PROGRAMMATIC AGREEMENT

AMONG
THE U.S. DEPARTMENT OF ENERGY-WESTERN AREA POWER ADMINISTRATION,
ADVISORY COUNCIL ON HISTORIC PRESERVATION,
NEVADA STATE HISTORIC PRESERVATION OFFICER,
NEVADA STATE LANDS DEPARTMENT,
BUREAU OF LAND MANAGEMENT, BUREAU OF RECLAMATION, AND
NATIONAL PARK SERVICE

REGARDING
MAINTENANCE AND MINOR CONSTRUCTION ACTIVITIES AT EXISTING
WESTERN TRANSMISSION LINES, FACILITIES AND PROPERTIES IN NEVADA

WHEREAS, the United States Department of Energy, Western Area Power Administration (Western) operates and maintains, through its Desert Southwest Regional Office (DSW) and Sierra Nevada Regional Office (SNR), an extensive electrical power delivery system throughout the state of Nevada (NV), which includes transmission lines, substations, communication sites and ancillary features; and

WHEREAS, Western's electrical power delivery system requires regular maintenance and minor construction for safety and delivery of electricity; and

WHEREAS, Western conducts routine and emergency maintenance and minor construction activities (maintenance program) in order to maintain the reliability of the electrical system; thereby making these undertakings as defined in 36 CFR § 800.16(y) subject to the provisions of Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. § 470f, and its implementing regulations, 36 CFR Part 800; and

WHEREAS, Western is the lead agency for compliance with Section 106 of the NHPA on all Western's maintenance program undertakings as these undertakings have the potential to affect historic properties (as defined in 36 CFR § 800.16(1)(l) on private, state, and federal; and

WHEREAS, Western's electrical delivery system crosses private, state, state trust, and federal lands in Nevada, and Western consulted with the NV State Lands Department, Bureau of Land Management (BLM), Bureau of Reclamation (Reclamation) , and National Park Service (NPS) and invited these agencies to participate as Invited Signatories to this programmatic agreement (PA), and BLM, Reclamation and NPS plan to sign; and

WHEREAS, Western also consulted with or made efforts to engage in the process federally-recognized tribes (Tribes) that may attach religious or cultural significance to properties throughout NV potentially affected by Western's maintenance program (Appendix A) and invited these Tribes to sign as Concurring Parties, however, to date none have indicated if they will sign the PA at this time; and

WHEREAS, Western sought public input through several newspapers and its website, and no comments were received on this PA; and

WHEREAS, Western also consulted with the Advisory Council on Historic Preservation (ACHP) and the NV State Historic Preservation Officer (SHPO) on this PA pursuant to regulation (36 CFR Part 800) and both are participating as Signatories; and

WHEREAS, there are no tribal reservation lands currently affected by this PA, and should that change in the future this PA is only applicable on tribal lands (defined at 36 CFR § 800.16(x)) where the applicable tribe or THPO has executed the PA through an amendment; and

WHEREAS, the definitions in Appendix B are applicable to this PA;

NOW, THEREFORE, Western, the ACHP, SHPOs, Signatories and Invited Signatories agree that Western's maintenance program shall be administered in accordance with the following stipulations to satisfy Western's Section 106 responsibility.

STIPULATIONS

Western, as the lead federal agency for all Western's maintenance program undertakings, shall ensure that the following measures are carried out:

I. COORDINATION OF UNDERTAKINGS REQUIRING REVIEW THAT OCCUR ON FEDERAL, AND STATE LANDS

For all planned maintenance program undertakings requiring review (Appendix D) under this PA that occur on state, federal and tribal lands, Western shall ensure that:

A. Western's environmental staff (Environmental Manager, Regional Preservation Official (RPO) or Federal Preservation Officer (FPO)) will contact the land-managing agency(ies) or Tribe(s), as appropriate, within 10 calendar days of notification of project funding.

B. Western will provide the state or federal agency(ies) and Tribe(s), as appropriate, with draft copies of all new inventory reports, applicable past inventory reports on which Western did not consult, tribal consultation documentation (as appropriate), and all similar documentation relating to the identification, evaluation and effect of historic properties, and seek their comment per Stipulation IV.B.

C. Western will provide the federal agency(ies) and Tribe(s), as appropriate, with digital and hard copies of Final inventory reports, and associated Geographic Information Systems data, when available, and records, and copies of correspondence from the SHPO or THPO regarding National Register of Historic Places (NRHP) eligibility determinations pursuant to Stipulation IV.B.

D. Western will consult with land-managing agencies, Tribes and the SHPO on NRHP eligibility per Stipulation IV.C.

E. Western will consult with land-managing agencies, Tribes and the SHPO on findings of No Adverse Effects and Adverse Effects, pursuant to Stipulations V.A(1) and V.B, respectively.

