Appendix O

Programmatic Agreement

FINAL DRAFT

PROGRAMMATIC AGREEMENT
AMONG
THE BUREAU OF LAND MANAGEMENT,
THE WESTERN AREA POWER ADMINISTRATION,
THE USDA FOREST SERVICE,
THE NATIONAL PARK SERVICE, INTERMOUNTAIN REGION,
THE BUREAU OF RECLAMATION,
THE BUREAU OF INDIAN AFFAIRS,
THE U.S. FISH AND WILDLIFE SERVICE,
THE U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
THE WYOMING STATE HISTORIC PRESERVATION OFFICER,
THE COLORADO STATE HISTORIC PRESERVATION OFFICER,
THE UTAH STATE HISTORIC PRESERVATION OFFICER,
THE NEVADA STATE HISTORIC PRESERVATION OFFICER, AND
TRANSWEST EXPRESS LLC,

REGARDING COMPLIANCE WITH
THE NATIONAL HISTORIC PRESERVATION ACT
FOR THE
TRANSWEST EXPRESS TRANSMISSION PROJECT

WHEREAS, TransWest Express LLC (Applicant) has applied for and the Bureau of Land Management (BLM) is considering the issuance of a federal right-of-way (ROW) grant and associated permits for the TransWest Express Transmission Project (the Undertaking) and the BLM is preparing this Programmatic Agreement (PA) under the requirements of Title 54 U.S.C. § 306108, commonly known as Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA)(hereinafter referred to as Section 106), as a Signatory; and

WHEREAS, Western Area Power Administration (Western), as authorized under the 2009 amendments to the Hoover Power Plant Act of 1984, is considering providing Federal funding for the Undertaking; and if they do provide Federal funding, Western will obtain temporary or permanent access rights to non-Federal lands in accordance with the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, where land rights across each non-Federal land ownership parcel are appraised pursuant to Federal Standards, and Western's Section 106 responsibilities in that eventuality are covered by this PA, and Western is a Signatory to this PA; and

WHEREAS, the USDA Forest Service (USFS) is considering issuing a special use permit to construct, operate, maintain and decommission the proposed Undertaking and is a Signatory to this PA; and

WHEREAS, the National Park Service (NPS), Intermountain Region, is considering issuing a special use permit to construct, operate, maintain and decommission the proposed Undertaking and is a Signatory to this PA; and

WHEREAS, the Bureau of Reclamation (BOR) is considering issuing a license to the Applicant to construct, operate, maintain and decommission the proposed transmission line across any BOR lands crossed by the Undertaking and is a Signatory to this PA; and

WHEREAS, the Sacramento District of the U.S. Army Corps of Engineers (USACE), administers a permit program under the authority of the Rivers and Harbors Act of 1899, Section 10 (33 U.S.C. Section 403), and the Clean Water Act of 1973, Section 404 (33 U.S.C. Section 1344) and may issue permits authorizing the discharge of dredged or fill material through Section 10 (the Undertakings) associated with the Undertaking, and is a Signatory to this PA; and

WHEREAS, the Undertaking is an approximately 750-mile transmission line extending from southern Wyoming through Colorado and Utah and into southern Nevada; across multiple federal, state, and local jurisdictions; private lands; and tribal lands (Appendix A – Map of Proposed Route and Alternatives); and

WHEREAS, the Applicant intends to construct, operate, maintain and decommission the Undertaking according to general parameters contained in the approved project Plan of Development (POD) for the Undertaking which shall be appended to and made a part of the Records of Decision (ROD) authorizing the ROW grant; and

WHEREAS, the BLM has determined that issuance of the ROW grant and related authorizations is an undertaking as defined at 36 CFR 800.16(y) that triggers the requirements of Section 106 on affected federal and non-federal lands during the planning, construction, operation, maintenance and decommissioning of the Undertaking; and

WHEREAS, for purposes of the Undertaking, the BLM Wyoming State Office is lead federal agency for compliance with Section 106 on behalf of the Bureau of Land Management, Western Area Power Administration, USDA Forest Service, National Park Service, Bureau of Reclamation, Bureau of Indian Affairs, U.S. Fish and Wildlife Service, and U.S. Army Corps of Engineers (federal agencies) [36 CFR 800.2(a)(2)], as evidenced by the Interagency Transmission Memorandum of Understanding (October 23, 2009) and by BLM Washington

Office Instruction Memorandum 2010-169, Implementation Guidance for the Interagency Transmission Memorandum of Understanding, and by the Memorandum of Understanding between BLM and Western Area Power Administration (Western) and/or by the signing of this PA by any responsible federal agency official, and is the primary contact for all Consulting Parties to this PA including Indian tribes; and

WHEREAS, the effects on historic properties are multi-state in scope and cannot be fully determined prior to approval of the Undertaking, the BLM, in consultation with the Consulting Parties, has determined to use a phased process to identify historic properties [36 CFR 800.4(b)(2)] and assess the effects on those properties [36 CFR 800.5(a)(3)], such that completion of the identification and evaluation of historic properties, determinations of effect on historic properties, and consultation concerning measures to avoid, minimize, or mitigate any adverse effects will be carried out in phases as part of planning for and prior to any Notice to Proceed (NTP) and Undertaking implementation; and

WHEREAS, BLM has determined that a PA documenting the terms and conditions for compliance with Section 106 will be negotiated among Consulting Parties according to 36 CFR 800.14(b)(1)(ii); and

WHEREAS, the BLM has determined that the Undertaking may have direct, indirect, and cumulative effects on cultural resources included in or eligible for inclusion in the National Register of Historic Places (NRHP), hereinafter called historic properties, and has consulted with the Wyoming, Colorado, Utah, and Nevada State Historic Preservation Officers (SHPO) who are Signatories to this PA; and

WHEREAS, the BLM has notified the Advisory Council on Historic Preservation (ACHP), pursuant to Section 106 and its implementing regulations [36 CFR 800.6(a)(1)], and the ACHP has elected to participate in consultation and is a Signatory to this PA; and

WHEREAS, the Undertaking includes lands administered by the State of Utah, School and Institutional Trust Lands Administration (SITLA), an agency in the State of Utah that has a responsibility to comply with Utah Code Annotated (UCA) § 9-8-404 on lands owned or controlled by SITLA within the Areas of Potential Effects (APEs). SITLA intends to employ this PA to address applicable requirements for actions resulting from this PA involving land administered by SITLA. SITLA, however, does not waive its independent state statutory jurisdiction to make final decisions concerning its lands, and is not bound in its leasing or other approval authority by actions taken, or determination made, concerning Federal lands, and has therefore been consulted and invited to become an Invited Signatory to this PA; and

WHEREAS, the Undertaking includes lands administered by the Utah Department of Transportation (UDOT), an agency in the State of Utah, that has a responsibility to comply with

UCA § 9-8-404 on lands owned or controlled by UDOT within the APEs. UDOT intends to employ this PA to address applicable requirements for actions resulting from this PA involving land administered by UDOT. UDOT, however, does not waive its independent state statutory jurisdiction to make final decisions concerning its lands, and is not bound in its leasing or other approval authority by actions taken, or determination made, concerning Federal lands, and has therefore been consulted and invited to become an Invited Signatory to this PA; and

WHEREAS, the Utah Reclamation Mitigation & Conservation Commission (URMCC) is considering issuing a license to the Applicant to construct, operate, and maintain a 500kv line across any URMCC lands crossed by the Undertaking and has therefore been consulted and invited to become an Invited Signatory to this PA; and

WHEREAS, the Applicant, as a potential grantee of the right-of-way, has participated in consultation pursuant to 36 CFR 800.2(c)(4), and is an Invited Signatory to this PA; and

WHEREAS, an alternative route may cross Indian trust lands on the Uintah and Ouray Indian Reservation and, whether Tribal and/or individual Indian-owned lands, upon obtaining consent from the Indian landowner(s), the Bureau of Indian Affairs (BIA) may issue encroachment permits and grants of easement for the Undertaking, and as a federal agency, is a Signatory to this PA, and the Ute Tribe of the Uintah and Ouray Indian Reservation (hereinafter called Ute Indian Tribe) is invited to become an Invited Signatory to this PA; and

WHEREAS, an alternative route may cross the Moapa River Indian Reservation of the Moapa Band of Paiute Indians, and whereas Public Law 96-491 reserves to the United States a right-of-way across the Moapa River Indian Reservation for the purpose of uses consistent with section 501(a) of the Federal Land Policy and Management Act of 1976, or under section 28 of the Act of February 25, 1920, commonly referred to as the Mineral Leasing Act, and whereas administration of any rights-of-way over, upon, under or through this corridor is the responsibility of the Department of the Interior, through the BLM, and if this alternative route is selected, the Moapa Band of Paiute Indians will be invited to become a Concurring Party; and

WHEREAS, the BLM recognizes its government-to-government obligation to consult with federally-recognized Indian tribes that may attach religious and cultural significance to historic properties that may be affected by the Undertaking and will continue to consult with affected Indian tribes regarding their concerns under Section 106; and

WHEREAS, the BLM, as lead agency for tribal consultation and coordination, has initiated consultation with the Chemehuevi Indian Tribe, Confederated Tribes of the Goshute Reservation, Duckwater Shoshone Tribe of the Duckwater Reservation, Eastern Shoshone Tribe of the Wind River Reservation, Ely Shoshone Tribe of Nevada, Fort McDermitt Paiute-Shoshone Tribe of the Fort McDermitt Reservation, Fort Mojave Indian Tribe, Hopi Tribe, Jicarilla Apache

Tribe, Kaibab Paiute Tribe, Kewa Pueblo (formerly Pueblo of Santo Domingo), Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony, Lovelock Paiute Tribe of the Lovelock Indian Colony, Moapa Band of Paiute Indians of the Moapa River Indian Reservation, Navajo Nation, Northern Arapaho Tribe of the Wind River Reservation, Northwestern Band of Shoshone Nation, Ohkay Owingeh (formerly Pueblo of San Juan), Paiute Indian Tribe of Utah, Paiute-Shoshone Tribe of the Fallon Reservation and Colony, Pueblo of Acoma, Pueblo of Cochiti, Pueblo of Isleta, Pueblo of Jemez, Pueblo of Laguna, Pueblo of Nambe, Pueblo of Picuris, Pueblo of Pojoaque, Pueblo of Sandia, Pueblo of San Felipe, Pueblo of San Ildefonso, Pueblo of Santa Ana, Pueblo of Santa Clara, Pueblo of Taos, Pueblo of Tesuque, Pueblo of Zia, Pueblo of Zuni, Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Reno-Sparks Indian Colony, San Juan Southern Paiute Tribe, Shoshone-Bannock Tribes of the Fort Hall Reservation, Shoshone-Paiute Tribes of the Duck Valley Reservation, Skull Valley Band of Goshute Indians of Utah, Southern Ute Indian Tribe of the Southern Ute Reservation, Summit Lake Paiute Tribe of Nevada, Te-Moak Tribe of Western Shoshone Indians of Nevada, Ute Indian Tribe of the Uintah and Ouray Reservation, Ute Mountain Ute Tribe of the Ute Mountain Reservation, Walker River Paiute Tribe of the Walker River Reservation, Washoe Tribe of Nevada and California, Winnemucca Indian Colony of Nevada, Yerington Paiute Tribe of the Yerington Colony and Campbell Ranch, and Yomba Shoshone Tribe of the Yomba Reservation, and has invited all of these tribes to be Concurring Parties to this PA; and

WHEREAS, the BLM continues to consult with the Alliance for Historic Wyoming, Archaeo-Nevada Society, Catherine Baker, The Church of Jesus Christ of Latter-day Saints, Huntington Eccles Scenic Byway, Lincoln County Chapter of the Nevada Archaeological Association, Mesa County (CO), Milford Archaeological Research Institute, Moffat County (CO), Mountain Meadows Association, Mountain Meadows Massacre Descendants, Mountain Meadows Monument Foundation, Nevada Archaeological Association, Nevada Rock Art Foundation, Old Spanish Trail Association, Oregon-California Trail Association, Utah Governor's Public Lands Policy Coordination Office, Utah Old Spanish Trail Association, Utah Professional Archaeological Council, Utah Rock Art Research Association, and Utah Statewide Archaeological Society and has invited them to be Concurring Parties to this PA; and

WHEREAS, the proposed or alternative routes may affect segments of the Old Spanish National Historic Trail (NHT), which is co-administered by the BLM and National Park Service (NPS); and

WHEREAS, the proposed or alternative routes may affect the Mountain Meadows Massacre Site National Historic Landmark (NHL) and the BLM has invited the NPS to participate in this consultation in order to identify the planning and actions that may be necessary to minimize harm to the Mountain Meadows Massacre NHL, as required by 36 CFR 800.10; and

WHEREAS, NPS has jurisdiction over Dinosaur National Monument, and an alternative may cross the Deerlodge Road leading into the park; and

WHEREAS, reference to "parties to this agreement" and "consulting parties" shall be taken to include signatories, invited signatories, and concurring parties. Concurring parties have only agreed to participate in the consultation process as outlined in the PA; it is understood that their participation does not necessarily imply an endorsement of the project in part or as a whole. Indian tribes and other parties consulting under Section 106 may decline to execute this document; however, the decision not to execute shall not preclude their continued or future participation as consulting parties to this Undertaking; and

WHEREAS**,** the BLM will require that the Undertaking be executed in accordance with the conditions of the ROW grant and other authorizations that may be granted by the federal land managing agencies (the "Authorizations"), and in accordance with the stipulations of this PA, which shall be appended to and made a part of the Records of Decision (ROD); and

WHEREAS, the BLM may issue a ROW grant for the construction, operation and maintenance, and eventual decommissioning of the Undertaking, and the ROW grant will incorporate this PA by reference; and

WHEREAS, this PA, and the Historic Properties Treatment Plans (HPTPs) that will be developed pursuant to this PA, will be incorporated into the approved project POD;

NOW, THEREFORE, the Signatories and Invited Signatories to this PA agree that the proposed Undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the Undertaking on historic properties and to comply with Section 106 of the NHPA for the Undertaking.

DEFINITIONS

Terms used in this PA are defined in Appendix B. All other terms not defined have the same meaning as set forth in ACHP's regulations at 36 CFR 800.16.

STIPULATIONS

The BLM, as lead federal agency, and in cooperation with the other federal and state agencies, shall ensure that the following stipulations are met and carried out:

I. Area of Potential Effects (APE)

A. Defining the APE

The BLM, in consultation with the SHPOs and other Consulting Parties, has defined and documented the APE based upon direct, indirect, and cumulative effects. The APE will apply to federal, state, tribal, and private lands that may be affected by the transmission line corridor, staging areas, access roads, borrow areas, transmission substations, and other related transmission infrastructure for this Undertaking. The BLM may modify the APE in accordance with Stipulation I.B. of this PA. The APE is defined 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. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking [36 CFR 800.16(d)].

