	Unevaluated
CA-SIS-2264	Copco	Precontact village	No	No	No	No	Unevaluated

Site No.	Location	Site Description	Submerged	In LOW	Landowner	Site Identified in PacifiCorp KHP Study	NRHP Eligibility Recommendation
CA-SIS-2403	Iron Gate	Precontact village, lithic scatter, house pits, and bedrock milling feature; historic ranching features and artifacts	Part	Yes	PacifiCorp Parcel B	Yes	Unevaluated
CA-SIS-2576	Copco	Precontact village	Yes	Yes	PacifiCorp Parcel B	No	Unevaluated
CA-SIS-2579	Copco	Precontact lithic scatter and feature	Part	Yes	PacifiCorp Parcel B / Private	No	Unevaluated
CA-SIS-2824	Copco	Historic Copco No. 1 guest house foundation and chimney	No	Yes	PacifiCorp Parcel B	No	Unevaluated
CA-SIS-2825	Copco	Precontact lithic scatter; Copco No. 1 labor camp/Camp Ward	No	Yes	PacifiCorp Parcel B	Yes	Unevaluated
CA-SIS-3913	Copco	Precontact lithic scatter, cupule boulder	Part	Yes	PacifiCorp Parcel B	Yes	Unevaluated
CA-SIS-3914	Copco	Precontact lithic scatter	Part	Yes	PacifiCorp Parcel B	Yes	Unevaluated
CA-SIS-3915	Copco	Precontact lithic scatter	Part	Yes	PacifiCorp Parcel B	Yes	Unevaluated
CA-SIS-3916	Copco	Historic railroad trestle	No	Yes	PacifiCorp Parcel B	Yes	Unevaluated
CA-SIS-3917	Copco	Historic refuse scatter	No	No	PacifiCorp Parcel B	Yes	Unevaluated

Site No.	Location	Site Description	Submerged	In LOW	Landowner	Site Identified in PacifiCorp KHP Study	NRHP Eligibility Recommendation
CA-SIS-3918	Copco	Historic refuse scatter	No	Yes	PacifiCorp Parcel B/ Private	Yes	Unevaluated
CA-SIS-3919	Iron Gate	Precontact lithic scatter	No	Yes	PacifiCorp Parcel B	Yes	Unevaluated
CA-SIS-3920	Copco	Precontact lithic and ground stone scatter; historic artifacts, road bed, rock wall on Cushman/Raymond Ranch	Part	Yes	PacifiCorp Parcel B/ Private	Yes	Unevaluated
CA-SIS-3921	Copco	Precontact village, lithic scatter, pit depressions, midden	Part	Yes	PacifiCorp Parcel B/ Private	Yes	Unevaluated
CA-SIS-3922	Copco	Copco No. 1 Village dump	Part	Yes	PacifiCorp Parcel B/ Private	Yes	Unevaluated
CA-SIS-3924	Copco	Possible precontact village, lithic scatter	Part	Yes	PacifiCorp Parcel B/ Private	Yes	Unevaluated
CA-SIS-3925	Copco	Precontact lithic scatter	No	Yes	PacifiCorp Parcel B/ Private	Yes	Unevaluated
CA-SIS-3926	Copco	Possible precontact village, lithic scatter; historic artifact scatter	Part	Yes	PacifiCorp Parcel B / Private	Yes	Unevaluated
CA-SIS-3927	Copco	Historic refuse scatter and feature	No	Yes	PacifiCorp Fall Creek	Yes	Unevaluated

Site No.	Location	Site Description	Submerged	In LOW	Landowner	Site Identified in PacifiCorp KHP Study	NRHP Eligibility Recommendation
CA-SIS-3928	Copco	Historic rock wall	No	Yes	PacifiCorp Fall Creek /Private	Yes	Unevaluated
CA-SIS-3930	Iron Gate	Precontact lithic scatter	Part	Yes	PacifiCorp Parcel B	Yes	Unevaluated
CA-SIS-3933	Iron Gate	Precontact lithic scatter, cupule boulders; Spearin homestead artifact scatter	Part	Yes	PacifiCorp Parcel B	Yes	Unevaluated
CA-SIS-3934	Iron Gate	Historic rock piles from field clearing, fire rings	No	Yes	PacifiCorp Parcel B	Yes	Unevaluated
CA-SIS-3935	Iron Gate	Precontact village site	No	Yes	PacifiCorp Parcel B	Yes	Unevaluated
CA-SIS-3936	Iron Gate	Historic rock piles and rock alignments	No	No	PacifiCorp Parcel B	Yes	Unevaluated
CA-SIS-3937	Iron Gate	Historic rock wall	No	No	PacifiCorp Parcel B	Yes	Unevaluated
CA-SIS-3938	Iron Gate	Precontact lithic scatter	No	No	PacifiCorp Parcel B	Yes	Unevaluated
CA-SIS-3939	Iron Gate	Precontact rockshelter; historic artifact scatter	No	No	PacifiCorp Parcel B	Yes	Unevaluated
CA-SIS-3940	Iron Gate	Precontact village, lithic and ground stone scatter, pit depressions; Manuel Franklin homestead with artifact scatters and features	Part	Yes	PacifiCorp Parcel B	Yes	Unevaluated

Site No.	Location	Site Description	Submerged	In LOW	Landowner	Site Identified in PacifiCorp KHP Study	NRHP Eligibility Recommendation
CA-SIS-3942	Iron Gate	Historic rock wall with fence posts and gate	Part	Yes	PacifiCorp Parcel B	Yes	Unevaluated
CA-SIS-3943	Iron Gate	Historic rock wall	No	No	PacifiCorp Parcel B	Yes	Unevaluated
CA-SIS-3944	Iron Gate	Historic rock wall	No	No	PacifiCorp Parcel B/ Private	Yes	Unevaluated
CA-SIS-3945	Iron Gate	Historic rock piles from field clearing on Wanaka homestead	No	Yes	PacifiCorp Parcel B	Yes	Unevaluated
CA-SIS-4134	Iron Gate Dam to Humbug Creek	Precontact lithic scatter; historic mining site with features	No	No	No	No	Unevaluated
CA-SIS-4303	Iron Gate Dam to Humbug Creek	Historic artifact scatter, mining trenches	No	No	No	No	Unevaluated
CA-SIS-4427	Iron Gate Dam to Humbug Creek	Historic rock wall, pit depression, rock shoring	No	No	No	No	Unevaluated
CA-SIS-4999	Iron Gate Dam to Humbug Creek	Historic mine tailings	No	No	No	No	Unevaluated

Site No.	Location	Site Description	Submerged	In LOW	Landowner	Site Identified in PacifiCorp KHP Study	NRHP Eligibility Recommendation
CA-SIS-5000	Iron Gate Dam to Humbug Creek	Historic rock wall	No	No	No	No	Unevaluated
CA-SIS-5255	Iron Gate Dam to Humbug Creek	California-Oregon stage road	No	No	No	No	Unevaluated
CA-SIS-5256	Iron Gate Dam to Humbug Creek	Historic water conveyance ditch	No	Yes	No	No	Unevaluated
LKP-2017-2	Iron Gate	Historic artifact scatter	No	Yes	PacifiCorp Parcel B	No	Unevaluated
LKP-2018-6	Iron Gate	Precontact lithic scatter; historic rock pile	No	Yes	PacifiCorp Parcel B	No	Unevaluated
LKP-2018-7	Iron Gate	Precontact lithic scatter	No	Yes	PacifiCorp Parcel B	No	Unevaluated
LKP-2018-8	Copco	Copco No. 1 construction camp	No	Yes	PacifiCorp Parcel B	No	Unevaluated
LKP-2018-11	Copco	Historic labor camp	No	Yes	PacifiCorp Parcel B	No	Unevaluated
LKP-2018-14	J.C. Boyle	Precontact village, lithic scatter	No	Yes	PacifiCorp Parcel B	No	Unevaluated
LKP-2018-15	Iron Gate	Historic rock wall	No	Yes	PacifiCorp Parcel B	No	Unevaluated

Site No.	Location	Site Description	Submerged	In LOW	Landowner	Site Identified in PacifiCorp KHP Study	NRHP Eligibility Recommendation
LKP-2019-3	Copco	Precontact lithic scatter; Fall Creek Fish Hatchery	No	Yes	PacifiCorp Fall Creek	No	Unevaluated
LKP-2019-4	Copco	Historic refuse scatter	Part	Yes	PacifiCorp Parcel B / Private	No	Unevaluated
LKP-2019-5	Copco	Historic road	Part	Yes	PacifiCorp Parcel B / Private	No	Unevaluated
LKP-2019-9	Iron Gate	Precontact lithic scatter; historic telegraph pole	No	Yes	PacifiCorp Parcel B	No	Unevaluated
LKP-2019-10	J.C. Boyle	Precontact lithic scatter; historic artifact scatter	No	No	No	No	Unevaluated

Notes: ADI = Area of Direct Impact; KHP = Klamath Hydroelectric Project; LOW = Limits of Work; NRHP = National Register of Historic Places

About half (n=42) of the 92 archaeological sites consist of precontact resources associated with Native American use (Table 0-5/3-5). The precontact sites include habitation sites such as house pit villages and areas with cultural midden, field camps, limited occupation sites, rock feature sites, sheltered camps, and task-specific sites.

Table 0-5 Recorded Archaeological Sites in the ADI by Component Type

Area	Component Type			Total
	Precontact	Historic	Multiple	
J.C. Boyle Reservoir	16	1	5	22
Copco Lake	10	12	4	26
Iron Gate Reservoir	7	10	7	24
Iron Gate Dam to Humbug Creek	9	8	3	20
Total	42	31	19	92

Note: ADI = Area of Direct Impact

One-third (n=31) of the 92 archaeological sites comprise historic-period resources associated largely with European American use. The historic-period sites are associated with themes related to agriculture and ranching, hydroelectric generation, recreation, resource extraction (lumbering and mining), rural sites, and transportation.

The remaining 20 percent of the Project ADI archeological sites are multiple component properties that contain both precontact and historic-period resources.

Historical Landscape Analysis

The Renewal Corporation conducted a historical landscape analysis to assist with identification of (1) non-submerged historic properties within the Project ADI, and (2) archaeological resources and historic properties that may be submerged under J.C. Boyle, Copco, and Iron Gate reservoirs. While cultural resources inventory of the Project ADI is complete (13.41 acres remain as of March 2020), pedestrian survey of the submerged reservoir areas is not possible until after reservoir drawdown is finished. As part of dam decommissioning, the Renewal Corporation will complete a Post-Reservoir Drawdown Inventory that will include pedestrian survey of all previously inundated areas following standard inventory procedures. NRHP evaluation will be completed for all resources identified during the post-drawdown inventory.

The Renewal Corporation conducted a historical landscape analysis to identify locations where post 1850s-era settlement and resource developments occurred within the ADI, including for potentially submerged resources. The materials for this analysis included the review of the General Land Office records, including California plat maps (1856, 1876, 1880, and 1881) and surveyor’s notes; Oregon plat maps (1858, 1874, 1881, 1900, and 1917) and surveyor’s notes; a variety of published and manuscript resources (Beckham 2006; Boyle 1976; Kramer 2003a, 2003b; PacifiCorp 2004; and United States Geological Survey (USGS) maps. Other map searches included the David Rumsey collection, Northwestern California map collection at

Commented [GB42]: It would seem that effects on historic properties cannot be fully determined prior to approval of the undertaking.

This is another reason why a PA and not an MOA is a more appropriate mechanism for this undertaking. By establishing the process for id and evaluation and then the assessment of effects, and including it in the agreement document, consultation can be concluded (for the purposes of NEPA) by the completion of the agreement document, parts of the undertaking can proceed, and those parts that still need resolution have a known process by which they will be addressed.

Humboldt State University, Library of Congress digital collections, and Online Archive of California. Historical landscape information was digitized into a GIS format.

The Renewal Corporation completed the review of the J.C. Boyle Collection (MI 165306) housed at the Southern Oregon Historical Society in Medford, Oregon. This archive holds photo albums, newspaper clippings, maps, manuscripts, financial records, and Copco annual reports belonging to Copco Engineer J.C. Boyle and pertaining predominately to construction of Copco No. 1 dam and reservoir. This archive provided a valuable source of information concerning the pre-inundation historical landscape of the Copco No. 1 area and other information regarding cultural and historical resources that may be anticipated during reservoir drawdown. In addition, archival and historical landscape research was conducted at local county repositories and historical societies to supply information regarding cultural and historical resources that may be anticipated during reservoir drawdown.

Submerged Resources Analysis

Bathymetric surveys completed by the Renewal Corporation in 2018 provided information regarding submerged topography and physiographic features of the Project reservoirs. Using this information, together with additional information gained from the historical landscape analysis and archival research, GIS analysis of the reservoir areas was completed to identify potential locations of submerged cultural resources. The GIS study, together with cultural resources information from tribal consultations, has identified the locations of submerged precontact and historic-period resources and TCPs. [Table 0-6](#)[Table 3-6](#) provides a preliminary list of submerged resources that have been identified to date. Because these resources are currently unavailable for study, their NRHP eligibility (and status as historic properties) remains unevaluated. For the J.C. Boyle Reservoir, anticipated submerged archaeological remains include footings from former bridges, a crib dam near Spencer Creek bridge, former road alignments, features associated with former stage stations, a segment of the Applegate Trail, and features and/or artifacts associated with the McCollum sawmill or other sawmills. Review of ethnographic literature for the J.C. Boyle Reservoir area (Spier 1930) did not identify precontact or ethnographic resources.

Precontact/ethnographic resources include 15 potential Shasta Indian village sites for the Copco Lake and Iron Gate Reservoir areas identified by Heizer and Hester (1971) based on information collected by earlier ethnographers (Dixon 1907; Kroeber 1925; Merriam 1926). These village sites may manifest as areas having cultural remains such as flaked stone detritus and tools, ground stone tools, pottery, rock alignments, human burials, and culturally modified soil (midden).

Anticipated submerged historic period remains for the Copco Lake and Iron Gate Reservoirs focus on the numerous ranch complexes, as well as other community, transportation, and lumbering features identified on historic maps and in archival records. Potential ranch complexes may manifest as areas containing building materials, foundations, domestic debris, livestock equipment, rock walls, and water containment remains, among others. Pilings, building materials, and railroad ties may denote transportation-related remains associated with former bridges and railroads. Although the former Beaver Creek cemetery was relocated to Hornbrook Cemetery before inundation of Copco Lake, other cemetery features may still be

Commented [GB43]: effects on historic properties cannot be fully determined prior to approval of the undertaking. See previous comments.



present beneath reservoir waters, including field stones or depressions marking potential human remains that were not relocated and have possibly been subject to water erosion.



Table 0-6 Potential Submerged Cultural Resources

ID	Potential Resource Noted	Reservoir	Source	Resource Submerged?	Resource in LOW?
JCB-1	Spencer Creek Fish Hatchery	J.C. Boyle	1952 Aerial Photograph and USGS Topographic Map	Yes	Yes
JCB-1A	LKP-2018-14, possible house pit depression	J.C. Boyle	2019 Bathymetric Review	Yes	Yes
JCB-2	LKP-2018-14, possible house pit depression	J.C. Boyle	2019 Bathymetric Review	Yes	Yes
JCB-2A	Unknown linear feature	J.C. Boyle	2019 Bathymetric Review	Yes	Yes
JCB-3	35KL2430, possible house pit depression	J.C. Boyle	2019 Bathymetric Review	Yes	Yes
JCB-3A	Unknown linear feature	J.C. Boyle	2019 Bathymetric Review	Yes	Yes
JCB-4	35KL2430, possible house pit depression	J.C. Boyle	2019 Bathymetric Review	Yes	Yes
JCB-4A	Unknown linear feature	J.C. Boyle	2019 Bathymetric Review	Yes	Yes
JCB-5	35KL2428, possible house pit depression	J.C. Boyle	2019 Bathymetric Review	Yes	Yes
JCB-5A	Applegate Trail, Emigrant Road	J.C. Boyle	Aerial photograph; 1955 USGS topographic map; 2019 Bathymetric Review	Part	Yes
JCB-6	McCollum Lumber Mill, log boom feature	J.C. Boyle	2019 Bathymetric Review	Yes	Yes
JCB-8	Oregon Route 66 bridge abutments	J.C. Boyle	2019 Bathymetric Review	Part	Yes
JCB-8A	Southern Pacific Railroad grade	J.C. Boyle	2019 Bathymetric Review	Part	Yes
JCB-9	Chase Bridge, Pokegama Sugar Pine Lumber Company crib dam and wagon bridge	J.C. Boyle	2019 Bathymetric Review	Yes	Yes
JCB-9A	Unknown linear feature	J.C. Boyle	2019 Bathymetric Review	Part	Yes
JCB-11	McCollum Lumber Mill, possible artifact	J.C. Boyle	2019 Bathymetric Review	Yes	Yes

ID	Potential Resource Noted	Reservoir	Source	Resource Submerged?	Resource in LOW?
JCB-12	McCollum Lumber Mill, possible artifact	J.C. Boyle	2019 Bathymetric Review	Yes	Yes
JCB-13	Unknown depression	J.C. Boyle	2019 Bathymetric Review	Yes	Yes
JCB-14	Unknown depression	J.C. Boyle	2019 Bathymetric Review	Yes	Yes
JCB-15	Unknown feature of interest	J.C. Boyle	2019 Bathymetric Review	Yes	Yes
JCB-49	Possible corral or building	J.C. Boyle	1952 Aerial Photograph; 2019 Bathymetric Review	Yes	Yes
JCB-106	Linear feature: ¼-Section line / Fence line	J.C. Boyle	2019 Bathymetric Review	Yes	Yes
JCB-107	Unknown linear feature	J.C. Boyle	2019 Bathymetric Review	Yes	Yes
JCB-108	Unknown linear feature	J.C. Boyle	2019 Bathymetric Review	Part	Yes
JCB-109	Unknown linear feature	J.C. Boyle	2019 Bathymetric Review	Yes	Yes
JCB-110	Unknown linear feature	J.C. Boyle	2019 Bathymetric Review	Yes	Yes
JCB-111	Unknown linear feature	J.C. Boyle	2019 Bathymetric Review	Yes	Yes
JCB-112	Unknown linear feature	J.C. Boyle	2019 Bathymetric Review	Yes	Yes
JCB-113	Unknown linear feature	J.C. Boyle	2019 Bathymetric Review	Part	Yes
JCB-117	Unknown linear feature	J.C. Boyle	2019 Bathymetric Review	Yes	Yes
JCB-118	Unknown linear feature	J.C. Boyle	2019 Bathymetric Review	Part	Yes
JCB-119	Two-track road	J.C. Boyle	1955 USGS Topographic Map; 2019 Bathymetric Review	Part	Yes
JCB-154	Two-track road	J.C. Boyle	1897 Ashland, OR 1:250000 map; 2017 Historical Landscape Review	Part	Yes
JCB-164	Applegate Trail, migrant road from 1847 to early 1870s – southern route	J.C. Boyle	1858 G.L.O. Map; 2017 Historical Landscape Review	Part	Yes
CL-2	Barn No. 4, Lennox Ranch	Copco	1910 SEP&L Company Map; 2019 Bathymetric Review	Yes	Yes
CL-3	Barn No. 2, Lennox Ranch	Copco	1910 SEP&L Company Map; 2019 Bathymetric Review	Yes	Yes
CL-4	Residence, Lennox Ranch	Copco	1910 SEP&L Company Map; 2019 Bathymetric Review	Yes	Yes

ID	Potential Resource Noted	Reservoir	Source	Resource Submerged?	Resource in LOW?
CL-5	Residence / Stagehouse, Harrison and Kitty Ward Ranch	Copco	1881 G.L.O Map; 2017 Historical Landscape Review	Yes	Yes
CL-6	Barn, Lennox Ranch	Copco	1881 G.L.O Map; 2017 Historical Landscape Review	Yes	Yes
CL-32	Possible house foundation or fenced enclosure, Raymond Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-33	Barn foundation	Copco	2019 Bathymetric Review	Yes	Yes
CL-34	Garden area, William and Mary Ward Ranch	Copco	1910 SEP&L Company Map; 2019 Bathymetric Review	Yes	Yes
CL-35	Beaver Creek Cemetery	Copco	2019 Bathymetric Review	Yes	Yes
CL-36	Unknown artifact or feature, Hahn Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-37	Two-track road, Spannaus Ranch	Copco	1910 SEP&L Company Map; 2019 Bathymetric Review	Part	Yes
CL-37A	Possible house pit village, Harrison and Kitty Ward Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-38	Rock wall, Spannaus Ranch	Copco	2019 Bathymetric Review	Part	Yes
CL-38A	Wing dam, Copco No. 1 Dam	Copco	2019 Bathymetric Review	Yes	Yes
CL-39	Wagon road, Stone-Edwards Ranch	Copco	1910 SEP&L Company Map; 2019 Bathymetric Review	Part	Yes
CL-39A	Depression, William and Mary Ward Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-40	Fence Line, Stone-Edwards Ranch	Copco	1910 SEP&L Company Map; 2019 Bathymetric Review	Yes	Yes
CL-40A	Depression, William and Mary Ward Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-41	Orchard fence line, Stone-Edwards Ranch	Copco	1910 SEP&L Company Map; 2019 Bathymetric Review	Yes	Yes
CL-41A	Depressions, Lennox Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-42	Possible feature	Copco	2019 Bathymetric Review	Yes	Yes
CL-42A	Fence line, Stone-Edwards Ranch	Copco	2019 Bathymetric Review	Yes	Yes

ID	Potential Resource Noted	Reservoir	Source	Resource Submerged?	Resource in LOW?
CL-43	Corral, Lennox ranch	Copco	1910 SEP&L Company Map; 2019 Bathymetric Review	Yes	Yes
CL-43A	Fence line, Stone-Edwards Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-44	Fence line, Stone-Edwards Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-45	Linear feature, Stone-Edwards Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-47	Fence line, Lennox Ranch	Copco	1910 SEP&L Company Map; 2019 Bathymetric Review	Yes	Yes
CL-48	Fence line, Lennox Ranch	Copco	1910 SEP&L Company Map; 2019 Bathymetric Review	Yes	Yes
CL-49	Two-track road, Stone-Edwards/Lennox Ranches	Copco	1910 SEP&L Company Map; 2019 Bathymetric Review	Yes	Yes
CL-53	Two-track road, Lennox Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-55	Two-track road, Raymond Ranch	Copco	2019 Bathymetric Review	Part	Yes
CL-55A	Possible extension of CA-SIS-3924, William and Mary Ward Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-56	Fence line, Raymond Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-57	G. Picard's Field, Parks Ranch	Copco	1881 G.L.O Map; 2017 Historical Landscape Review	Part	Yes
CL-57A	Fence line, Raymond Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-58	Fence line, Raymond Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-59	Linear feature, Raymond Ranch	Copco	1910 SEP&L Company Map; 2019 Bathymetric Review	Yes	Yes
CL-60	Linear feature, Raymond Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-61	Fence line, Lennox Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-62	Linear feature, Lennox Ranch	Copco	1910 SEP&L Company Map; 2019 Bathymetric Review	Yes	Yes
CL-63	Linear feature, Raymond Ranch	Copco	1910 SEP&L Company Map; 2019 Bathymetric Review	Yes	Yes
CL-64	Two-track road, Raymond Ranch	Copco	1910 SEP&L Company Map; 2019 Bathymetric Review	Part	Yes
CL-65	Fence line, Raymond Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-66	Two-track road, Wards Canyon	Copco	2019 Bathymetric Review	Yes	Yes
CL-67	Augustus Kempler's Meadow / Chase Ranch	Copco	1881 G.L.O. Map; 2017 Historical Landscape Review	Part	Yes

ID	Potential Resource Noted	Reservoir	Source	Resource Submerged?	Resource in LOW?
CL-67A	Fence line, Harrison and Kitty Ward Ranch	Copco	1910 SEP&L Company Map; 2019 Bathymetric Review	Yes	Yes
CL-68	Fence line, Harrison and Kitty Ward Ranch	Copco	1910 SEP&L Company Map; 2019 Bathymetric Review	Yes	Yes
CL-69	Fence line, Harrison and Kitty Ward Ranch	Copco	1910 SEP&L Company Map; 2019 Bathymetric Review	Yes	Yes
CL-70	Two-track road, Harrison and Kitty Ward Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-71	Possible rock wall, William and Mary Ward Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-72	Fence line, William and Mary Ward Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-73	Fence line, William and Mary Ward Ranch	Copco	1910 SEP&L Company Map; 2019 Bathymetric Review	Yes	Yes
CL-74	Possible fence line, Picard's Field / Parks Ranch	Copco	2019 Bathymetric Review	Part	Yes
CL-75	Linear feature, Keaton Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-76	Linear feature, Keaton Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-78	Possible rock wall, Stone-Edwards Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-89	Original location of Copco No. 1 Dam	Copco	2019 Bathymetric Review	Yes	Yes
CL-92	Fence line, Harrison and Kitty Ward Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-93	Fence line, Harrison and Kitty Ward Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-94	Fence line, Harrison and Kitty Ward Ranch	Copco	2019 Bathymetric Review	Yes	Yes

ID	Potential Resource Noted	Reservoir	Source	Resource Submerged?	Resource in LOW?
CL-95	Fence line, William and Mary Ward Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-96	Fence line, Harrison and Kitty Ward Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-96A	Corral, Lennox Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-97	Fence line, Harrison and Kitty Ward Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-97A	Barn No. 4, Lennox Ranch, alternate location	Copco	Topographic Map; 2019 Bathymetric Review	Yes	Yes
CL-98	Fence line, William and Mary Ward Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-98A	Barn No. 2, Lennox Ranch, alternate location	Copco	Topographic Map; 2019 Bathymetric Review	Yes	Yes
CL-99	Fence line, Harrison and Kitty Ward Ranch and William and Mary Ward Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-99A	Barn, Raymond Ranch	Copco	1910 SEP&L Company Map; 2017 Historical Landscape Review	Yes	Yes
CL-100	Two-track road, William and Mary Ward Ranch	Copco	1910 SEP&L Company Map; 2019 Bathymetric Review	Part	Yes
CL-100A	Residence, Raymond Ranch	Copco	1910 SEP&L Company Map; 2017 Historical Landscape Review	Yes	Yes
CL-101	Irrigation ditch, William and Mary Ward Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-101A	Barn, Stone-Edwards Ranch	Copco	1910 SEP&L Company Map; 2019 Bathymetric Review	Yes	Yes
CL-102	Fence line, Lennox Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-103	Fence line, Lennox Ranch	Copco	2019 Bathymetric Review	Yes	Yes



ID	Potential Resource Noted	Reservoir	Source	Resource Submerged?	Resource in LOW?
CL-103A	Barn, Spannaus Ranch	Copco	1910 SEP&L Company Map; 2017 Historical Landscape Review	Yes	Yes
CL-104	Fence line, Lennox Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-105	Fence line, Lennox Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-105A	Building, Spannaus Ranch	Copco	1910 SEP&L Company Map; 2017 Historical Landscape Review	Yes	Yes
CL-106	Building, Spannaus Ranch	Copco	1910 SEP&L Company Map; 2017 Historical Landscape Review	Yes	Yes
CL-124	Residence, H.P. Edwards House, Stone-Edwards Ranch	Copco	1910 SEP&L Company Map; 2017 Historical Landscape Review	Yes	Yes
CL-125	Residence, W. Stone House, Stone-Edwards Ranch	Copco	1910 SEP&L Company Map; 2017 Historical Landscape Review	Yes	Yes
CL-126	Ethnographic Shasta Indian Village #69	Copco	Literature Review	Yes	Yes
CL-126A	Outbuilding, Raymond Ranch	Copco	1910 SEP&L Company Map; 2017 Historical Landscape Review	Yes	Yes
CL-127	Ethnographic Shasta Indian Village #73	Copco	Literature Review	Yes	Yes
CL-127A	Barn, Harrison and Kitty Ward Ranch	Copco	1910 SEP&L Company Map; 2017 Historical Landscape Review	Yes	Yes
CL-128	Ethnographic Shasta Indian Village #70	Copco	Literature Review	Yes	Yes
CL-128A	Garden, Harrison and Kitty Ward Ranch	Copco	1910 SEP&L Company Map; 2017 Historical Landscape Review	Yes	Yes
CL-129	Orchard No. 1, Harrison and Kitty Ward Ranch	Copco	1910 SEP&L Company Map; 2017 Historical Landscape Review	Yes	Yes
CL-130	Orchard No. 2, Harrison and Kitty Ward Ranch	Copco	1910 SEP&L Company Map; 2017 Historical Landscape Review	Yes	Yes