1. Direct Effects

The APE for direct effects is the area within which historic properties may sustain physical alteration or destruction as a result of the Undertaking. The APE for direct effects is influenced by the area of potential ground disturbance by activities related to the Undertaking, and will be determined as follows:

a. For above ground transmission lines, the APE is 500 feet (250 feet on either side of the ROW centerline).

b. The APE for access roads, except for existing crowned and ditched or paved roads, is 100 feet on either side of the centerline for a total width of 200 feet. Existing crowned and ditched or paved roads are not part of the APE unless project-related changes to the current footprints of these roads are planned or if unanticipated effects occur in adjacent areas, at which time BLM will re-define the APE as appropriate pursuant to the terms of this PA.

c. The APE for staging areas, borrow areas, substations, and other transmission infrastructure includes the footprint of the facility and a buffer of 200 feet around the footprint of the proposed activity.

d. The APE for pulling/tensioning areas that fall outside the ROW is the footprint of the area plus a buffer of 200 feet around the footprint of the proposed activity.

e. The APE for geotechnical drill sites is the boring location footprint plus a buffer of 200 feet around the footprint of the boring location. In most cases, the APE for

the geotechnical drill site locations will fall within the direct APE of the transmission line and other project components.

2. Indirect Effects

The APE for indirect effects on historic properties considers visual, audible, and atmospheric elements that could diminish the integrity of historic properties for which setting, feeling, and/or association are aspects of such integrity.

a. The indirect APE for the Undertaking extends to the visual horizon, not to exceed three miles on either side of the transmission line centerline, unless an exception is raised as indicated in Stipulation III.D below. A Geographic Information System (GIS) viewshed analysis will be used to identify areas in the indirect APE from which the Undertaking may be visible, as identified in Appendix C.

b. Where the indirect APE includes traditional cultural properties (TCPs), rural historic landscapes (RHLs), properties of traditional religious and cultural significance, NHLs, NHTs, and other classes of historic properties for which setting, feeling, and/or association contribute to eligibility, additional analyses may be required and the indirect APE may be modified accordingly following procedures at Stipulation I.B below. These areas will require analysis on a case-by-case basis.

3. Cumulative Effects

Cumulative Effects are the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes other actions. For the purposes of this PA, the APE for cumulative effects is the same as that for direct and indirect effects.

B. Modifying the APE

1. The APE, as currently defined, encompasses an area sufficient to accommodate all of the Undertaking components under consideration as of the date of the execution of this PA. The APE may be modified when tribal consultation, additional field research or literature review, consultation with Consulting Parties, or other factors indicate that the qualities and values of historic properties that lie outside the boundaries of the currently defined APE may be affected directly, indirectly, or cumulatively.

a. If the BLM determines that the Undertaking or changes to the Undertaking may cause direct, indirect, or cumulative effects on historic properties that were not foreseeable at the time the PA was executed beyond the extent of the established APE, then the BLM may use the process set forth in Stipulation I.B.1.b. to determine whether to modify the APE.

b. Any Consulting Party to this PA may propose that the APE be modified by providing written justification and illustration of the proposed APE modification. The BLM shall send the modification proposal to all Consulting Parties and consult with them for no more than 30 days in an effort to reach consensus on the proposal. If the Signatories and Invited Signatories agree to modify the APE, the BLM will notify the Consulting Parties of the decision. If all Signatories and Invited Signatories cannot agree to a proposal for the modification of the APE, then the BLM will consider their concerns and will render a final decision.

2. Agreement to modify the APE will not require an amendment to the PA.

3. Amendment of the ROW grant during construction is covered under this PA; amendment of the ROW grant for operations, maintenance and decommissioning of the facilities will be considered a separate Undertaking under Section 106.

II. Protection of Confidential Information

To the extent consistent with NHPA Section 304 (54 U.S.C. § 300310), and the Archaeological Resources Protection Act (ARPA) Section 9(a), cultural resource data from this Undertaking will be treated as confidential by all Consulting Parties and is not to be released to any person, organization or agency not a Party to this PA. Confidentiality concerns for properties that have traditional religious and cultural significance to the Indian tribes will be respected and will remain confidential to the fullest extent permitted by law. BLM may require data sharing agreements with any Consulting Party to this PA who is interested in obtaining specific confidential information. Alternatively, BLM may require an authorization from the applicable State Director if the requested data is from a single state.

III. Identification, Evaluation, and Determination of Effects

A. The BLM will ensure that all work undertaken to satisfy the terms of this PA meets the Secretary of the Interior's Standards for Archeology and Historic Preservation (48 FR 44716) (*Federal Register*, September 29, 1983), hereinafter referred to as Secretary's Standards, and is consistent with the Advisory Council on Historic Preservation's (ACHP) guidance on archaeology and all applicable NPS guidance for evaluating National Register properties (*e.g. Guidelines for Evaluating and Documenting Traditional Cultural Properties*,

Guidelines for Evaluating and Documenting Rural Historic Landscapes). The BLM has defined conventions or standards for inventory corridors and survey intensity to adequately identify historic properties that may be affected by this Undertaking. Except for lands managed by USFS, all inventory activity will meet BLM Manual 8110 guidance and be consistent with that of the SHPOs, including guidance and standards found in respective BLM and SHPO State Protocol Agreements. Identification on lands managed by USFS will follow Forest Service Manual 2360.

B. The BLM will ensure that all identification and inventory on public and on all other lands is carried out by or under the direct supervision of a person or persons meeting, at a minimum, the applicable professional qualifications standards set forth in the Secretary's Standards and the permitting requirements of appropriate state and federal agencies and Indian tribes.

C. Identification and evaluation activities will be conducted only after qualified cultural resource professionals have obtained the appropriate federal, state and tribal permits for such fieldwork. The BLM or other appropriate federal or state land managing agencies shall authorize fieldwork to conduct inventories on land they manage, respectively, following review of a complete application from the Applicant's qualified cultural resource consultant.

D. Within 60 days of the signing of the BLM ROD, the Consulting Parties will identify to the BLM areas of concern within the direct and indirect APE. In addition, Consulting Parties may identify specific resources outside the 6-mile indirect APE, with justification for why that resource should be considered for evaluation. BLM, in consultation with the applicable land managing agency, will decide whether those resources should be included in the targeted reconnaissance of the indirect APE along the preferred route. Each Consulting Party will also convey to BLM how they would like to be kept informed of discoveries in their area/s of concern.

E. Inventory

The BLM will ensure that a cultural resource inventory will be completed in the following phases:

1. Phase 1 – Literature Review

A literature review of federal and state agency files has been completed for a two- mile-wide corridor along all alternatives of the proposed Undertaking. The literature review resulted in 4 reports, one for each state, which have been reviewed and commented on by BLM, other appropriate Federal agencies, and each SHPO. The literature review will inform all subsequent phases, and will be used as reference documents to support all of the Class III surveys conducted for this Undertaking. The BLM will ensure that additional file

searches are conducted as needed to address changes in the APE and to be current in advance of any Class III inventories.

2. Phase 2 – Pre-construction Inventory

   a. After the federal agencies issue RODs on the Undertaking, the Applicant will complete Class III inventories under BLM guidance for the direct APE, as indicated in Stipulation I.A.1., and where not covered by previous acceptable Class III inventories. Inventory and recordation methods for each applicable state will be used. Where there is insufficient information for making site eligibility determinations, the BLM and SHPOs may determine that additional archaeological testing or other investigations (*e.g.*, analysis of existing aerial imagery, archival/documentary/map research, and other means) are necessary to complete NRHP evaluations for cultural resources that may be affected. The Applicant will complete fieldwork and BLM will complete consultation for this phase prior to initiation of construction.

   b. Determination of archaeological site boundaries is required. Field recording of identified resources exceeding the APE that are either linear (e.g., roads, trails, fences, etc.) or extremely large will be inventoried to the same level as resources within the APE, to a maximum of 1,200 feet beyond the APE.

   c. Documentation may entail recordation of cultural resources over multiple land jurisdictions. The Applicant will obtain private landowner consent by written documentation to allow inventory beyond the APE if the boundaries of cultural resources extend beyond the APE. If landowner consent cannot be obtained to access the portion of the site outside the APE, BLM will make a determination of eligibility based upon all known information regarding the site and similar resources in the area.

   d. The Applicant will use existing resources to the extent available to identify historic properties eligible under Criteria A, B and/or C, that fall within the indirect APE and that may be affected by the Undertaking, as described in Appendix C. The Applicant will ensure that ethnographic and other information provided by the Consulting Parties or other knowledgeable sources will be addressed.

   e. At the conclusion of the fieldwork, the Applicant will submit for review copies of the draft reports and site forms, including identification and evaluation of historic properties within the indirect effects APE, to each BLM State Office. Each BLM State Office will distribute reports to the appropriate field offices, appropriate federal agencies, state agencies, and Indian tribes who have signed this PA or a data sharing agreement. Each report will be consistent with the appropriate state guidelines and formats including recommendations of eligibility and effect. Reports shall also

include appropriate state site inventory forms, other documentation for results of identification of properties of religious and cultural significance to Indian tribes, and recommendations on the historic significance, integrity, and NRHP eligibility of identified cultural resources [(36 CFR 800.4(c)].

f. The BLM field offices and other appropriate federal agencies, state agencies, and Indian tribes will have 30 days from receipt of each report to review and provide comments on the initial draft to the lead BLM Office. These comments will address adequacy of inventory and reports submitted under Section III.E.2.e above, the consultant-recommended eligibility of properties identified [36 CFR 800.4(c)], and the consultant-recommended effects of the Undertaking on any cultural resources considered to be historic properties [36 CFR 800.4(d) and 36 CFR 800.5]. Based upon the comments received, the BLM may require the Applicant to revise the reports. Any revised reports will be submitted to the BLM for a 15-day review.

g. The applicable Consulting Party will notify the lead BLM Office main point of contact by e-mail requesting a review extension and providing the justification for the delay, if time frames above cannot be met. The lead BLM Office will determine whether to grant an extension, not to exceed 30 days.

F. Determinations of Eligibility and Assessment of Effect

1. For each cultural resource that is within the direct APE, the BLM, in consultation with appropriate federal agencies, state agencies, SHPOs, and any Indian tribe that attaches religious and cultural significance to any identified resource, will determine NRHP eligibility pursuant to 36 CFR 800.4(c)(1) following NRHP guidance in "*How to Apply the National Register Criteria for Evaluation.*" Where there is insufficient information for making site eligibility determinations, the BLM, in consultation with the appropriate SHPO, may determine that archaeological testing or other investigations are necessary to complete NRHP evaluations for cultural resources that may be affected by the Undertaking.

2. Within the indirect APE, following a Geographic Information Systems (GIS) viewshed analysis, any of the following cultural resources from which the Undertaking can be seen will be evaluated for National Register eligibility: any previously identified cultural resource eligible under criterion A, B, or C; cultural resources identified as areas of concern by consulting parties pursuant to Stipulation III.D.; and portions of National Historic Trails. The methodology detailed in Appendix C will be utilized across the Undertaking and may include additional state-specific requirements.

3. The BLM will utilize a setting assessment methodology, described in Appendix C, to determine the effects to those historic properties identified in Stipulation III.F.2 for which setting, feeling and/or association contribute to eligibility. Tribal consultation will be carried out regarding sites previously identified by tribes as significant. This methodology will be utilized across the project and may include state-specific requirements. Appendix C may be revised through review by the BLM and Consulting Parties, without amendment of the PA.

4. Determinations of effect may be subject to change due to alterations in the Undertaking and APEs. BLM will consult with all appropriate Consulting Parties if any changes in the Undertaking or APE require changes in the agency's determinations of effect.

5. For each eligible property identified in Stipulation III.F.1-2, the BLM, in consultation with appropriate federal agencies, state agencies, SHPOs, and any Indian tribe that attaches religious or cultural importance to any identified historic property, will assess effects in order to identify all reasonably foreseeable and potentially adverse effects that may occur as a result of the Undertaking. BLM will take the comments of all consulting parties, including the recommendations for eligibility and assessments of effect, into account prior to submitting the Class III report to the appropriate SHPO.

a. Consultation with federal and state land-managing agencies

BLM will provide the applicable Class III inventory report to federal and state land managing agencies. These agencies will have 30 days to review the Class III reports and provide comments on eligibility and effect to BLM.

b. Consultation with Indian Tribes

After agency reviews are completed, BLM will provide the applicable Class III inventory reports to Indian tribes who sign this PA or a data-sharing agreement consistent with BLM Handbook H-8120-1, Part IV.E. Indian tribes will have 30 days to review the Class III report and provide comments on eligibility and effect to BLM.

c. Consultation with Other Consulting Parties

The Applicant will provide to BLM a summary document containing brief descriptions, recommendations for eligibility, and assessment of effect for each site. At the same time the BLM provides the Class III inventory reports to Indian tribes, as described above, BLM will distribute the summary document to Consulting Parties (other than Indian tribes and SHPOs) for review and

consultation regarding eligibility and effect, following 36 CFR 800.4(c), 36 CFR 800.5(a)(1) and (a)(2)(i)-(vii). The document will be consistent with confidentiality provisions of 36 CFR 800.11(c). Consulting Parties will have 30 days to review the summary document and provide comments to BLM.

d. Consultation with SHPO

BLM will provide each Class III inventory report to the appropriate SHPO for a 30-day review and will request concurrence regarding determination of eligibility and effect for all cultural resources whether on federal, state, tribal, or private lands. These determinations of effect will serve as the basis for the development of HPTPs.

1. If the BLM and SHPO agree that the cultural resource is not eligible for listing in the NRHP, no further review or consideration under this PA will be required for such cultural resources.

2. If the BLM and SHPO agree that the cultural resource is eligible, then effect determinations will be in accordance with Stipulation III. F.

3. If the BLM and SHPO do not agree on eligibility, and agreement cannot be reached within 30 days, then the BLM will request a determination of eligibility from the Keeper of the National Register (Keeper), pursuant to 36 CFR 800.4(c)(2) and 36 CFR Part 63. The Keeper's determination will be final.

6. The applicable Consulting Party will notify the lead BLM Office main point of contact by e-mail requesting a review extension and providing the justification for the delay, if time frames above cannot be met. The lead BLM Office will determine whether to grant an extension, not to exceed 30 days.

IV. Tribal Consultation

Through government-to-government consultation with Indian tribes, pursuant to 36 CFR 800.2(c)(2), the BLM and other federal land-managing agencies, as appropriate, will make a good faith effort to identify properties that have traditional religious and cultural significance to one or more Indian tribes and to determine whether they are historic properties. Discussion of these properties will be integrated, as applicable, as a separate chapter or appendix, or submitted as a separate report. Ethnographic studies are not required, but may be requested by Indian tribes and any that are completed will become an addendum to the inventory. All parties to the PA will respect any sites of traditional

religious and cultural importance [NHPA 101(d)(6)(A)] and confidentiality concerns expressed by Indian tribes to the extent allowed by law (see Stipulation II).

V. Resolution of Adverse Effects

A. If the BLM determines that the Undertaking will have adverse effects on historic properties, the BLM shall consult with the appropriate SHPOs, Consulting Parties and Indian tribes to develop and evaluate alternatives or modifications to the Undertaking that could avoid, minimize, or mitigate adverse effects to those properties.

B. The BLM, to the maximum extent possible, will undertake planning and actions that may be necessary to minimize harm to NHLs that may be directly and adversely affected by the Undertaking (36 CFR 800.10). The BLM will notify the ACHP and the NPS regarding whether the Undertaking will have an adverse effect on an NHL and will ask the ACHP and NPS to participate in consultation to resolve any adverse effects to NHLs prior to issuance of an NTP.

C. Historic Properties Treatment Plans (HPTPs)
BLM will resolve adverse effects on historic properties by ensuring that state-specific HPTPs are prepared and implemented as described below. The HPTPs will provide specific avoidance, minimization, or mitigation measures, commensurate with the adverse effects of the Undertaking, and to lessen any potential for cumulative effects.

1. The Applicant will prepare a draft HPTP outline in coordination with the BLM for each state affected by the Undertaking for a 30 day review. Each HPTP will be prepared in consultation with the appropriate SHPO, Consulting Parties and Indian tribes, and will be consistent with the Secretary's Standards; the Advisory Council on Historic Preservation's *Section 106 Archaeology Guidance* (2009); the Historic American Buildings Survey (HABS), Historic American Engineering Record (HAER), and Historic American Landscapes Surveys (HALS) guidance (http://www.nps.gov/hdp/); and appropriate state guidelines. The BLM will hold a consultation meeting with all Consulting Parties to produce the HPTP.

2. Creation, Review and Approval of HPTPs

   a. BLM will use a draft HPTP outline and consult with Indian tribes and all Consulting Parties to determine HPTP content.

   b. Once each HPTP is completed and accepted by the BLM, the Applicant will provide the appropriate plan to each BLM Deputy Preservation Officer (DPO) who will

distribute the plan to the applicable federal and state agencies, Consulting Parties and Indian tribes within their state for a final 30-day review.

c. All comments will be submitted to the appropriate BLM DPO.

d. BLM will take all comments into account and direct the Applicant to revise the plans, as appropriate. The Applicant will revise and provide new plans to the BLM within 10 days. BLM will ensure that the appropriate changes have been made and will submit the final HPTP to each SHPO for a 15-day review and concurrence.

3. Each HPTP will list all identified historic properties within the APE that will be subject to adverse effects, including those avoided through special conditions (e.g., fencing, flagging), by state; by land ownership; by township, range, and section number; and by milepost of the Undertaking in which it occurs. The plans will identify the specific avoidance, minimization and/or mitigation strategies proposed to address the direct, indirect, and cumulative effects of the Undertaking for both individual historic properties and specific groups of historic properties (e.g., archaeological sites, trails, etc.).

a. Each plan will identify whether the actions required to implement avoidance, minimization and/or mitigation for each historic property must be implemented prior to the authorization of any ground-disturbing activities in a segment (e.g., archaeological data recovery, landscape photography), or will be implemented following authorization of ground-disturbing activities (e.g., historical research, installation of an interpretive kiosk, public education materials, etc.).

b. Each plan will provide a table listing each historic property, including:

(1) A distinctive name or number;
(2) A brief description of the historic property;
(3) Its sequential location in terms of distance and direction from a project-defined milepost(s) or similar established markers;
(4) The type of disturbance that will affect the historic property;
(5) The nature or kind of each required treatment measure (avoidance, minimization, mitigation) pertaining to each historic property (e.g., landscape photography, archaeological data recovery, etc.);
(6) The identification of treatment measures, if any, which must be completed prior to authorization of ground-disturbing activities and/or those measures which may be completed after authorization of ground-disturbance; and
(7) The documentation and reporting procedures for each proposed treatment measure.

4. Each HPTP will incorporate research designs as needed to guide data recovery and other treatment efforts. BLM and SHPOs may utilize existing research designs included within acceptable historic context documents when the Consulting Parties agree that they are appropriate to a specific historic property or group of properties.

5. Other examples of treatment measures for adverse effects may include, but are not limited to:
    a. Completion of NRHP nomination forms
    b. Conservation easements
    c. HABS, HAER, and HALS documentation to be submitted to the Library of Congress
    d. Documentation of local or regional resources to be submitted to the appropriate SHPO or State Archives
    e. Purchase of land containing NHT segments or other historic properties for transfer to protective management/ownership with willing consent of landowner
    f. Partnerships and funding for public archaeology projects
    g. Print publication (brochure/book)
    h. Digital media publication (website/podcast/video).

6. HPTPs will include provisions for the discovery and treatment of previously unidentified cultural resources and the discovery of human remains (see Stipulations VII and VIII) that occur after issuance of any NTP.

7. Monitoring Plan
   Each HPTP will include a monitoring plan for implementation during construction, operation and maintenance. BLM and SHPOs may utilize existing monitoring plans when the Consulting Parties agree that they are appropriate to a specific historic property or group of properties.

    a. This plan will address monitoring for compliance with stipulations of the HPTP, as well as a potential strategy to avoid, minimize, or mitigate direct, indirect or cumulative adverse effects on historic properties at any time during the Undertaking, and include provisions for inadvertent discoveries of cultural resources including human remains and archaeological sites.

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

c. Monitoring shall, as appropriate, include archaeological inspection of construction activities by personnel under the direct supervision of a person meeting the Secretary of the Interior's Professional Qualifications standards.

d. Should tribal consultation indicate the need for tribal monitors along the construction route near historic properties or site types previously identified as significant to tribes or at testing or excavation locations, provisions for such monitors will be included in the plan.

e. Any cultural resource, human remains or funerary objects discovered during pre-construction, construction, construction monitoring, or operation and maintenance activities will be treated in accordance with the inadvertent discovery protocols in the HPTP, described in Stipulation V.C.6.

8. Operations and Maintenance

The HPTP shall address all operations and maintenance activities related to the functioning of the Undertaking after construction and reclamation are completed and prior to decommissioning. These permitted activities are defined in the POD. All terms, conditions, and stipulations concerning historic properties which are included in the POD and the ROW grant must be followed during any operations and maintenance activities.

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

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

c. The HPTP will identify a variance review process for operations and maintenance, to address any changes in procedures that could have an adverse effect on historic properties in the ROW. The applicant will submit a request for variance review to the BLM for any proposed changes in use of equipment or other changes that may result in ground disturbance outside of the previously surveyed APE. The BLM, in consultation with the appropriate SHPO and land managing agency, will develop a list of operation and maintenance activities that will NOT be subject to additional Section 106 review, and will identify the types of activities that will require additional Section 106 review. The HPTP will incorporate these lists.

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

9. Decommissioning

a. Prior to decommissioning the transmission line, the BLM, in consultation with the Consulting Parties, will assess the direct, indirect and cumulative effects on historic properties of decommissioning this transmission line and associated facilities in accordance with Stipulation III.F.

b. The BLM will consult with the Consulting Parties in accordance with Stipulation III. F.5 on assessments of effects on historic properties from decommissioning and seek ways to avoid, minimize, or mitigate adverse effects on historic properties under the HPTP Stipulation V.A-C.

c. Review of assessments of effect will proceed according to the measures and time frames established in Stipulation III.E-F. Disagreement regarding assessments of effect will be handled according to the procedures established in Stipulation XIV.

10. Implementation of HPTPs and Issuance of NTP

BLM may issue an NTP for a portion of the Undertaking if the authorized activities will not preclude the BLM's or Applicant's ability to re-site or re-locate other facilities in adjacent portions of the Undertaking to avoid adverse effects on historic properties, or to resolve those adverse effects in accordance with terms of this PA.

D. Upon final acceptance by the BLM and SHPO, each HPTP will be appended to this PA as Appendix D.

VI. Personnel Training

Prior to conducting environmental training, the Applicant will provide their cultural resource training materials to BLM for a 30-day review. During that review period, BLM may request a 15-day review from the Consulting Parties.

Before any company is authorized to work within the APE, the Applicant shall train all personnel (including contractors, inspectors and monitors) involved in construction, operation, maintenance, and/or decommissioning of the Undertaking on site avoidance and protection measures and statutes protecting all cultural resources. Training will include sensitivity training regarding properties of traditional religious and cultural significance to Indian tribes and tribal issues in general. At a minimum, all personnel shall receive in-person training that discusses the importance of cultural resources, including linear resources such as historic trails; laws and regulations protecting them; and penalties for violation. This training program will also apply to personnel hired after the project has

started. The Applicant shall maintain records demonstrating that the above described personnel training has been carried out and that all on-site workers have received the training.

If construction occurs outside of the approved ROW, BLM will utilize the compliance and monitoring plan to determine whether to issue a stop-work order while the Applicant provides additional training for personnel in the area.

VII. Discovery of Previously Unidentified Cultural Resources

If potential historic properties are discovered after construction has begun or unanticipated effects occur to known historic properties, the BLM will implement a Discovery Plan, which will be developed in consultation with Consulting Parties prior to issuance of any NTP and be included in the HPTP pursuant to Stipulation V.C.6.

VIII. Discovery of Human Remains

If human remains are discovered, the BLM will follow the provisions of applicable state and local laws and NAGPRA (25 U.S.C. § 3001), pursuant to a Plan of Action that will be included in the HPTP. All work within 200 feet of the discovery will cease, and the Applicant will protect the discovery, as directed by the Plan of Action. Procedures for the discovery of human remains will be developed in consultation with Consulting Parties and prior to issuance of any NTP. The procedures will also address curation and repatriation.

IX. Curation

A. Collection of archaeological materials will follow the applicable state inventory policy. All materials found on federal lands will remain federal property when curated, unless otherwise repatriated in accordance with federal law.

B. Archaeological materials collected from non-federal lands (including private, state and/or tribal) pursuant to the implementation of this PA shall be maintained in accordance with 36 CFR Part 79 until all analysis is complete. If such non-federal landowners do not wish to allow analysis offsite, all analysis will occur in the field. If such non-federal landowners wish to donate collections from their lands to a museum, university, historical society, or other repository, the BLM will ensure the transfer occurs and the Applicant covers the transfer and curation costs. Otherwise, BLM will ensure that collections from such non-federal lands are returned to the landowners within 60 days of acceptance of the applicable report by the appropriate SHPO. The Applicant will provide documentation of the disposition of non-federal collections to the BLM and the appropriate SHPO.

C. The BLM shall ensure that curation of the material remains and all associated records resulting from identification and data recovery efforts on federal lands is completed in accordance with 36 CFR Part 79. The Applicant shall provide documentation of the curation of these materials to the BLM, other applicable land managing agencies, and the appropriate SHPO within 60 days of acceptance of the relevant report.

X. Initiation of Construction Activities

Land managing agencies may issue an NTP for segments of the Undertaking only after issuance of applicable Authorizations for the Undertaking.

A. NTPs for segments may be authorized if the land managing agency, in consultation with the appropriate SHPO pursuant to Stipulation III, determines that:

1. No historic properties are present within the APE for that segment; or

2. Historic properties are present within the APE for that segment but will not be adversely affected, and all stipulations in the HPTP are in place to ensure no adverse effect. Such measures include a buffer for avoidance clearly marked in the field and provision for any monitoring, if required.

B. If the land managing agency, in consultation with the appropriate SHPO, determines that historic properties are present within the APE for a segment and that such historic properties may be adversely affected by the Undertaking, then the land managing agency may issue an NTP for that segment only if:

1. Implementation of the pre-construction portions of the HPTP for historic properties within the segment is complete and the BLM has received and accepted a preliminary or letter report documenting compliance with the applicable provisions of the HPTP; or

2. The HPTP for historic properties within the segment is implemented to a level acceptable to the BLM, in consultation with the Consulting Parties, and mitigation measures, which may include compensatory mitigation, are agreed upon and completed to an acceptable level pursuant to Stipulation V.C.2.a.

C. Land managing agencies may only authorize activities under A or B above if such authorization will not preclude the ability to re-site or re-locate other facilities in adjacent segments to avoid adverse effects on historic properties, or to resolve those adverse effects in accordance with the terms of this PA.

XI. Changes in Construction Activities

A. BLM will require that a Class III inventory be conducted for any variances or amendments to the ROW grant or any other changes to the Undertaking that are outside the currently inventoried APE (including changes in construction ROW and ancillary areas). Where BLM determines that additional inventory is needed, no ground disturbance will be authorized in the area of the variance or amendment to the ROW grant or any other changes to the Undertaking until the inventory, the effects determinations, and any required on-site mitigation measures are completed. BLM will issue a Notice to Proceed (NTP) after the Section 106 process is completed. BLM will determine where construction may continue while the additional work is being completed.

1. BLM will notify Consulting Parties within 5 days of changes in construction that fall outside the originally defined APE. Consulting Parties may respond to BLM within 5 days with comments or concerns. BLM will consider any comments or concerns when the proposed construction change is processed.

2. The Applicant will assemble all variance reports into a second inventory volume and append it to the original Class III inventory report for the Undertaking.

B. The BLM and SHPOs will make every effort to expedite review of any changes to construction plans after initiation of construction. If the Applicant proposes changes in the construction ROW or any ancillary areas outside of the APE surveyed for the Undertaking, the Applicant will conduct identification and evaluation of historic properties in accordance with Stipulation III. Results of the inventory report will be handled as follows:

1. If the inventory results in no cultural resources identified, the Applicant will submit copies of the draft inventory report to the lead BLM Office for distribution to the appropriate federal and state agencies for review. The agencies will have 5 days to provide comments on the report to the lead BLM Office. If the BLM accepts the findings, the BLM may issue the NTP without SHPO review. If the BLM does not accept the findings, the Applicant will revise the report as necessary and resubmit it to the applicable BLM State Office within 5 days. The report data will also be included in any final report for the Undertaking.