ID	Potential Resource Noted	Reservoir	Source	Resource Submerged?	Resource in LOW?
CL-132	Residence, William and Mary Ward Ranch	Copco	1910 SEP&L Company Map; 2019 Bathymetric Review	Yes	Yes
CL-133	Barn, William and Mary Ward Ranch	Copco	1910 SEP&L Company Map; 2019 Bathymetric Review	Yes	Yes
CL-138	Building foundation, Lennox Ranch	Copco	1910 SEP&L Company Map; 2019 Bathymetric Review	Yes	Yes
CL-139	Foundation #1, William and Mary Ward Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-140	Foundation #2, William and Mary Ward Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-185	Chase Bridge on the Hahn Ranch	Copco	Literature Review	Part	Yes
CL-189	Bridge at the Stone-Edwards Ranch	Copco	Literature Review	Yes	Yes
CL-190	Dip wheel #1 on the Stone-Edwards Ranch	Copco	1910 SEP&L Company Map	Yes	Yes
CL-191	Dip wheel #2 on the Stone-Edwards Ranch	Copco	1910 SEP&L Company Map	Yes	Yes
CL-193	Dip wheel, Lennox Ranch	Copco	1910 SEP&L Company Map	Yes	Yes
CL-200	Ward Bridge abutments, Harrison and Kitty Ward Ranch	Copco	2019 Bathymetric Review	Yes	Yes
CL-204	Ethnographic Shasta Indian Village #71	Copco	Literature Review	Yes	Yes
CL-208	Ethnographic Shasta Indian Village #72	Copco	Literature Review	Yes	Yes
IG-10	Two-track road, Aguada-Daggett Ranch	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-11	Klamath Lake Railroad Spur	Iron Gate	2019 Bathymetric Review	Part	Yes
IG-12	Linear feature, Aguada-Daggett Ranch	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-13	Two-track road	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-14	Historic Copco Road	Iron Gate	2019 Bathymetric Review	Yes	Yes

ID	Potential Resource Noted	Reservoir	Source	Resource Submerged?	Resource in LOW?
IG-15	Historic Copco Road	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-16	Structure	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-16A	Klamath Lake Railroad grade	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-17	Klamath Lake Railroad bridge abutment	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-17A	Rock wall	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-18	Steel Bridge Railroad Station	Iron Gate	2019 Bathymetric Review	Part	Yes
IG-18A	Two-track road	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-19	Unknown feature	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-19A	Linear feature	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-20	Culvert	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-20A	Rock wall	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-21	Culvert	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-21A	Rock wall	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-22	Rock wall	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-22A	Possible house pit village	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-23	Two-track road	Iron Gate	2019 Bathymetric Review	Part	Yes
IG-23A	Culvert	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-24	Rock wall	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-24A	Bridge abutments	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-25	Rock wall	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-25A	Trough	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-26	Rock wall	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-26A	Unknown feature	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-27	Constructed feature	Iron Gate	2019 Bathymetric Review	Yes	Yes

ID	Potential Resource Noted	Reservoir	Source	Resource Submerged?	Resource in LOW?
IG-27A	Two-track road	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-28	Structure	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-28A	Trail	Iron Gate	2019 Bathymetric Review	Part	Yes
IG-29	Suspension bridge	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-29A	Two-track road	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-30	Two-track road	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-30A	Klamath Lake Railroad abutments	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-31	Klamath Lake Railroad siding	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-31A	Two-track road	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-32	Two-track road	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-33	Two-track road	Iron Gate	2019 Bathymetric Review	Part	Yes
IG-35	Bulldozer cut	Iron Gate	2019 Bathymetric Review	Part	Yes
IG-36	Bulldozer cut	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-50	Alternate location for CA-SIS-326 village	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-51	Elie's Camp	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-52	Structure, Herzog's Place	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-53	Unknown feature	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-54	Road Crossing	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-56	Camp Creek Fish Egg Collection Station	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-68	Building	Iron Gate	1941 USGS Macdoel, CA topographic map; 2017 Historical Landscape Review	Yes	Yes
IG-81	Two-track road	Iron Gate	2019 Bathymetric Review	Part	Yes
IG-82	Two-track road	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-83	Klamath Lake Railroad grade	Iron Gate	2019 Bathymetric Review	Part	Yes



ID	Potential Resource Noted	Reservoir	Source	Resource Submerged?	Resource in LOW?
IG-84	Rock wall	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-85	Trail	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-105	Ethnographic Shasta Indian Village #64	Iron Gate	Literature Review	Part	Yes
IG-106	Ethnographic Shasta Indian Village #63	Iron Gate	Literature Review	Yes	Yes
IG-107	Ethnographic Shasta Village #60	Iron Gate	Literature Review	Yes	Yes
IG-108	Ethnographic Shasta Indian Village #61	Iron Gate	Literature Review	Yes	Yes
IG-109	Ethnographic Shasta Indian Village #59	Iron Gate	Literature Review	Part	Yes
IG-110	Ethnographic Shasta Indian Village #58	Iron Gate	Literature Review	Part	Yes
IG-111	Ethnographic Shasta Indian Village #57	Iron Gate	Literature Review	Part	Yes
IG-114	Linear feature	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-115	Linear feature	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-116	Linear feature	Iron Gate	2019 Bathymetric Review	Yes	Yes
IG-123	Structure	Iron Gate	1922 USGS Iron Gate topographic map; 2017 Historical Landscape Review	Yes	Yes
IG-131	Ethnographic Shasta Indian Village #66	Iron Gate	Literature Review	Part	Yes
IG-135	Lowood School	Iron Gate	1922 USGS Iron Gate topographic map; 2017 Historical Landscape Review	Yes	Yes
IG-136	Irrigation Ditch	Iron Gate	1881 G.L.O. Map; 2017 Historical Landscape Review	Yes	Yes
IG-136A	Lowood School, Alternate Location	Iron Gate	1922 USGS Iron Gate topographic map; 2017 Historical Landscape Review	Yes	Yes

ID	Potential Resource Noted	Reservoir	Source	Resource Submerged?	Resource in LOW?
IG-137	Lowood School, Alternate Location	Iron Gate	1922 USGS Iron Gate topographic map; 2017 Historical Landscape Review	Yes	Yes
IG-157	Trail	Iron Gate	1941 USGS Macdoel, CA 125000 map; 2017 Historical Landscape Review	Part	Yes
IG-159	Trail in Long Gulch	Iron Gate	1941 USGS Macdoel, CA 125000 map; 2017 Historical Landscape Review	Part	Yes
IG-159A	Copco No. 2 Dam railroad spur	Iron Gate	Literature Review	Part	Yes
IG-160	Steel truss Railroad Bridge and Station	Iron Gate	Literature Review	Part	Yes
IG-161	Thomas J. Greive Ranch	Iron Gate	Literature Review	Part	Yes
IG-162	Martin Frain and J. S. Baker Sawmill	Iron Gate	Literature Review	Yes	Yes
IG-163	Frank Miller Homestead	Iron Gate	Literature Review	Yes	Yes
IG-164	Anton DeSoza Ranch	Iron Gate	Literature Review	Yes	Yes
IG-165	Herzog's Place	Iron Gate	Literature Review	Yes	Yes
IG-166	Lowood School, Alternate Location	Iron Gate	Literature Review	Yes	Yes
IG-167	Anton Burch Ranch	Iron Gate	Literature Review	Yes	Yes
IG-168	Elie's Camp / Hearn's Flat	Iron Gate	Literature Review	Yes	Yes
IG-169	Manuel Franklin Ranch	Iron Gate	Literature Review	Part	Yes
IG-171	Wagon bridge, Burch Ranch	Iron Gate	Literature Review	Yes	Yes
IG-174	Two-track road	Iron Gate	1881 G.L.O. Map; 2017 Historical Landscape Review	Part	Yes
IG-186	Two-track road	Iron Gate	1881 G.L.O. Map; 2017 Historical Landscape Review	Part	Yes
IG-201	Possible village location (IG-1)	Iron Gate	Literature Review	Part	Yes
IG-202	Possible village location (IG-3)	Iron Gate	Literature Review	Part	Yes
IG-203	Road in Long Gulch, Manuel Franklin Ranch	Iron Gate	1922 USGS Iron Gate topographic map; 2017 Historical Landscape Review	Part	Yes



ID	Potential Resource Noted	Reservoir	Source	Resource Submerged?	Resource in LOW?
IG-205	Klamath Lake Railroad crossing at Long Gulch, Manuel Franklin Ranch	Iron Gate	Topographic Map	Yes	Yes
IG-206	Long Gulch Crossing #1	Iron Gate	Topographic Map	Yes	Yes
IG-207	Long Gulch Crossing #2	Iron Gate	Topographic Map	Yes	Yes

Notes: CA = California; G.L.O. = General Land Office; LOW = limits of work; OR = Oregon; SEP&L = Siskiyou Electric Power & Light Company; USGS = United States Geological Survey

Geoarchaeological Sensitivity Model

The Renewal Corporation completed a geoarchaeological sensitivity model to help guide post-decommissioning cultural resources monitoring locations by addressing possible vertical depth and horizontal areas where resources would be most likely to exist. The geoarchaeological sensitivity model was created using topographic surface information, historical topographic surface information, modeled sediment thickness, geomorphic units, geologic units, currently documented cultural resource locations, and possible submerged resource locations.

NRHP Eligibility Evaluations

NRHP eligibility recommendations offered by PacifiCorp for the 165 archaeological sites associated with the KHP relicensing study, including those now part of the LKP, have not been formalized or concurred upon by the California or Oregon SHPOs. The Renewal Corporation has proposed NRHP evaluation (Phase II testing) of sites on Parcel B lands located within the ADI to provide the information needed for FERC, as the Project's lead agency, in consultation with the SHPOs, to make a determination of NRHP eligibility and assess the Project's effects on historic properties in the ADI. Execution of the Phase II study is pending.

Commented [GB44]: It is correct that FERC proposed the determinations of eligibility and the SHPOs object/do not object. Also correct that the eligibility plays a key role in the assessment of effects. But this occurs for the APE not just the ADI.

3.2.2 Built Environment Resources

Klamath Hydroelectric Relicensing Project (FERC No. 2082)

In 2003, PacifiCorp recognized the KHP as an NRHP-eligible historic district for its significant association with the industrial and economic development of Southern Oregon and Northern California (Kramer 2003a, 2003b). To support this recognition, PacifiCorp completed a historic context statement for the KHP that provided background information as a prelude to conducting a review of potential historic significance under NHPA Section 106 (Kramer 2003a). The historic context traced the development of the KHP's components from the earliest history of electrical generation in the region to the completion of Iron Gate Dam in 1962. The context statement also included a brief analysis of the social, economic, and industrial history of the Southern Oregon and Northern California Klamath-Siskiyou region.

PacifiCorp also completed a Request for Determination of Eligibility report for the KHP (Kramer 2003b). The eligibility report documented resources within the KHP's seven developments or complexes: Link River Complex, Keno Dam Complex, J.C. Boyle Complex, Copco No. 1 Complex, Copco No. 2 Complex, Fall Creek Complex, and Iron Gate Complex. PacifiCorp offered recommendations as to whether these "complexes" and their resources were eligible for the NRHP and defined the period of historic significance for the KHP as 1903–1958.

PacifiCorp's study was based on a survey of the hydroelectric development resources and excluded non-hydroelectric resources, such as bridges and residences outside of the KHP development but within the

current Project ADI. The study also omitted transmission lines originating within the hydroelectric developments and some of the associated power substations within the ADI.

In September 2003, CH2M Hill completed survey inventory forms for California and Oregon that documented the overall Klamath River Hydroelectric Project (KRHP) historic district (Durio 2003). With respect to the current ADI, PacifiCorp's 2003 analysis identified the Copco No. 1, Copco No. 2, and J.C. Boyle complexes, along with most of their primary components, as contributing to the eligible KRHP historic district. In contrast, Iron Gate Complex and its constituent resources (1962) and the Iron Gate Fish Hatchery (1966) were recommended as non-historic and non-contributing. The Oregon SHPO concurred with the eligibility determinations related to J.C. Boyle complex. The California SHPO did not provide concurrence for the eligibility determinations related to Copco No. 1, Copco No. 2, and the Iron Gate complexes, or for the Fall Creek Hatchery, which was included in the evaluations of Fall Creek hydroelectric development.

In 2018, the Renewal Corporation reevaluated these four hydroelectric developments and the Fall Creek Hatchery and updated the NRHP eligibility evaluations (see Section 4.2.2). The Renewal Corporation has also evaluated the historic resources within California for eligibility under the CRHR criteria for designation; however, those evaluations are relevant only to California resources and are not included in this report.

Commented [GB45]: This is a document prepared for Section 106, state register evaluations bear no applicability

Lower Klamath Project (FERC No. 14803)

Historic resource studies completed by the Renewal Corporation in support of the Project include (1) repository research; (2) select field survey of previously undocumented built environment resources located in the ADI, principally associated with the private properties located between Iron Gate and Humbug Creek and situated around Copco Lake; and (3) three Historic Resources Studies involving hydroelectric, transportation, and private property resources. Each of these components is detailed below. Additional information related to NRHP eligibility of hydroelectric resources is provided in Chapter 4.

Repository Research

To better understand the historic context of the built environment resources in the Project ADI, the Renewal Corporation conducted research at the following repositories for historical information, maps, and other relevant sources. [Table 0-7](#) [Table 3-7](#) provides a listing of the repositories. On-site research was conducted at all locations, except for Oregon State University, the University of Oregon, and The National Archives at Seattle, which were researched on-line.

Table 0-7 List of Repositories

Repositories	
Bureau of Land Management 2795 Anderson Avenue #25, Klamath Falls, OR 97603 (541) 885-4114	Klamath County Library 126 S. 3rd Street, Klamath Falls, OR 97601 (541) 882-8894
Klamath County Museum 1451 Main Street, Klamath Falls, OR 97601 (541) 882-1000	Klamath County Surveyor 305 Main Street #2, Klamath Falls, OR 97601 (541) 883-4696

Repositories	
Multnomah County Library 801 SW 10th Avenue, Portland, OR 97205 (503) 988-5123	National Archives at Seattle 6125 San Point Wy NE, Seattle, WA 98115 (206) 336-5125 (Obtained finding aids and research guidance via email but did not visit the facility.)
Oregon Department of Fish and Wildlife 1850 Miller Island Road West, Klamath Falls, OR 97603 (541) 883-5732	Oregon Historical Society 1200 SW Park Avenue, Portland, OR 97205 (503) 222-1741
Oregon Institute of Technology Shaw Historical Library 3201 Campus Drive, Klamath Falls, OR 97601 (541) 885-1686	Oregon State University Corvallis, OR (Research conducted on university's online database only.)
PacifiCorp 825 NE Multnomah Street Portland, Oregon 97232 (888) 221-7070	Siskiyou County Assessor 311 4th St. #108, Yreka, CA 96097 (530) 842-8036
Siskiyou County Building Department 806 S. Main St., Yreka, CA 96097 (530) 842-8260	Southern Oregon Historical Society 106 N. Central Avenue, Medford, OR 97501 (541) 773-6536
Southern Oregon University Hannon Library 1250 Siskiyou Boulevard, Ashland, OR 97520 (541) 552-6442	University of Oregon Aerial Photograph Collection https://library.uoregon.edu/maps/aerial
University of Oregon Special Collections Knight Library 1501 Kincaid Street, Eugene, OR 97403-1299 (541) 346-3053	

In addition to conducting the above repository research, the Renewal Corporation also investigated the following sources:

- Aerial photography databases (historicaerials.com)
- Archival photographs provided by PacifiCorp
- Boise State Digital Collections
- Digital photography collections (California State University at Chico, Los Angeles Public Library)
- Digital newspaper and genealogy databases: newspapers.com, genealogybank.com, ancestry.com, chroniclingamerica.loc.gov [Library of Congress], oregonnews.uoregon.edu [historic Oregon newspapers], cdnc.ucr.edu [California digital newspaper collection].
- Google Books (digitalized books, magazines, journals, newsletters)
- Google Scholar (technical and scientific articles)
- Hathitrust Digital Library
- JSTOR (scholarly and scientific articles)

- Technical and Environmental reports obtained online
- United States Geological Survey maps

Field Survey

The Renewal Corporation conducted architectural inventories in the Project ADI located between Iron Gate Dam and Humbug Creek and around Copco Lake using a combination of pedestrian and windshield survey. The surveys encompassed lands within the Project ADI owned by PacifiCorp and by private individuals. Pedestrian surveys were conducted with permission on PacifiCorp lands (Parcel B lands). Windshield reconnaissance surveys were conducted near privately owned lands. The teams accessed the survey sites through a combination of public roads and Project access roads. PacifiCorp escorts provided access to facility sites not open to the public. The survey teams documented resources using geospatial technology, photography, and digital tablets. The survey teams took photographs and notes in the field to develop narrative descriptions and integrity analyses for each resource. This documentation was embedded into interactive geospatial maps.

The survey teams recorded each resource's form, design, construction materials, use, condition, historical integrity, and spatial relationship to other resources. Historic photographs and previous documentations were reviewed to assess all seven aspects of historic integrity (location, design, setting, materials, workmanship, feeling, and association). When recording resources in California, resources were recorded on California Department of Parks and Recreation (DPR) forms for primary records; building, structure, object records; and/or district records.

For the survey of any previously recorded built environment resources, the Renewal Corporation compared the existing conditions and historical integrity of previously recorded historic resources to those recorded on site forms. Updates to the survey forms were provided where significant changes to resource condition or integrity were observed.

Additional Properties in the ADI and/or LOW (Private Property) Pending Evaluation

During 2019 reconnaissance-level field surveys, the Renewal Corporation performed a windshield architectural survey and aerial photography review of private properties (at least 45 years old) within the California portion of the ADI located between Iron Gate Dam and Humbug Creek. Associated effects in this area would be related to fluctuations in river elevation after dam decommissioning. Moving or increasing elevation to building would minimize effects from changes in the river elevation but would potentially affect the historical integrity of resources. The properties are found along the Klamath River near Hornbrook, California; the Klamath River Community; and along the shore of Copco Lake. These commercial, residential and recreational properties may have local significance under NRHP Criterion A in the areas of Entertainment/Recreation and Community Development and Planning. Additional field survey and research is required to fully evaluate NRHP eligibility. For the Hornbrook Area, [Table 0-8](#) [Table 3-8](#) (Hornbrook) and [Table 0-9](#) [Table 3-9](#) (Klamath River Community) provide each identified property's name or type, address, construction date, and buildings/structures. This information was gathered through reconnaissance-level

field observations, available photographs, Siskiyou County assessor data, and internet research. For the Copco Lake area, a general description of potentially historic properties is provided.

Hornbrook Area

The Renewal Corporation identified four private properties in the ADI near Hornbrook, California, that may be affected by the Project. The properties were built between 1937 and 1971 and are situated on the north bank of the Klamath River, east of Interstate 5 and west of Iron Gate Dam.

Table 0-8 Private Properties on the Klamath River in the Hornbrook Area

Property	Address	Construction	Buildings/Structures
Fish Hook Restaurant	6930 Copco Road	ca. 1941	Situated on same parcel as Klamath River Resort/Blue Heron RV Park, RV Park office, and modern private residence. Fish Hook Restaurant consists of a one-story building and small shed.
R-Ranch Klamath River Campground	225 Ditch Creek Road	1971	Old Children's Lodge, R-Ranch Lodge, two restrooms, and several campsites with electrical hookups for recreational vehicles. Campground shares 5,000-acre property with Cottonwood Campground, headquarters and stables, bunkhouse, gun range, and A-Frame building.
Klamath River Country Estates Owners' Association Campground Facilities and Office	4701-4799 Whitefish Place	ca. 1970	Storage building, lodge, office, restroom, shed, pool equipment shed, propane tank, mobile home, pedestrian bridge, and campground.
Single-Family Residence	13624 Hornbrook Road	1937	House with detached garage built into the riverbank.

Klamath River Community

The Renewal Corporation identified 24 properties in the Klamath River Community area built between 1925 and circa (ca.) 1975 that may be affected by the Project. The properties are situated west of Interstate 5 along State Highway 96 and Klamath River Road in an area known as the Klamath River Community.



Table 0-9 Private Properties in the Klamath River Community Area

Property	Address	Construction	Basic Property Information
Multi-Family Property	904 State Highway 96	1925	At least six buildings, including three houses and three sheds. Oldest house built in 1925 and other houses likely date to 1980s.
Single-Family Residence	1131 State Highway 96	ca. 1950	Single-story house.
Nueman Property	1920 State Highway 96	ca. 1950	One-story cabin, one-story former restaurant building, one-story house, pump house, and shed.
Multi-Family Property	1936 State Highway 96	1957	Original two-story house with attached garage built in 1957 and two-story manufactured home with an attached garage built in 1964.
Multi-Family Property	1942 State Highway 96	ca. 1950	Two houses spaced several yards apart and detached garage. One dwelling has single-story and other dwelling has one-and-a-half stories.
Single-Family Residence	2014 State Highway 96	ca. 1950	Single-story house with basement, rock wall near riverbank.
Single-Family Residence	2020 State Highway 96	ca. 1969	Single-story house with shed.
Single-Family Residence	2032 State Highway 96	ca. 1975	Two-story house.
Single-Family Residence	2100 State Highway 96	ca. 1973	Mobile home and shed.
Single-Family Residence	4617 State Highway 96	ca. 1975	Single-story house and detached garage.
Multi-Family Property	4830 State Highway 96	ca. 1970	Two single-story houses.
Single-Family Residence	4834 State Highway 96	1971	Single-story house and greenhouse.
Single-Family Residence	4730 State Highway 96	Unknown	House.
Multi-Family Property	5125 Klamath River Road	1968	Two single-story houses and a detached garage/workshop. One of the houses is manufactured.
Multi-Family Property	5215 Klamath River Road	ca. 1970	Two single-story houses.
Single-Family Residence	Unknown (west of 5215 Klamath River Road)	1961	Mobile home.

Property	Address	Construction	Basic Property Information
Multi-Family Property	5231 Klamath River Road	ca. 1975	Modern single-family house, manufactured house, storage building, and well house.
Multi-Family Property	5814 State Highway 96	ca. 1970	Two mobile homes, a garage, and multiple sheds.

Copco Lake Area

Based on windshield survey and aerial photographs, the Renewal Corporation has identified approximately 50 properties in the Copco Lake area that may be affected by the Project. The residential/recreational properties, many with boat docks, are clustered primarily along the lakesides of Copco Road, Quail Lane, and Ager Beswick Road. Copco Road and Quail Lane extend along Copco Lake's north shore. Ager Beswick Road extends along Copco Lake's south shore. County assessor data indicates that construction dates for the Copco Lake residences date to as early as 1935, with many built in the mid to late 1960s, after completion of Iron Gate Dam and Reservoir, and the associated improvements made to sections of Copco Road. Aerial photographs indicate about a dozen more potentially historic properties further west along Ager Beswick Road towards Copco Dam No. 1, in areas such as Keaton Cove. These properties have not yet been surveyed or researched as they are located on private land.

Many of the Copco Lake properties identified during field survey and desktop research have boat docks or ramps that extend into Copco Lake and appear to have been built for recreational and residential use. In addition to potential local significance under NRHP Criterion A in the areas of Entertainment/Recreation, certain properties such as the 1960s A-frame residences observed along Ager Beswick Road may have local significance under NRHP Criterion C in the area of Architecture.

Historic Resource Studies

The Renewal Corporation completed three Historic Resource Studies focused on historic resources within the ADI that had the potential to be affected by the Project. These three studies involved the following categories of resources: (1) Hydroelectric, (2) Transportation, and (3) Private Property. The Renewal Corporation completed these surveys, inventories, and evaluations to identify historic properties within the Project ADI that are eligible for and/or listed in the NRHP. These investigations were completed following the Secretary of the Interior's Standards for Archaeology and Historic Preservation under the guidance of professionals that meet the Secretary of the Interior's Standards for Archaeology and Historic Preservation Professional Qualification Standards (36 C.F.R. Part 61).

The Hydroelectric Resource Study evaluated the KRHP, which consists of seven hydroelectric developments along the Klamath River in Southern Oregon and Northern California. This study focused on the KRHP and four of the hydroelectric developments within: J.C. Boyle, Copco No. 1, Copco No. 2, and Iron Gate. Except for J.C. Boyle, which is in Oregon, each of the hydroelectric developments is in California. Based on the scope of this Project, the Renewal Corporation did not evaluate the Link River, Keno, and Fall Creek hydroelectric developments, which are also within the KRHP but will not be impacted by the Project. The Renewal

Commented [GB46]: Historic Resources Studies for the entire APE are necessary, not just the ADI.



Corporation evaluated each of the four hydroelectric developments and their built resources, including bridges, road sections, and culverts. As a result of the study, the Renewal Corporation identified five NRHP-eligible historic districts subject to Project effects: the KRHP, J.C. Boyle, Copco No. 1, Copco No. 2, and Iron Gate. The KRHP is a previously identified historic district. When the KRHP historic district was identified in 2003, J.C. Boyle, Copco No. 1, Copco No. 2, and Iron Gate were evaluated as contributing or non-contributing to the KRHP. The Renewal Corporation study evaluated these four hydroelectric developments as discrete historic districts within the larger KRHP historic district as well as potential contributors to the KRHP historic district. In addition, the Renewal Corporation identified four individually eligible resources that may be subject to Project effects: Copco No. 1 dam, Copco No. 2 powerhouse, Copco No. 2 water conveyance system, and Fall Creek School (Copco No. 2).

The Transportation Resource Study evaluated bridges, road sections, and culverts within the ADI but outside the boundaries of the hydroelectric historic districts. The Renewal Corporation evaluated bridges, road sections, and culverts inside the boundaries of the hydroelectric historic districts as contributing or non-contributing resources to the district. As a result of the study, the Renewal Corporation identified one NRHP-eligible bridge that may be subject to Project effects: Dry Creek bridge.

The Private Property Resource Study focused on commercial, residential, and recreational properties within the California portion of the ADI, along the Klamath River corridor. These properties are situated along the shorelines of the Klamath River (Hornbrook and Klamath River Community) and Copco Lake. Note that the Copco Lake residences have Montague addresses but are about 25 miles northeast of the City of Montague. Further survey and investigation may be required to identify NRHP-eligible properties within these areas that are subject to Project effects; however, as these investigations would need to occur on private property, the information may not be able to be collected.

Commented [GB47]: What is the process for obtaining this information? What happens in the event the information is unable to be obtained?

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Chapter 4: Historic Properties

HISTORIC PROPERTIES

4.1 NRHP Evaluation

Cultural resources identified in the ADI were assessed for their NRHP eligibility based on established evaluation criteria (36 C.F.R. Part 60), their historic significance, and integrity. The NRHP is the official federal list of historic properties, including districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering, and culture. A historic property (i.e., NRHP-eligible) may be of national, state, or local significance.

The Renewal Corporation's NRHP assessment relied on a multifaceted program that included extensive archival research, historical landscape analysis, geoarchaeological modeling, inventory and recordation of archaeological sites and built environment resources, limited subsurface testing of archaeological sites, and tribal consultation to identify TCPs and other tribal cultural resources.

The significance of a property is best judged and explained when it is evaluated within its historic context or how it relates to its geographic area, prevailing historical themes, and chronological period (Wyatt 2009). By exploring the patterns or trends by which a specific occurrence, property, or site is understood, its meaning and comparative significance within history is made clear (NPS 1997). Historic contexts serve as the framework within which NRHP criteria are applied to specific properties. A key principle of historic contexts is that resources, properties, and events do not occur in isolation but reflect larger historical developments, associations, and/or patterns.

After identifying the relevant historic context with which a property is associated, four criteria of evaluation were considered to assess NRHP significance. These criteria serve as the standards by which every property nominated to the NRHP is judged. The criteria are written broadly to recognize the nation's wide variety of historic properties and to identify the range of resources and kinds of significance that qualify properties for NRHP listing. The criteria recognize associative, design, and information values, as listed in 36 C.F.R. Part 60.

The quality of significance in American history, architecture, archaeology, engineering and culture is present in districts, sites, buildings, structures, and objects of state and local importance that possess historic integrity, and

- Are associated with events that have made significant contributions to the broad pattern of our history (Criterion A); or
- Are associated with the lives of persons significant in our past (Criterion B); or
- Embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction (Criterion C); or
- Have yielded, or may be likely to yield, information important in history or prehistory (Criterion D).

To be listed in the NRHP, a property must not only be shown to be significant under one or more criteria, but it also must have integrity (NPS 2000). The NRHP recognizes seven aspects or qualities that, in various combinations, define integrity (NPS 1997). The seven aspects of integrity are location, design, setting, materials, workmanship, feeling, and association.

Location is the place where the historic property was constructed or the place where the historic event occurred. The actual location of a historic property, complemented by its setting, is particularly important in recapturing the sense of historic events and persons.

Setting is the physical environment of a historic property. It refers to the historic character of the place in which the property played its historical role. It involves how, not just where, the property is situated and its historical relationship to surrounding features and open space. The physical features that constitute the historic setting of a historic property can be either natural or built and include such elements as topography, vegetation, paths or fences, and the relationships between buildings and other features or open spaces

Design is the combination of elements that create the historic form, plan, space, structure, and style of a property. This includes such elements as organization of space, proportion, scale, technology, ornamentation, and materials. Design can also apply to districts and to the historic way in which the buildings, sites, or structures are related.

Materials are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property. If the property has been rehabilitated, the historic materials and significant features must have been preserved. The property must also be an actual historic resource, not a re-creation; a property whose historic features have been lost and then reconstructed is usually not eligible.

Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history. It is the evidence of artisans' labor and skill in constructing or altering a building, structure, object, or site. It may be expressed in vernacular methods of construction and plain finishes or in highly sophisticated configurations and ornamental detailing. Examples of workmanship in historic buildings include tooling, carving, painting, graining, turning, and joinery.

Feeling is a property's expression of the aesthetic or historic sense of a particular period of time. It results from the presence of physical features that, taken together, convey the property's historic character. For example, a rural historic district which retains its original design, materials, workmanship, and setting will relate the feeling of agricultural life in the nineteenth century.

Association is the direct link between an important historic event or person and a historic property. A property retains association if it is the place where the event or activity occurred and is sufficiently intact to convey that relationship to an observer. Like feeling, association requires the presence of physical features that convey a property's historic character.

Although not listed in the seven aspects of historic integrity, the National Park Service (NPS) does allow the physical condition of a property to be taken into consideration when evaluating property type and integrity as

part of the assessment of historic context. The evaluation should state how the particular property meets the integrity requirements for its type. When a property is disqualified for loss of integrity, the evaluation statement should focus on the kinds of integrity expected for the property type, those that are absent for the disqualified property, and the impact of that absence on the property's ability to exemplify architectural, historical or research values within a particular historic context. The integrity of the property in its current condition, rather than its likely condition after a proposed treatment, should be evaluated. Factors such as structural problems, deterioration, or abandonment should be considered in the evaluation only if they have affected the integrity of the significant features or characteristics of the property (NPS 2019b).

It is recognized that all properties change over time, and it is not necessary for one to retain all historic physical characteristics or features. It must, however, retain essential physical features that enable it to convey its historic identity that define why it is significant and when it was significant (NPS 1997).

If a resource is determined eligible for the NRHP, Section 106 of the NHPA and its implementing regulations (36 C.F.R. Part 800) require that effects of a proposed project on that resource be determined. If NRHP listed or eligible properties are identified and will be adversely affected by the project implementation, then measures to avoid, minimize, or otherwise mitigate any adverse effects must be taken. If adverse effects are anticipated, the ACHP, SHPO, tribes (if they ascribe significance to the resource), and other consulting parties must be provided an opportunity to review and comment on these measures. The public and other applicable consulting parties must also be notified of Project impacts upon historic properties. The ACHP has adopted regulations (36 C.F.R. Part 800) that implement these consultation and notice requirements.

Historic properties include those that are in ruin on or below the ground, or "Archaeological" by definition, and those that are above-ground, or "Built Environment." Each of these categories is described separately.

4.2 Districts

4.2.1 Archaeological Districts

A discussion of archaeological districts is pending the results of the Phase II study.

4.2.2 Built Environment Multiple Property Districts

The Renewal Corporation identified five NRHP-eligible historic districts that will be subject to Project effects. The Renewal Corporation evaluated the KRHP historic district as well as the discrete, potentially eligible historic districts within the larger KRHP, specifically Copco No. 1, Copco No. 2, Iron Gate (California), and J.C. Boyle (Oregon). The Renewal Corporation also evaluated the Fall Creek Hatchery (California), another potential historic district within the APE.

The Renewal Corporation also identified four individually eligible resources within the historic districts that will be subject to Project effects:

- Copco No. 1 dam

- Copco No. 2 powerhouse
- Copco No. 2 water conveyance system
- Fall Creek School (Copco No. 2)

The Renewal Corporation also identified one NRHP-eligible bridge that may be subject to Project effects:

- Dry Creek bridge

Further survey and investigation are required to identify NRHP-eligible properties within the areas that are subject to Project effects on private property. This includes the area between Iron Gate Dam and Humbug Creek and around Copco Lake.

Commented [GB48]: when is this proposed to occur? This information is needed in order to assess effects.

NRHP regulations define historic districts (36 C.F.R. § 60.3(d)) as follows:

A geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history.

The four hydroelectric-related historic districts in California and Oregon are now owned and operated by PacifiCorp under FERC License No. 2082. Each is a discrete historic district with significant concentrations of related resources that contributed to the early development and distribution of electricity in the Southern Oregon and Northern California region. Each discrete historic district also contributes to the larger KRHP, a noncontiguous historic district that follows the Klamath River through certain areas of Southern Oregon and Northern California. The KRHP and its four constituent historic districts appear to be eligible under NRHP Criterion A in the area of Commerce as components of a regionally significant, locally owned and operated private utility and in the area of Industry for substantially increasing electrical capacity to promote expansion of the regional timber, agriculture, and recreation industries (Kramer 2003b). In addition, the KRHP is significant under NRHP Criterion A in the area of Conservation for its controversial role in regional fish management activities mandated as mitigation for environmental and biological harm caused by the KRHP dams. The KRHP is also significant under NRHP Criterion C in the area of Engineering as its hydroelectric developments embody the distinctive characteristics of early- and mid-twentieth-century hydroelectric developments that implemented technological advances in their conceptions, designs, and construction, and that demonstrate the functional interconnections of the unified KRHP system. Under Criterion C, the KRHP also best represents the work of master hydro-engineer John C. Boyle, who was important to regional hydroelectric development and who began his association with the KRHP as a young engineer surveying Copco No. 1 for the Siskiyou Electric Power & Light Company.

Certain historic resources within the districts appear to be individually eligible for the NRHP, such as the Copco No. 1 dam, which is significant under NRHP Criterion C in the area of engineering. The Copco No. 2 powerhouse and the Fall Creek School appear to be individually eligible under NRHP Criterion C in the area of architecture.

Each of the four potential hydroelectric historic districts and their contributing resources were documented in California or Oregon SHPO historic resource documentation forms, depending upon location. Copco No. 1, Copco No. 2, and Iron Gate historic districts were documented in California DPR forms. DPR 523A (primary) forms were completed for each district and each contributing resource within a district. DPR 523D (district) forms were completed for each district, providing an overall historic context for the district and a list of contributing and non-contributing resources. DPR 523A and 523B (building, structure, object) forms were completed for each contributing resource within a district and for each individually eligible resource within a district. J.C. Boyle historic district and its contributing resources were documented in individual Oregon Historic Sites Database forms.

Fall Creek Hatchery, a potential historic district within the APE, was also evaluated for NRHP eligibility. Fall Creek Hatchery has regional significance under NRHP Criterion A in the area of Conservation for its pioneering role in early twentieth-century fish management and science in Northern California. DPR 523A and 523D forms were completed for Fall Creek. Due to lack of integrity, Fall Creek Hatchery appears to be not eligible for the NRHP and, therefore, DPR 523A and 523B forms were not completed for individual resources within the district.

Archaeological districts and the potential cultural riverscape are also described below in the following subsections.

Hydroelectric Districts

This section briefly describes the KRHP historic district and the four discrete historic districts within its boundaries. A table for each of the four historic districts includes information on the districts' contributing and non-contributing resources, including names and function, dates of construction/major alteration, previous eligibility evaluations, and updated eligibility evaluations. Detailed information beyond these brief table summaries, including recent and historic photographs, is contained in DPR and Oregon Historic Sites Database forms. The KRHP historic district as well as the four historic districts within its boundaries and their contributing resources are presently identified by the KRHP's DPR primary number (47-004015), which was assigned by the California SHPO in 2003. In addition, the California SHPO has assigned individual primary numbers to the Copco No. 1 powerhouse (47-002267), Copco No. 1 guest house remains (CA-515-2824), and Copco No. 2 powerhouse (47-002266).

Klamath River Hydroelectric Project (KRHP) Historic District (Klamath County, Oregon and Siskiyou County, California)

The remaining hydroelectric developments within the KRHP were built between 1903 and 1962 by Copco and its successor Pacific Power. The KRHP was previously evaluated as eligible for the NRHP but is not currently listed in the NRHP.

The Renewal Corporation agrees with the previous evaluation of the KRHP as eligible for the NRHP as a historic district. In addition, The Renewal Corporation has identified four hydroelectric developments within the KRHP's boundaries that constitute discrete historic districts, each contributing to the larger KRHP

Commented [GB49]: The above section states eligibility as per the Renewal Corporation. Determinations are made by the lead federal agency and objected/not objected to by the SHPOs all with consultation opportunities by Tribes and interested parties. This process has yet to occur for historic and cultural resources within the APE.

historic district: J.C. Boyle (Oregon), Copco No. 1 (California), Copco No. 2 (California), and Iron Gate (California). Summaries of the NRHP evaluations for the four historic districts and the resources they contain are provided in the tables below.

J.C. Boyle Hydroelectric Development District (Klamath County, Oregon)

J.C. Boyle was completed in 1958 as the final hydroelectric development that Copco completed along the Klamath River before the company was acquired by Pacific Power in 1961 (Figure 0-1Figure 4-1). J.C. Boyle is not currently listed in the NRHP.



Figure 0-1 J.C. Boyle powerhouse

Based on the Renewal Corporation’s evaluation, the J.C. Boyle hydroelectric development is eligible for the NRHP as a historic district. J.C. Boyle also contributes to the larger KRHP historic district. Table 0-1Table 4-1 summarizes the eligibility recommendations for the J.C. Boyle historic district and its resources.

Table 0-1 J.C. Boyle Hydroelectric Development District NRHP Eligibility Recommendations

Resource	Function	Construction/ Alterations	PacifiCorp NRHP Recommendation and Criteria: A, B, C, or D (Durio 2003; Kramer 2003a, 2003b)	Renewal Corporation NRHP Recommendation and Criteria: A, B, C, or D
J.C. Boyle Hydroelectric Development (historic district)	Generate hydropower for regional customers.	1958	Contributing: Criterion A	Eligible historic district: Criteria A and C. Contributes to the larger KRHP historic district: Criteria A and C.

Resource	Function	Construction/ Alterations	PacifiCorp NRHP Recommendation and Criteria: A, B, C, or D (Durio 2003; Kramer 2003a, 2003b)	Renewal Corporation NRHP Recommendation and Criteria: A, B, C, or D
Dam	Impound J.C. Boyle Reservoir to enable generation of hydropower.	1958	Contributing: Criterion A	Contributes to the J.C. Boyle historic district: Criterion A. Dam, water conveyance system, and powerhouse collectively contribute to the J.C. Boyle historic district: Criterion C.
Water Conveyance System	Convey water impounded by J.C. Boyle reservoir through the dam and into powerhouse.	1958	Contributing: Criterion A	Contributes to the J.C. Boyle historic district: Criterion A. Dam, water conveyance system, and powerhouse collectively contribute to the J.C. Boyle historic district: Criterion C.
Powerhouse	House the massive machinery that generates the facility's hydropower.	1958	Contributing: Criterion A	Contributes to the J.C. Boyle historic district: Criterion A. Dam, water conveyance system, and powerhouse collectively contribute to the J.C. Boyle historic district: Criterion C.
Armco Warehouse	Storage and support facility for construction and operations.	1957	Contributing: Criterion A [Durio 2003] and Not Contributing [Kramer 2003]	Contributes to the J.C. Boyle historic district: Criterion A.
Red Barn	Administrative building.	1958/1978	Not Contributing	Non-contributing: Lacks historic integrity.
Truck Shop/Fuel Station and Waste Storage Area	Vehicle storage and repair/ vehicle fueling station.	1991	Not Contributing	Non-contributing: Out of Period.

Resource	Function	Construction/ Alterations	PacifiCorp NRHP Recommendation and Criteria: A, B, C, or D (Durio 2003; Kramer 2003a, 2003b)	Renewal Corporation NRHP Recommendation and Criteria: A, B, C, or D
Fire System Control	Fire system control with electric pump.	ca. 1995	Not Contributing	Non-contributing: Out of Period.
Dam Communication	Contain equipment for communication with PacifiCorp's Merwin Dam facility.	ca. 1995	Not Contributing	Non-contributing: Out of Period.
Operator Residences (2)	Worker residences.	ca. 1975 and ca. 1985	Not Contributing	Non-contributing: Out of Period.
Domestic Well house	Well house containing pump.	1958/ ca. 1997	Not Contributing	Non-contributing: Out of Period.
Timber Bridge	Bridge over Klamath River between dam and flume areas.	1956, 1971, 2003 (rebuilt)	Not Contributing	Non-contributing: Out of Period.
Powerhouse Residence Site	Previous site of worker residences near powerhouse.	ca. 1958, 1995	Not Contributing	Non-contributing: Lacks historic integrity.

Notes: NRHP = National Register of Historic Places

The Renewal Corporation has completed Oregon Historic Site Forms that provide a detailed description of J.C. Boyle, a discussion of the historic context, and evaluations for significance and integrity.

Copco No. 1 Hydroelectric Development District (Siskiyou County, California)

Copco No. 1, placed into operation in 1918 and expanded in 1922, was the first hydroelectric development constructed by Copco after the company was organized in 1912 (Figure 0-2Figure 4-2). Copco No. 1 is not currently listed in the NRHP.



Figure 0-2 Copco No. 1, showing powerhouse, dam, and gatehouse no. 1

Based on the Renewal Corporation’s evaluation, the Copco No. 1 hydroelectric development is eligible for the NRHP as a historic district. Copco No. 1 also contributes to the larger KRHP historic district. In addition, the Copco No. 1 dam is individually eligible. [Table 0-2](#)[Table 4-2](#) summarizes the eligibility recommendations for the Copco No. 1 historic district and its resources.

Table 0-2 Copco No. 1 Hydroelectric Development District NRHP Eligibility Recommendations

Resource	Function	Construction/Alterations	PacifiCorp NRHP Recommendation and Criteria: A, B, C, or D (Durio 2003; Kramer 2003a, 2003b)	Renewal Corporation NRHP Recommendation and Criteria: A, B, C, or D
Copco No. 1 Hydroelectric Development (historic district)	Generate hydropower for regional consumers.	1918/1922	Contributing: Criterion A	Eligible historic district: Criteria A and C. Contributes to the larger KRHP historic district: Criteria A and C.
Dam	Impound Copco Lake reservoir to enable generation of hydropower.	1918/1922	Contributing: Criterion A	Contributes to the Copco No. 1 historic district: Criterion A. Dam, water conveyance system, and powerhouse collectively contribute to the Copco No. 1 historic district: Criterion C. Individually eligible: Criterion C.

Commented [GB50]: If the eligibility recommendations from 2003 have not yet had an eligibility determination in consensus as per 36 CFR 800, indicating that they are eligible in this table serves to confuse. Clarification and/or modification of language is requested.

Resource	Function	Construction/ Alterations	PacificCorp NRHP Recommendation and Criteria: A, B, C, or D (Durio 2003; Kramer 2003a, 2003b)	Renewal Corporation NRHP Recommendation and Criteria: A, B, C, or D
Water Conveyance System	Convey water impounded by Copco Lake through the dam and into powerhouse.	1918/1922	Contributing: Criterion A	Contributes to the Copco No. 1 historic district: Criterion A. Dam, water conveyance system, and powerhouse collectively contribute to the Copco No. 1 historic district: Criterion C.
Powerhouse/ 47-002267	House the massive machinery that generates the facility's power.	1918/1922	Contributing: Criterion A	Contributes to the Copco No. 1 historic district: Criterion A. Dam, water conveyance system, and powerhouse collectively contribute to the Copco No. 1 historic district: Criterion C.
Warehouse 1112	Support facility for construction and operations.	ca. 1913/ unknown	Contributing: Criterion A	Contributes to the Copco No. 1 historic district: Criterion A.
Guesthouse Remains/ CA-SIS-2824H	Company officer and guest residence.	ca. 1916/ ca. 1980 (demolished)	Contributing: Criterion A	Contributes to the Copco No. 1 historic district: Criterion A.
Bungalows 1107 and 1108 (2)	Worker residences.	Circa 1925	Contributing: Criterion A	Contributes to the Copco No. 1 historic district: Criterion A.

Commented [GB50]: If the eligibility recommendations from 2003 have not yet had an eligibility determination in consensus as per 36 CFR 800, indicating that they are eligible in this table serves to confuse. Clarification and/or modification of language is requested.

Notes: NRHP = National Register of Historic Places

The Renewal Corporation has completed State of California DPR forms that provide a detailed description of Copco No. 1, a discussion of the historic context, and evaluations for significance and integrity.

Copco No. 2 Hydroelectric Development District (Siskiyou County, California)

Copco No. 2 was completed in 1925, three years after the Copco No. 1 expansion ([Figure 0-3](#)/[Figure 4-3](#)). Copco No. 2 is not currently listed in the NRHP.



Figure 0-3 Copco No. 2, showing powerhouse and penstock

Based on the Renewal Corporation’s evaluation, the Copco No. 2 hydroelectric development is eligible for the NRHP as a historic district. Copco No. 2 also contributes to the larger KRHP historic district. In addition, the Copco No. 2 powerhouse, Copco No. 2 water conveyance system, and Fall Creek School are individually eligible. [Table 0-3Table 4-3](#) summarizes the eligibility recommendations for the Copco No. 2 historic district and its resources.

Note: An oil and gas storage house previously recommended as eligible by Kramer (and as not eligible by Durio) was demolished ca. 2015 and was, therefore, not evaluated by the Renewal Corporation. The demolished oil and gas storage house is not included in [Table 0-3Table 4-3](#). The radio station near the Copco No. 2 powerhouse area was not previously recorded and is included in [Table 0-3Table 4-3](#).

Table 0-3 Copco No. 2 Hydroelectric Development District NRHP Eligibility Recommendations

Resource	Function	Construction/Alterations	PacifiCorp NRHP Recommendation and Criteria: A, B, C, or D (Durio 2003; Kramer 2003a, 2003b)	Renewal Corporation NRHP Recommendation and Criteria: A, B, C, or D
Copco No. 2	Operate in conjunction with Copco No. 1 to generate hydropower for regional consumers.	1925	Contributing: Criterion A	Eligible historic district: Criteria A and C. Contributes to the larger KRHP historic district: Criteria A and C.

Commented [GB51]: Recommended this be clarified that eligibility has not been determined.

Commented [GB52]: If the eligibility recommendations from 2003 have not yet had an eligibility determination in consensus as per 36 CFR 800, indicating that they are eligible in this table serves to confuse. Clarification and/or modification of language is requested.

Resource	Function	Construction/ Alterations	PacifiCorp NRHP Recommendation and Criteria: A, B, C, or D (Durio 2003; Kramer 2003a, 2003b)	Renewal Corporation NRHP Recommendation and Criteria: A, B, C, or D
Dam	Impound small, unnamed reservoir to enable generation of hydropower.	1925/1996 (headgate rebuilt)	Contributing: Criterion A	Contributes to the Copco No. 2 historic district: Criterion A. Dam, water conveyance system, and powerhouse collectively contribute to the Copco No. 2 historic district: Criterion C.
Water Conveyance System	Convey water impounded in Copco Lake and small unnamed reservoir through the dam and into the powerhouse.	1925	Contributing: Criterion A	Contributes to the Copco No. 2 historic district: Criterion A. Dam, water conveyance system, and powerhouse collectively contribute to the Copco No. 2 historic district: Criterion C. Individually eligible: Criterion C.
Powerhouse/47-002266	House the massive machinery that generates the facility's power.	1925	Contributing: Criterion A	Contributes to the Copco No. 2 historic district: Criterion A. Dam, water conveyance system, and powerhouse collectively contribute to the Copco No. 2 historic district: Criterion C. Individually eligible: Criterion C.
Substation	Transforms voltage for transmission and distribution of electrical power generated at powerhouse.	ca. 2000 (rebuilt after major fire in early 2000s)	Not contributing	Non-contributing: Out of Period
Daggett Road Bridge	Bridge over Klamath River between Copco Road and Copco No. 2 powerhouse area.	1924/1960 (raised)/1981 (rebuilt)	None	Non-contributing: Out of Period

Commented [GB52]: If the eligibility recommendations from 2003 have not yet had an eligibility determination in consensus as per 36 CFR 800, indicating that they are eligible in this table serves to confuse. Clarification and/or modification of language is requested.

Resource	Function	Construction/ Alterations	PacifiCorp NRHP Recommendation and Criteria: A, B, C, or D (Durio 2003; Kramer 2003a, 2003b)	Renewal Corporation NRHP Recommendation and Criteria: A, B, C, or D
Radio Station	Microwave radio communication station building and radio tower operated by PacifiCorp.	ca. 1950	None	Contributes to the Copco No. 2 and KRHP historic districts: Criterion A.
Control Center	Automated control center for Copco No. 1 and Copco No. 2.	1966	Not Contributing	Contributes to the Copco No. 2 and KRHP historic districts: Criterion A.
Maintenance Building	Vehicle/equipment maintenance and storage.	1991	Not Contributing	Non-contributing: Out of Period
Former Cookhouse/ Bunkhouse	Multi-worker residence and kitchen.	1941	Contributing: Criterion A	Contributes to the Copco No. 2 historic district: Criterion A.
Bungalow	Worker residence.	ca. 1925	Contributing: Criterion A	Contributes to the Copco No. 2 historic district: Criterion A.
Fall Creek School	Former School and community center. Present PacifiCorp training facility.	1965	Not Contributing	Contributes to the Copco No. 2 historic district: Criterion A. Individually eligible: Criterion C.
Modern Bunkhouse	Multi-worker residence.	1964	Not Contributing	Contributes to the Copco No. 2 historic district: Criterion A.
Ranch Houses (4)	Worker residences.	1967 and 1968	Not Contributing	Contribute to the Copco No. 2 historic district: Criterion A.
Modular Residences (3)	Worker residences.	1985	Not Contributing	Non-contributing: Out of Period
Garage	Vehicle storage for now-demolished cottages.	1971	Not Contributing	Non-contributing: Lacks integrity

Commented [GB52]: If the eligibility recommendations from 2003 have not yet had an eligibility determination in consensus as per 36 CFR 800, indicating that they are eligible in this table serves to confuse. Clarification and/or modification of language is requested.

Resource	Function	Construction/ Alterations	PacifiCorp NRHP Recommendation and Criteria: A, B, C, or D (Durio 2003; Kramer 2003a, 2003b)	Renewal Corporation NRHP Recommendation and Criteria: A, B, C, or D
Modern Garage	Vehicle storage.	ca. 2009	None	Non-contributing: Out of Period
Fuel Service Station	Fuel station.	ca. 2010	None	Non-contributing: Out of Period

Commented [GB52]: If the eligibility recommendations from 2003 have not yet had an eligibility determination in consensus as per 36 CFR 800, indicating that they are eligible in this table serves to confuse. Clarification and/or modification of language is requested.

Notes: NRHP = National Register of Historic Places

The Renewal Corporation has completed State of California DPR forms that provide a detailed description of Copco No. 2, a discussion of the historic context, and evaluations for significance and integrity.

Iron Gate Hydroelectric Development (Siskiyou County, California)

The Iron Gate hydroelectric development was completed in 1962, the year after Pacific Power acquired Copco (Figure 0-4 Figure 4-4). At the time when PacifiCorp completed its NRHP evaluations for the KHP in 2003, the Iron Gate hydroelectric development, including the fish hatchery, was less than 45 years old and not considered of sufficient age (50 years) for NRHP eligibility. The Renewal Corporation has updated the NRHP eligibility of the Iron Gate hydroelectric development because its resources are now over 50 years of age and has designated a 1970 end date for the period of significance.



Figure 0-4 Iron Gate, showing dam site

Based on the Renewal Corporation's evaluation, the Iron Gate hydroelectric development is eligible for the NRHP as a historic district. Iron Gate also contributes to the larger KRHP historic district. Furthermore, the Iron Gate hydroelectric development contains the Iron Gate fish hatchery. The hatchery is evaluated as a

component of the Iron Gate historic district rather than a separate historic district, because the hatchery's functions are inextricably bound to fish management facilities at the Iron Gate dam site. [Table 0-4](#) summarizes the eligibility recommendations for the Iron Gate historic district and its resources. The Renewal Corporation has completed State of California DPR forms that provide a detailed description of the Iron Gate hydroelectric development, a discussion of the historic context, and evaluations for NRHP significance and integrity.

Table 0-4 Iron Gate Hydroelectric Development District NRHP Eligibility Recommendations

Resource	Function	Construction/ Alterations	PacifiCorp NRHP Recommendation and Criteria: A, B, C, or D (Durio 2003; and Kramer 2003a, 2003b)	Renewal Corporation NRHP Recommendation and Criteria: A, B, C, or D
Iron Gate	Re-regulate downstream water flow and generate hydropower.	1962	Not Contributing	Eligible historic district: Criteria A and C Contributes to the larger KRHP historic district: Criteria A and C.
Dam	Impound Iron Gate reservoir to enable regulation of downstream water flow and generation of hydropower.	1962	Not Contributing	Contributes to the Iron Gate historic district: Criterion A. Dam, water conveyance system, and powerhouse collectively contribute to the Iron Gate historic district: Criterion C.
Water Conveyance System	Convey water impounded by Iron Gate reservoir through the dam and into the powerhouse.	1962	Not Contributing	Contributes to the Iron Gate historic district: Criterion A. Dam, water conveyance system, and powerhouse collectively contribute to the Iron Gate historic district: Criterion C.

Resource	Function	Construction/ Alterations	PacifiCorp NRHP Recommendation and Criteria: A, B, C, or D (Durio 2003; and Kramer 2003a, 2003b)	Renewal Corporation NRHP Recommendation and Criteria: A, B, C, or D
Powerhouse	Contain fish trapping facilities and house the massive machinery that generates the facility's power.	1962	Not Contributing	Contributes to the Iron Gate historic district: Criterion A. Dam, water conveyance system, and powerhouse collectively contribute to the Iron Gate historic district: Criterion C.
Substation	Transforms voltage for transmission and distribution of electrical power generated at powerhouse.	1962	Not previously evaluated	Contributes to the Iron Gate historic district: Criterion A.
Dam Fish Facilities	Trap and spawn fish.	1962	Not Contributing	Contributes to the Iron Gate historic district: Criterion A.
Communication Building	Communication and controls.	1962	Not Contributing	Contributes to the Iron Gate historic district: Criterion A.
Restroom Building	Visitor and worker restroom.	1962	Not Contributing	Contributes to the Iron Gate historic district: Criterion A.
Operator Residences (2)	Worker residences.	1963	None	Contributes to the Iron Gate historic district: Criterion A.
Hatchery Building	Contains equipment used to rear fish from egg to fry stage.	1966	Not Contributing	Contributes to the Iron Gate historic district: Criterion A.
Hatchery Raceways (8) and Settling Ponds (2)	Structures for rearing fry (raceways). Treat water drained from raceways (settling ponds).	1966	Not Contributing	Contributes to the Iron Gate historic district: Criterion A.

Resource	Function	Construction/ Alterations	PacifiCorp NRHP Recommendation and Criteria: A, B, C, or D (Durio 2003; and Kramer 2003a, 2003b)	Renewal Corporation NRHP Recommendation and Criteria: A, B, C, or D
Hatchery Fish Feed Silos	Store fish feed.	1966	Not Contributing	Contributes to the Iron Gate historic district: Criterion A.
Hatchery Auxiliary Trap and Fish Ladder	Fish trap and ladder.	1984	Not Contributing	Non-contributing: Out of Period
Hatchery Office	Visitor reception/ administrative area.	1966	Not Contributing	Contributes to the Iron Gate historic district: Criterion A.
Hatchery Shop	Equipment storage/repairs.	1966	Not Contributing	Contributes to the Iron Gate historic district: Criterion A.
Hatchery Modern Shed	Support facility.	ca. 1994	Not Contributing	Non-contributing: Out of Period
Hatchery Gas Shed	Gasoline storage.	1966	Not Contributing	Contributes to the Iron Gate historic district: Criterion A.
Hatchery Picnic and Visitor Center	Hatchery visitor facilities.	ca. 1994	Not Contributing	Non-contributing: Out of Period
Hatchery Residences (4)	Hatchery worker residences.	1966	Not Contributing	Contributes to the Iron Gate historic district: Criterion A.
Lakeview Road Bridge	Bridge over Klamath River between Copco Road and Iron Gate.	1960	None	Contributes to the Iron Gate historic district: Criterion A.

Notes: NRHP = National Register of Historic Places

Fall Creek Hatchery (Siskiyou County, California)

Fall Creek Hatchery is included in this discussion of hydropower resources because it was surveyed in 2003 as a component of Fall Creek hydroelectric development, within the larger KRHP historic district. The

hatchery was completed in 1919 as mitigation for the Copco No. 1 dam, which blocked upstream anadromous fish migration. The hatchery, shown in [Figure 0-5](#)[Figure 4-5](#), is not currently listed in the NRHP.



Figure 0-5 Fall Creek Hatchery, 1937 raceways and former incubation shed

During PacifiCorp's evaluations, the Fall Creek Hatchery resources were recommended as contributing to the KRHP historic district. The Renewal Corporation evaluated the Fall Creek Hatchery as a potential historic district under the NRHP. Based on the Renewal Corporation's evaluation, the Fall Creek Hatchery is not eligible for the NRHP as a historic district and does not contribute to the larger KRHP historic district. Although the hatchery appears to have local or statewide significance under Criterion A in the area of Conservation, the hatchery has lost its historic integrity. Historic fish holding ponds built in 1937 are still present at the hatchery; however, the original hatchery building, worker cottages, and holding ponds no longer exist. The absence of these key resources substantially detracts from the hatchery's historic integrity.