2. If the inventory results in no historic properties identified, the Applicant will submit copies of the draft inventory report to the lead BLM Office for distribution to the appropriate Consulting Parties to this PA. Reviewers will provide any comments to the lead BLM Office within 10 days of receipt of the document. Any necessary changes to the report will be made by the Applicant and resubmitted to the appropriate Consulting Parties within 5 days. The BLM will then send the documentation to the SHPO who will

have 15 days to review and comment. The BLM will have 5 days to respond to any SHPO comments. If the SHPO does not respond within the stated timeframe, the BLM will assume SHPO has no objection to the report and concurs with the agency determination of eligibility. The BLM may issue the NTP or other applicable authorization to proceed at this point pursuant to Stipulation X.

3. If the inventory results in historic properties identified, the Applicant will submit copies of the draft inventory report to the lead BLM Office to distribute the report, including the potential effects to any historic properties, to the appropriate Consulting Parties to this PA. Reviewers will provide any comments to the lead BLM Office within 30 days. Any changes to the report will be performed by the Applicant and resubmitted to the appropriate Consulting Parties within 10 days. The BLM will then send the documentation to the SHPO who will have 30 days to review and comment. The BLM will have 10 days to respond to any SHPO comments. If the SHPO does not respond within the stated timeframe, the BLM will assume SHPO has no objection to the report and concurs with the agency determination of eligibility and finding of effect.

    a. No Adverse Effect determination: The BLM may issue the NTP or other applicable authorization to proceed pursuant to Stipulation X.A.2.

    b. Adverse Effect determination: The BLM may issue the NTP or other application for authorization to proceed pursuant to Stipulation X.B.

XII. Financial Responsibility

A. The Applicant will post a financial security (such as a surety bond, letter of credit, etc.) with the BLM in an amount sufficient to cover all post-fieldwork costs associated with implementing the HPTP, or other treatment activities, as negotiated by the Applicant where they contract for services in support of this PA. Such costs may include, but are not limited to treatment; post-field analyses; research and report preparation; interim and summary reports preparation; the curation of Project documentation and artifact collections in a BLM-approved curation facility; and the repatriation and reburial of any human remains, sacred objects, or objects of cultural patrimony. The Applicant will post a financial security prior to BLM issuing an NTP for the segment where historic property treatment is required.

B. The security posted is subject to forfeiture if the Applicant does not complete tasks within the time period established by the treatment selected; provided, however, that the BLM and Applicant may agree to extend any such time periods. The BLM will notify Applicant that the security is subject to forfeiture and will allow the Applicant 15 days to respond before action is taken to forfeit the security.

C. The BLM will release the financial security, in whole or in part, as specific tasks are completed and accepted by the BLM.

XIII. PA Evaluation Report and Review

A. The lead BLM office shall prepare an annual letter report of cultural resources activities pertaining to this Undertaking for all Consulting Parties by January 31 of each year for the duration of this PA. The annual letter report will include an update on project schedule, status, and any ongoing cultural resources monitoring or mitigation activities, discovery situations, or outstanding tasks to be completed under this PA or the HPTP. Consulting Parties shall evaluate the implementation and operation of this PA on an annual basis. This evaluation, to be conducted after the receipt of the BLM letter report, may include in-person meetings or conference calls among these parties, and suggestions for possible modifications or amendments to this PA.

B. The BLM shall monitor activities pursuant to this PA. Terms and conditions of monitoring activities are described in the HPTP. Should the Applicant or its cultural resources contractor fail to comply with any provision of this PA, the BLM may, at its discretion, counsel the Applicant and/or its cultural resources contractor regarding performance requirements, or suspend the permits under which this PA is executed. Such suspension would result in the issuance of a “stop work” order for the entire Project.

XIV. Dispute Resolution

A. Should any party to this PA object to the manner in which the measures stipulated in this PA are implemented, they shall provide written notice to the BLM of the reason for, and a justification of, the objection. The objecting party also shall provide a proposed resolution to the objection. Upon acceptance of such notice, the BLM shall consult for up to 30 days with the Consulting Parties to resolve the objection. If the BLM determines that the objection cannot be resolved, the BLM shall forward all documentation relevant to the dispute to the ACHP. Within 30 days after receipt of all pertinent documentation, the ACHP shall either provide the BLM with recommendations, which the BLM shall take into account in reaching a final decision regarding the dispute; or notify the BLM that it will comment within an additional 30 days, in accordance with 36 CFR 800.7(c)(4). The BLM will take into account any ACHP comment provided in response to such a request in accordance with 36 CFR 800.7(c)(4) with reference to the subject of the dispute.

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

XV. Amendment

Any Signatory or Invited Signatory may request that the PA be amended by informing BLM in writing of the reason for the request and the proposed amendment language. The BLM shall notify all Consulting Parties of the proposed amendment and consult to reach agreement within 30 days, unless the Signatories and Invited Signatories agree to a longer period of consultation or the party proposing the amendment retracts its proposal. The amendment will be effective on the date a copy signed by all the Signatories and Invited Signatories is filed by the BLM with the ACHP.

XVI. Termination

A. Any of the Signatories and Invited Signatories who have signed this PA may terminate it.

B. The termination process starts when a Signatory or Invited Signatory who has signed the PA provides written notice to the other Signatories and Invited Signatories of its intent to terminate. Termination shall take effect no less than 30 days after this notification, during which time the Signatories, Invited Signatories, and Concurring Parties shall consult to seek agreement on amendments or any other actions that would address the issues and avoid termination. The notice must explain in detail the reasons for the proposed termination. The PA will be terminated at the end of the 30 day period unless the Signatories and Invited Signatories agree to a longer period of consultation or the party proposing termination retracts its proposal.

C. In the event that this PA is terminated, the BLM shall comply with 36 CFR 800.6 (c)(8) and will take reasonable steps to avoid adverse effects on historic properties until another PA has been executed or will request, take into account, and respond to ACHP comments, in accordance with 36 CFR 800.7. BLM will notify all parties to this agreement as to the course of action it will pursue.

D. An individual SHPO may withdraw from the PA upon written notice to all Signatories and Invited Signatories after having consulted with them for at least 30 days to attempt to find a way to avoid the withdrawal. Upon withdrawal, the BLM and the withdrawing SHPO will comply with Section 106 in accordance with 36 CFR 800.3 through 800.7 or the execution of an agreement in accordance with 36 CFR 800.14(b). Such Section 106 compliance will be limited to consideration of effects of the Undertaking solely within the jurisdiction of the withdrawing SHPO. This PA will still remain in effect with regard to the portions of the Undertaking located in the jurisdiction of the SHPOs who have not withdrawn from the PA. If all SHPOs withdraw from the PA, the PA will be considered to be terminated.

XVII. Duration of this PA

A. This PA will expire if the Undertaking has not been initiated and the BLM ROW grant expires or is withdrawn, or the stipulations of this PA have not been initiated within 10 years from the date of the execution of the BLM ROD. At such time, and prior to work continuing on the Undertaking, the BLM must either execute a memorandum of agreement pursuant to 36 CFR 800.6; execute a PA pursuant to 36 CFR 800.14(b); or request, take into account, and respond to the comments of the ACHP under 36 CFR 800.7. Prior to expiration of the PA, the BLM may consult with the Consulting Parties to reconsider the terms of the PA and amend it in accordance with Stipulation XV.

B. Unless the PA is terminated pursuant to Stipulation XVI above, or another agreement executed for the Undertaking supersedes it, or the Undertaking has been canceled or is not approved, this PA will remain in full force and effect until BLM, in consultation with the other Signatories and Invited Signatories, determines that construction of all aspects of the Undertaking has been completed and that all terms of this PA have been fulfilled in a satisfactory manner, not to exceed 15 years, unless each of the Signatories and Invited Signatories agrees to extend the term hereof through an amendment pursuant to Stipulation XV. Upon a determination by BLM that all terms of this PA have been fulfilled in a satisfactory manner, BLM will notify the Consulting Parties in writing of the agency's determination. This PA will terminate on the day that BLM so notifies the Consulting Parties.

C. The BLM will retain responsibility for administering the terms and conditions of the ROW grant pertaining to historic properties for the life of the grant.

XVIII. General Provisions

A. Entirety of Agreement. This PA, consisting of 27 total pages, represents the entire and integrated agreement between the parties and supersedes all prior negotiations, representations and agreements, whether written or oral, regarding compliance with Section 106 of the NHPA for the Undertaking.

B. Prior Approval. This PA shall not be binding upon any party unless this PA has been reduced to writing before performance begins, as described under the terms of this PA, and unless the PA is approved as to form by the Attorney General or his or her representative.

C. Severability. Should any portion of this PA be judicially determined to be illegal or unenforceable, the remainder of the PA shall continue in full force and effect, and any party may renegotiate the terms affected by the severance.

D. Sovereign Immunity. No State, SHPO, or Tribal government waives their sovereign or governmental immunity by entering into this PA and each fully retains all immunities and

defenses provided by law with respect to any action based on or occurring as a result of the PA.

E. Indemnification. Each Signatory to this PA shall assume the risk of any liability arising from its own conduct. Each Signatory agrees they are not obligated to insure, defend, or indemnify the other Signatories to this PA.

F. Counterparts: This Agreement may be executed in two or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument. The BLM will distribute copies of all signed pages to the Consulting Parties once the PA is executed in full.

EXECUTION of this PA by the Signatories and Invited Signatories and implementation of its terms evidence that the BLM and the other federal agencies have taken into account the effects of this Undertaking on historic properties and afforded the ACHP an opportunity to comment on it in compliance with Section 106.

SIGNATORIES - RESERVED
INVITED SIGNATORIES - RESERVED
CONCURRING PARTIES - RESERVED

LIST OF APPENDICES

Appendix A – Map of Proposed Route and Alternatives

Appendix B – Definitions

Appendix C – Procedures for Determining Effects on Historic Properties for which Setting, Feeling and Association are Aspects of Integrity

Appendix D – Historic Properties Treatment Plan (RESERVED – to be developed after the Class III Inventories)

APPENDIX A

MAPS OF PROPOSED ROUTE AND ALTERNATIVES

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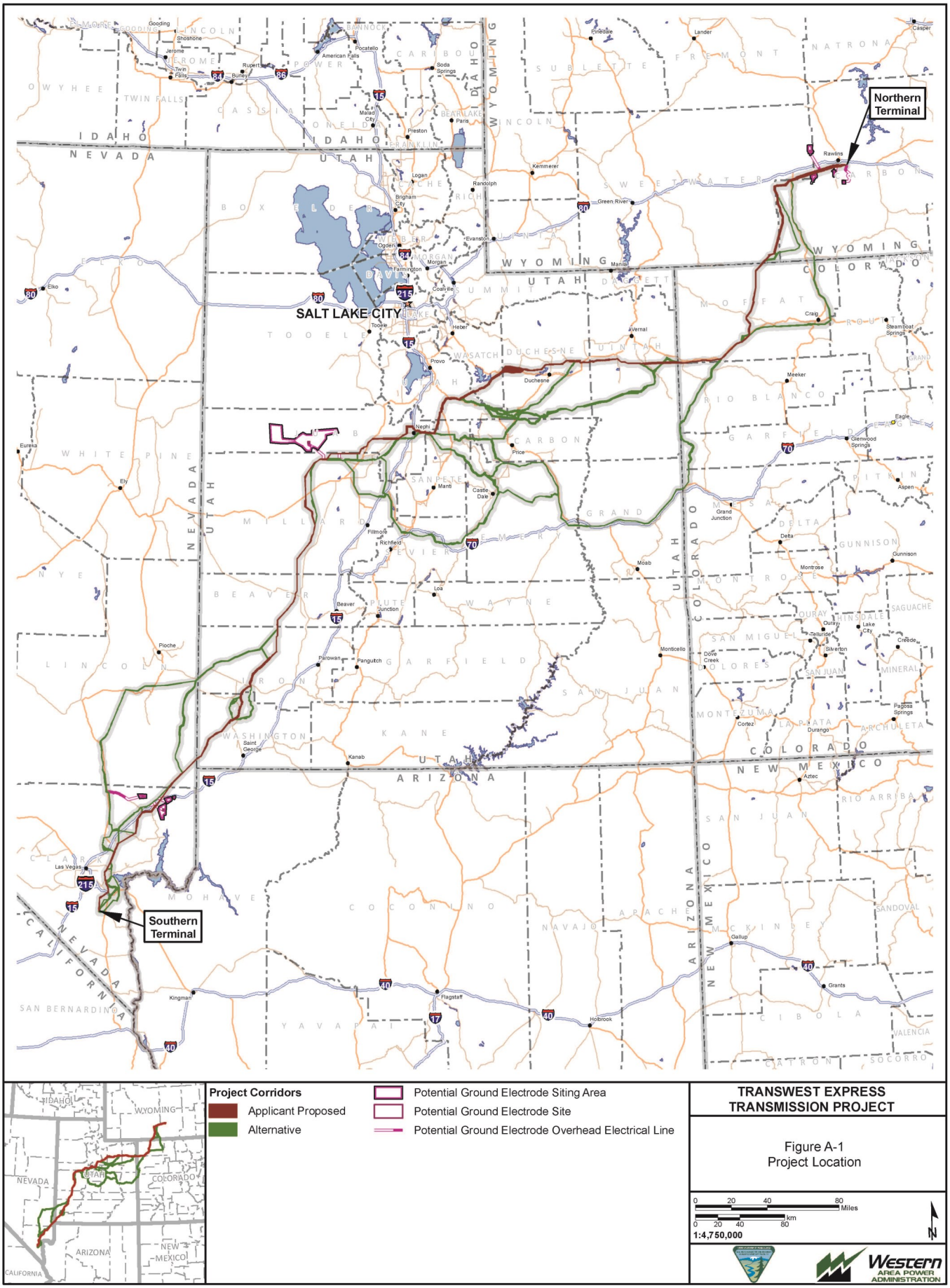

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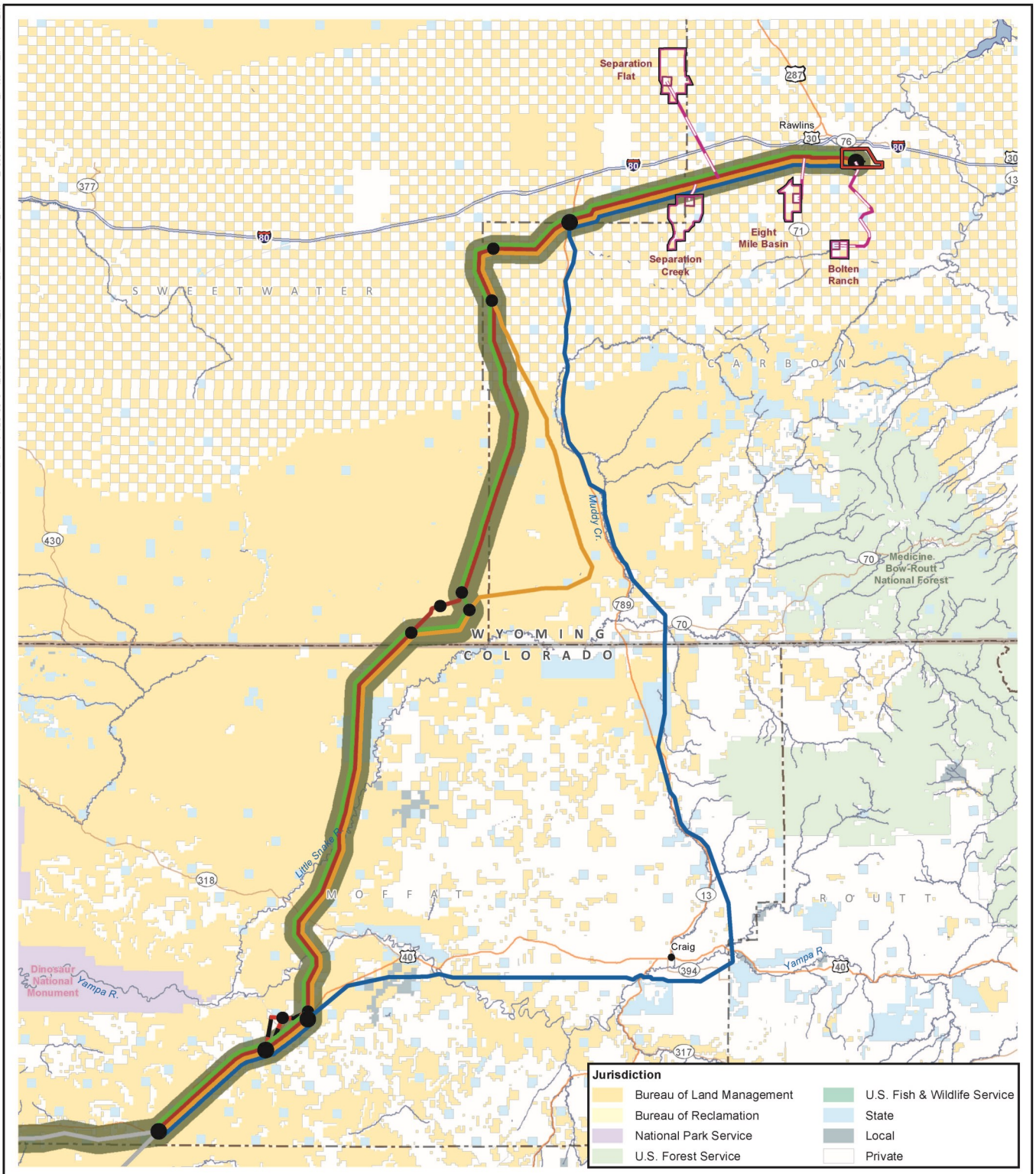

EIS Alternative Routes

- Applicant Proposed I-A
- Agency Preferred I-B
- Alternative I-C
- Alternative I-D
- Alternative Variation (Var.) or Alternative Connector (Con.)
- Segment not in this Region
- Agency Preferred

- Terminal Siting Area
- Potential Ground Electrode Siting Area
- Potential Ground Electrode Site
- Potential Ground Electrode Overhead Electrical Line

TRANSWEST EXPRESS TRANSMISSION PROJECT

Figure A-2
Region I
Alternatives

0 5 10 20 Miles
0 5 10 20 km
1:1,000,000

N

Western AREA POWER ADMINISTRATION

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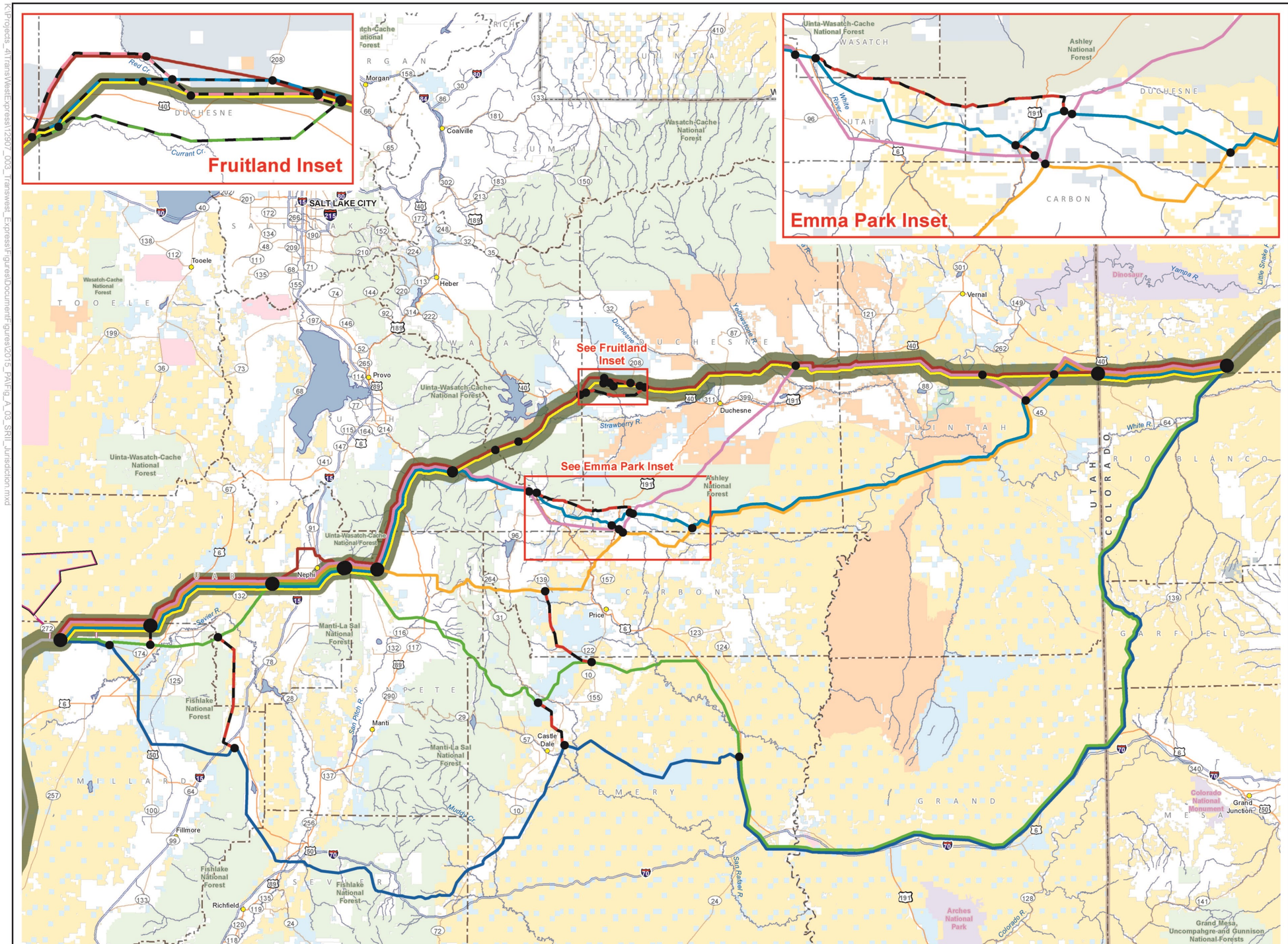

EIS Alternative Routes

- Applicant Proposed II-A
- Alternative II-B
- Alternative II-C
- Alternative II-D
- Alternative II-E
- Alternative II-F
- Agency Preferred II-G
- Alternative Variation (Var.) or Alternative Connector (Con.)
- Segment not in this Region
- Agency Preferred Alternative
- Node

Ground Electrode Components

- Potential Siting Area
- Potential Overhead Electrical Line

Jurisdiction

- BIA/Tribal
- Bureau of Land Management
- Bureau of Reclamation
- DOD/USACE
- National Park Service
- U.S. Forest Service
- U.S. Fish & Wildlife Service
- Other Federal
- State
- Local
- Private

TRANSWEST EXPRESS TRANSMISSION PROJECT

Figure A-3
Region II
Alternatives

0 10 20 40 Miles

0 10 20 40 Kilometers

1:1,200,000

N

Western AREA POWER ADMINISTRATION

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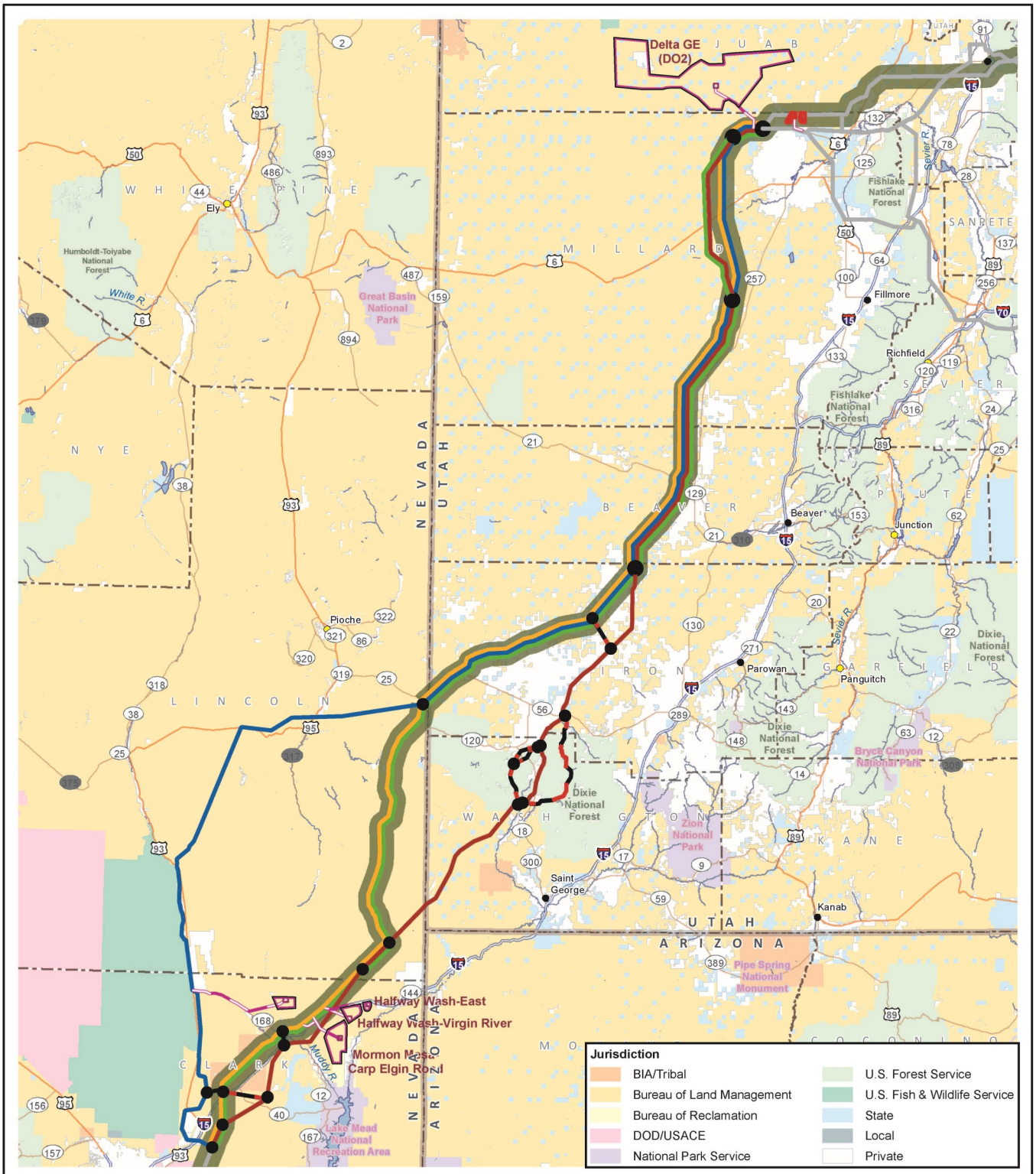

EIS Alternative

- Applicant Proposed III-A
- Alternative III-B
- Alternative III-C
- Agency Preferred III-D
- Alternative Variation (Var.) or Alternative Connector (Con.)
- Segment not in this Region
- Agency Preferred

- Terminal Siting
- Potential Ground Electrode Siting Area
- Potential Ground Electrode Site
- Potential Ground Electrode Overhead Electrical Line

TRANSWEST EXPRESS TRANSMISSION PROJECT

Figure A-4
Region III
Alternatives

0 10 20 40 Miles
0 10 20 40 km
1:2,000,000

N

Western AREA POWER ADMINISTRATION

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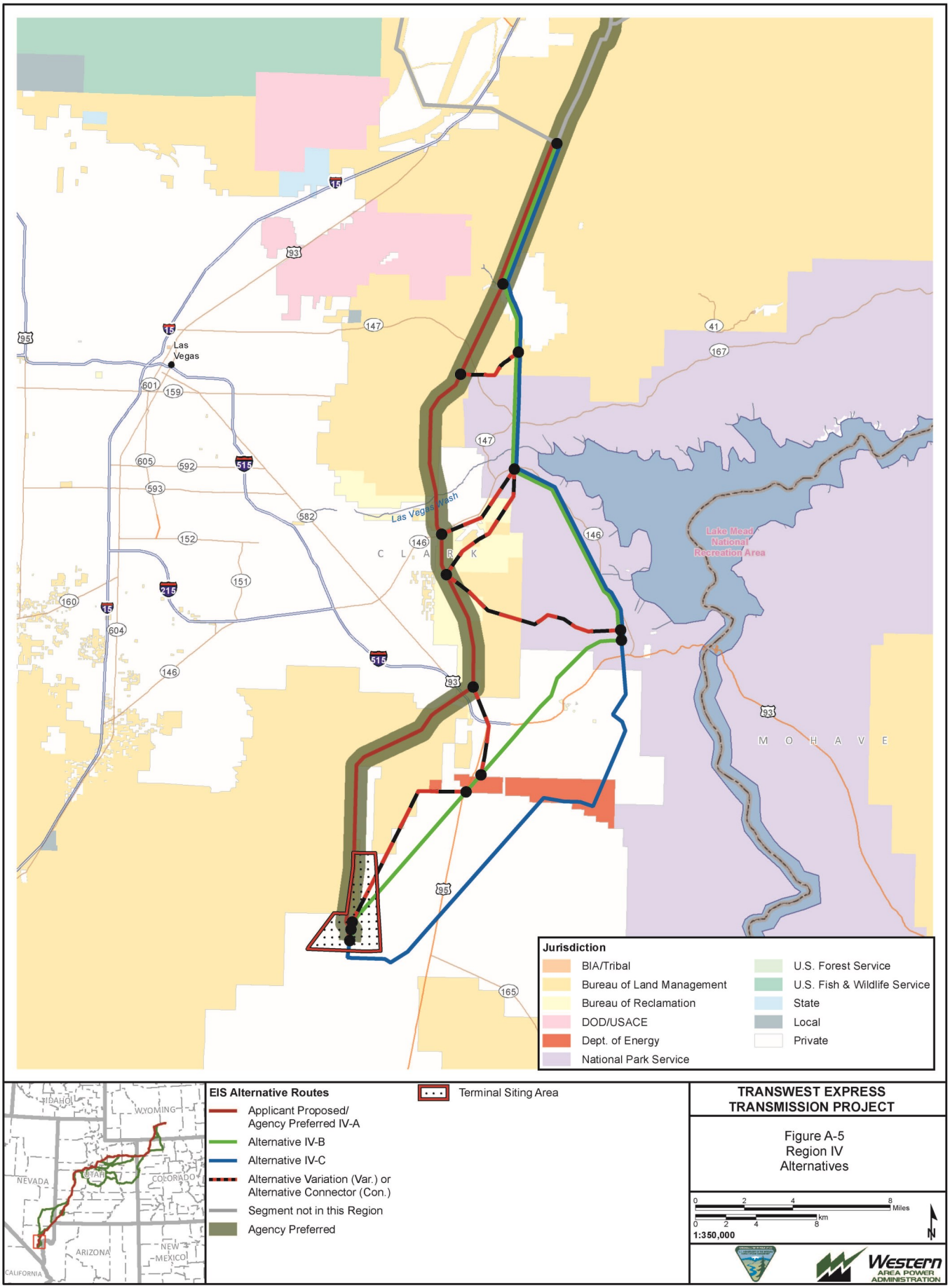