The Renewal Corporation has completed State of California DPR forms that provide a detailed description of the Fall Creek Hatchery and its components, a discussion of the historic context, and evaluations for significance and integrity.

4.3 Traditional Cultural Properties

Treatment of TCPs is currently pending tribal input and their review of the ethnographic reports associated with the Klamath Cultural Riverscape.

Commented [GB53]: It is recognized that this section is still pending FERC and SHPOs review. As such, effects to historic properties cannot be fully determined. This may impede the approval of the undertaking as a whole.

Table 0-5 Summary of TCP Sites within the ADI

Trinomial or Temp. Number	Common Site Name	Site Type	County	NRHP Eligibility*

* As recommended in PacifiCorp 2003-2004 Relicensing Study; agency concurrence not received.

4.4 Ethnographic Landscapes (Klamath Cultural Riverscape)

Previous ethnographic studies for the Klamath River, including the “First Salmon” report (King 2004) make the case that more than 200 miles of the Klamath River corridor from above the Project area downriver to the Pacific Ocean constitute a NRHP-eligible traditional cultural landscape or riverscape (Gates 2003; King 2004). The Project occupies a part of the riverscape as described by King (2004). The issues associated with the Project’s effects on the Klamath Cultural Riverscape are complex and the source of considerable disagreement among the tribes, PacifiCorp, and other CRWG members. The Renewal Corporation will continue to consult through the CRWG as to the significance of the area and how effects to resources that contribute to its significance can be avoided, minimized, or mitigated.

Commented [GB54]: It is recognized that this section is still pending FERC and SHPOs review. As such, effects to historic properties cannot be fully determined. This may impede the approval of the undertaking as a whole.

4.5 Individual Resources

4.5.1 Archaeological Resources

The types and number of individual archaeological historic properties is pending the Phase II investigation anticipated to begin in early 2021.

Table 0-6 Individual Resources

Commented [GB55]: It is recognized that this section is still pending FERC and SHPOs review. As such, effects to historic properties cannot be fully determined. This may impede the approval of the undertaking as a whole.

4.5.2 Built Environment Resources

Transportation Resource Study

The Renewal Corporation evaluated the NRHP eligibility for all transportation resources, including bridges and culverts, in the ADI. The evaluation involved field work where each transportation resource was identified and photographed, as well as review of prior documentation of history and NRHP eligibility. Transportation resources within the boundaries of a hydroelectric historic district were evaluated as contributing or non-contributing resources to the district. For example, the Daggett Road bridge was

Commented [GB56]: Comments are similar to those provided in other similar sections with regard to eligibility determinations, listing determinations in the tables, etc.

evaluated as a contributing resource to Copco No. 2, and the Lakeview Road bridge was evaluated as a contributing resource to Iron Gate.

The bridges and culverts evaluated during this study are listed in [Table 0-7](#) ~~Table 4-7~~. The “Resource” column in [Table 0-7](#) ~~Table 4-7~~ provides each specific bridge type. All culverts observed during field survey were modern corrugated steel pipe structures, apparently less than 40 years of age. When possible, the “State (number)” column in [Table 0-7](#) ~~Table 4-7~~ provides the California DPR Primary number, California Department of Transportation (Caltrans) number, or other identifying number for each resource. For resources built after 1975, the NRHP recommendation (last column) is “Out of Period,” indicating that the resource was built outside of the historic period by at least 5 years.

The Renewal Corporation conducted field survey of the Klamath River Bridge (California DPR Primary #47-004212, State Bridge No. 02-0015) on August 29, 2019. As noted in [Table 0-7](#) ~~Table 4-7~~ (row 3), a replacement bridge was under construction next to the existing 1931 bridge. If removed upon completion of the new bridge, the 1931 bridge will no longer be eligible for the NRHP. If the 1931 bridge remains in place after completion of the new bridge, it will require re-evaluation of its historic integrity to determine whether it remains eligible for the NRHP.

Table 0-7 Transportation Resources

Resource	State (number)	Construction/ Alterations	Previous NRHP Recommendation and Criterion: A, B, C, or D	Renewal Corporation NRHP Recommendation and Criteria: A, B, C, or D
Bridges				
Dry Creek Bridge (single-span timber beam and deck with asphalt overlay)	California (Caltrans Bridge No. 2C0144)	1960	None	Contributes to the Iron Gate historic district: Criterion A.
Ash Creek Bridge (Baltimore petit truss)	California (DPR Primary #47- 04414, PL-96-04)	1901 (replaced in 2012)	Eligible: Criteria A and C. This evaluation occurred in 2000 before the original bridge was replaced.	Not Eligible: Out of Period (replacement bridge that does not conform to the Secretary of the Interior Standards)
Klamath River Bridge (six-span concrete t- beam)	California (DPR Primary #47- 004212, State Bridge No. 02-0015)	1931	Eligible: Criteria A and C. This evaluation occurred in 2004 before construction began on the replacement bridge.	Evaluation pending due to construction currently underway on adjacent replacement bridge.

Resource	State (number)	Construction/ Alterations	Previous NRHP Recommendation and Criterion: A, B, C, or D	Renewal Corporation NRHP Recommendation and Criteria: A, B, C, or D
Spencer Bridge (three-span continuous welded steel plat girder)	Oregon (Department of Transportation Bridge No. 19789)	2005	None	Not Eligible: Out of Period
Cottonwood Creek Bridge (single-span reinforced concrete slab)	California	1980	None	Not Eligible: Out of Period
Brush Creek Bridge (single-span reinforced concrete slab)	California	1976	None	Not Eligible: Out of Period
Jenny Creek Bridge (single-span precast prestressed deck bulb tee girder)	California	2008	None	Not Eligible: Out of Period
Fall Creek Bridge (single-span timber beam with concrete deck)	California (Caltrans Bridge No. C0198)	1969	None	Not Eligible: Lacks significance under Criteria A, B, C, D. (Built after Fall Creek Hatchery's period of significance).
Copco Road Bridge (two-span cast-in- place post-tensioned concrete box girder)	California (Caltrans Bridge No. 2C0039)	1988	None	Not Eligible: Out of Period
Pedestrian Bridge 1 (cable suspension bridge)	California (privately owned)	Unknown	None	Additional research required.
Pedestrian Bridge 2 (cable suspension bridge)	California (privately owned by Klamath River Country Estates)	Circa 1970	None	Requires evaluation as part of the Klamath River County Estates property. See Table 0-8Table 3-8 .
Central Oregon and Pacific Railroad Bridge (seven-span ballasted concrete bridge)	California	Unknown		Additional research required.

Resource	State (number)	Construction/ Alterations	Previous NRHP Recommendation and Criterion: A, B, C, or D	Renewal Corporation NRHP Recommendation and Criteria: A, B, C, or D
Culverts				
Topsy Road Grade Culvert at unnamed creek	California	Post-1980	None	Not Eligible: Out of Period
Unnamed Culvert at unnamed road near J.C. Boyle	California	Post-1980	None	Not Eligible: Out of Period
Copco Road Culvert at Raymond Gulch	California	Post-1980	None	Not Eligible: Out of Period
Copco Road Culvert at Beaver Creek	California	Post-1980	None	Not Eligible: Out of Period
Patricia Avenue Culvert at Camp Creek	California	Post-1980	None	Not Eligible: Out of Period
Copco Road Culvert at Camp Creek	California	Post-1980	None	Not Eligible: Out of Period
Copco Road Culvert at Scotch Creek	California	Post-1980	None	Not Eligible: Out of Period
Copco Road Drainage Culverts between Brush Creek and Camp Creek	California	Post-1980	None	Not Eligible: Out of Period

Notes: Caltrans = California Department of Transportation; DPR = Department of Parks and Recreation; NRHP = National Register of Historic Places



Chapter 5: Preservation Goals



PRESERVATION GOALS

5.1 General Management Philosophy

The preferred approach adopted by the Renewal Corporation for all known historic properties and other unevaluated cultural resources is preservation and protection. The Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (*Federal Register*, Vol. 48, No. 190, Part IV) discuss preservation standards and procedures. Specific management measures for the Project are discussed in Chapter 7.

The Renewal Corporation will implement the preservation measures in consideration of economic and technical feasibility and balanced with Project objectives. This philosophy will guide future actions by The Renewal Corporation throughout its Project ownership.

The Renewal Corporation's goals for preserving, protecting, and managing historic properties and other unevaluated cultural resources that may be identified during Project implementation include the following:

- Ensure safety and efficiency while effectively managing and maintaining the integrity of historic properties to the extent feasible.
- Avoid Project-related impacts on historic properties where feasible. If avoidance is not possible, create a means for monitoring, recording impacts, minimizing impacts, and/or preparing mitigation measures in consultation with the CRWG.
- Maintain the confidentiality of the locations of sensitive archaeological sites and TCPs.
- Ensure consistency with federal, state, and local cultural resource regulations and statutes, in particular Section 106 of the NHPA, and CEQA and California AB 52, as well as applicable resource management plans.
- Maintain the coordination and compatibility of historic property management with other resource goals such as those related to aquatic and terrestrial resources, recreation, aesthetics, and land management.
- Demonstrate good stewardship of historic properties by monitoring vulnerable eligible resources, supporting enhancement opportunities, encouraging staff and public awareness of historic properties, reduce potential for vandalism, and support educational opportunities.
- Provide cost-effective measures for historic properties that balance with other resources and meet or exceed existing environmental regulations.
- Maintain engagement and clear lines of communication and consultation between the Renewal Corporation and the CRWG.

Commented [GB57]: Should these be the goals of the Licensee or its recommendation to FERC? Could this simply say the goals for the undertaking?

Commented [GB58]: Signatory and Concurring Parties have different roles in the consultation process. It would be useful to clarify, in addition to listing the informal working group.

5.2 Archaeological Historic Properties and TCPs

The goal for the protection of archaeological historic properties and TCPs is the preservation of the resource within its environment and its important characteristics where feasible. The principal approach to preserve archaeological sites and TCPs is protection and stabilization from ground disturbance, which may be associated with planned projects, vandalism, looting, or natural causes.

The Renewal Corporation will consider prevention of harmful impact as the first and least damaging avenue of site stabilization, even though this will not be possible in every instance. In addition, as outlined in Section 10.3, the Renewal Corporation may need to evaluate the NRHP eligibility of resources when certain scenarios exist such as exposure of currently submerged resources after reservoir drawdown; other inadvertent discoveries; and land transfer, sale, or lease.

5.3 Built Environment

For historic structures, the primary principle upon which the preservation measures are based is the desire to protect, maintain, and repair historic materials and retain a structure's form as it has evolved over time. This approach will ensure retention of the character-defining features of the Project's historic properties while permitting the flexibility required to up-grade facilities and equipment for efficient and economical operation. As the Project proposes to decommission hydroelectric facilities that are also historic properties, the conservation of these resources must be balanced with the objectives of the Project and FERC's regulatory requirements for decommissioning. While conservation will not be possible for any of the dam structures, the Renewal Corporation will make a good faith effort to identify the adaptive use potential for other historic properties located in the ADI and provide meaningful mitigation for the local community and at the state level.

Commented [GB59]: Effects

Commented [GB60]: This would benefit from language clarity in that FERC makes the determinations of eligibility and the SHPOs, following consultation with Tribes and Interested Parties, objects/does not object.

Commented [GB61]: This section is confusing. If the premise of the undertaking is to remove historic resources, how will character defining features be retained, why will facilities be upgraded, etc? and the term 'conservation' relates to restoration of historic properties and their elements. Finally, all historic resources within the APE, not just the ADI, are to be included in the undertaking.

It is suggested that, perhaps, this section would benefit from language that addresses the different treatments to historic resources, such as demolition, rehabilitation, etc. This may provide a more accurate and direct description of the undertaking.



Chapter 6: Project Effects

PROJECT EFFECTS

The Project will have effects on historic properties in the ADI and/or the APE. An effect would constitute an “alteration to the characteristics of a historic property qualifying it for inclusion in or eligibility for the National Register” (36 C.F.R. § 800.16(i)). An adverse effect occurs when Project activities “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. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance, or be cumulative” 36 C.F.R. § 800.5(a)(1).

6.1 Potential Effects to Archaeological Properties

Effects to archaeological historic properties within the ADI could include those caused by:

- Slope instability related to the reservoir drawdown;
- Burial and/or erosion of sites caused by the reservoir drawdown;
- Disturbance or destruction and removal caused by construction elements;
- Impacts to inadvertent discoveries that may be encountered as a result of ground-disturbing construction;
- An increase in susceptibility to intentional looting and vandalism or unintentional disturbances as sites may be exposed or areas opened to increased public access in non-designated areas (i.e., off-road vehicle use, camping, latrines);
- A change in ranching and livestock operations and fences; and
- Visual changes to the setting once the reservoirs are no longer present, which could affect resources for which the reservoir setting has been of cultural significance since they were constructed beginning in the early 1900s.

Potential effects to archaeological and tribal historic properties are summarized in Table 6-1.

Long-term effects to archaeological and tribal resources may occur as a result of future management determinations. Long-term management of historic properties remains uncertain because the Renewal Corporation will have no control or management authority once the Renewal Corporation transfers land to third parties, although archaeological and tribal resources would continue to be protected by state laws.

Commented [GB62]: Without formal determinations of eligibility, the assessment of direct, indirect, or cumulative effects cannot be concluded.

Commented [GB63]: Suggest “unanticipated effects during post-review discoveries” to match language found at 36 CFR § 800.13

Commented [GB64]: It is important to assess effects, including “transfer, lease, or sale of property out of Federal ownership or control” pursuant to 36 CFR 800.5(a)(2)(vii) prior to the conclusion of consultation on the undertaking

Table 0-1 Types of Project Impacts to Archaeological/Tribal Historic Properties

Potential Impacts	Description
Slope instability/landslip erosion caused by reservoir drawdown	Archaeological sites located along the reservoir rim or embankments could be subject to slumping during the reservoir drawdown. This, however, is not a new impact for many of these sites because they have been subject to periodic drawdown events since the dams were built.
Burial or erosion caused by reservoir drawdown	Currently submerged archaeological sites, both known and undocumented, could be affected by sediment accumulation that is deposited during the reservoir drawdown, or sediment could erode and cultural materials could be exposed and displaced as sediment is washed downstream by the water. Some known sites may no longer be observable on the ground surface, and some undocumented sites may never be detected in the first place, if there is sediment accumulation as the waters recede. Sites experiencing sediment accumulation would be protected from other impacts, and burial beneath a protective sediment layer would not be considered an adverse effect. Other sites could be newly exposed and erode (wash downstream) with the sediment release. Erosion would be expected to affect integrity of these sites.
Damage or displacement caused by construction	Direct construction impacts would be associated with several ground-disturbing Project elements including removal of power generation facilities, water intake structures, canals, pipelines, and ancillary buildings; road and bridge modifications; staging areas and disposal sites; transmission line removal; Yreka Water Supply improvements; recreation facilities removal and potential development; fish hatchery improvements; reservoir restoration; and implementation of other plans (e.g., fire management, emergency response). Historic properties that cannot be avoided by these Project activities would be directly impacted through removal, displacement, and destruction of archaeological materials. These impacts would affect the integrity of archaeological historic properties.
Inadvertent discoveries during construction	Undocumented human remains and/or archaeological resources may be unexpectedly encountered as a result of ground-disturbing Project actions. Impacts could range from no effect to adverse effect depending on the discovery situation.
Increased susceptibility to looting and vandalism	Archaeological historic properties may be subject to increased looting and vandalism as a result of increased exposure after the reservoir drawdown, and/or as a result of changes in public access post-decommissioning.
Damage from dispersed recreational use (e.g., camping, off-road vehicle use)	As the river is reestablished, and as recreation facilities are developed, public access may change so that there is an increase in camping, off-road vehicle use, and other activities in non-designated areas that directly occur within sensitive resources.
Impacts from ranching/livestock operations	As the river is reestablished, ranching and livestock operations by private parties may be altered. Livestock and agricultural operations may affect archaeological sites through trampling and erosion or creation of irrigation features as formerly submerged lands become potentially arable.

Commented [GB65]: Mitigation and management measures cannot be determined until eligibility has been determined and the assessment of effects- direct, indirect and cumulative- has been determined.

Commented [GB66]: Mitigation and management measures cannot be determined until eligibility has been determined and the assessment of effects- direct, indirect and cumulative- has been determined.

Potential Impacts	Description
Alluvial impacts downstream of Iron Gate Dam	Potential effects in the river channel downstream of Iron Gate Dam include aggradation at tributaries, which could bury archaeological sites; lateral channel migration, which could affect sites within old channels, and slope instability. The Klamath River is predominantly a bedrock-controlled river and naturally has very little migration and bank erosion, and therefore the Renewal Corporation does not anticipate management of downstream lateral migration. the Renewal Corporation does not expect reservoir drawdown to cause erosion or subsequent slope instability downstream of Iron Gate Dam.
Visual changes to setting	After reservoir drawdown, there will be a change to the reservoir viewshed. Resources with spiritual or other tribal significance associated with views of the reservoir since their creation may be impacted. Historic archaeological sites for which the hydroelectric setting contributes to significance may be impacted.
Future management uncertainties	After the Renewal Corporation transfers Parcel B lands to the States, future disposition or use is unpredictable, and management of historic properties will be out of the Renewal Corporation's control.

Commented [GB67]: Mitigation and management measures cannot be determined until eligibility has been determined and the assessment of effects- direct, indirect and cumulative- has been determined.

6.2 Effects on Hydroelectric-Related Historic Properties

6.2.1 Klamath River Hydroelectric Project (Klamath County, Oregon, and Siskiyou County, California)

The KRHP is an eligible NRHP historic district that consists of multiple hydroelectric developments within Southern Oregon and Northern California. The KRHP contains the J.C. Boyle, Copco No. 1, Copco No. 2, and Iron Gate hydroelectric developments, which are subject to Project activities. The KRHP also contains the Link River, Keno Dam, and Fall Creek hydroelectric developments, which are not subject to Project activities although they are part of the broader KRHP historic district that would be adversely affected by the Project. The Project involves decommissioning and removal of the dams, powerhouses, and water conveyance systems, as well as other associated resources, at J.C. Boyle, Copco No. 1, Copco No. 2, and Iron Gate. Project activities would therefore substantially compromise the KRHP's overall integrity of design, setting, materials, workmanship, feeling, and association, causing a direct adverse effect to the KRHP historic district.

The Project would result in an **adverse effect** to the KRHP historic district.

6.2.2 J.C. Boyle Hydroelectric Development (Klamath County, Oregon)

The J.C. Boyle hydroelectric development is an eligible NRHP historic district (J.C. Boyle historic district) that also contributes to the larger KRHP historic district. The Project involves decommissioning and removal of J.C. Boyle's contributing resources including the dam, powerhouse, and water conveyance system, which are the district's primary components. J.C. Boyle Reservoir, the reservoir impounded by the dam, would also be dewatered. Project activities would substantially compromise J.C. Boyle's integrity of design, setting,

materials, workmanship, feeling, and association, causing a direct adverse effect to the historic district and its contributing resources.

The Project would result in an **adverse effect** to J.C. Boyle historic district, a discrete historic district that also contributes to the larger KRHP historic district.

6.2.3 Copco No. 1 Hydroelectric Development (Siskiyou County, California)

The Copco No. 1 hydroelectric development is an eligible NRHP historic district (Copco No. 1 historic district) that also contributes to the larger KRHP historic district. The Project involves decommissioning and removal of Copco No. 1's contributing resources, including the dam, powerhouse, and water conveyance system, which are the district's primary components. Copco Lake, the reservoir impounded by the dam, would also be dewatered. Project activities would substantially compromise Copco No. 1's integrity of design, setting, materials, workmanship, feeling, and association, causing a direct adverse effect to the historic district and its contributing resources. The Project would also cause a direct adverse effect to an individually eligible resource within the district—Copco No. 1 dam.

The Project would result in an **adverse effect** to Copco No. 1 historic district, a discrete historic district that also contributes to the larger KRHP historic district. In addition, the Project would result in an **adverse effect** to the Copco No. 1 dam, an individually eligible resource within the Copco No. 1 historic district.

6.2.4 Copco No. 2 Hydroelectric Development (Siskiyou County, California)

The Copco No. 2 hydroelectric development is an eligible NRHP historic district (Copco No. 2 historic district) that also contributes to the larger KRHP historic district. The Project involves decommissioning and removal of Copco No. 2's contributing resources, including the dam, powerhouse, and water conveyance system, which are the district's primary components. Project activities would substantially compromise Copco No. 2's integrity of design, setting, materials, workmanship, feeling, and association, causing a direct adverse effect to the historic district and its contributing resources. The Project would also cause a direct adverse effect to individually eligible resources within the district—Copco No. 2 powerhouse, Copco No. 2 water conveyance system, and Fall Creek School.

The Project would result in an **adverse effect** to the Copco No. 2 historic district, a discrete historic district that contributes to the larger KRHP historic district. In addition, the Project would result in **adverse effects** to the Copco No. 2 powerhouse, Copco No. 2 water conveyance system, and Fall Creek School, individually eligible resources within the Copco No. 2 historic district.

6.2.5 Iron Gate Hydroelectric Development (Siskiyou County, California)

The Iron Gate hydroelectric development is an eligible NRHP historic district (Iron Gate historic district) that also contributes to the larger KRHP historic district. The Project involves decommissioning and removal of Iron Gate's contributing resources, including the dam, powerhouse, and water conveyance system, which are the district's primary components. The Project activities would substantially compromise Copco No. 2's

integrity of design, setting, materials, workmanship, feeling, and association, causing a direct adverse effect to the historic district and its contributing resources, including the Iron Gate hatchery. Buildings and structures within the Iron Gate hatchery area will remain in place; however, by removing the Iron Gate hydroelectric facilities and dam fish facilities, the Project would substantially diminish the hatchery's integrity of setting and association.

The Project would result in an **adverse effect** to the Iron Gate historic district, a discrete historic district which also contributes to the larger KRHP historic district.

6.2.6 Fall Creek Hatchery (Siskiyou County, California)

The Fall Creek Hatchery was evaluated as a potential historic district (distinct from the Fall Creek Hydroelectric development) based on its location within the KRHP boundaries, association with the construction of Copco No. 1 dam, and significant role in California's early twentieth-century fish management practices. As part of the Project, Fall Creek Hatchery will be renovated with construction of new structures such as fish-holding tanks. A survey and investigation of Fall Creek Hatchery revealed that this potential historic district lacks integrity and, therefore, is not eligible for the NRHP as a discrete historic district or as a contributor to the KRHP historic district.

Because the Fall Creek Hatchery is not eligible for the NRHP, no Project effect analysis is necessary.

6.3 Effects on Transportation-Related Historic Properties

The only transportation resource that is outside of the above-mentioned historic districts and presently recommended as NRHP eligible is Dry Creek bridge. The bridge appears to be locally significant under NRHP Criterion A in the area of Community Planning and Development for its association with the construction of Iron Gate and the realignment of local roads to accommodate the inundation of Iron Gate reservoir. The bridge retains sufficient historic integrity to convey its significance.

According to the ALSA, a temporary single-span overlay bridge span on the existing Dry Creek Bridge will be constructed to meet construction load requirements.

The construction of a single-span overlay bridge span would likely diminish the bridge's integrity of design, materials, and workmanship, resulting in a direct **adverse effect** to Dry Creek bridge, a historic property.

6.4 Effects on Other Potential Historic Properties

Additional field survey and research will be completed for the commercial, residential, and recreational properties located in the California communities of Hornbrook, Yreka, and Montague to determine NRHP eligibility and Project effects. Project effects to these potential historic properties could involve a physical change to the property, modification of a resource's historic setting, visual effects, and/or a change of the character of the property's use.

Commented [GB68]: Mitigation and management measures cannot be determined until eligibility has been determined and the assessment of effects- direct, indirect and cumulative- has been determined.

Additional data review is also being conducted within the larger APE that analyzes previously recorded potential historic properties that could be affected by Project-related activities within the ADI. These Project-related effects could include visual changes to the historic settings, atmospheric effects, and/or audible effects that potentially diminish the integrity of a potential historic property's significant historic features.

Commented [GB69]: Mitigation and management measures cannot be determined until eligibility has been determined and the assessment of effects- direct, indirect and cumulative- has been determined.

6.5 Effects on Traditional Cultural Properties

Effects on TCPs is pending tribal input and their review of the ethnographic reports associated with the Klamath Cultural Riverscape. This review is anticipated for Spring 2021.

Commented [GB70]: Mitigation and management measures cannot be determined until eligibility has been determined and the assessment of effects- direct, indirect and cumulative- has been determined.



**Chapter 7: Mitigation and
Management Measures**



MITIGATION AND MANAGEMENT MEASURES

Consistent with the requirements of Section 106 of the NHPA, FERC is required to consider alternatives when historic properties are likely to be adversely affected by a federal undertaking. While the Renewal Corporation has obligations as FERC's non-federal representative, FERC is the lead agency with consultation authority. The federal undertaking in this case is FERC granting an LSO for the Lower Klamath Project (FERC Project No. 14803). If FERC were to grant the LSO, adverse effects would occur to the NRHP-eligible historic hydroelectric facilities located at the J.C. Boyle, Copco No. 1, Copco No. 2, and Iron Gate locations, and other historic properties.

Following a finding of adverse effect on a historic property, efforts must be made "to develop and evaluate alternatives or modifications to the undertaking that could avoid, minimize, or mitigate adverse effects on historic properties" (36 C.F.R. § 800.6). Resolution of adverse effects will require further consultation with consulting and interested parties. As part of this process, the Renewal Corporation has considered the ACHP recommendations that resolution of adverse effects consider (1) the public interest; (2) the interests of consulting parties and those who ascribe importance and value to the property; (3) how mitigation designed to advance knowledge about the past will be provided to the community and professionals; and (4) whether mitigation will enhance the preservation and management of listed or eligible resources in a region.

7.1 Treatment Measures – Archaeological

The following sections describe archaeological treatment measures that the Renewal Corporation will consider for archaeological historic properties as part of the license surrender process. Appropriate measures will be adapted to changing conditions, such as to drawdown schedules, seasonal changes in public use, and observed issues such as illicit artifact collection. Some treatment measures, such as capping, would be implemented on a site-by-site basis. Table 7-1 presents some possible scenarios that may be encountered during monitoring, as well as response and treatment options that the Renewal Corporation may consider. It is important to note that the Project, once commenced, will involve the removal of facilities on a constrained timeframe, and implementation cannot be materially delayed or stopped once commenced due to public safety as well as engineering and biological considerations. Thus, the potential measures may be constrained by these inherent limitations.

Commented [GB71]: Mitigation and management measures cannot be determined until eligibility has been determined and the assessment of effects- direct, indirect and cumulative- has been determined.

Commented [GB72]: Provide citation for these recommendations.



Table 0-1 Archaeological Treatment Measures: Potential Scenarios, Impacts, and Responses

Potential Scenario(s)	Primary Impact Identified	Potential Response and Treatment Measures
A new submerged archaeological site is identified during reservoir drawdown	Water Erosion	<ul style="list-style-type: none"> Detailed mapping and photography Site condition monitoring via detailed drone imagery or site inspections, depending on safe access Emergency data recovery if drawdown is estimated to affect 25% or more of the site, if access is possible Emergency stabilization if drawdown is estimated to affect 25% or more of the site, if access is possible If access is unsafe and protective measures are not possible, alternative mitigation
	Alluvial Sediment Deposition	<ul style="list-style-type: none"> Treatment will be limited to detailed mapping and photography and site condition monitoring because a sediment cap would be a protective measure
A new submerged historic feature (e.g., rock wall, fence, irrigation ditch, weir, bridge abutment, foundation) is identified during reservoir drawdown	Water Erosion	<ul style="list-style-type: none"> Detailed mapping and photography Site condition monitoring via detailed drone imagery or site inspections, depending on safe access Additional archival research Limited shovel probing only if associated archaeological deposits are suspected based on the type of historic feature
	Sediment Deposition	<ul style="list-style-type: none"> Treatment will be limited to detailed mapping and photography and site condition monitoring because a sediment cap would be a protective measure Additional archival research
A previously documented archaeological site along the reservoir rim begins to erode	Landslip Erosion	<ul style="list-style-type: none"> Site condition monitoring and photographic comparison Emergency data recovery if rim stability/measurable bank loss is at risk of affecting 25% or more of the site, if access is possible Emergency stabilization if rim stability/measurable bank loss is estimated to affect 25% or more of the site, if access is possible Temporary or permanent site protection measures (e.g., cap resource) If access is unsafe and protective measures are not possible, alternative mitigation
A new archaeological site is encountered during construction	Damage/ Displacement	<ul style="list-style-type: none"> Detailed mapping and photography Limited probing Sample collection Emergency data recovery Emergency stabilization Temporary or permanent site protection measures (e.g., cap resource) Avoidance through strategic routing of project elements (e.g., roads, recreation sites)

Commented [GB73]: Without understanding the significance of the historic property and the nature of effects to its specific significance values as determined in consultation, the treatment measures cannot be determined.