TRANSWEST EXPRESS TRANSMISSION PROJECT

Figure A-5
Region IV
Alternatives

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APPENDIX B

DEFINITIONS

1. *Adverse effect.* When an Undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Consideration will be given to all qualifying characteristics of a historic property, including those that may have been identified subsequent to the original evaluation of the property's eligibility for listing in the National Register. 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)]. Adverse effects on historic properties include, but are not limited to:

   - Physical destruction of or damage to all or part of the property;
   - Alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation, and provision of handicapped access, which is not consistent with the Secretary of the Interior's Professional Standards for the Treatment of Historic Properties (36 CFR Part 68) and applicable guidelines;
   - Removal of the property from its historic location;
   - Change in 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 which causes its deterioration, except where such neglect and deterioration are recognized qualities of a property of religious and cultural significance to an Indian tribe or Native Hawaiian organization; and
   - Transfer, lease, or sale of property out of federal ownership or control without adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the property's historic significance.

2. *Area of Potential Effect (APE).* The geographic area or areas within which an Undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist (36 CFR 800.16(d)).

3. *Class III Inventory.* A Class III inventory is an intensive, 100% pedestrian field survey to determine the distribution, number, location, and condition of historic properties in an area in order to determine effects and potential mitigation methods. A Class III is used when it is necessary to know precisely what historic properties exist in a given area or when information sufficient for later evaluation and treatment decisions is needed on individual historic properties (BLM Manual 8110).

4. *Compensatory mitigation/offsite mitigation.* Offsite mitigation consists of compensating for resource impacts by replacing or providing substitute resources at a different location than the project area.

5. *Concurring Parties*. Concurring Parties are Consulting Parties who have participated in the consultations and may be invited to concur in the agreement. Concurring parties who refuse to concur in the agreement do not invalidate the agreement (36 CFR 800.6(c)(3)).

6. *Construction*. The construction phase begins when BLM has issued a ROW grant to the proponent for the Undertaking. It includes all activities related to construction of the undertaking, including activities required to be completed in advance of construction, as well as all activities completed in order to reclaim lands disturbed during construction for two years after construction is completed or until cost recovery agreements related to construction expire.

7. *Consulting Parties*. All required signatories, invited signatories, and concurring parties.

8. *Cultural resource*. A definite location of human activity, occupation, or use identifiable through field inventory (survey), historical documentation, or oral evidence. The term includes archaeological, historic, or architectural sites, structures, or places with important public and scientific uses, and may include definite locations (sites or places) of traditional cultural or religious significance to specified social and/or cultural groups (traditional cultural property). Cultural resources are concrete, material places and things that are located, classified, ranked, and managed through the system of identifying, protecting, and utilizing for public benefit described in the BLM 8100 Manual. They may be but are not necessarily eligible for listing in the National Register.

9. *Cumulative effects*. Cumulative effects are the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions (40 CFR 1508.7). For the purposes of the PA and paraphrasing 40 CFR 1508.7, cumulative effects on historic properties are the effects that result from the incremental impact of the Undertaking when added to other past, present and reasonably foreseeable future undertakings regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time.

10. *Day(s)*. For the calculation of time periods under this PA, “days” means calendar days. Any time period specified in this PA that ends on a weekend or a state or federal holiday is extended until the close of the following business day.

11. *Decommissioning*. The action in which the transmission line(s) and/or related facilities such as substations are taken out of commission (cease to operate) and are physically dismantled.

12. *Deputy Preservation Officer (DPO).* The BLM Deputy Preservation Officer is a senior cultural resource specialist in each State Office and is responsible for advising the State Director, district and field managers on professional and technical matters relating to cultural resource management.

13. *Effect*. 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)].

14. *Historic property*. Any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register. 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 significance to an Indian tribe and that meet the National Register criteria (36 CFR 800.15(1)). The phrase 'eligible for inclusion in the National Register' is used to refer to both properties formally determined as such by the Secretary of the Interior and all other properties that meet National Register listing criteria as defined in 36 CFR 800.16(l)(2).

15. *Historic Property(ies) Treatment Plan*. (HPTP) A document that details the procedures and techniques for resolving adverse effects on historic properties within the APE through avoidance, minimization, and/or mitigation.

16. *Literature review*. A "literature review," "existing data review," "file search," or "records check" is generally the brief first step before initiating a field survey. Ideally, completing an existing data review means consulting the SHPO's automated database, as well as BLM or USFS office records. The literature review provides information regarding whether any survey has been conducted and any cultural properties have been recorded within or near the project location.

17. *Milepost*. Sign posts indicating distances along the transmission line corridor from end to end. Mileposts will be used to designate discrete segments along the construction corridor.

18. *Monitoring*. Actions performed to ensure compliance with the terms, conditions, and stipulations of a grant. Actions include inspection, construction, operation, maintenance, and termination of permanent or temporary facilities and protection and rehabilitation activities until the holder completes rehabilitation of the ROW and the BLM approves it. Monitoring for cultural resources may have different objectives depending on the phase of the project.

19. *National Historic Landmark (NHL)*. A district, site, building, structure or object, in public or private ownership, judged by the Secretary of the Interior to possess national significance in American history, archeology, architecture, engineering and culture, and so designated by him [36 CFR 65.3(h)].

20. *National Historic Trail (NHT)*. A trail or route designated by Congress as a National Historic Trail under the National Trails System Act of 1968 as amended. To qualify for designation as a National Historic Trail, a trail or route must be established by historic use and be historically significant as a result of that use; be of national significance; and have significant potential for public recreational use or historical interest based on historic interpretation and appreciation. Generally, they are extended trails of one hundred or more miles in length which follow as closely as possible and practicable the original trails or routes of travel of

national historical significance. National historic trails have as their purpose the identification and protection of the historic route and its historic remnants and artifacts for public use and enjoyment.

21. *Notice to Proceed (NTP)*. A written authorization by the Administrative Officer (AO) that allows the holder to initiate actions under the ROW grant. The AO can issue separate notices to proceed if the project involves distinct work phases and/or locations. Each notice to proceed will specify the nature of work, location, and dates to be authorized.

22. *Operations and Maintenance*. Activities associated with operation and maintenance of the approved right-of-way grant over the life of the right-of-way grant. This includes all activities related to the functioning of the Undertaking after construction and reclamation are completed and prior to any activities related to decommissioning of the Undertaking, pursuant to Stipulation XI. Activities during this this time are generally infrequent, predictable, and routine. Any actions not specifically approved in the right-of-way grant, such as changes in equipment used or actions outside the right-of-way require approval of the BLM.

23. *Plan of Action.* A document included in the HPTP that establishes procedures for ensuring the proper treatment of human remains and related grave goods encountered during the Undertaking.

24. *Property of traditional religious and cultural importance*. A property that is eligible for the National Register because of traditional religious and cultural importance to an Indian tribe. A 1992 amendment to the National Historic Preservation Act (P.L. 102-575)(now P.L. 113-287) directs that properties of traditional religious and cultural importance to an Indian tribe may be determined to be eligible for inclusion on the National Register, and that in carrying out its responsibilities under Section 106 of the Act, a Federal agency shall consult with any Indian tribe that attaches religious and cultural importance to such properties. This term may also appear as “properties of religious and cultural significance”; “properties of traditional religious and cultural significance”; “properties of cultural or religious importance”; or “properties of religious or cultural importance.”

25. *Reclamation*. The process of restoring lands disturbed during construction to their pre-construction condition, generally involving restoration of vegetation, soils and topography. Reclamation processes and practices are described in the Plan of Development and generally are to be completed no later than two years after construction is completed.

26. *Record of Decision (ROD)*. The public record made by the agency at the time of its decision which states what the decision was, identifies all alternatives considered by the agency in reaching its decision, specifies the alternative which was considered to be environmentally preferable, and states whether all practicable means to avoid or minimize environmental harm from the alternative selected have been adopted, and if not, why they were not. A monitoring and enforcement program shall be adopted and summarized where applicable for any mitigation (40 CFR Part 1505.2). Until an agency issues a record of decision, no action

concerning the proposal shall be taken which would (1) have an adverse environmental impact; or (2) limit the choice of reasonable alternatives (40 CFR Part 1506.1).

27. *Right-of-Way grant holder*. The entity that currently has the BLM right-of-way authorization for the project. Right of way grants may be assigned to others, pursuant to 43 CFR 2805.14.

28. *Rural Historic Landscape (RHL)*. A geographical area that historically has been used by people, or shaped or modified by human activity, occupancy, or intervention, and that possesses a significant concentration, linkage, or continuity of areas of land use, vegetation, buildings and structures, roads and waterways, and natural features.

29. *Segment*. Any of the parts into which something (i.e. transmission line) is separated; section.

30. *Setting assessment*. A methodology devised to determine the effects of an undertaking to those historic properties for which setting, feeling and/or association contribute to eligibility.

31. *Signatories*. Required signatories execute, may amend, and may terminate this agreement. *Invited signatories* have the same rights to amend and terminate the agreement once they sign it pursuant to 36 CFR 800.6(c)(2).

32. *Summary Report*. A document that summarizes results of treatment activities undertaken on an individual historic property for the purposes of informing the agency and consulting parties for the purposes of gaining approval for the Project to go forward prior to the acceptance of the final Treatment Report.

33. *Targeted field reconnaissance*. Reconnaissance survey is a focused or special-purpose information tool that is less systematic, less intensive, less complete, or otherwise does not meet Class III inventory standards. Reconnaissance surveys may be used, among other purposes, for locating particular types of cultural resources, such as those for which setting, feeling, and association are important to their integrity. Fieldwork may be targeted to specific areas or types of locations in which such properties may exist, or to examine known cultural resources to determine whether they are significant and whether setting, feeling and/or association may be important to their significance.

34. *Traditional cultural property (TCP)*. A property that is eligible for inclusion in the National Register because of its association with cultural practices or beliefs of a living community that (a) are rooted in that community's history, and (b) are important in maintaining the continuing cultural identity of the community (National Register Bulletin 38).

35. *Variance*. A written authorization from the responsible agency permitting construction in a manner that departs from the specific requirements of the Plan of Development.

TRANSWEST EXPRESS PROJECT PROGRAMMATIC AGREEMENT (PA)

APPENDIX C
PROCEDURES FOR DETERMINING EFFECTS TO HISTORIC PROPERTIES FOR WHICH SETTING, FEELING OR ASSOCIATION ARE ASPECTS OF INTEGRITY

1.0 INTRODUCTION

This methodology defines the procedures for identifying and evaluating effects from the TransWest Express Transmission Project (Undertaking) to historic properties within the Area of Potential Effect for Indirect Effects (indirect effects APE) for which the qualities of setting, feeling, or association are aspects of integrity and thereby characteristics that qualify these properties for NRHP eligibility. The BLM, in consultation with the Advisory Council on Historic Preservation; the Wyoming, Colorado, Utah and Nevada State Historic Preservation Officers (SHPOs); and Consulting Parties to the PA, has compiled these procedures, pursuant to Stipulations I.A.2. and II.E.6. of the PA.

The Applicant will produce separate reports that identify effects to setting, feeling or association for historic properties in Wyoming, Colorado, Utah and Nevada. The goal will be to include these reports as stand-alone addenda to the Class III inventory reports for each state. Each report will meet the reporting requirements of the BLM and the SHPO from each respective state. SHPOs from each state may stipulate additional reporting requirements for this assessment.

The methodology involves four components. Within the indirect effects APE defined in Stipulation I.A.2. of the PA, (1) identify historic properties from which the Undertaking can be seen and for which setting, feeling or association is an aspect of integrity; (2) complete field evaluations of the integrity of these historic properties; (3) assess effects to setting, feeling or association of these historic properties; 4) resolve adverse effects. Complete Components 1, 2 and 3 and include results in the Class III inventory report for the Undertaking; complete Component 4 and include in the Historic Properties Treatment Plan (HPTP). We address each component of this methodology below. In addition to the following detailed description of each component, Exhibit 1 to this Appendix is a field implementation guide intended to assist field personnel in implementing these procedures.

1.1 Definitions and Eligibility Criteria

For the purposes of this methodology, we define cultural resources as archaeological, historical, or architectural sites, districts, buildings, structures, places, and objects which have been documented on the official site forms used by the SHPOs in the states of Wyoming, Colorado, Utah, and Nevada; or listed on the National Register of Historic Places or state registers of historic places; and additionally those properties identified by Consulting Parties in Stipulation II.D of the PA. Cultural resources include sites known to be important to tribes; for example, some rock art, rock cairns, alignments and stone circles. Cultural resources encompass definite locations (sites or places) of traditional cultural or religious significance to specified social and/or cultural groups (including traditional cultural properties), as in the definition in Appendix B of the PA, and are most readily identified by Consulting Parties from these groups bringing them forward, per Stipulation II.D. of the PA.

Cultural resources eligible for listing on the National Register of Historic Places (NRHP) are referred to as "historic properties." Historic properties must demonstrate importance in American history, architecture, archaeology, engineering, or culture. A historic property is considered significant in these categories if it possesses integrity of location, design, setting, materials, workmanship, feeling, and association and meets one or more of the following criteria:

> (a) is associated with events that have made a significant contribution to the broad patterns of our history; or
>
> (b) is associated with the lives of persons significant in our past; or
>
> (c) embodies the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or
>
> (d) has yielded, or may be likely to yield, information important in prehistory or history. (36 CFR 60.4)

1.2 Integrity

Integrity is defined as "the ability of a property to convey its own significance" (National Park Service [NPS] 1995:44). According to NRHP guidelines, the evaluation of integrity must always be grounded "in an understanding of a property's physical features and how they relate to its significance" (NPS 1995:44). Setting, feeling and association (also defined in NPS 1995:44-45) are particularly sensitive to visual, audible, and atmospheric effects and convey the property's historic character.

- **Setting** is the physical environment of a historic property. Setting encompasses the physical features of each historic property, in which the property played its historic role. It includes natural features such as topography and vegetation, and manmade features that are part of the property and the surrounding landscape.
- **Feeling** is a property's expression of the aesthetic or historic sense of a particular period of time. Do the physical features taken together convey the property's historic character? Does the property "feel" like it did during its historic period? Are the sights and sounds the same? Can you imagine the property during its period of significance? Examine the potential modern intrusions which may distract from the historic features and character of the property.
- **Association** "is the direct link between an important historic event or person and a historic property" (NPS 1995:45). Is there a direct link between the historic person or event and the historic property? Examine whether the place at which the event or activity occurred is sufficiently intact to convey the historic link or relationship to an observer.

All other terms not defined within this document are as defined in the PA.

1.3 Area of Potential Effect for Indirect Effects (Indirect Effects APE)

As described in Stipulation I. A. 2 of the PA, the indirect effects APE extends to the visual horizon or for three miles on either side of the transmission line centerline, whichever is closer. Where the indirect effects APE includes traditional cultural properties, properties of traditional religious and cultural importance, National Historic Landmarks (NHLs), National Historic Trails (NHTs), and other classes of historic properties for which setting, feeling or association contributes to eligibility, additional analyses may be required and the indirect APE may be modified accordingly, following procedures described in I.B of the PA. Consulting Parties may identify cultural resources to consider for inclusion in this analysis beyond the 3 mile indirect effects APE.

2.0 INVENTORY HISTORIC PROPERTIES FOR WHICH SETTING, FEELING OR ASSOCIATION IS IMPORTANT TO INTEGRITY

Identifying historic properties within the indirect effects APE for which setting, feeling or association may be important to their integrity involves a two-step approach: (1) conducting a GIS viewshed analysis to identify areas in the indirect effects APE from which the Undertaking may be visible, and (2) compiling a list of historic properties within the potentially visible portion of the indirect effects APE for which setting, feeling or association is anticipated to be an important quality of integrity. This two-step viewshed analysis screening approach effectively screens out historic properties that are located within the indirect effects APE but have no view of the Undertaking or for which setting, feeling or association is not an important quality of integrity. The NRHP eligibility screening eliminates cultural resources that do not meet the criteria for eligibility as set forth in the NRHP. The details of each step are discussed below.

2.1 Viewshed Analysis Screening

The BLM will require the Applicant to conduct a GIS viewshed (seen-unseen) analysis to generate a viewshed that represents the area of the Undertaking (especially transmission line towers) potentially visible within the indirect effects APE. The Undertaking may be visible because of (1) anticipated landform modifications that are necessary to prepare a right-of-way for construction, (2) the removal of vegetation to construct and maintain a facility, and (3) the introduction of new above-ground elements into the landscape. Conduct the GIS viewshed analysis screening using the best and most current information available about these visibility factors at the time work begins on this report. Eliminate from further consideration all portions of the indirect effects APE from which the Undertaking is not visible.

2.2 NRHP Eligibility Screening

Within the visible portion of the indirect effects APE defined in 2.1, identify historic properties for which setting, feeling or association contributes to integrity, based upon NRHP evaluations. Use existing cultural records databases at SHPO and federal land management agencies to identify the pool of historic properties eligible under Criteria A, B and/or C, that fall within the indirect APE and that may be affected by the Undertaking. If eligibility criteria are not available or are incomplete in electronic databases, site types may be used to search within electronic databases for sites that are likely to be eligible under A, B and/or C. For example, “historic

structure" may be a starting place to search for historic properties eligible under A, B and/or C without having to go through every paper site form to find these sites.

Include in this pool certain types of historic properties eligible under Criterion D and known to be important to tribes or other Consulting Parties, such as rock art, rock cairns, alignments or stone circles. The Consulting Parties are encouraged to define these kinds of sites, and also any specific sites that should be included, within 60 days after the ROD is signed, per Stipulation II.D. of the PA. The BLM, in consultation with other involved land managing agencies and the applicable SHPO, may include historic properties eligible under Criterion D at its discretion. Along with those sites brought forward by Consulting Parties, which may need to be evaluated for National Register eligibility, the pool of historic properties will include those that are traditional cultural properties, properties of traditional religious and cultural importance, NHLs, NHTs, and sites identified as sacred or respected places during tribal consultation. Tribally sensitive information will not be shared with other Consulting Parties.

The focus of this identification effort is on properties likely to be determined eligible, not on properties that are unlikely to be determined eligible because of lack of significance under A, B or C. Place a high priority on areas of importance identified by Consulting Parties. Conversely, Consulting Parties should take care to identify places of importance to them in the indirect effects APE, per Stipulation III.D of the PA. Examples of properties likely to be determined eligible may include named roads or other named features. Examples of properties unlikely to be determined eligible may include unnamed roads and trails or other unnamed features; historic linear utilities (e.g., transmission or telegraph lines) recorded as historic sites; and industrial sites where setting is unlikely to contribute to integrity.

Screening for site type: As a screening measure, the BLM, in consultation with the Consulting Parties, may define site types for which setting, feeling or association are important to integrity, and may likewise define site types for which setting, feeling or association are not important to integrity. In conjunction, site types for which audible or atmospheric effects are not important may be defined. The Applicant may propose definitions of such site types to the BLM at the beginning of the assessment. Describe these definitions in the report, and remove historic properties screened out through this process from the list of historic properties to visit in the field.

Screening for overall integrity: In some instances, historic properties have been entirely destroyed or compromised to the extent that the site no longer meets the criteria set forth for eligibility on the NRHP. If lack of integrity can be ascertained during the inventory process, remove historic properties lacking integrity, and thus no longer eligible, from the list of historic properties to visit in the field.

Screening for setting, feeling or association: If the identification of the historic property's integrity of setting, feeling or association has not been included in available documentation, BLM in consultation with SHPOs, the Consulting Party who brought forward the historic property, and any other applicable land managing agency will determine the importance of these aspects of integrity to the historic property. This determination will also apply to places brought forward by Consulting Parties through Stipulation II.D. of the PA, which may not be present in SHPO or Agency site files. When possible, this determination will be made prior to completion

of the field inventory. The BLM will share any such determinations with all Consulting Parties as part of the documentation for the Undertaking.

Consideration of Land Status: The Applicant will demonstrate a good faith effort to acquire access to visit historic properties on private land beyond the direct effects APE. Historic properties on private land where access cannot be obtained for fieldwork will be assessed remotely.

Consideration of Audible and Atmospheric Effects: Identify places at which construction activities will be longer in duration or more extensive in scope, or where they may have more than typical audible and atmospheric effects. These "intensive construction locales" may include construction staging areas, areas prone to excessive noise or dust, or helicopter overflight areas near historic properties of concern for these indirect effects. In addition to the use of reference towers to measure visual effects, include the locations of such places as reference places for assessing audible and atmospheric effects.

Geodatabase: Compile a geodatabase of all historic properties identified at the end of the inventory process in 2.1 and 2.2 above (including historic properties identified during Class III inventories conducted for this Undertaking). This database will include the following information in tabular format: site location, Smithsonian site number (if available), source of the information, land ownership, site description, NRHP evaluation and nominating criteria, and additional reasons for inclusion (e.g., NHTs, sacred sites, sites brought forward by Consulting Parties). Tribally sensitive information and site location information for sensitive sites will not be shared with other Consulting Parties.

GIS Screening in the Office: To verify that the Undertaking has an effect on the historic properties in the geodatabase prior to fieldwork, employ GIS methods in the office for visualizing features of the Undertaking, such as using simulation analysis as available through Google Earth "street view." Using GIS in the office, assign a Cultural Key Observation Point (CKOP) to the center of each historic property in the geodatabase, and then do a GIS analysis of the Undertaking's visibility using those CKOPs, as measured to the nearest reference tower(s) or intensive construction locale. The analysis should result in a simulated view of the landscape from each CKOP with the Undertaking in it. The agency archaeologist(s) and the Applicant will review these simulated views before going to the field so that they can identify historic properties where the effects of the Undertaking are clearly so minor that a field visit is not necessary. In the report and in the geodatabase, list historic properties dropped from further analysis because of no or very minor (no adverse) effects as identified through this process.

Simulation of Undertaking: Based on the GIS screening in the office, produce simulated images that show the anticipated Undertaking from each CKOP. Where field inventory is necessary, take these images to the field for reference, to help field crews visualize where the Undertaking will be located in relation to each historic property that will be visited.

2.3 List of Historic Properties for Field Inventory and Evaluation

Historic properties that remain in the pool after the Viewshed Analysis Screening and NRHP Eligibility Screening described in 2.1 and 2.2 above are those for which setting, feeling or association has been identified as important to their integrity. Schedule the tasks involved in

inventorying and evaluating these properties with the goal of including the completed report as an addendum to the Class III inventory report. Next, assess potential visual, audible or atmospheric effects from the Undertaking on these historic properties in the field.

3.0 FIELD EVALUATIONS

Do the following analysis on historic properties identified for field inventory as a result of the screening done during the inventory stage (Beck et al 2012; Bureau of Land Management [BLM] 2006, 2013a and b, 2014; Delaware State Historic Preservation Office 2003). Consult the National Register Bulletin's *How to Apply the National Register Criteria for Evaluation* (NPS 1995) as the primary reference to assess setting, feeling or association as they apply to eligibility and integrity. First, collect photographic data from each potentially affected historic property to document effect recommendations; and secondly, assess the effects on setting, feeling or association using the attributes described below.

3.1 Overall Integrity Prior to the Undertaking

In the field, record and evaluate the National Register eligibility of cultural resources identified by Consulting Parties through Stipulation II.D of the PA if they have not been previously recorded in SHPO site files and if the BLM's review of the screening process under Section 2 above indicates that they need to be recorded. Include in eligibility recommendations an assessment of site integrity with emphasis on setting, feeling and association. Document the rationale for eligibility recommendations in the report and on state site forms for these newly recorded sites, and include the site forms with the report.

If the field visit shows that a historic property has been destroyed or compromised to the extent that the historic property no longer meets the criteria for eligibility, document the site's present condition with a site form addendum or a site update form as required by the applicable SHPO; prepare and submit this documentation with the report. Evaluate whether historic properties that have been compromised but not destroyed since their last recording retain NRHP eligibility, with an emphasis on integrity of setting, feeling and association. If not, eliminate these sites from further consideration, and document the "not eligible" recommendation in the report. No further assessment is required.

3.2 Photographic Data Collection

3.2.1 Establish Cultural Key Observation Points and Photograph Undertaking

At each historic property identified in 3.1 that is visited in the field and that retains integrity, establish at least one CKOP with a representative view of the Undertaking. Take sufficient photographs from the CKOP(s) at each historic property to document the view of the Undertaking from the CKOP. If a historic property is linear or large, or if there are several important features at the property, more than one CKOP may be needed. Position the camera at each CKOP to capture the viewshed from the historic property facing the proposed transmission tower(s) or intensive construction locale. In addition, take photographs in the four opposite or perpendicular directions from each CKOP that best demonstrate the existing setting in relation to the Undertaking. Record the camera height and aspect and the GPS location for each CKOP. Use an appropriate lens and the same model of camera and camera lens, or cameras and lenses

with the same resolution and image quality at all CKOPs. Note in the report the camera and lens model used.

3.2.2 Visualization Modeling and Simulation

After fieldwork, superimpose all visible and proposed components of the Undertaking onto a representative image or images from each historic property. If visual simulations are not effective or obtainable, GIS modelling may be used. Simulations will be to scale in proper geographic locations and with appropriate component elevations and heights. The result of these simulations or models will be a graphical illustration of the potential visual impacts of the Undertaking on each potentially affected historic property.

The visual simulations or models document the visibility of the Undertaking from the historic property; include them in the report. Complete the assessment described in 3.3 below in the field, at the historic property and also consider effects from atmospheric or audible elements at historic properties near intensive construction locales in the field.

3.3 Analyzing Effects to Setting, Feeling or Association

Systematically identify and analyze effects to the integrity of setting, feeling and association at each historic property, as assessed in the field and documented with photographs, visual simulations and/or models. Employ the following criteria to describe the effects of the Undertaking on each historic property, and document the results for each historic property. If possible, an agency archaeologist should be in the field with the Applicant's consultant so that effect recommendations can be made jointly.

Integrity of Setting, Feeling or Association

For the assessment of integrity, the setting, feeling and association of the historic property are the main concerns. Assess the historic property's integrity of setting, feeling and association considering the simulations of the Undertaking, i.e. assuming the Undertaking is in place, as follows:

High – The historic property retains integrity. The introduction of the Undertaking leaves the setting, feeling and association intact and relatively untouched.

Low – The historic property retains few aspects of integrity. The introduction of the Undertaking leaves the setting, feeling and association severely compromised or lacking in the historic property's ability to convey its significance.

Distance

Distance is the actual distance between the historic property and the Undertaking. Because areas that are closer potentially have a greater effect on the observer, they can draw greater attention than areas farther away. Using GIS measurements, record the distance from each CKOP to the closest visible reference tower or intensive construction locale of the Undertaking. In the field, record the number of towers visible from each CKOP.

Contrast
Measure contrast by comparing the Undertaking features with the major elements in the existing setting, including topography, vegetation, and man-made features. Use the basic elements of form, line, color, and texture to make this comparison and to describe the visual contrast anticipated to be created by the Undertaking. Follow the guidelines in the BLM's Visual Resource Contrast Rating Handbook H-8431-1 for making the visual contrast rating, and use the Visual Contrast Rating Worksheet in the current Wyoming protocol Appendix C (BLM 2014a); record the date and time of day of the rating. If possible, complete the Visual Contrast Rating at the time of day and year and under light and vegetation conditions that are representative of when most people are likely to see the Undertaking from the historic property. Append the Visual Contrast Rating Worksheets for each historic property to the site form.