Commented [GB74]: Affecting 25% or more of the site seems to be an arbitrary measure to assess effects. Recommend instead, "if drawdown alters 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, etc. pursuant to 36 CFR § 800.5(a)(1).

Commented [GB75]: Sediment capping may likely be a protective measure, but without fully understanding the resource, its significance, or the nature of the effects through alluvial sediment deposition, limiting treatment isn't appropriate and should instead be consulted on when effects are better understood.

Commented [GB76]: Sediment capping may likely be a protective measure, but without fully understanding the resource, its significance, or the nature of the effects through alluvial sediment deposition, limiting treatment isn't appropriate and should instead be consulted on when effects are better understood.

Commented [GB77]: Archival research would appear to be more appropriate in evaluating the resource rather than mitigating effects to it.

Commented [GB78]: Affecting 25% or more of the site seems to be an arbitrary measure to assess effects. Recommend instead, "if drawdown alters 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, etc. pursuant to 36 CFR § 800.5(a)(1).

Commented [GB79]: Emergency data recovery will require specific details on methods, volume to be recovered, etc. that is really dependent on the nature of the resource and its significance. Premature

Potential Scenario(s)	Primary Impact Identified	Potential Response and Treatment Measures
A new archaeological isolate is encountered during construction	Damage/ Displacement	<ul style="list-style-type: none"> Detailed mapping and photography Limited probing to determine status as isolate
An incidence of looting and/or vandalism is observed at an archaeological site	Damage/ Displacement/ Loss	<ul style="list-style-type: none"> Implement Looting and Vandalism Prevention Plan, including Damage Assessment for criminal investigation Temporary or permanent site protection measures (e.g., cap resource, strategic plantings, install signage) Increase site security (e.g., install surveillance cameras, increase patrols) Site restoration Emergency data recovery Reevaluate and restrict public access to or visibility of vulnerable sites
An increase in unauthorized vehicle and recreational uses resulting from Project activities are observed at an archaeological site	Damage/ Displacement	<ul style="list-style-type: none"> Site condition monitoring and photographic comparison Temporary or permanent site protection measures (e.g., cap resource, strategic plantings, install signage) Reevaluate and restrict public access to or visibility of vulnerable sites
Evidence of livestock damage resulting from Project activities is observed at an archaeological site	Damage/ Displacement	<ul style="list-style-type: none"> Site condition monitoring and photographic comparison Temporary or permanent site protection measures (e.g., cap resource, strategic plantings, erect fence) Reevaluate and restrict livestock access to vulnerable sites

Commented [GB73]: Without understanding the significance of the historic property and the nature of effects to its specific significance values as determined in consultation, the treatment measures cannot be determined.

¹ Note: Certain types of historic features would not be appropriate candidates for treatment measures such as data recovery or capping. Initial response measures for these types of resources will be focused on detailed recordation and photographic documentation.



Table 0-2 Proposed Management Measures for Historic Properties

[This table will list all archaeological historic properties and will be based on the results of the Phase II study, which is anticipated to begin in early 2021.

7.1.1 Detailed Mapping and Photography

The Renewal Corporation will perform detailed mapping and photography for newly documented discoveries and for previously documented resources where such mapping and photography has not previously been completed and would add value to the preservation record. Individual features/artifacts would be drawn, photographed, and mapped.

7.1.2 Archival Research

The Renewal Corporation will perform additional archival research for certain types of archaeological resources, for example, historic-era resources that may become visible during reservoir drawdown. Additional archival research may be an appropriate treatment measure to identify the association and function of the resource to assist with eligibility determinations.

7.1.3 Site Condition Monitoring

The Renewal Corporation has prepared an MIDP (Appendix C) that will require all archaeological historic properties within the proposed ADI to be periodically monitored by the Renewal Corporation during the period of the license surrender.

Archaeological historic properties may need additional monitoring over time to assess the effects from erosion and/or changes in visitation and land use once the reservoirs are replaced with an active river corridor. The Renewal Corporation will conduct site condition monitoring, or site inspections (differentiated herein from construction monitoring, which occurs only when ground-disturbing construction activities are occurring), to assess these potential effects. Site condition monitoring includes repeated visits to an archaeological site in order to measure physical changes over time. The goal of this plan is to identify possible site impacts by detecting and measuring changes to a site's physical condition over time that could potentially alter its eligibility.

Site inspection frequency is expected to vary by Project phase. The MIDP outlines the proposed schedule and frequency for site inspections that will look for evidence of impacts to archaeological historic properties. This applies to potentially significant post-review discoveries such as submerged resources.

Sites needing the highest level of site condition monitoring intensity are anticipated to be those sites that are exposed during reservoir drawdown in the Iron Gate, Copco, and J.C. Boyle pools. Sites on the north side of the Klamath River in California, between Copco and Stateline, are less accessible to the general public and have much less need for site condition monitoring related to looting and vandalism concerns. Areas near PacifiCorp's Copco Village I and Village II are close to facilities where Renewal Corporation staff can effectively monitor public activity on a routine basis during the reservoir drawdown.

The sites where monitoring will be less frequent are generally inaccessible to vehicular traffic and/or have relatively difficult public access and are not located in a potential reservoir erosion zone. Lack of easy public access helps limit potential ground disturbance.

Commented [GB80]:

A general comment regarding the mitigation measures as proposed is that, overall, the measures are too vague and it is unclear when or to what level they will be employed.

For example, how was the 25% threshold for recording derived? Will the detailed mapping and photography correlate to Historic American Building Survey/ Historic American Engineering Record/ are there standards for archaeology? Cultural landscapes? standards and if so, what level: Will site monitoring include tribal monitoring? What are the construction monitoring program details?

Commented [GB81]: Recommend "identification effort" instead.

Commented [GB82]: Seems important enough to include in the Agreement document as a stipulation.

Commented [GB83]: Recommend "assess adverse effects"

Commented [GB84]: Suggest "effects"

7.1.4 Construction Monitoring

The Renewal Corporation will provide construction monitoring by cultural resources specialists and tribal monitors for ground-disturbing Project activities within the ADI. The Renewal Corporation has developed a Draft MIDP (Appendix C) with procedures to be followed during monitoring of construction activities. The Renewal Corporation Cultural Resource Specialist (CRS) will oversee the construction monitoring program.

Commented [GB85]: Confirm the role of tribal monitoring, should tribes make such a request. This plan should be consulted upon.

7.1.5 Public Access Restrictions

The Renewal Corporation will restrict public access during the drawdown and dam removal process through fencing/gates, public notification, and signage for purposes of public safety. Security measures include an on-site presence by security personnel during drawdown and decommissioning at construction areas. The Renewal Corporation will utilize existing fence and gates and erect additional fence and gates, as necessary, to temporarily or permanently restrict access to construction work areas.

Renewal Corporation/Kiewit On-Site Personnel

The Renewal Corporation and their prime construction contractor, Kiewit Corporation, will retain on-site personnel and other security measures during drawdown and decommissioning of dams for construction operations. Site safety personnel will be on-site for 10-hour work shifts, 6 days a week throughout the construction duration, excepting holidays.

Erect Fences/Barriers/Gates along Roadways

The Renewal Corporation will provide signage and erect vehicular access barricades to temporarily or permanently restrict access to roadway construction areas and at designated reservoir access points as applicable to construction areas. Locations of these temporary or permanent physical barriers will align with the construction areas per Kiewit's Construction Drawings fence layout.

7.1.6 Avoidance

The Renewal Corporation will coordinate appropriate avoidance of archaeological historic properties and unevaluated resources whenever possible. To ensure avoidance by ground-disturbing activity that will occur within 100 feet of a historic property or unevaluated resource, The Renewal Corporation's CRS will be responsible for flagging cultural No Work Zones, when feasible, at least 2 weeks prior to the planned construction activities. The CRS will establish a method for flagging to visibly delineate the site plus a buffer, such as lath staking with color-coded flagging tape or other similar method. Staking, flagging, and other markings used to identify historic properties will be removed as soon as possible after the undertaking has been completed and avoidance has been achieved. The Renewal Corporation will provide monitors and tribal advisors during ground-disturbing activities construction to ensure avoidance of these areas.

Commented [GB86]: This should also include checking by both archaeological and tribal monitors that the flagging immediately prior to construction as well as during construction.

7.1.7 Strategic Routing of Access Roads, Recreation Sites, Livestock Operations

The Renewal Corporation has provided information to the States of Oregon and California on sensitive locations during planning for development of recreation areas and associated access roads to reduce or avoid impacts where feasible. The Renewal Corporation will continue to assist with strategically routing access roads and locating recreation sites during final design.

Livestock operations may affect archaeological sites through trampling and erosion. Cattle exclusion fencing is to be included in the DDP's Reservoir Area Management Plan and would prevent cattle access from reservoir restoration areas where they abut grazing land. The Renewal Corporation will continue to coordinate the Reservoir Area Management Plan fence installation with management of historic properties. If evidence of livestock impacts resulting from the Project is observed at a historic property that is supposed to be avoided, the Renewal Corporation will implement additional measures such as rerouting or modifying the fencing so that livestock would not impact the historic property.

7.1.8 Strategic Plantings

Strategic plantings may be used to naturally deter looting and vandalism by obscuring the ground surface and/or providing a physical deterrent. Although hydroseeding will occur immediately after the water drawdown, screening plants, or plants that naturally discourage use such as poison oak or thorny plants, may be appropriate to make areas leading to sensitive sites such as rock shelters or rock art less noticeable and less likely to be used by casual recreators or visitors. The Renewal Corporation will develop such plantings in coordination with the CRWG and the Restoration Plan.

7.1.9 Strategic Signage

The Renewal Corporation will use strategic signage to deter looting and vandalism. This measure can take many forms but will generally indicate that an area is closed to public use/access, stating ecological or natural resource restoration as the primary reason. These signs may directly address looting and vandalism by citing penalties and encouraging reporting of suspicious activities. These signs may also state that persons collecting, harming or destroying resources will be prosecuted under local trespassing laws. Informative signs that specify ARPA or state laws and penalties can be posted at entry or access points; this "posting" or "noticing" helps law enforcement convict looters. The Renewal Corporation will develop appropriate signs and locations in coordination with the CRWG and Restoration Plan.

7.1.10 Emergency Stabilization (Temporary Erosion Control)

Erosion control measures will use pre-approved methods of emergency stabilization for responding to an active erosion event affecting a historic property as a result of the Project. The Renewal Corporation will continue to coordinate cultural resources concerns with the Restoration Plan and Stormwater Pollution Prevention Plan (SWPPP). In the event active erosion is observed, the CRS will implement a pre-approved method in real-time and with limited consultation. Such methods for consideration include:

Commented [GB87]: Without understanding the significance of the historic property and the nature of effects to its specific significance values as determined in consultation, the treatment measures cannot be determined.

Commented [GB88]: This plan should be formally consulted upon, not simply in coordination with the CRWG. It is a plan that is part of the undertaking and has the potential to effect historic resources.

Commented [GB89]: This plan should be formally consulted upon, not simply in coordination with the CRWG. It is a plan that is part of the undertaking and has the potential to effect historic resources.

- Fiber logs/straw bales placed by hand (or heavy equipment staged in a low-impact location)
- Erosion control blanket
- Jute erosion control cloth
- Other ideas per erosion and sediment control specialists and SWPPP/Erosion Control Plan

7.1.11 Capping/Armoring

Archaeological testing of the site and reaching an NRHP eligibility determination may be preferable, or necessary, as an action in lieu of, or in addition to, capping or armoring a site. In some instances, capping or armoring sites can be considered an adverse effect. If shoreline armoring is deemed necessary and prudent, it should be applied as a component of a comprehensive long-term erosion control program. Any plan to test, evaluate, and define erosional forces should be coordinated with an archaeologist, geomorphologist, and erosion control specialist and the CRWG. Erosion at reservoir sites may be a combination of forces at the toe of underwater slopes. Erosion that is due to current, sloughing, liquefaction, seeps, and wave action may require different monitoring and stabilization techniques (Fay 1989; Keown et al. 1977; Thorne 1985).

Armoring may take the form of a bulkhead (a wooden or concrete wall-like structure) or a revetment (a structure combining filter cloth and graded layers of stones, with smaller stones armored with overlaying larger stones). Either of these methods retains or prevents land from sliding into the water or protects the landform from further wave damage. Other shoreline protection measures, such as emplacement of in-water wave booms, geotextile fabric on shorelines, or gabion baskets on shorelines, are useful methods to protect sites from fluctuating pool levels, which exacerbate localized erosion of exposed archaeological deposits.

Capping a site is typically a last-resort measure that is applied if other, less costly measures fail to protect the subject site or if an extremely harmful incompatible land use cannot be eliminated. Disguising or burying an archaeological site to make it less conspicuous and accessible is also an effective site protection strategy. Hydroseeding and mulch are already planned as part of the Restoration Plan and would help prevent looting/vandalism by obscuring exposed surface artifacts. Hydroseeding would be aurally dispersed along exposed landforms immediately after de-watering and before these areas can be safely accessed by foot. In addition, sediment may be naturally deposited over archaeological sites following the drawdown. A sediment covering may be considered a net benefit to protect near-surface resources from looting and vandalism.

The Renewal Corporation will also consider intentional capping of a historic property (i.e., dirt or gravel over geotextile fabric) as an emergency response to an incident of looting or vandalism. Prior to capping a resource in response to looting or vandalism, the Renewal Corporation will consult with the appropriate SHPO and the CRWG. Capping may be considered an effect to a historic property but is not necessarily adverse depending on the resource and methods used. The CRS will coordinate any capping of sites with the Renewal Corporation Erosion Control Specialists.

Commented [GB90]: Recommend including processes to consult with the appropriate SHPO and consulting parties be established in the agreement document.

7.1.12 Limited Probing

The Renewal Corporation will consider limited probing at archaeological sites where site boundaries and constituents are undetermined. Inadvertent discoveries made at the time of construction, for example, may require expedient assessments to confirm status as isolated finds or archaeological resources, and to assess additional constituents that characterize the resource.

7.1.13 Emergency Data Recovery

For effects to archaeological sites that will be mitigated through data recovery, the Renewal Corporation will provide 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.

Mitigation protocols for direct effects to historic properties eligible for listing in the NRHP under criteria other than or in addition to Criterion D will 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.

Any needed emergency data recovery would be first discussed with the appropriate SHPO and affected Indian tribes, unless the situation is so time critical that the resource would be eroded before consultation could occur (i.e., during reservoir drawdown). In this scenario, the Renewal Corporation will follow a process similar to that outlined in 36 C.F.R. § 800.12 for Emergency Situations, which provides that if circumstances do not permit the appropriate days for comment, the Renewal Corporation shall notify the FERC, SHPO, tribes, and ACHP, and invite any comments within the time available (36 C.F.R. § 800.4.12 (b)(2)).

If an eligible or potentially eligible resource is at risk of imminent damage or destruction, and the CRS determines there are no feasible alternatives for site protection, the CRS will immediately enact an emergency data recovery program to recover as much of the at-risk site materials as possible. If emergency data recovery were needed on federal land, the associated land management agency would formally consult with the appropriate tribal government and SHPO. The CRS will write a data recovery report summarizing the results.

7.1.14 Alternative Mitigation

The Renewal Corporation will consider additional options in lieu of emergency data recovery. One alternative mitigation option may be an archaeological “data banking” program. For example, this could include the acquisition and preservation of an archaeological site(s) away from the Project area in return for doing little or no direct mitigation on the site(s) affected by the Project. Other measures for alternative mitigation may be suggested through the consultation process.

Commented [GB91]: Seems appropriate in this situation to follow 36 CFR § 800.12(a) and develop procedures for taking historic properties into account during operations, which respond to a disaster or emergency so that the action can occur immediately following the emergency, rather than cause delays.

Commented [GB92]: Tribes should provide input on data recovery, even if in an emergency, prior to agreeing to this as an appropriate measure.

Commented [GB93]: Recommend “consulted on”

Commented [GB94]: Correct citation to 36 CFR § 800.12(b)(2).

Commented [GB95]: Has CRS been defined in this plan yet? There should be a section on roles, responsibilities, and importantly qualifications. Individuals who meet SOI PQS need to oversee work done per this plan and agreement.

Commented [GB96]: Alternative mitigation options would need consultation prior to implementation.

7.2 Treatment Measures – Built Environment

7.2.1 Hydroelectric Resources

National Park Service Documentation

The NPS program known as Historic American Buildings Survey/Historic American Engineering Record/Historic American Landscapes Survey (HABS/HAER/HALS) traces its origins to the act of Congress commonly known as the Historic Sites Act of 1935, now codified at 54 U.S.C. §§ 320101-320106, which, among things, directs the Secretary of the Interior to "secure, collate, and preserve drawings, plans, photographs, and other data of historic and archeologic sites, buildings, and objects" (54 U.S.C. § 320102(b)). Congress subsequently granted the Secretary additional authorities and responsibilities with respect to documenting historic properties, notably in the NHPA. More particularly, the NHPA directs the Secretary to promulgate regulations "establishing a uniform process and standards for documenting historic properties by public agencies and private parties for purposes of incorporation into, or complementing, the national historical architectural and engineering records within the Library of Congress" (54 U.S.C. § 302107). The NHPA defines "historic property" broadly to mean "any prehistoric or historic district, site, building, structure, or object included on, or eligible for inclusion on, the National Register [of Historic Places]" (54 U.S.C. § 300308). The collection of national historical architectural and engineering records in the Library of Congress (LOC) is now known informally as the HABS/HAER/HALS collection (NPS 2016).

According to the NPS, the LOC represents the gold standard in caring for, and providing access to, our important documents, fulfilling the intent of the Historic Sites Act of 1935 and the NHPA. This is why Congress stipulated the "Architecture and Engineering Collection at the Library of Congress" as the final repository for mitigation documentation. Since the collection was designed to be "a complete résumé of the builders' art," as expressed by NPS landscape architect Charles Peterson in 1933, it is the appropriate repository for mitigation documentation of NRHP-listed or eligible sites of state and local, as well as national, significance (NPS 2016).

Based on the NPS guidance, the Renewal Corporation proposes HABS/HAER/HALS documentation as a critical treatment for mitigating the Project's adverse effects on the five NRHP-eligible hydroelectric historic districts evaluated in Section 6.2. the Renewal Corporation will ensure that these historic districts, the districts' contributing resources, and individually eligible resources within the districts are recorded following the HABS/HAER/HALS standards consistent with 54 U.S.C. §§ 302107 and 306103 and in consultation with the NPS. HABS/HAER/HALS documentation generally involves production of a historic narrative report, resource drawings, and large format photographs.

Marketing Plan for Potential Adaptive Re-Use

In addition to the HABS/HAER/HALS documentation described above, the Renewal Corporation will make a reasonable and good faith effort to develop, in consultation with consulting parties, a marketing plan for potential adaptive reuse of the Copco No. 2 powerhouse (historic), Fall Creek School (historic), and 12 operator residences (historic and non-historic) within the KRHP. The operator residences include two non-

Commented [GB97]: Recommend incorporating this language into this section on HABS/HAER:

A. Prior to the commencement of the project, [PROJECT NAME], the Federal Agency shall contact the regional Historic American Building Survey/Historic American Engineering Record/Historic American Landscape Survey (HABS/HAER/HALS) coordinator at the National Park Service Interior Regions 8,9,10, and 12 Regional Office (NPS) to request that NPS stipulate the level and procedures for completing the documentation. Within ten (10) days of receiving the NPS stipulation letter, the Federal Agency shall send a copy of the letter to all consulting parties for their information.

B. The Federal Agency will ensure that all recordation documentation activities are performed or directly supervised by architects, historians, photographers, and/or other professionals meeting the qualification standards in the Secretary of the Interior's Professional Qualification Standards (36 CFR 61, Appendix A).

C. Upon receipt of the NPS written acceptance letter, the Federal Agency will make any archival, digital and bound library-quality copies of the documentation and provide them to the [INSERT NAMES OF ENTITIES].

D. The Federal Agency shall notify the SHPO that the documentation is complete and all copies distributed as outlined in C and include the completion of the documentation in the Annual Report. All documentation shall be completed prior to the commencement of the project.

Commented [GB98]: This does not seem like appropriate mitigation. CA SHPO has no expertise in marketing. The only obligation would be should the historic resources be leased or transferred out of federal ownership. In these cases, consultation would occur for these aspects of the undertaking.

historic ranch houses at J.C. Boyle (Oregon), a historic ranch bunkhouse at Copco No. 2 (California), four historic ranch houses at Copco No. 2, three non-historic modular residences at Copco No. 2, and two historic ranch houses at Iron Gate (California). Based on its massive size, the Copco No. 2 powerhouse ([Figure 0-1](#)[Figure 7-1](#)) would remain in place for educational, recreational, or interpretive use. The Fall Creek School ([Figure 0-2](#)[Figure 7-2](#)) and operator residences ([Figure 0-3](#)[Figure 7-3](#)) would remain in place or be moved to other locations for residential, educational, commercial, or recreational use.

The marketing plan would define the terms under which the Renewal Corporation would be willing to sell the Copco No. 2 powerhouse, Fall Creek School, and operator residences to responsible and appropriate stewards. The marketing plan will be developed and implemented by the Renewal Corporation according to the following guidelines. The marketing plan will include an information package for the powerhouse, school, and operator housing that consists of historical background, building condition assessments, building and location photographs, terms of sale, federal historic rehabilitation tax credit guidance, and advertising plans. The information package will also describe methods for distributing the advertising plans, including press releases, criteria for review of offers, schedules, and public outreach measures. The marketing plan will include comparative analyses of adaptive reuse for similar facilities to inform the future reuse of the historic and non-historic properties.



Figure 0-1 Copco No. 2 powerhouse, shown in 2018 (left) and 1924 (right)

Once the Oregon and California SHPO's express agreement with the marketing plan, the Renewal Corporation will solicit offers for adaptive reuse of the powerhouse, school, and operator residences. If potentially qualified buyers are found, the Renewal Corporation will conduct a detailed review with potential buyers on the historic value of the buildings, where applicable. If the Renewal Corporation does not receive acceptable offers for adaptive reuse by the marketing plan deadline, the Renewal Corporation will consider long-term lease or donation of the buildings in their entirety. If all reasonable measures for adaptive re-use of the buildings fail, the Renewal Corporation, in consultation with the SHPOs, may proceed to remove the buildings in their entirety or transfer them without consideration of historic stewardship.



Figure 0-2 Fall Creek School, 2018 (left) and circa 1965 (right)

Prior to sale or removal, should the powerhouse suffer a significant structural failure, or should other conditions cause the powerhouse to pose a safety or environmental risk, the Renewal Corporation will notify the SHPOs, tribes, and interested parties within 72 hours of the determination of the risk or failure. The Renewal Corporation will then provide appropriate documentation regarding its findings of structural failure, or safety or environmental risk, to the SHPOs within 30 days of the initial notification. The Renewal Corporation may waive the requirements of the marketing or sale and may act to address the risk or failure. The Renewal Corporation will report its decisions and emergency actions to the SHPOs.

Interpretation

Following the LSO, the Renewal Corporation, in consultation with the Oregon and California SHPOs, will develop an interpretative plan featuring the KRHP and the interconnected history of hydroelectric energy and fish management in the region. The interpretative plan will address of methods of historic resource interpretation, plan implementation, and a proposed schedule. The historic resources interpretative plan will be developed in consultation with the SHPOs, tribes, regional historical societies and museums, preservation organizations, and other interested parties. Development and implementation of the historic resources interpretative plan by the Renewal Corporation will be started within 6 months of acceptance of the HPMP by the FERC.

As part of the interpretive plan, the Renewal Corporation will evaluate the Fall Creek Hatchery, which will be upgraded as part of the Project, as a potential site for interpretive materials. The hatchery already hosts a small visitor center next to the Klamath River, a picnic area, and parking facilities. The Renewal Corporation will also evaluate the Klamath County Museum, Oregon Institute of Technology, Siskiyou County Historical Society, and other potential repositories for interpretive materials.

7.2.2 Transportation Resources

Based on survey and research, the only transportation resource within the ADI that is potentially NRHP-eligible is the Dry Creek bridge, associated with the construction of Iron Gate and the resulting realignment

Commented [GB99]: Please provide clarity on the difference between the interpretative plan and the historic resources interpretation plan?

Commented [GB100]: Please provide the basis for dividing proposed mitigation according to the historic resource eligibility criteria themes?

of the county road. Mitigation for the potential adverse effects on Dry Creek bridge may be accomplished as part of the interpretive plan featuring the KRHP, of which Iron Gate is a contributing resource.



Figure 0-3 From top left and clockwise: modern bunkhouse (Copco No.2), ranch house no. 4 (Copco No. 2), operator residence no. 1 (Iron Gate), and operator residence no. 1 (J.C. Boyle)

7.2.3 Private Property Resources

The Renewal Corporation will conduct further survey and research to evaluate the NRHP eligibility of private property resources within the California part of the ADI, specifically commercial, residential, and recreational properties in Hornbrook, Yreka, and Montague. These are privately owned resources; therefore, the Renewal Corporation does not have control over their management or preservation. Should further investigation reveal that the Project will have a direct adverse effect on any NRHP-eligible private property resource based on significant changes to the historic setting, the Renewal Corporation will propose appropriate mitigation measures.

Commented [GB101]: Direct, indirect, and cumulative effects to historic properties within the APE should be considered as part of the undertaking. This section needs further consideration and consultation.



**Chapter 8: Provisions for Additional
Survey, Archaeological Monitoring,
Inadvertent Discoveries, Treatment of
Human Remains**



PROVISIONS FOR ADDITIONAL SURVEY, ARCHAEOLOGICAL MONITORING, INADVERTENT DISCOVERIES, TREATMENT OF HUMAN REMAINS

8.1 Additional Survey – Post-Drawdown

Following completion of the Phase 2 Drawdown (expected start of January 1, 2023, and finish of March 15, 2023; see [Table 0-1](#)/[Table 2-4](#)), The Renewal Corporation will complete archaeological field surveys of previously inundated areas as soon as field conditions are stabilized, as determined by the Project health and safety lead. These studies will be carried out using standard field survey techniques. Additional archaeological surveys will be led by a qualified crew chief and each crew may be accompanied by a tribal advisor. Newly exposed features and materials may be discovered and require further survey to complete recordation and NRHP evaluation. The archaeological crew will update existing site forms, revise maps, and photograph and record additional observations.

The CRS will follow accepted professional standards for documentation and reporting. The CRS will assess the sites for preliminary NRHP eligibility and consider potential Project effects following guidelines of this HPMP to identify at-risk potential historic properties requiring an immediate response and treatment measures (i.e., erosion control; site condition monitoring) and further consultation with FERC, the respective SHPO, potentially affected tribes, ACHP, and landowner. The Renewal Corporation will not consider resources identified during the post-drawdown survey that are not at risk for Project impacts for further NRHP evaluation or treatment measures.

The CRS will prepare a summary report within 6 months of completion of the Post-Drawdown archaeological survey. An interim memo will be sufficient for consultation purposes regarding identified at-risk potential historic properties requiring an immediate response.

8.2 Archaeological Monitoring

Appendix C, MIDP, details the Project's approach to monitoring. The Renewal Corporation will conduct two types of monitoring: construction monitoring and site condition monitoring. These methods of monitoring

Commented [GB102]: Effects on historic properties cannot be fully determined prior to approval of the undertaking. Without understanding the significance of the historic property and the nature of effects to its specific significance values as determined in consultation, the treatment measures cannot be determined.

Commented [GB103]: It would seem to be impossible to definitely state that the characteristics of a resource that makes it historically significant will not be adversely affected if it has not been evaluated for inclusion in the NRHP and those characteristics have been properly identified.

Commented [GB104]: The opportunity for consulting parties to consult on eligibility for inclusion in the NRHP and measures to avoid, minimize, or mitigate effects to historic properties would seem to have passed if consultation is limited to review of an interim memo six months after any discovery.

Commented [GB105]: Disagree that this would be sufficient.

Commented [GB106]: Archaeological monitoring seems to have already been discussed. Please clarify what the utility of repeating it is here. Same comment about tribal monitoring, if requested by tribes.

achieve different goals and are therefore differentiated in the MIDP, although many of the response procedures will be the same.

8.2.1 Construction Monitoring

“Construction monitoring” refers to direct oversight of ground-disturbing activities by a qualified monitor/tribal advisor within areas where there is a high potential for inadvertent discoveries and/or where historic properties are known to exist and must be avoided. During construction, the Renewal Corporation will flag cultural No Work Zones and monitors will observe excavation and soil removal for the presence of cultural materials and features during ground-disturbing construction. Locations for construction monitoring will include (1) locations of medium to high sensitivity based on the geoarchaeological sensitivity model and impact areas and (2) buffered locations of historic properties, including unevaluated, eligible, and listed archaeological resources.

Construction monitoring is anticipated to begin in conjunction with Phase 1 Pre-Drawdown activities and extend through all subsequent phases of the Project. The CRS will prepare an annual summary report that includes the results of construction monitoring.

8.2.2 Site Condition Monitoring

“Site condition monitoring” refers to repeat, periodic site inspections to an individual archaeological site to assess changes over time to site integrity as a result of the Project. During repeat inspections, the CRS and monitor and/or tribal advisor will physically visit each at-risk archaeological historic property and document any observable changes on a standardized form. Periodic inspections may observe evidence of erosion, deflation, aggradation, looting and vandalism, or no discernible changes.

During Phase 1 Pre-Drawdown, the CRS/monitors will visit each historic property to document baseline conditions. During Phase 2 Drawdown, the CRS/monitors will complete weekly inspections of at-risk archaeological historic properties. The site condition monitoring schedule decreases in frequency over subsequent phases. See Appendix C, MIDP, Chapter 5 for the schedule.

The CRS will maintain a preliminary Site Inspection Summary Table that can be transmitted to consulting parties in a timely manner in the event treatment measures are needed for threatened or damaged sites. The table will include information such as site number, site type, eligibility status, monitoring date, water elevation (if applicable), site impacts or concerns, and recommendations. The CRS will prepare an annual summary report that includes the results of site condition monitoring.

8.3 Post-Review Human Remains Discoveries

Appendix C, MIDP, details the Project’s approach to post-review human remains discoveries. ORS 97.750 and Section 7050.5 of the California PRC mandate that if Native American or potentially Native American remains are encountered, the appropriate SHPO, the state police or county medical examiner (coroner), and the appropriate federally recognized Indian tribe(s) must be contacted before any proposed excavations take

Commented [GB107]: Recommend construction monitoring for areas of medium and moderate potential as well. This will likely require development of a sensitivity model in consultation.

Commented [GB108]: Recommend being specific here that qualified archaeological and tribal monitors will be responsible for flagging resource avoidance areas not simply the Renewal Corp.

Commented [GB109]: Recommend adding any resources that are unevaluated and assumed eligible for inclusion in the NRHP.

place. If human remains are found on Renewal Corporation property, whether during planned construction activities, authorized archaeological excavations, or because of natural processes, the Renewal Corporation will follow protocols outlined in Appendix C, MIDP, and will immediately notify local law enforcement and appropriate agency officials. The Renewal Corporation will help develop a treatment plan or similar document to guide the appropriate course of action, which may involve excavation and/or *in situ* stabilization of the human remains.

8.4 Post-Review Archaeological Discoveries

Although Renewal Corporation has taken adequate steps to identify historic properties within the ADI, additional archaeological materials could be encountered during construction or in conjunction with drawdown activities. Appendix C, MIDP, details the Project’s approach to post-review archaeological discoveries. The MIDP:

- Describes the procedures the Renewal Corporation and Project personnel will follow if confronted with unanticipated post-review archaeological discoveries;
- Complies with applicable federal and state laws and regulations, particularly 36 C.F.R. § 800.13(a)(2)(b) (Post-Review Discoveries) of the regulations that implement Section 106 of the NHPA of 1966, as amended; and
- Complies with AB 52 Mitigation Measure TCR-3 – Develop and Implement an Inadvertent Discovery Plan.

In the event an archaeological resource is discovered as a result of implementation of the Project, the CRS will make an initial assessment of the potential significance of the discovery based on NRHP eligibility per 36 C.F.R. § 800.4(c). For post-review discoveries, the Renewal Corporation and FERC, in consultation with the SHPO/THPO, may assume a newly discovered property to be eligible for the NRHP for purposes of Section 106 (36 C.F.R. § 800.13(c)). Alternately, Section 8.6, *NRHP Evaluation of Archaeological Sites*, provides a process for a more comprehensive NRHP evaluation that includes subsurface excavation.

As outlined in the MIDP, the Renewal Corporation will notify FERC, SHPO, tribes that might attach religious and cultural significance to the affected property, ACHP, and the landowner within 48 hours of the discovery with the assessment and if appropriate, any actions to resolve adverse effects (36 C.F.R. § 800.13(b)(3)). The Renewal Corporation will provide an Archaeological Treatment Plan to the FERC, SHPO, affected tribes, the ACHP, and landowner outlining proposed measures to resolve adverse effects within 2 working days of the Renewal Corporation’s determination of effect on an eligible property. See Section 8.7, *Resolution of Adverse Effects to Archaeological Sites*.

8.5 Exemptions to this Process during Drawdown

Reservoir drawdown activities will not be able to stop once initiated. If a post-review discovery is made in the affected drawdown zone, suspending or stopping work to further assess a site and consult with agencies

Commented [GB110]: Recommend “evaluation of significance”

Commented [GB111]: Recommending adding other consulting parties as listed at 36 CFR § 800.2(c)

Commented [GB112]: Suggest “evaluation and assessment of effects”

Commented [GB113]: Seems unclear if consulting parties are afforded opportunity to comment, and the SHPO to concur, if the discovery is determined ineligible.

Commented [GB114]: Recommending adding other consulting parties as listed at 36 CFR § 800.2(c)

and tribes will not be possible. The periods of review outlined above will not be practicable for protection of at-risk resources discovered during the reservoir drawdown.

In this scenario, the Renewal Corporation will follow a process similar to that outlined in 36 C.F.R. § 800.12 for Emergency Situations, which provides that if circumstances do not permit the appropriate days for comment, the Renewal Corporation will notify the FERC, SHPO, tribes, ACHP, and landowner and invite any comments within the time available (36 C.F.R. § 800.4.12 (b)(2)). The Renewal Corporation will authorize the CRS to use immediate measures to protect the discovery location (i.e., pre-approved temporary emergency stabilization) on a case-by-case basis, with only minimal consultation.

Commented [GB115]: Because it is being stated that the circumstances will not permit time for comment, the recommendation is to develop, in consultation, a detailed plan to mitigate effects well in advance of drawdown pursuant to 36 CFR § 800.13(a).

8.6 NRHP Evaluation of Archaeological Sites

During construction, the Renewal Corporation may need to evaluate archaeological resources for NRHP eligibility. Scenarios for which a comprehensive NRHP eligibility evaluation may be necessary include the following:

- When resources are potentially affected by erosion
- When resources are potentially affected by looting and/or vandalism
- When resources will be transferred out of Renewal Corporation authority through transfer, sale, or lease of the physical property within which they are contained
- When Project elements are anticipated to affect historic properties
- When post-review discoveries are made

Commented [GB116]: Doesn't seem appropriate in this section that pertains to "during construction". It would seem more appropriate to develop plan with more specific detail in consultation with stakeholders.

For confirmed archaeological discoveries during construction, the Renewal Corporation will first assess the potential significance of the discovery based on NRHP eligibility per 36 C.F.R. § 800.4(c). Potential archaeological resources may be initially evaluated for significance according to Criterion D (i.e., the potential to yield information important in prehistory or history) and site integrity; however, all four NRHP Criteria would be considered for a comprehensive evaluation. In the field, data requirements to verify eligibility under Criterion D would include the need for an adequate archaeological context in the form of intact archaeological strata, features with discernible relations, and diagnostic artifacts that could establish a time frame. For archaeological interpretation, it is important that the physical context not be disturbed or mixed, if practicable, otherwise the associations between site components that make reasonable interpretation possible are lost.

Commented [GB117]: This statement is based on assumptions that are impossible to predict. A mixed archaeological deposit might retain its ability to convey significance and its data potential if the deposit contains components that are representative of a narrow span of time, or highly significant due to their rarity, or ability to still answer important research questions for which there is little to no other evidence known. Comparison with other data sets would be important before making the assumption that a disturbed context has lost all potential to yield data on important research questions. It is critical therefore to evaluate significance before assessing integrity.

8.6.1 Research Design

The importance of the information that a Criterion D property is likely to yield is measured by the resource's ability to address specific research questions. Research questions are the specific questions a researcher might ask within any historic context. As highlighted in *National Register Bulletin 36, Guidelines for Evaluating and Registering Archaeological Properties* (Little et al. 2000), research questions are dynamic and affected by current research domains in anthropology and archaeology. For a site to be eligible it need not answer multiple important questions; in fact, one question is sufficient (Little et al. 2000). Ultimately,

there must be a clear link between a theoretical orientation, the research questions that come from that orientation, and the data available to test the questions or theories.

The appropriate way to present research questions is within a research design. The State of Oregon archaeological permit process requires a research design be presented as part of the permit application, and California SHPO and the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation also recommend that archaeological investigations be guided by a research design. The research design should present the historic context of the site, what information is currently known, what information is anticipated within archaeological deposits, the field and laboratory methods for obtaining this information, and the method of reporting this information. The Research Design and Testing Plan prepared for the pre-decommissioning Phase II NRHP evaluation of known Project sites serves as the framework for development of a research program for resources identified during or after decommissioning (AECOM 2020).

8.6.2 Subsurface Excavations

For the duration of the MOA implementation, the Renewal Corporation's approach will be to avoid resources wherever feasible. When avoidance is not possible, the Renewal Corporation will consult with FERC, SHPO, ACHP, tribes that might attach religious and cultural significance to the affected property, and landowners to determine whether any specific actions, cultural, or natural processes have the potential to affect resources deemed potentially eligible and whether archaeological evaluation is necessary. The Renewal Corporation will decide whether to conduct archaeological investigations to determine site eligibility on a case-by-case basis following procedures outlined in the MIDP (Appendix C).

Commented [GB118]: The Renewal Corporation will decide this unilaterally?

Permitting

Following federal law, any excavation on federal land requires an ARPA permit. Following state law in Oregon (ORS 358.920(1)(a) and ORS 390.235), an archaeological excavation permit is needed to conduct archaeological investigations within known sites on non-federal public or private land;⁵ a similar requirement is not stated in California state law.

The Renewal Corporation will complete the requirements for obtaining an archaeological excavation permit under state and federal regulations. A research design will be prepared that identifies the historic context, preliminary research questions, and methodologies that will be employed to evaluate the resource(s) for eligibility to the NRHP. The appropriate SHPO and tribe(s) will have the opportunity to comment on the research design. Once the appropriate permit is obtained and all comments on the research design have been addressed, the Renewal Corporation will implement the research design. The Renewal Corporation will work with the appropriate SHPO and tribe(s) to provide information regarding the results of the investigations on a schedule to be determined by the specific needs for each site being evaluated.

⁵ Detailed instructions on how to apply for an archaeological permit in the State of Oregon can be found at: http://www.oregon.gov/OPRD/HCD/ARCH/arch_excavationperms.shtml.

Methods

Archaeological sites that cannot be fully evaluated based on visible archaeological remains may be tested using subsurface investigation techniques to determine whether those remains exist. Subsurface techniques typically include, but are not limited to, shovel tests, test units, hand or mechanically excavated test trenches, mechanical stripping to identify features, large-scale "block" excavations, and geophysical borings.

Hand-excavated subsurface tests may measure no less than 50 by 50 centimeter square. One- by one-meter test units are the standard technique, but larger test units may also be appropriate. In some cases, round, 30-centimeter-diameter shovel probes may be proper for determining or verifying site boundaries. Levels will typically be excavated in 10-centimeter arbitrary units, or stratigraphically, once site stratigraphy has been determined. Soils removed during excavations should be passed through 1/8th-inch hardwire mesh screen; however, other screen sizes may be appropriate depending on the goals of the research design and the research questions to be addressed.

All sites subject to excavation will have an established site datum that can be relocated in the future. The datum is the mapping point to which all horizontal and vertical site data are associated to allow for re-creation of the site's horizontal and vertical measurement. A site grid will be established, and all excavation units should be numbered with reference to the grid. Provenience information (referencing the grid coordinates and depth of excavations) will be recorded for all archaeological materials collected. In many cases, special samples may be taken as well, particularly those that could aid in the assessment of the site's significance and integrity. Radiocarbon-14 samples, for example, would aid in establishing the chronological age and period of significance of the site.

Once archaeological materials are collected, they must be analyzed appropriately within the confines of the research design. Artifact analysis for NRHP significance evaluation need not be as exhaustive as for data recovery investigations because the level of effort necessary for significance evaluation is to show the research potential of the site, not necessarily to fully investigate that potential. Generally, certain laboratory procedures will be followed. All artifacts will be bagged in 4-millimeter self-sealing polyethylene bags. A descriptive tag will be enclosed in each artifact bag denoting the provenience information. Artifacts will be bagged by provenience and by artifact class. Identification tags for boxes or bags will be prepared. Tags will be made of an inert, waterproof, archivally sound material and marked with ink that is fade-proof, waterproof, and archivally stable. The bags containing the artifacts will be labeled as well. All information on the exterior of the bag will be repeated on an internal tag of the type described above.

Artifact analysis will follow appropriate regional classification schemes and typologies. Certain basic attributes will be recorded, including provenience, material (e.g., lithic, ceramic, glass), class (e.g., projectile point, sherd, bead), count and/or weight, as appropriate, dimensions, if appropriate, type (e.g., Clovis, Creamware, etc.), and noteworthy attributes (e.g., form, decoration, method of use, internal or external dating). Additional, more detailed information, such as artifact weight, dimensions, specific ware patterns, and other attributes may also be appropriate depending on the goals of the specific research design. The collection and storage of all artifacts will be consistent with Oregon and California state guidelines as well as those of 36 C.F.R. Part 79.

Commented [GB119]: Recommend "evaluation of significance"

Reporting of the results of the site evaluations will follow available federal and state reporting guidelines. Data presented in the report will include, but not be limited to, photographs and maps depicting the horizontal and vertical extent of archaeological deposits and their integrity, a map showing the site's boundaries on a topographic map, artifact analysis by horizontal and vertical provenience, a discussion of the site's potential to address the research questions outlined in the research design, and an updated site form.

8.6.3 Schedule and Reporting

As considered separately from post-review discoveries for which an initial assessment is expediently made, the schedule for potential subsurface NRHP evaluative testing is expected to vary, depending upon the need for federal or state permitting, the level of effort required to complete the excavation, and other factors. Typically, a minimum of 30 days is required for agencies to issue a new standard permit for excavation, if not already in place, although expedited permitting is possible. The Renewal Corporation will pursue expedited permitting only when there is an imminent and unavoidable threat to an archaeological resource.

The CRS will document the methods and results of any NRHP evaluations in the annual summary report. As needed, the CRS may prepare an interim memo sufficient to advance the consultation process to resolve adverse effects for an individual site.

8.7 Resolution of Adverse Effects to Archaeological Historic Properties

Adverse effects can occur when precontact or historic archaeological sites, structures, or objects listed in or eligible for listing in the NRHP are subjected to the following effects:

- Physical destruction of or damage to all or part of the property
- Alteration of a property
- Removal of the property from its historic location
- Change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance
- Introduction of visual, atmospheric, or audible elements that diminish the integrity of the property's significant historic features
- Neglect of a property that causes its deterioration
- Transfer, lease, or sale of the property

8.7.1 Archaeological Treatment Plans

In accordance with the Section 106 process to resolve an adverse effect upon discovered resources that are eligible for the NRHP (36 C.F.R. § 800.6), and in cases where avoidance and minimization is not possible, The Renewal Corporation will prepare Archaeological Treatment Plans to mitigate or avoid adverse effects to

Commented [GB120]: This belongs in the agreement document

Commented [GB121]: This needs to be done in consultation with SHPO, CRWG, and other additional consulting parties identified in 800.2(c)

identified archaeological historic properties, including inadvertent discoveries which may be assumed to be eligible for the purposes of Section 106 (36 C.F.R. § 800.13(c)). The Archaeological Treatment Plans will describe the affected historic property, including information on the characteristics that qualify it for the NRHP; a description of the undertaking's effects; an explanation of why the criteria of adverse effect are applicable, and conditions or future actions to avoid, minimize or mitigate adverse effects (36 C.F.R. § 800.11). Additional standards and guidelines may be identified by FERC and/or the CRWG during the Section 106 process.

8.7.2 Schedule and Reporting

For post-review discoveries, the Renewal Corporation will provide an Archaeological Treatment Plan to the FERC, SHPO, tribes that might attach religious and cultural significance to the affected property, ACHP, and landowners outlining proposed measures to resolve adverse effects within 2 working days of the Renewal Corporation's determination of effect on an eligible property. The CRS will select proposed treatment from the treatment measures listed in Chapter 7, *Mitigation and Management Measures*.

These parties will have up to 2 working days upon receipt to review and provide comments and/or objections to FERC. If revisions are needed, SHPOs will have 2 working days to review the revisions.

Once finalized, the Archaeological Treatment Plans will be provided to FERC, SHPO, affected tribes, ACHP, and landowners. The Renewal Corporation will authorize Start Work once the archaeological treatment plan requirements are satisfied, in consultation with FERC, SHPO, affected tribes, ACHP, landowners, and other consulting parties.

The CRS will prepare a summary report on the methods and results of the treatment measures within 6 months of completion of the measures. The report will be addressed to the SHPOs. The Renewal Corporation will provide a Draft Report for review to the FERC, SHPOs, affected tribes, ACHP, and landowners. After a 30-day review period, the Renewal Corporation will make revisions and provide a Final Report to each of these parties.

Commented [GB122]: It's unclear that the Renewal Corporation doesn't determine that a post-review discovery is either eligible or ineligible unilaterally. Determination on the significance requires consultation and SHPO concurrence.

Commented [GB123]: It's unclear exactly what is being consulted on, if the Renewal Corporation determines NRHP eligibility and then selects proposed treatment measures that it has developed.

Commented [GB124]: This process is unclear.

8.8 Response to Looting and Vandalism Incidents

Appendix D, LVPP, provides procedures to follow after an observation of looting or vandalism. The LVPP also describes the Renewal Corporation's approach to preventing such incidents, including public education, a "See and Say" reporting and reward program, and law enforcement coordination. The LVPP complies with AB 52 Mitigation Measure TCR-2 – Develop and Implement a Looting and Vandalism Prevention Program.

The CRS will report any incidences of the looting and vandalism to law enforcement, FERC, SHPO, tribes, ACHP, and landowners within 24 hours of the incident. The notification will provide observations and share the actions that have been taken regarding the affected resource, and recommendations.

In coordination with law enforcement, the CRS will make an initial Damage Assessment of the disturbance, and provide an assessment of NRHP eligibility for any resources that are unevaluated, and provide this

information to the FERC, SHPO, tribes, ACHP, and landowners within 1 week of the incident. The FERC, SHPO, tribes, ACHP, and landowners will respond within 1 week of receipt of the Damage Assessment and eligibility recommendation.

If SHPO concurs that the damaged resource is eligible, the Renewal Corporation will provide an Archaeological Treatment Plan and proposed mitigation measures to FERC, SHPO, tribes, ACHP, and landowners within 2 working days of receipt of concurrence. FERC, SHPO, tribes, ACHP, and the landowners will respond to the Renewal Corporation within 2 working days with recommendations. The Renewal Corporation will consider the recommendations in coordination with FERC.

The CRS will prepare a summary report on the methods and results of the treatment measures within 6 months of the completion of the measures. The report will be addressed to the SHPOs. The Renewal Corporation will provide a draft report for review to the FERC, SHPOs, affected tribes, ACHP, and landowners. After a 30-day review period, the Renewal Corporation will make revisions and provide a Final Report to each of these parties.

Commented [GB125]: Also unclear on the process.

8.9 Provisions to Protect Confidentiality

The Renewal Corporation has taken several steps to ensure the confidentiality of known cultural resources in compliance with NHPA (as found in 54 U.S.C. § 307103(a)), as implemented in 36 C.F.R. § 800.11(c). The NHPA requires that federal agencies shall withhold from public disclosure information about the location, character, or ownership of a historic property when disclosure may cause a significant invasion of privacy; risk harm to the historic property; or impede the use of a traditional religious site by practitioners. In addition, when considering the presence of cultural resources located on federal properties within the APE, federal agencies are required under the ARPA to ensure that the “nature and location of archaeological resources” be held as confidential. Additionally, the USFS, in its role as the Cultural and Heritage Cooperation Authority under Section 8106 of the 2008 Farm Bill, must hold as confidential information related to sacred sites, resources, as well as cultural items or uses.

Commented [GB126]: It should be stated here that enough information regarding historic properties need to be shared with consulting parties in order for them to understand the basis of determinations and assessments.

To ensure that the state and federal agencies remain in compliance with these statutes and regulations, the Renewal Corporation shall keep information regarding the location and contents of archaeological historic properties confidential, following current professional standards and the requirements of the laws, to reduce the risk of purposeful looting or vandalism. The Renewal Corporation shall work to ensure that contractors are sensitive to the confidentiality requirements under the NHPA and ARPA. The Renewal Corporation shall only release such information on a “need to know” basis only and in consultation with the CRWG and FERC. If FERC or members of the CRWG have concerns about the release of potentially sensitive information, FERC shall seek the input of the ACHP and Secretary of the Interior, in consultation with the tribes, SHPOs, and consulting parties consistent with 36 C.F.R. § 800.11(c). Following this consultation process, the ACHP shall provide its advice to the Secretary and FERC of its decision.

Commented [GB127]: Are the SHPOs on a need to know basis? Throughout the document, the CRWG is referred to when it may be the Signatory and Concurring Parties, or the consulting parties. Roles and processes should be clearly defined. This needs further clarification.

8.10 Curation of Artifacts and Documents

Collections from previous investigations on BLM-managed lands in Oregon and California and on PacifiCorp lands in California currently reside in a variety of locations, including the following:

- Several artifact collections are managed by the Research Division and housed at the Natural History Museum in the University of Oregon, Geology Department. These collections include those from the work of Luther S. Cressman in the Upper Klamath River Canyon in the 1950s and 1960s, Frank Leonhardy at CA-SIS-326, and Joanne Mack in the Upper Klamath River Canyon (including extensive excavations at CA-SIS-1721) since the early 1990s.
- Collections by BLM personnel and contractors have been limited, but some minor collections and/or field notes and primary data from the Project area are held in the Redding and Klamath Falls Resource offices.

The Renewal Corporation will place archaeological collections owned by PacifiCorp that are temporarily in the possession of individual researchers and/or universities located outside the Oregon/Northern California region into permanent curation, at a facility that meets the requirements of 36 C.F.R. Part 79 (Curation of Federally Owned and Administered Archaeological Collections) such as the University of Oregon's Museum of Natural and Cultural History, unless an alternate facility is identified during consultation and approved by FERC, CA and OR SHPOs, USFS, BLM, and affected Tribes. If the museum facility at the Klamath Tribes headquarters meets the standards of 36 C.F.R. Part 79, the Renewal Corporation could arrange for curation with the Klamath Tribes.

The Renewal Corporation will also place any new collections obtained through the Project into this same facility. The collection will include artifacts, field documents, and photographs and will adhere to the standards for curation.

Artifact recovery may continue past the surrender license. The Renewal Corporation will complete curation within one year of completion of all analysis and reporting conducted as a result of mitigation of Project impacts.

Commented [GB128]: This section seems unclear as to the jurisdiction of the undertaking to already existing materials from previous investigations.

If it is, in fact, able to proceed, the process should clearly be delineated (not just in narrative form and to clarify things like "such as the University of Oregon"...

It seems that the development of this section's process should consider comments received from tribes in consultation which is yet to occur.

Things like who approves alternate facilities, what happens to new collections, what is meant by 'artifact recovery may continue past the surrender license', etc.



Chapter 9: Other Programs

OTHER PROGRAMS

The following sections discuss other programs the Renewal Corporation will consider.

9.1 Law Enforcement Coordination and Agency Training Opportunities

As described in Appendix D, LVPP, for the period of the applicability of this HPMP, nearly all at-risk archaeological historic properties fall on private land that will be administered by the Renewal Corporation. Law enforcement response would therefore be expected to lie primarily with the Siskiyou County Sheriff's Office (California) and Klamath County Sheriff's Office (Oregon) for vandalism and looting observations. The Renewal Corporation will also communicate to the extent feasible with additional state and federal law enforcement personnel, including USFS law enforcement officers, BLM rangers, California and Oregon fish and wildlife officers, and Oregon state parks staff, who have jurisdiction or routine patrol capabilities along the river corridor.

County Law Enforcement Outreach/Training Program

No less than 6 months prior to construction activities, the Renewal Corporation will reach out to the Siskiyou County Sheriff's Office and Klamath County Sheriff's Office to identify a primary point of contact to respond to an incidence of looting and vandalism. The Renewal Corporation Project management and the CRS and members of the Project's CRWG will request a meeting with the proper law enforcement personnel to discuss concerns and strategy for reporting and timely law enforcement response to archaeological crimes.

State Law Enforcement (State Patrol)

For the period of the applicability of this HPMP, response by state law enforcement agencies (Oregon State Police and California State Highway Patrol) is not anticipated for looting and vandalism crimes. The exception might be if human remains are involved, in which case human remains findings are reported to the state police. This is covered in Appendix C, MIDP. However, to ensure that local law enforcement is collectively aware of the problem, the CRS will also report any incidences of looting and vandalism to state law enforcement.

Federal Law Enforcement

The ADI has little land in federal ownership, and therefore looting and vandalism of sites affiliated with the Project have only limited ability to pertain to federal laws and regulations. However, some laws such as trafficking could invoke a federal law enforcement response even if not on federal land. The BLM/USFS heritage managers will be actively involved in any law enforcement activity regarding at-risk sites on federal land. However, to ensure that local law enforcement is collectively aware of the problem, the CRS will also report any incidences of looting and vandalism to federal law enforcement.

Commented [GB129]: Does this belong in a Section 106 document? If it is intended to contribute to avoidance and minimization of effects to potential historic resources, perhaps language that clarifies this should be included? And/or it should be moved to mitigation?

The Renewal Corporation will provide for the opportunity for periodic training of local law enforcement officers and agencies (e.g., Klamath County, Oregon, and Siskiyou County, California, law enforcement) to enhance their knowledge and understanding of state and federal laws protecting historic properties, human burials, and other cultural resources. The Renewal Corporation may sponsor such training sessions or may provide grants to local agencies for officers to attend existing training programs. The Renewal Corporation shall coordinate with the CRWG prior to providing this training.

Commented [GB130]: Request more specific details and definitive statement committing to this to help in mitigating indirect effects.

Commented [GB131]: shall

9.2 Public Education

Renewal Corporation will implement education and interpretation activities. These activities are intended to help members of the public understand the importance of cultural and natural resources. Education efforts with the general public will include the development and distribution of various materials and programs.

Commented [GB132]: recommend making education materials available at recreation sites and distributing materials to recreationists elsewhere in the community.

Commented [GB133]: Is this program intended to be part of the mitigation efforts? If so it should be moved to the mitigation section. A process should be clearly identified for this section as well.

The Renewal Corporation will develop a general educational brochure about the need to protect archaeological sites and other cultural resources. One or more drafts of this brochure will be provided for review and comment to the tribes and the California and Oregon SHPOs. The Renewal Corporation will make the brochure available at Project recreation facilities and will provide copies of it at public speaking engagements that include mention of cultural resources. Other possible actions might include preparation of a historic road tour kiosks/guide, a traveling interpretive display (for schools, libraries, public events), publication and distribution of small booklets, and implementation of a site stewardship program ("adopt-a-site") with qualified volunteers.

Potential interpretive displays will educate visitors about the Klamath River region and the Project, including the archaeology and history of the region, and effects of the dams and decommissioning process from a tribal perspective. Displays or brochures may be developed through this information to educate the public about these resources, and the laws that protect them and penalties for violation.

9.3 See-and-Say Program

Prior to the start of Phase 1, the Renewal Corporation will provide a designated Renewal Corporation phone number for public reporting of suspicious looting and vandalism observations ("If you see something, say something!"). The Renewal Corporation will post signs along major access routes, at public education kiosks, and in areas where looting and vandalism occurs. The signs will provide the following type of language:

- *Cultural resources are important to our heritage and are protected by law. No digging or artifact collecting is permitted. (Signs will cite laws and penalties for violations so that suspects cannot say they were ignorant of the laws.)*
- *If you see suspicious looting or vandalism activities, call [Renewal Corporation phone number to be determined]. Report who you saw, what you saw, when you saw it, where it occurred, and why it is suspicious.*
- *The Renewal Corporation is offering a \$1,000 reward to informants whose tips lead to the identification, citation, or arrest of a looter or vandal.*

Commented [GB134]: Recommend signage at recreation areas and distributing information to recreationists elsewhere in the counties/communities. Tribes also be consulted on this prior to implementation?

9.4 Culturally Significant Plant Enhancement Program

The culturally significant plant enhancement program will be part of the Restoration Plan's Vegetation Management Plan. The Renewal Corporation will incorporate and enhance native plant species that are culturally significant to Native Americans into Project-related re-vegetation projects. The Renewal Corporation has consulted with interested tribes in the selection of appropriate native species and planting sites. In cooperation with interested tribes, BLM, and USFS, The Renewal Corporation shall provide opportunities to tribal members and interested members of the public to assist in maintaining these native plants and in harvesting food and other products from these plants.

Commented [GB135]: Please clarify how this relates to Section 106?