No Contrast – The undertaking cannot be seen at all.

Weak Visual Contrast – The elements of the Undertaking, or portions of the elements, can be seen but will not dominate the setting or attract the attention of the casual observer.

Moderate Contrast – The elements of the Undertaking tend to stand out in the setting.

Strong Contrast – The elements of the Undertaking clearly dominate the setting.

Cumulative Effects
For the purposes of this document and paraphrasing the National Environmental Policy Act definition (40 CFR 1508.7), cumulative effects on historic properties are the effects that result from the incremental impact of the Undertaking when added to other past, present and reasonably foreseeable future undertakings regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time. Assess cumulative effects as follows in relation to past, present and reasonably foreseeable future undertakings:

Project Compatible - Multiple or large industrial features or developments have appeared in the surrounding landscape. These features dominate the setting, feeling and association; the Undertaking does not create a striking contrast.

Project Moderately Compatible - Single or small industrial features or developments have appeared in the surrounding landscape. These other features are visible on the landscape but the Undertaking dominates the setting, feeling and association.

Project Incompatible - No other industrial or developmental features appear in the surrounding landscape. The Undertaking creates a striking contrast that is incompatible with the setting, feeling and association.

Results of Analysis
Support recommendations regarding effects on the setting, feeling and association of each historic property in the report with photographs from CKOPs, showing visual simulations of the

Undertaking and analysis of the above attributes using forms or other means of record keeping. Submit these records, along with site form updates as required, as an appendix to the report; they will eventually be integrated into SHPO cultural resources site files.

4.0 ASSESSMENT OF EFFECTS TO SETTING, FEELING OR ASSOCIATION

Adverse effects on historic properties may occur from a "change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance (36 CFR 800.5(a)2)(iv)," including "visual, atmospheric, or audible intrusions" (Advisory Council on Historic Preservation 2014). The primary question to be addressed is "can the setting, feeling or association of the property continue to effectively convey its historic significance despite the effect of the Undertaking?"

Planning the Undertaking provides the opportunity to avoid and minimize effects on historic properties. Avoidance is the preferred strategy for eliminating effects on historic properties. Avoidance methods may include but are not limited to "screening" the transmission line by moving it behind a hill, moving tower locations, and realigning proposed access routes. Minimizing adverse effects may include camouflaging or reducing the reflective qualities of materials used in construction; feathering, tapering or selective planting of native vegetation along cleared areas; and using existing roads as access roads, as outlined in the Draft Environmental Impact Statement for the Undertaking (BLM 2013b: Appendix C, Table C-2).

4.1 Recommendation of Adverse Effect

Under 36 CFR 800.5(a)(1) an adverse effect is found when an undertaking alters "directly or indirectly, any of the characteristics of a historic property that qualify it for inclusion in the NRHP in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association."

4.2 Recommendation of No Adverse Effect

An effect to setting, feeling or association, whether direct or indirect or a combination of the two, does not automatically call for an "Adverse Effect" recommendation. Under 36 CFR 800.5(b)(3) if an effect caused by the Undertaking does not meet the criteria for adverse effect in 36 CFR 800.5(a)(1) or the undertaking is modified or conditions are imposed, so the adverse effect criteria are not met, then a recommendation of "no adverse effect" is warranted. In other words, the effect may not compromise the integrity of the historic property to such an extent that it diminishes said integrity or causes an adverse effect.

4.3 Recommendation of No Effect

A recommendation of No Effect means that the undertaking cannot be seen or heard from the historic property or its effects to the integrity of the historic property are so minor as to be negligible.

5.0 RESOLUTION OF ADVERSE EFFECTS

As outlined in the PA at Stipulation V.C., a Historic Properties Treatment Plan (HPTP) will be prepared after the ROD is signed, the Undertaking's footprint is finalized, and the Class III inventory report is completed. All historic properties that will be adversely affected by the Undertaking will be reviewed and addressed individually within the HPTP. Include recommendations for minimizing adverse effects to setting, feeling and association in the report and in the HPTP.

The avoidance and minimization measures described in 4.0 may not be viable options in all cases of adverse effects to setting, feeling and association. Where on-site mitigation of visual effects cannot be achieved, develop alternative mitigation measures following the process spelled out in the PA, Stipulation V.C. and include them in the HPTP.

6.0 POST-CONSTRUCTION RE-EVALUATION

After construction is complete, revisit each historic property evaluated in the field prior to construction, re-photograph it, and re-evaluate its integrity and the effects of the Undertaking. Describe whether construction impacts are likely to be temporary or permanent. Report pre- and post-construction integrity and effect evaluations as a stand-alone report required by the HPTP.

7.0 REVISIONS TO PROCEDURES

Revisions to the above procedures may be proposed and accepted through review by the BLM and the Consulting Parties without amendment of the PA.

8.0 REFERENCES

36 CFR Part 800 – Protection of Historic Properties
2004 Available at http://www.achp.gov/regs-rev04.pdf

Advisory Council on Historic Preservation
2014 Section 106 Regulations, Flow Chart, Explanatory Material. Available at http://www.achp.gov/flowexplain.html

Beck, R. Kelly, Nicci Barger, Lindsey Kester and Tanya Johnson
2012 Assessing the Visual Effects of Wind Generation Facilities on Historic Properties for National Historic Preservation Act Consultation. SWCA, Inc., Salt Lake City, Utah. Poster presented at the American Wind Energy Association's WINDPOWER conference, Atlanta.

Bureau of Land Management
2013a Methodology for Assessing Visual Effects to Historic Properties Along the Proposed Sigurd to Red Butte No. 2 – 345V Transmission Project. On file at the BLM Cedar City Field Office, Cedar City, Utah.

2013b TransWest Express Transmission Project Draft Environmental Impact Statement. Available at http://www.blm.gov/wy/st/en/info/NEPA/documents/hdd/transwest/docs.html

2014a Appendix C Guidelines for Determination of Visual Effects of an Undertaking on the Integrity of a Historic Setting in *Protocol between the Wyoming BLM State Director and the Wyoming State Historic Preservation Officer.* Available at http://www.blm.gov/pgdata/etc/medialib/blm/wy/programs/cultural/protocol.Par.9857.File.dat/2006app_c.pdf.

2014b Handbook H-8431 – Visual Resource Contrast Rating. Available at http://www.blm.gov/style/medialib/blm/wo/Information_Resources_Management/policy/blm_handbook.Par.79462.File.dat/8431.pdf.

Delaware State Historic Preservation Office
2003 *Assessing Visual Effects on Historic Properties*. Delaware State Historic Preservation Office, Dover, Delaware. Available at http://history.delaware.gov/pdfs/visualeffects.pdf.

National Park Service
1995 *How to Apply the National Register Criteria for Evaluation*. National Park Service, Washington, D.C. Available at http://www.nps.gov/history/nr/publications/bulletins/pdfs/nrb15.pdf.

EXHIBIT 1. FIELD IMPLEMENTATION GUIDE
PROCEDURES FOR DETERMINING EFFECTS
TO HISTORIC PROPERTIES FOR WHICH SETTING, FEELING OR ASSOCIATION ARE ASPECTS OF INTEGRITY

Purpose: To summarize the procedures for identifying and evaluating effects from the TransWest Express Transmission Project (Undertaking) on historic properties within the Area of Potential Effect for Indirect Effects (indirect effects APE) for which the qualities of setting, feeling, or association are aspects of integrity, as defined in Appendix C of the Programmatic Agreement (PA). This field guide is intended as a quick reference for carrying out the procedures described in Appendix C.

Step 1: Define Indirect Effects APE and Conduct Viewshed Analysis
The Undertaking's indirect effects APE extends to the visual horizon or a maximum of 3 miles on either side of the transmission line centerline, whichever is closer. Use a Geographic Information System (GIS) viewshed analysis to model the viewshed surrounding the Undertaking and refine the APE to include only areas where the Undertaking can be seen.

Step 2: Conduct a File Review: Screen for NRHP Eligibility
Examine existing records for all sites in the refined APE to identify known sites that may be sensitive to visual effects. Sites that are eligible for the National Register of Historic Places (NRHP) under Criterion A, B, or C are considered potentially sensitive. Sites that are eligible only for their data potential (i.e., Criterion D) may be considered for analysis by the BLM in consultation with other applicable land managing agencies and the State Historic Preservation Officer (SHPO). Place a high priority on areas identified by Consulting Parties, even if outside the indirect effects APE. They have 60 days after the Record of Decision (ROD) is signed to provide this information. Site types may be used to search for sites that are likely to be eligible under A, B and/or C. Screen site types for those for which setting, feeling or association are important.

Step 3: Verify Site Integrity
A site must retain integrity of setting, feeling or association to be sensitive to visual effects caused by the Undertaking. Screen out sites that no longer possess integrity, i.e., have been destroyed or damaged to the extent that their integrity is compromised. If integrity of setting, feeling or association has not been included in site documentation, determine the importance of these aspects to the historic property.

<u>Outcomes: Steps 1 through 3</u> should result in a geodatabase of historic properties sensitive to integrity of setting, feeling, and/or association and visible from the Undertaking. Begin to compile this geodatabase as soon as the ROD is signed and a Right of Way (ROW) for the Undertaking is approved.

Step 4: Check Visual Simulations in the Office Prior to Fieldwork
Employ GIS (for example, Google Earth "street view") to visualize the Undertaking from the historic properties. In the office, assign proxy Cultural Key Observation Points (CKOPs) at the center of historic properties in the geodatabase, then do a GIS analysis of the Undertaking's

visibility using those CKOPs. Identify intensive construction locales that may be important for assessing audible and atmospheric effects. View the simulated Undertaking's nearest reference tower or intensive construction locale from the historic properties to screen out those historic properties where the effects of the Undertaking are clearly so minor that a field visit is not necessary. Compile a list of the historic properties eliminated by this process.

Produce computer-generated simulations that show the Undertaking from each CKOP. Take these images to the field for reference to help visualize where the Undertaking will be located in relation to each historic property that will be visited.

Outcome: Step 4 should result in a list of historic properties to evaluate in the field for effects from the Undertaking.

Step 5: Fieldwork - Visit Historic Properties to Verify Eligibility
Use the NRHP Bulletin's *How to Apply the National Register Criteria for Evaluation* (NPS 1995) as the primary reference to assess setting, feeling or association as they apply to eligibility and integrity.

Record and recommend the National Register eligibility of cultural resources identified by Consulting Parties if they have not been previously recorded. Include an assessment of site integrity (setting, feeling and association) with eligibility recommendations.

If a historic property has been destroyed or compromised to the extent that it is no longer eligible, document the site's present condition with a site update and re-evaluate the historic property's eligibility.

Outcome: Step 5 should result in a final list of historic properties to be field-evaluated for effects to setting, feeling and association.

Step 6: Fieldwork: Take photographs before construction
At each historic property visited, establish at least one field CKOP representing a typical view of the Undertaking. If a historic property is large or linear, or if there are several important features at the property, more than one CKOP may be needed. Photograph the proposed Undertaking location from the CKOP. Take photos in the four opposite or perpendicular directions from each CKOP. Record camera height and aspect and GPS location for each CKOP. Use an appropriate lens; use the same camera and the same lens (or model of camera and lens) for all sites; include camera and lens information in report.

After fieldwork, superimpose all components of the Undertaking onto the photographic images to scale in proper geographic locations and with appropriate component elevations.

Step 7: Fieldwork – Analyze Effects to Setting, Feeling or Association
While referring to the simulations created in Step 4, evaluate the effect of the Undertaking using a visual assessment worksheet. Include at a minimum assessments of the following attributes: site integrity (setting, feeling or association), distance, contrast, and cumulative effects.

Follow the guidelines in the BLM's Visual Resource Contrast Rating Handbook H-8431-1 for making the visual contrast rating, and use the Visual Contrast Rating Worksheet in the current Wyoming protocol Appendix C (BLM 2014), including recording the date and time of day of the rating. Recommend how contrast can be minimized.

Outcome: Steps 6 and 7 should result in recommendations regarding effects on the setting, feeling and association of each historic property documented with photographs from CKOPs showing visual simulations of the Undertaking, and written analysis of the above attributes. Submit these records, along with site form updates, with the report.

Step 8: Assess effects to setting, feeling or association
Address the primary question "can the setting, feeling or association of the property continue to effectively convey its historic significance despite the effect of the Undertaking?"

Recommend No Effect, No Adverse Effect, or Adverse Effect: An effect to setting, feeling or association does not automatically call for an "Adverse Effect" recommendation. If an effect caused by the Undertaking does not meet the criteria for adverse effect in 36 CFR 800.5(a)(1) or the undertaking is modified or conditions are imposed so the adverse effect criteria are not met, then recommend "no adverse effect." In other words, the effect may not compromise the integrity of the historic property to such an extent that it diminishes the integrity or causes an adverse effect.

Outcome: Step 8 should result in recommendations of effect for each historic property visited.

Step 9: Recommend ways to resolve adverse effects
Avoidance is the preferred strategy for eliminating effects on historic properties. Avoidance methods include "screening" the transmission line by moving it behind a hill, moving tower locations, and realigning proposed access routes. Minimizing adverse effects includes camouflaging or reducing the reflective qualities of construction materials; tapering or selective planting of native vegetation in cleared areas; and using existing access roads. Where on-site mitigation of visual effects cannot be achieved, alternative mitigation measures will be developed.

Address each historic property with adverse visual, auditory or atmospheric effects from the Undertaking in the Historic Properties Treatment Plan (HPTP), which will be prepared after the ROD is signed, the Undertaking's footprint is finalized, and the Class III inventory report is completed. Recognize that it may not be possible to resolve adverse effects on site and alternative mitigation may be required.

Outcome: Step 9 should result in a recommendation for resolving adverse effects for each historic property that will be adversely affected.

Step 10: **After construction is completed**, revisit each historic property visited in Step 7. Re-photograph and re-evaluate integrity and effects. Report pre- and post -construction integrity and effect evaluations with photos as a stand-alone report required by the HPTP.

Outcome: Step 10 should result in a post-construction check on the pre-construction integrity evaluations. This will help to determine whether the process outlined above is working adequately.

TRANSWEST EXPRESS TRANSMISSION PROJECT COMMENTS ON FINAL DRAFT OF PROGRAMMATIC AGREEMENT APRIL 2015					
Comment Number	**Page Number**	**Line Number**	**Commenter**	**Comment or Text Revision**	**Response**

Please send comments to: Ranel Stephenson Capron, Bureau of Land Management, 5353 Yellowstone Road, Cheyenne, Wyoming, or by email at rcapron@blm.gov.