9.5 Endowment

In compliance with AB 52 Mitigation Measure TCR-4 – Endowment for Post-Project Implementation, the Renewal Corporation will provide funding for an endowment or other for appropriate organization (e.g., a non-profit mutual benefit organization) to protect and enhance TCRs that are exposed due to the Project implementation on state and private lands in California, on a long-term basis following license surrender. This endowment shall include funding for monitoring, including supplementing or enhancing law enforcement resources, and shall also be available to cover measures that will be implemented following license surrender, including measures related to looting and vandalism protections. The endowment shall be governed in a manner that is representative of Affected Tribes that are traditionally and culturally affiliated with the TCRs impacted by Project implementation. The Renewal Corporation shall consult with Affected Tribes, with the assistance of the standing mediator, to develop the specifications for funding and governance and development of the Tribal Cultural Resources Management Plan.

Commented [GB136]: AB 52 mitigation measure should not be part of the HPMP or agreement document as they are not part of the Section 106 process.

9.5.1 Tribal Stewardship Program

An inter-tribal stewardship program may be initiated by participating CRWG tribes. The Renewal Corporation will facilitate inter-tribal access to the Parcel B lands for the duration of its ownership responsibilities for the purposes of tribal site condition monitoring, ceremonial, spiritual, and fisheries, plant harvesting, or other traditional uses. Access by individual tribal members to such resource areas after the Renewal Corporation's obligations end would be coordinated through the Tribal Stewardship Program to the post-Renewal Corporation landowner(s).

Commented [GB137]: Same comment here as with the Endowment.

The goal of the Tribal Stewardship Program would be continuation of site condition monitoring and patrolling, as well as providing protection of other traditional and customary places, spiritual, cultural, and medicinal places that may or may not have an archaeological component.

9.5.2 University Student Scholarship Program

The Renewal Corporation may reach out to the University of Oregon, Klamath Falls Community College, Humboldt State University, or other regional university and discuss funding a scholarship program for a

Commented [GB138]: I think the same comment as above applies. This does not seem appropriate for inclusion in a Section 106 document unless it is mitigation for the purposes of Section 106.

Commented [GB139]: shall



graduate student studying a discipline related to Native American studies, anthropology, history, fisheries, wildlife, etc. as related to the Klamath River.

9.5.3 Recreation Education Program

The Renewal Corporation may endow a non-profit group affiliated with rafting, fishing, or other recreation activities to promote preservation of cultural resources through education of recreationalists and voluntary stewardship (reporting of any observations of suspicious looting/vandalism to the Tribal Stewardship Program).

Commented [GB140]: I think the same comment as above applies. This does not seem appropriate for inclusion in a Section 106 document unless it is mitigation for the purposes of Section 106.

Commented [GB141]: shall



**Chapter 10: Implementation
Procedures**

IMPLEMENTATION PROCEDURES

Commented [GB142]: This section is redundant to previous sections and should be removed unless its necessary.

The Renewal Corporation will manage historic properties in the Project area in a spirit of partnership among the tribes that have been involved with the licensing process, BLM Klamath Falls Resource Area, BLM Redding Field Office, California SHPO, and Oregon SHPO. Management measures address the impacts identified in Chapter 6, as well as such long-term issues as monitoring, archaeological site protection and data recovery, operations and maintenance, Project developments, curation, and education.

10.1 HPMP Coordinator (Renewal Corporation Cultural Resources Specialist)

The Renewal Corporation will manage historic properties and potential effects to those properties in compliance with applicable FERC regulations, AB 52 mitigation measures, and other federal and state cultural resource laws. The Renewal Corporation will appoint or hire a staff member as the Project's CRS. This individual will be responsible for administering the HPMP. The person who holds the position will have local knowledge of the cultural resources in the Project area, working familiarity with state and federal cultural resource protection laws and regulations, and experience in cultural resources management.

Commented [GB143]: should probably add NHPA and 36 CFR part 800...

10.2 Staff Training

The Renewal Corporation will educate on-site staff involved in ground disturbance. This program will include training for Project staff that interact with the public or conduct activities potentially affecting historic properties. The Renewal Corporation will sponsor the attendance of a tribal representative at each training session. The training will provide information on the nature of cultural resources, their importance to science and the tribes, the laws and regulations governing effects to the resources, and the measures contained in the HPMP.

Commented [GB144]: recommend including staff that aren't necessarily involved in ground disturbance but are involved in the project. It isn't clear if those that interact with the public but aren't involved in ground disturbance are required to participate.

10.3 Internal Review Procedures

10.3.1 Archaeological Resources

Although most of the lands within the ADI will have been surveyed, future actions may warrant pre-construction review. Changes in surface conditions (caused by reservoir drawdown, changed vegetation cover, etc.) may expose archaeological resources in areas where current survey results indicate that no archaeological resources are present. The Renewal Corporation will conduct a thorough review of all new actions responsive to unforeseen circumstances; this will include checking existing data and maps, applying archaeological surveys and site monitoring protocols noted in the MIDP and LVPP, and implementing provisions of this HPMP (for example, employing avoidance measures, conducting investigations to

Commented [GB145]: The redundancy laid out here seems likely to cause confusion as to procedures to follow in the event of unavoidable effects etc.

Commented [GB146]: Recommend "likely will" rather than may. It seems almost certain that resources will be discovered.

determine resource eligibility for listing in the NRHP, implementing data recovery if other measures are not feasible, and monitoring construction activities).

To ensure that unanticipated future actions do not harm historic properties, the Renewal Corporation will take the following actions to protect NRHP-eligible and listed historic properties, as well as California Register-eligible resources subject to mitigation measures agreed to as part of the AB 52 process:

- The Renewal Corporation's CRS will consult maps of historic properties to note whether any occur in or near the LOW. The CRS will work with the staff members in charge of planning work within the LOW to avoid affecting historic properties. If avoidance is not feasible, the Renewal Corporation will follow procedures to resolve adverse effects. See Section 8.7, *Resolution of Adverse Effects to Archaeological Historic Properties*.
- If a potentially NRHP-eligible or California-eligible resource is located within 100 feet of a planned decommissioning action, the Renewal Corporation will make every effort to designate a protective buffer. The CRS will arrange for a qualified professional archaeologist and appropriate tribal representative to perform monitoring of ground-disturbance activities that could affect archaeological materials. If the construction encounters archaeological materials or human remains, the Renewal Corporation will follow protocols discussed in Appendix C, MIDP.

Traditional Cultural Properties/ResourcesPacifiCorp has sponsored ethnographic studies within the proposed FERC Project boundary (2003–2004). The Renewal Corporation will continue to consult with FERC, SHPO, and affected Indian tribes to ensure that measures are taken to avoid impacts to NRHP-eligible TCPs and California state-eligible TCRs. The Renewal Corporation will consult with BLM and USFS if such resources are identified on their respective lands.

10.3.2 Built Environment

Impacts to the built environment (buildings and structures) will be mitigated under the MOA. Therefore, review procedures are not anticipated, and rehabilitation standards and an oversight protocol are not applicable for this HPMP.

10.3.3 Exempt from Review

The Renewal Corporation will consider certain activities as exempt from further review under the HPMP because they possess little to no chance of affecting historic properties. Such actions require no documentation or consultation with stakeholders. These include:

- Ground disturbance in areas that have already been surveyed where no archaeological sites have been identified,
- Disturbance outside the known boundaries of previously identified archaeological sites, and
- Modifications to ineligible/noncontributing buildings or structures.

Commented [GB147]: This section offers exemptions common in long term operations and maintenance management plans that don't seem to be a good fit here as the activities listed should be planned with effects to historic properties known before the project is initiated. It's likely that these activities are covered elsewhere in this plan and the redundancy will likely only cause confusion in implementing this plan. This section, therefore, requires clarification.

10.4 Actions Requiring Consultation

Project activities requiring additional consultation with the SHPO/THPO, Indian tribes, federal land managers, and others under the HPMP include:

- Post-review discoveries, and
- Resolution of adverse effects to post-review discoveries or other potentially affected resources.

10.5 CRWG Consultation – Project Milestones

In addition to consultation undertaken for post-review discoveries, incidents of looting and vandalism, and site condition monitoring alerts, the Renewal Corporation will consult with representatives of the CRWG at the onset of each decommissioning phase to discuss the status of historic properties management, plans for management activities during the upcoming phase, and potential future modification to management measures. [Table 0-1](#) ~~Table 10-1~~ describes the current proposed scheduling for these periodic meetings. Scheduling is subject to change; however, the Renewal Corporation will ensure meetings are scheduled at least 3 months prior to the start of each Project phase.

Commented [GB148]: This should be more clearly defined. A process, that accompanies the narrative, should be provided. This may also be more appropriate for the agreement document.

Table 0-1 Project Milestone Consultation Meetings Schedule

Milestone Triggering Consultation Meeting	Expected Start (Earliest, Any Development)	Expected Finish (Latest, Any Development)	CRWG Meeting Schedule (3 Months Prior to Milestone Expected Start)
Phase 1 (Pre-Drawdown)	July 2022	January 2023	April 2022
Phase 2 (Drawdown)	January 1, 2023	March 15, 2023	October 2022
Phase 3A (Post-Drawdown Facility Removal)	March 2023	October 2023	December 2022
Phase 3B (Post-Drawdown Site Restoration and Ancillary Site Improvement Activities)	January 2022	September 2024	October 2021* October 2022 (combined with Phase 2 meeting) October 2023

Source: Compilation of tables in Chapter 5 of the DDP (Renewal Corporation 2020), using the earliest start and latest finish dates for any development. * Some site restoration activities will begin as early as January 2022, while others will occur post-drawdown.

10.6 Status Update Emails

To ensure communication, the CRS will email periodic status updates to FERC, SHPO, affected tribes, and ACHP regarding current construction activities and an overview of any cultural resources responses while the decommissioning is underway. Periodic updates may occur on a monthly or other periodic basis but on no less than a quarterly basis.

Commented [GB149]: This might be better included in the reporting requirements section of the agreement document.

10.7 Annual Reporting

The Renewal Corporation will provide an annual written report to both California and Oregon SHPOs during the fourth quarter of every calendar year summarizing the status of cultural resource management activities for the Project. The first report will be filed in the first year after Phase 1 activities begin (anticipated 2022). The annual report will summarize potentially affected historic properties, including any avoidance, NRHP evaluations, or mitigation measures. The Renewal Corporation will discuss consultations, reports of looting or vandalism and resultant measures to address them, and planned activities for the upcoming year.

The Renewal Corporation will provide a Draft Report for review to the FERC, SHPOs, affected tribes, ACHP, and landowners. After a 30-day review period, The Renewal Corporation will make revisions and provide a Final Report to each of these parties.

10.8 Coordination of Other Plans

Additional plans that may involve ground disturbance include, but are not limited to, the following:

- Recreation Plan
- Reservoir Restoration Plan
- Fire Management Plan
- Emergency Response Plan

The Renewal Corporation will ensure coordination of these plans with this HPMP in order to minimize accidental disturbances to historic properties associated with implementation of those plans.

10.9 Adoption of the HPMP through a Memorandum of Agreement

The Renewal Corporation is implementing this HPMP as a term of the MOA executed among the Renewal Corporation, FERC, and California and Oregon SHPOs. The MOA stipulates the preparation of this HPMP.

10.10 Amendment Procedures

Situations may arise during the license surrender period warranting revision to the HPMP. HPMP revisions proposed by interested parties (agencies, SHPOs/THPOs, tribes, and MOA signatories) may be directed to the Renewal Corporation's CRS, who will respond to requests for revisions to the plan within 15 business days. Where possible, the Renewal Corporation and the interested party may negotiate changes as appropriate and warranted in accordance with changing conditions and situations as they arise. Examples include changes to the APE, major changes in the federal (or state) laws and/or regulations, or discovery of new sites that require treatments beyond those described in the HPMP. The Renewal Corporation will provide a draft copy of the revised HPMP, highlighting the proposed changes, to the tribes, SHPO, and FERC

Commented [GB150]: Appropriate to stipulate this in an agreement document.

Commented [GB151]: This seems redundant. Please clarify why it merits repeating in this section?

Commented [GB152]: This section seems redundant. As well, it belongs in the agreement document rather than the HPMP.

for review and then make revisions based on review comments. FERC will have the authority to approve any changes to the HPMP.

New parties may emerge in the future and request to be included in consultation. The Renewal Corporation will include and consult with these parties in the same way as the signatory parties.

10.11 Dispute Resolution

Consulting parties will have an opportunity to dispute the MOA or HPMP over the life of the surrender license. A dispute is initiated by filing a written objection with FERC. Upon such a filing, FERC will consult with the objecting party, and with other parties as appropriate, to resolve the objection. FERC may initiate, on its own, such consultation to remove any of the objections. If the Commission so determines, the Commission will forward all documentation relevant to the dispute to the Council and request that the Council comment. The Council shall provide the Commission with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the Commission shall prepare a written response that takes into account timely advice or comments regarding the dispute from the Council and consulting parties and provide them with a copy of this written response. The Commission will then proceed with its final decision. If the Council does not provide its advice regarding the dispute within the thirty (30)-day time period, the Commission may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the Commission shall prepare a written response that takes into account timely comments regarding the dispute from the consulting parties and provide the consulting parties and the Council with a copy of the written response.

Disputes related to Determinations of Eligibility for the NRHP will be resolved consistent with the procedures contained in 36 CFR § 800.4(c)(2).

10.12 Schedule

The schedule for completing all actions required in the HPMP is pending FERC discussion and the MOA,.]

Commented [GB153]: This section belongs in the agreement document.

Commented [GB154]: This seems like a curious section. SHPO cautions against including schedules in agreement documents as if they change, the agreement document needs amending. Perhaps a proposed or draft schedule can be included as an appendix to the agreement document with some associated language that amending the schedule will not necessarily require an amendment of the entire agreement document?



Chapter 11: References

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Chapter 12: List of Preparers

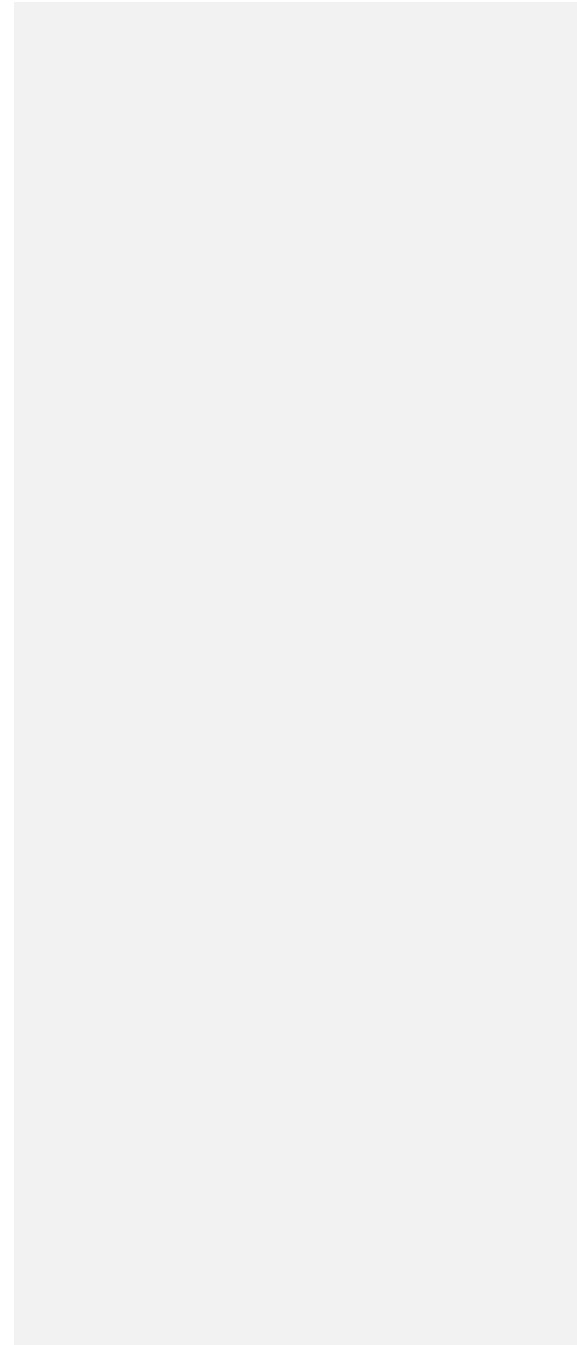
12. LIST OF PREPARERS

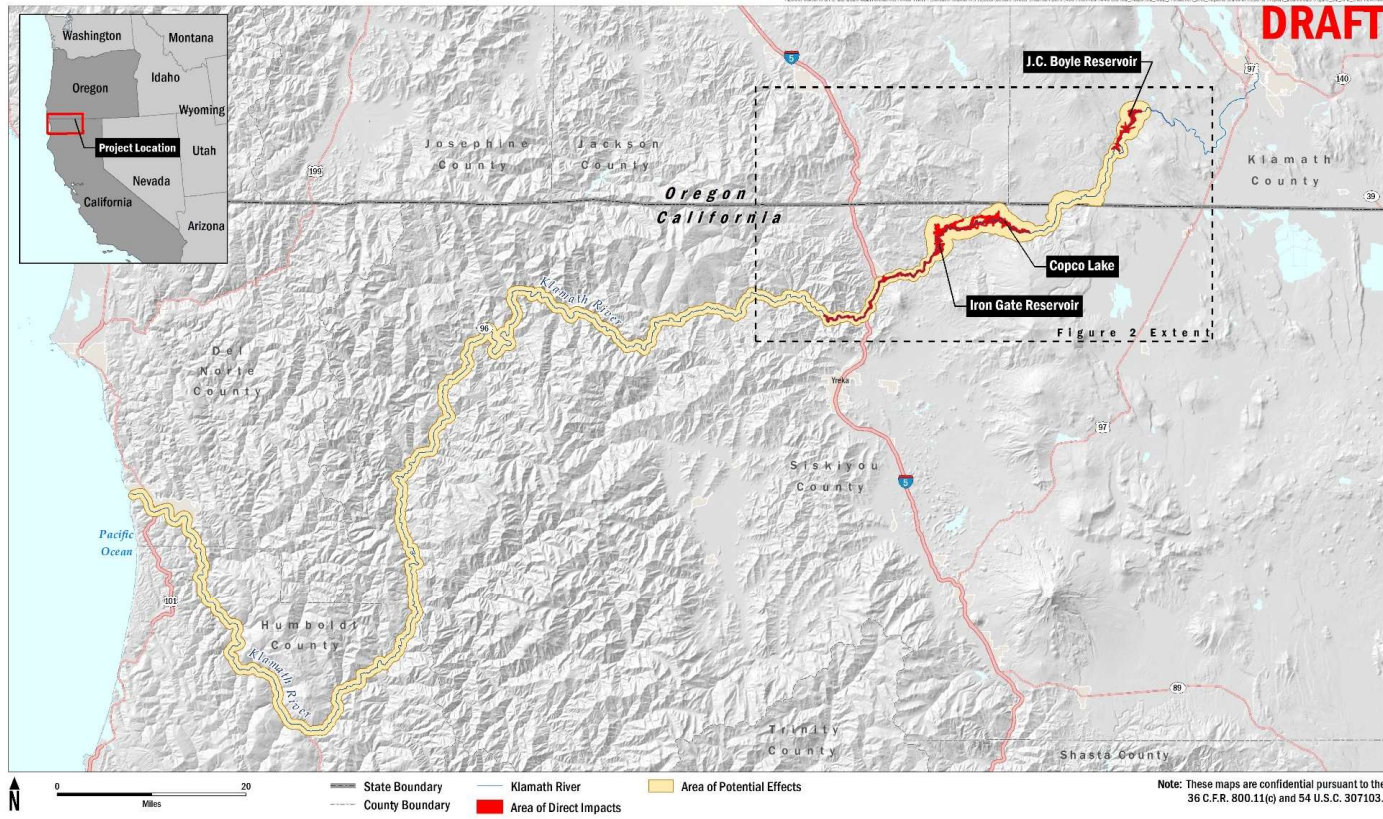
Name	Education	Qualifications
Russell Bevill	B.A. Anthropology	30 years of experience in archaeology and cultural resources management.
Shoshana Jones, JD, MA	J.D. Law M.A. History	7 years of experience in architectural history and historic resource management.
Michael S. Kelly, MA, RPA	M.A. Anthropology B.A. Anthropology	40 years of experience in archaeology and cultural resources management.
Sarah McDaniel, MA, RPA	M.A. Anthropology B.A. International Studies	20 years of experience in archaeology and cultural resources management.
Elena Nilsson, MA	M.A., Anthropology B.A., English	41 years of experience in archaeology and cultural resources management.
Kirk Ranzetta, PhD	PhD. Urban Affairs and Public Policy M.A. Urban Affairs and Public Policy B.A. Historic Preservation	27 years of experience in architectural history and historic resource management
Timothy Wood, MS	M.S. Historic Preservation B.A. History	3 years of experience in architectural history and historic resource management



Lower Klamath Project
HPMP

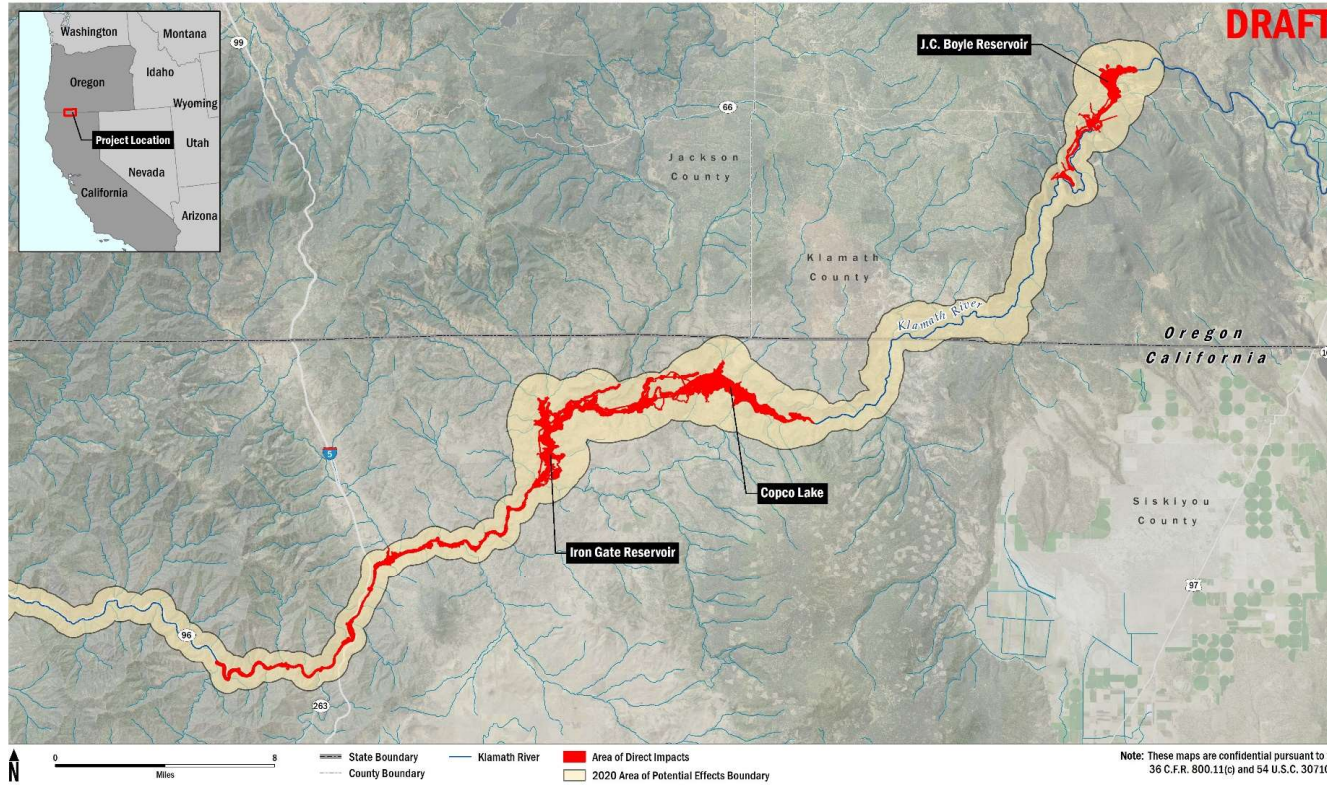
APPENDIX A MAPS OF THE APE/ADI





AECOM
Klamath River Renewal Corporation
Klamath River Renewal Project

FIGURE 1
2020 Area of Potential Effects

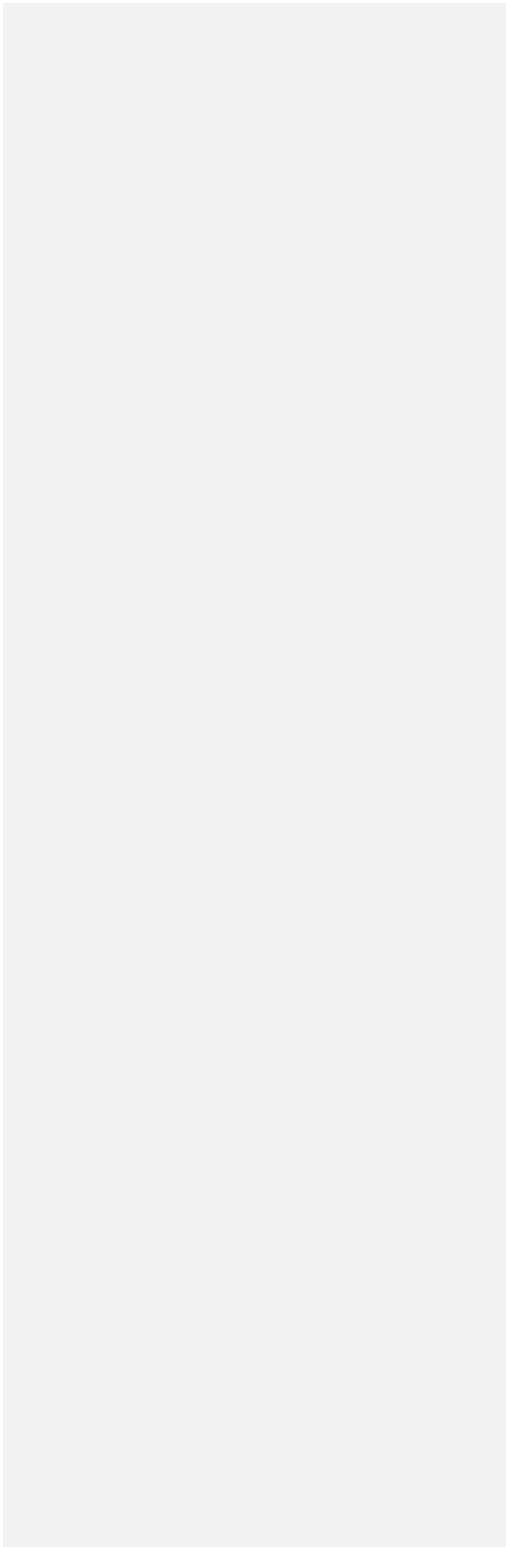


AECOM
Klamath River Renewal Corporation
Klamath River Renewal Project

FIGURE 2
2020 Area of Direct Impacts



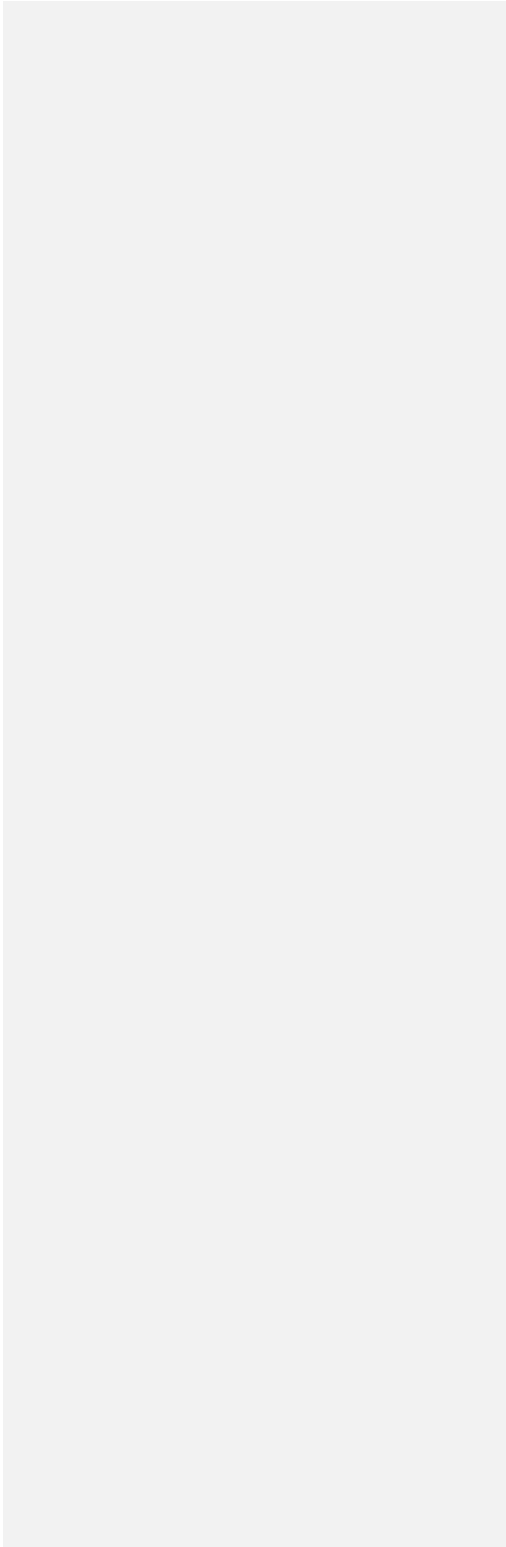
APPENDIX B HISTORIC CONTEXT





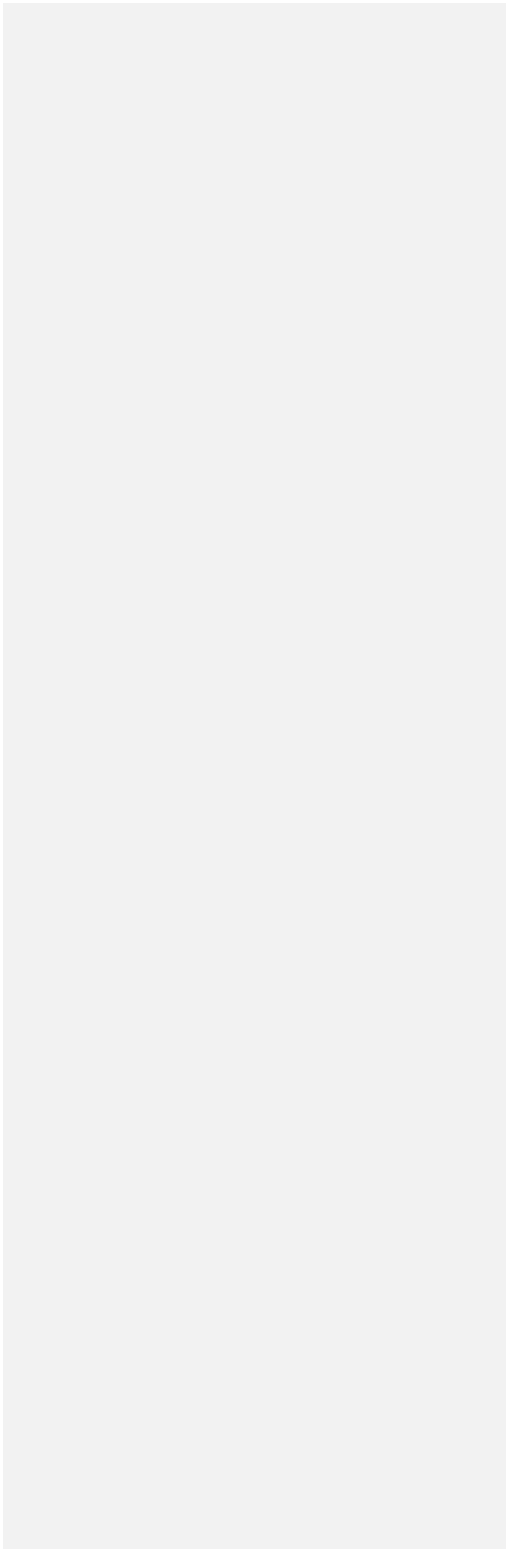
Lower Klamath Project
HPMP

APPENDIX C MONITORING AND INADVERTENT DISCOVERY PLAN





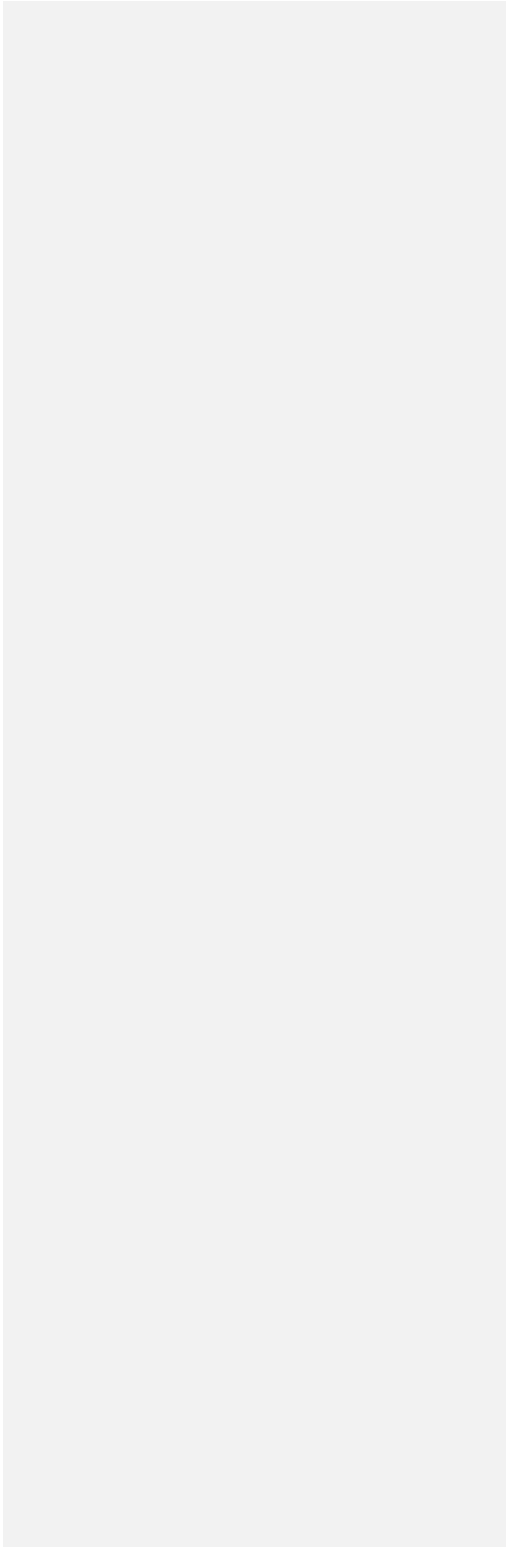
APPENDIX D LOOTING AND VANDALISM PREVENTION PLAN





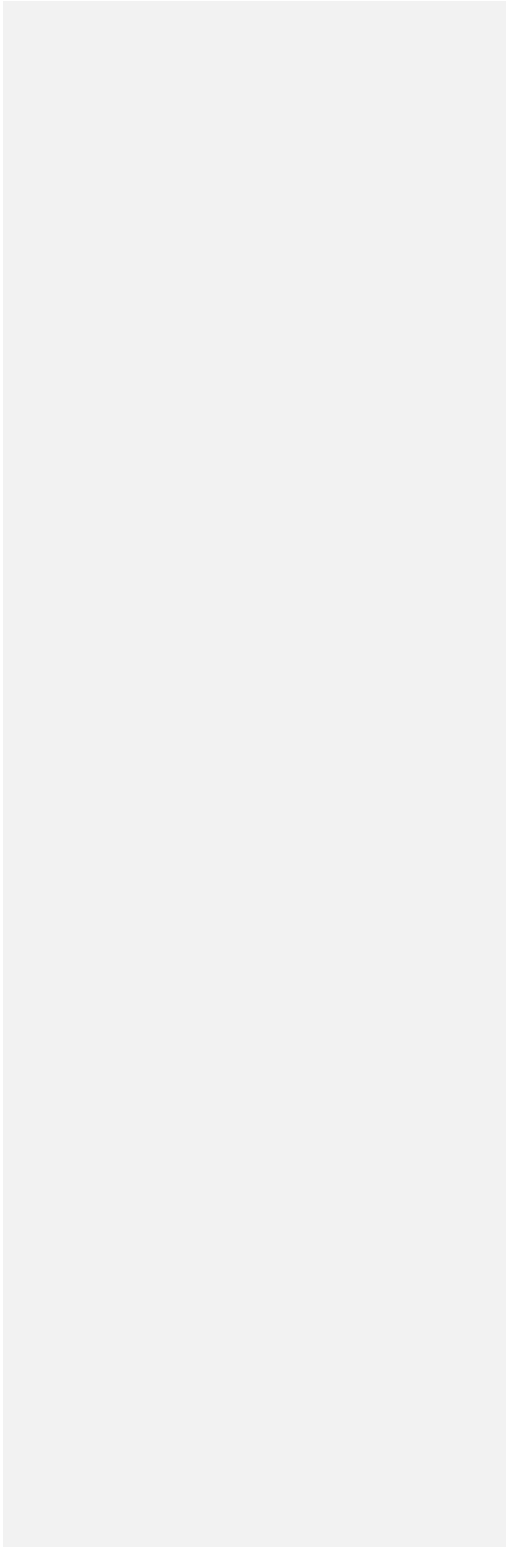
Lower Klamath Project
HPMP

APPENDIX E CORRESPONDENCE ON THE HPMP





APPENDIX F CONSULTATION MEETING MINUTES





Oregon
Kate Brown, Governor

Parks and Recreation Department
State Historic Preservation Office
725 Summer St NE Ste C
Salem, OR 97301-1266
Phone (503) 986-0690
Fax (503) 986-0793
www.oregonheritage.org



January 21, 2022

Kim Nguyen, Chief
Federal Energy Regulatory Commission
888 First St NE
Washington, DC 20426

RE: SHPO Case No. 17-1370
FERC 14803, KRRRC LOWER KLAMATH PROJECT
Removal of dams Oregon and California
Multiple locations, Klamath County

Dear Kim:

Thank you for submitting project materials for our review. Comments below relate to the Historic Properties Management Plan (HPMP) and the report on built resources. Comments to the Memorandum of Agreement (MOA) are in the attached word document, in tracked changes.

The first question relates to whether the project referenced above is in fact a federal undertaking. The MOA states the FERC is "considering" approval. As such, has FERC approved the License Surrender Order? If they have not yet approved the License Surrender Order, Section 106 of the National Historic Preservation Act (NHPA) may not yet be applicable. This could make it difficult to concur with the area of potential effects (APE), any determinations of eligibility (DOE), or findings of effect (FOE), as these are all addressed during the Section 106 process. For our concurrence on these we need to know if the project is an undertaking subject to Section 106. If not, when that happens, then we will want a document requesting our concurrence on the APE, DOE, and FOE.

Regarding cited Oregon Revised Statutes (ORS) in the HPMP, please note the exemption from public disclosure reference should be ORS 192.345, and the archaeological objects and sites statute is ORS 358.905-961. The archaeological permit statute should be changed to ORS 390.235.

Regarding evaluations of archaeological sites, please consider the following: According to 36CFR800.4(c)(1), evaluating historic significance requires applying the National Register criteria (A, B, C, and D). The archaeological sites in the HPMP all appear to only have been recommended eligible under Criterion D, if even evaluated. There does not appear, for example, any attempt to identify significant patterns of events (Criterion A) which would seem likely given the village sites around the reservoir and associated activity areas. In addition, isolates, which could be part of a Criterion A pattern of events are not addressed in the Area of Direct Impacts (ADI). According to National Register Bulletin 15, an isolate could be considered a "site", and eligible to the National Register of Historic Places (NRHP).

A site is the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archaeological value regardless of the value of any existing structure. A site need not be marked by physical remains if it is the location of a prehistoric or historic event or pattern of events and if no buildings, structures, or objects marked it at the time of the events. [NR Bulletin 15].



We need something to concur with that is supported and justified. In that regard, it is important to understand all applicable eligibility criteria in order to assess adverse effects. According to 36CFR800.5 (1), adverse effects are “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...”. Also, Historic Properties of Religious and Cultural Significance to an Indian Tribe (HPRCSIT) are not addressed as required in Section 106. Differences between HPRCSITs and Traditional Cultural Properties (TCPs) are that the former is specific to tribes, and regulations specifically call out that the agency official shall acknowledge that tribes have special expertise assessing the eligibility of such properties. That requires consultation, and input from tribes specifically.

Please provide evaluations of properties by applying the National Register criteria, and through consultation regarding any HPRCSITs. If adverse effects are known to any of these, the information will dictate appropriate mitigation options, which would also require discussion amongst appropriate consulting parties.

Regarding the Area of Direct Impacts, basically, that would just be known direct effects in the APE. Indirect effects are unclear. There is mention of visual effects, but those can also be direct. Where looting is mentioned based on exposure after the removal is complete, that would seem to be an indirect effect. In any event, the arbitrary APE for the undertaking is fine. However, since an APE by definition includes direct and indirect effects, it is unclear why there is also an ADI. Just include an APE, then list known direct effects from the project/undertaking, and known/anticipated indirect effects. While it does make sense to use an arbitrary APE for large undertakings, by definition (36CFR800.4) the agency official is required to "take the steps necessary to identify historic properties within the area of potential effects." Since the APE is arbitrary, we suggest including a statement on how inventory methods are specifically targeting known or anticipated direct and indirect effects. List any resources known or identified in these areas, and list other known or identified properties in the APE that will not be directly or indirectly affected based on available information. Of course the other option is to cater the APE to the area of known or anticipated direct and indirect effects.

Regarding historic built resources, overall we find the effort to identify historic properties within the APE to be generally adequate and suitable, with the exception noted below. We generally agree with the findings of the report, especially concerning the eligibility of the JC Boyle Dam Historic District (eligible), the decision on which elements contribute and which do not, and with the effect (adverse). We did notice in our review that the handful of recreational areas, parks and campgrounds within the APE (Topsy Campground, Klamath River Recreation Site, etc.) were not directly addressed in terms of eligibility and effect, and would like to see those evaluated.

Our review of the deliverables for the survey data, specifically the Historic Sites Database, identified that the survey database prepared by AECOM does not include any of the non-contributing elements of the JC Boyle Dam Historic District (comprising 9 of the 13 elements of the historic district), only those that contribute. We request that these non-contributing and out-of-period resources be added, such that the complete picture of the historic district can be understood. We also noted that the location information provided for these individual elements is provided in UTM, but we require latitude and longitude in order to properly map these in the future.

We are available to meet with FERC, Klamath River Renewal Corporation, and CA SHPO to get updates on the undertaking as needed. Thanks again for your submission.

In order to help us track the undertaking accurately, reference the SHPO case number above in all correspondence.

Sincerely,

A handwritten signature in cursive script that reads "John D. Pouley".

John Pouley, M.A., RPA

State Archaeologist
(503) 480-9164
john.pouley@oregon.gov

cc: Jennifer Polardino, Federal Energy Regulatory Commission
Kirk Ranzetta, AECOM
Laura Hazlett, Klamath River Renewal Corporation
Julianne Polanco,

March 11, 2022

Kimberly D. Bose
Secretary, Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

Re: Update of Historic Properties Management Plan and Submittal of Consolidated 100-Percent Construction Package; Lower Klamath Project, FERC Project Nos. 14803-001 and 2082-063

Dear Secretary Bose:

On February 25, 2021, the Commission issued its *Draft Environmental Impact Statement for Hydropower License Surrender and Decommissioning for the Lower Klamath Project* (DEIS).¹ The DEIS includes Staff modifications that pertain to Klamath River Renewal Corporation (Renewal Corporation) work in progress to complete an update to its Historic Properties Management Plan (HPMP) and to complete a consolidated 100-percent construction package for review by FERC and the Lower Klamath Project Independent Board of Consultants (BOC). The Renewal Corporation appreciates the guidance provided by Staff in the DEIS. In order to respond to these Staff modifications, the Renewal Corporation respectfully requests additional time and proposes the following schedule to complete this work.

Historic Properties Management Plan

On December 14, 2021, the Renewal Corporation updated fifteen Management Plans² previously filed with the Commission in support of the Amended Surrender Application.³ At that time, the Renewal Corporation advised the Commission that it would file an update to its Historic Properties Management Plan (HPMP) by March 31, 2022.

The DEIS includes the following staff modification concerning the HPMP:

Prepare a supplemental HPMP in consultation with the Oregon SHPO, California SHPO, participating Tribes, and other appropriate agencies and organizations to address the following: (1) the results of Phase II archaeological studies; (2) the results of additional surveys and evaluations of historic structures; (3) the results of the pending traditional cultural properties (TCP) studies and Tribal consultation; (4) identification of specific effects on all historic properties, and resource-specific measures to resolve effects

¹ FERC accession no. 20220225-3040.

² *Update of Management Plans to Implement Definite Decommissioning Plan; Lower Klamath Project*, FERC Project Nos. 14803-001 and 2082-063, FERC accession no. 20211214-5058.

³ *Amended Application for Surrender of License for Major Project and Removal of Project Works and Request for Expedited Review*, FERC Nos. 14803-001, 2082-063 (Amended Surrender Application), FERC accession no. 20201117-5191.

determined to be adverse; and (5) additional items identified by the Commission as requiring clarification.⁴

The Renewal Corporation will address these modifications in its updated HPMP. In order to do so, the Renewal Corporation respectfully requests additional time and now proposes to file its updated HPMP on May 2, 2022. As your designated non-federal representative,⁵ we will seek to consult with the Oregon and California State Historic Preservation Officers, participating Tribes, and other appropriate agencies and organizations to complete this work. As stated in your September 28, 2021 letter:

“According to its May 20, 2021 filing, the Renewal Corporation intends to continue to work with the Oregon and California SHPOs to finalize the eligibility determinations once the Phase II studies are complete. [¶] Thus, we anticipate the Renewal Corporation will file a supplement to the HPMP that includes an update on this ongoing consultation regarding National Register eligible resources, as well as specific measures to resolve any adverse effects in accordance with 36 C.F.R. 800.6.”⁶

Consolidated 100-Percent Construction Package

In October of 2021, FERC’s Division of Dam Safety and Inspections - Portland Regional Office provided direction regarding a consolidated 100-percent construction package sufficient for review by FERC and the BOC.⁷ On January 14, 2022, the Renewal Corporation advised FERC that it would provide this information to FERC by the end of March 2022.⁸ However, the DEIS includes Staff modifications that pertain to the construction package, including modification to the existing tunnel closure design for bat access, coordination of the permanent restoration requirements and details between the RAMP and construction design packages, and incorporation of modification to the Permit Management Plans with the construction drawings and specifications. The Renewal Corporation respectfully requests additional time to address the Staff modifications in consultation with the resource agencies that could alter its 100-percent construction package, and now proposes to file this information with FERC on June 30, 2022.

⁴ DEIS p.2-57.

⁵ *Notice of Applications Filed with the Commission*, FERC Project Nos. 2082-062, 2082-063, 14803-000, 14803-001, FERC accession no. 20161110-3055 (Nov. 10, 2016).

⁶ Letter from Kim A. Nguyen, Chief, Environmental and Project Review Branch, FERC Division of Hydropower Administration and Compliance, to Ms. Julianne Polanco, California State Historic Preservation Officer, California Office of Historic Preservation, and Ms. Christine Curran, Deputy State Historic Preservation Officer, Oregon Parks and Recreation Department (Sept. 28, 2021) p. 5, FERC accession no. 20210928-3042.

⁷ Letter from Douglas L. Johnson, P.E., Regional Engineer, FERC Division of Dam Safety and Inspections, Portland Regional Office, to Mark Sturtevant, PacifiCorp, and Mark Bransom, Renewal Corporation (Oct. 13, 2021). The Renewal Corporation was advised that the construction package “should include, but not be limited to: 100-percent design plans and specifications, supporting design report, QCIP, TCEAP, Soil Erosion and Sediment Control Plan, Temporary Construction Surveillance Monitoring Plan, blasting plans, cofferdam and deep excavation plans and letters of approval, and a proposed construction schedule.”

⁸ FERC accession no. 20220113-5071.

March 11, 2022
Page 3

We request that you confirm acceptance of the proposed extension of time. Should FERC require any further information concerning this matter please direct any such requests to the undersigned. Thank you.

s/ Markham A. Quehrn
Markham A. Quehrn
Perkins Coie LLP
Attorneys for Klamath River Renewal Corporation

cc: Service List (FERC Nos. P-14803-001 and P-2082-063)
Lower Klamath Project Independent Board of Consultants
Douglas Johnson, (D2SI) Portland Regional Engineer
Julianne Polanco, California State Historic Preservation Officer
Lisa Sumption, Oregon State Historic Preservation Officer

CERTIFICATE OF SERVICE

I hereby certify that, on this 11th day of March 2022, I have served KRRC's Update of Historic Properties Management Plan and Submittal of Consolidated 100-Percent Construction Package; Lower Klamath Project, FERC Project Nos. 14803-001 and 2082-063 via email containing a link thereto, or via U.S.P.S. if no email address was available, upon each person designated on the official service lists compiled by the Secretary in these proceedings.

/s/ Ivy Carr
Ivy Carr
Legal Practice Assistant
Perkins Coie LLP
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FEDERAL ENERGY REGULATORY COMMISSION
Washington, D. C. 20426

OFFICE OF ENERGY PROJECTS

Project Nos. 14803-001 and 2082-063
—Oregon and California
Lower Klamath and Klamath Hydroelectric Projects
PacifiCorp

April 15, 2022

VIA USPS First-Class Mail

Ms. Sarah Kamman
Vice President and General Counsel
PacifiCorp
825 NE Multnomah Street, Suite 2000
Portland, OR 97232

Mr. Mark Bransom
Chief Executive Officer
Klamath River Renewal Corporation
2001 Addison Street, Suite 317
Berkeley, CA 94704

Subject: Proposed schedule for filing documents

Dear Ms. Kamman and Mr. Bransom:

This acknowledges receipt of your letter, filed March 11, 2022, in which you propose a modified schedule for filing a revised Historic Properties Management Plan (HPMP) and a consolidated 100 percent construction package (construction package), which are related to the surrender, removal, and decommissioning of the Lower Klamath Hydroelectric Project No. 14803.¹ The project is located on the Klamath River, in Klamath County, Oregon, and Siskiyou County, California.

¹ *PacifiCorp*, 162 FERC ¶ 61,236 (2018). See also *PacifiCorp, Klamath River Renewal Corporation, State of Oregon, and State of California*, 175 FERC ¶ 61,236 (2021).

The filing of a revised HPMP and a construction package were expected to be filed with the Commission by the end of March 2022.²

To properly address recommendations made in staff's *Draft Environmental Impact Statement for Hydropower License Surrender and Decommissioning for the Lower Klamath Project* (Draft EIS), issued on February 25, 2022, you now propose in your March 11 filing to file the revised HPMP by May 2, 2022, and the construction package by June 30, 2022. You state that additional time is necessary to address the draft EIS recommendations and for consultation with the resource agencies and other entities, and any necessary changes to these documents could alter the construction package.

We acknowledge your plans to file the revised HPMP and submit the construction package by May 2 and June 30, 2022, respectively. While review of the application to surrender, decommission, and remove the project features will continue, we emphasize that continued delays in filing the revised HPMP may affect the schedule for Commission staff's issuance of the final EIS, tentatively scheduled for September 2022.³ We will continue to work with you, the California and Oregon State Historic Preservation Officers, and interested Tribes, to timely fulfil our responsibilities under section 106 of the National Historic Preservation Act,⁴ as well as other federal statutes.

As stated in our October 13, 2021 letter to you, we reiterate that any review of the construction package,⁵ as well as any additional documents that may be submitted, is preliminary, and is intended only to offer staff-level comments on the information provided. It does not, and cannot, prejudice the outcome of the Commission's review of the surrender application. Furthermore, if the Commission determines that the surrender should be approved, revisions to the documents and additional review of them may be required before the start of any potential construction.

We also advise you that recommendations in our draft EIS should not be construed as final requirements. New information may be presented or additional comments on our draft EIS may be filed, that result in changes to these recommendations.

² See filings on December 14, 2021 and January 14, 2022, respectively.

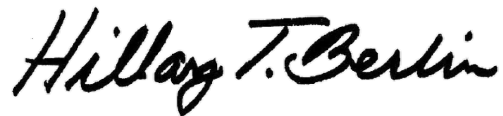
³ See the Commission's Notice of Intent, issued June 17, 2021.

⁴ 54 U.S.C. § 306108.

⁵ Specific instructions for submitting the construction package were provided in the Commission's Division of Dam Safety and Inspections – Portland Regional Engineer's letter to you dated October 13, 2021.

Thank you for your cooperation. If you have any questions regarding this matter, please contact Diana Shannon at (202) 502-6136 or diana.shannon@ferc.gov.

Sincerely,

A handwritten signature in black ink that reads "Hillary T. Berlin". The signature is written in a cursive style with a large, prominent "H" and "B".

Hillary T. Berlin, Acting Chief
Environmental and Project Review Branch
Division of Hydropower Administration
and Compliance



DEPARTMENT OF PARKS AND RECREATION
OFFICE OF HISTORIC PRESERVATION

Armando Quintero, Director

Julianne Polanco, State Historic Preservation Officer

1725 23rd Street, Suite 100, Sacramento, CA 95816-7100

Telephone: (916) 445-7000 FAX: (916) 445-7053

calshpo.ohp@parks.ca.gov www.ohp.parks.ca.gov

April 15, 2022

VIA EMAIL/FERC e-file (P-14803-001)

In reply refer to: FERC_2018_0507_001

Ms. Kim A. Nguyen, Chief
Environmental and Project Review Branch
Division of Hydropower Administration and Compliance
Federal Energy Regulatory Commission
Washington, D.C. 20426

RE: Lower Klamath Project

Dear Ms. Ngyuen,

This correspondence supplements my letter dated January 13, 2022 which responded to your consultation letter dated December 1, 2021. The Federal Energy Regulatory Commission (FERC) consults with the California State Historic Preservation Officer (SHPO) pursuant to Section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. § 300101), as amended, and its implementing regulation, 36 CFR Part 800. The FERC December 1, 2021 letter provided drafts of the following documents for review:

- *Lower Klamath Project Historic Properties Management Plan (HPMP)* (Klamath River Renewal Corporation, February 2021)
- *Memorandum of Agreement Between the Federal Energy Regulatory Commission and The California State Historic Preservation Office The Oregon State Historic Preservation Office Regarding the Lower Klamath Hydroelectric Project License Surrender in Klamath County, Oregon and Siskiyou County, California (FERC No. 14803) (March, 22, 2021)*

An additional letter from the applicant for the above referenced undertaking was received on December 10, 2021 transmitting the following report:

- *Lower Klamath Project Historic Built Environment Technical Report* (AECOM Technical Services, Inc., December 2021)

Following review of the above-mentioned documents, I offer the following comments:

- Regarding the *Lower Klamath Project Historic Built Environment Technical Report*, it appears that efforts to identify built environment resources that would qualify for inclusion in the National Register of Historic Places are reasonable

and that the National Register criteria at 36 CFR Part 63 were applied appropriately.

- Regarding the Historic Properties Management Plan (HPMP) and Memorandum of Agreement (MOA) referenced above, comments were provided by letter dated January 13, 2022. Due to the size and scope of the undertaking and considering that not all historic properties or effects to them would be able to be identified or assessed until the project is underway, a Programmatic Agreement (PA) was suggested as a more appropriate and effective type of agreement. I understand that in the Draft Environmental Impact Statement released in February 2022, FERC has stated that the Commission intends to consult on a PA among the California and Oregon SHPOs, FERC, Tribes, and other interested parties.
- Pursuant to 36 CFR §§ 800.2(c)(4) and 800.14(b), the SHPO awaits formal consultation with FERC ostensibly to consider formal requests for the SHPO to concur in FERC's determinations of National Register eligibility for archaeological resources, historic properties of religious and cultural significance to Indian tribes, and the aforementioned built environment resources, as well as a request to review and comment on the forthcoming draft PA. As it is anticipated that the draft PA will necessitate modification of the draft HPMP to ensure that the PA replaces all processes appropriate to our subsequent consultation, while the HPMP memorializes negotiated historic property treatments and management measures, I look forward to working collaboratively with all consulting parties to finalize both documents as soon as FERC makes the initial draft of the PA available.

If you have any questions, please contact Brendon Greenaway, Associate State Archaeologist, at Brendon.Greenaway@parks.ca.gov.

Sincerely,



Julianne Polanco
State Historic Preservation Officer

cc:

Reid Nelson, Acting Executive Director, ACHP
Jaime Loichinger, Assistant Director ACHP
John Eddins, Program Analyst ACHP
Chrissy Curran, Oregon SHPO
Heather Campbell, Federal Preservation Officer, FERC

Jennifer Polardino, Environmental and Project Review Branch, FERC

Keduescha Lara-Colegrove, THPO, Hoopa Valley Tribe

Alex Watts-Tobin, THPO, Karuk Tribe

Perry Chocktoot, Culture and Heritage Director, Klamath Tribes Crystal

Robinson, Environmental Director, Quartz Valley Indian Nation Janice

Crowe, Chairman, Shasta Indian Nation

Sami Jo Difuntorum, Culture Preservation Officer, Shasta Indian Nation Rosie

Clayburn, THPO, Yurok Tribe

Jeanne Goetz, Heritage Program Manager, Klamath National Forest

Eric Ritter, Archaeologist, Bureau of Land Management Redding Field Office

Richard Roos-Collins, Klamath River Renewal Corporation