F. All documentation provided to SHPO, agencies, THPOs, and Tribes for review concerning NRHP eligibility and project effect determinations will follow the documentation standards outlined in 36 CFR § 800.11.

II. WESTERN'S PROFESSIONAL QUALIFICATIONS, DOCUMENTATION STANDARDS, AND CULTURAL RESOURCE AWARENESS TRAINING

A. Western's RPO and FPO are responsible for ensuring the implementation of this PA and will meet the Secretary of Interior's Professional Qualification Standards (36 CFR Part 61) in one or more fields in History, Archeology, Architectural History, Architecture, or Historic Architecture, as appropriate for the undertaking.

B. Western's RPO and FPO will ensure that its contractors obtain all required permits for survey or monitoring on state, federal or tribal lands. Western will ensure that all field work conducted under contract shall be carried out or supervised by a person meeting the Secretary of Interior's Professional Qualification Standards appropriate to the resources. Work shall be conducted to the Secretary's documentation standards for identification and evaluation. In the event that ethnography is warranted, ethnographic work will be conducted by a qualified cultural anthropologist (62 FR 33715). Documentation standards include using the respective federal or state agency requirements and following "site/isolate" definitions, as appropriate.

C. Maintenance personnel will be required to receive cultural resource awareness and sensitivity training annually that is delivered by a qualified archaeologist at Western's Regional Office or in the field. Training materials will be provided to consulting parties in the annual report for review and comment. Tribes may be invited to participate in the annual training. Maintenance personnel will also receive such training in the field, prior to projects that require archeological monitoring. New maintenance personnel assigned to such projects after the project has begun will receive awareness and sensitivity training on their first day in the field prior to starting work. Such training efforts will be documented and submitted to Western as part of monitoring reports.

III. UNDERTAKINGS

A. **Appendix C** is a list of maintenance program undertakings exempt from further Section 106 review. **These undertakings are determined by the Signatories and**

Invited Signatories to have little or no likelihood of affecting historic properties, should they be present, and will be carried out by maintenance staff after environmental staff has completed its National Environmental Policy Act (NEPA) review and analysis.

B. **Appendix D** is a list of maintenance **non-exempt** program undertakings that require review under Stipulation IV. Further, any maintenance program activity not listed in Appendices C or D requires Western's RPO or FPO to follow the procedures outlined in Stipulation IV, prior to the activity/undertaking.

IV. HISTORIC PROPERTY IDENTIFICATION AND EVALUATION

A. Determine the Area of Potential Effects (APE): As early as possible in the planning process, the RPO or FPO in consultation with the Region's Environmental Manager and maintenance staff will review non-exempt undertakings specified in Stipulation III to define the APE within Western's right-of-way (ROW) or easement.

B. Level of Effort:

1. **Class I Inventory**: The RPO or FPO will conduct a Class I inventory of the proposed APE. Western's RPO, FPO or contractor will contact or visit the land managing agency or tribe for current survey information. Western will also contact tribes about any other cultural resources or areas of concern that Western should consider with regard to the proposed undertaking.

2. **Class II or III Survey**: Based on the results of the Class I inventory, the RPO or FPO will determine to what extent a Class II or III field survey of the APE within the ROW or easement is needed. Previously unsurveyed APEs will be inventoried at the Class III level for historic properties except in areas heavily disturbed (i.e. mechanically modified by cut or fill, severe erosion or within modern flood plains) or where dense vegetation prohibits survey (Appendix E, Best Management Practices (BMP)). For areas >1 acre or >0.25 miles long that cannot be surveyed due to vegetation coverage, the RPO or FPO will consult with the land managing agency or Tribe to discuss monitoring, or post-activity survey or other options if the proposed project cannot be redesigned to avoid these areas. Areas greater than 20 percent slope will not be inventoried for safety reasons. Such areas should be examined with binoculars for the presence of areas with a high probability to contain cultural resources such as rockshelters, etc. Survey reports will be provided to the land managing agency, SHPO, and Tribes, as appropriate as Stipulated in I.B and C, and be provided a **30 calendar-day comment period**. Extensions to this timeframe may be requested by letter, email or telephone. For any Class II sample survey, Western will consult the SHPO/THPO, as appropriate and the land managing agency regarding the parameters of the sample survey prior to conducting the survey.

3. **Tribal Consultation**: As part of Western's identification efforts, the RPO or FPO will consult interested Tribes that attach religious and cultural significance to properties within the APE. Tribes will be provided **30 calendar-days to respond**. Extensions to this timeframe may be requested by letter, email or telephone. Western may consult Tribes proactively (non-project specific) to determine the presence of places of traditional, religious and cultural importance that might be affected by non-exempt maintenance undertakings requiring review.

C. Determinations of National Register of Historic Places Eligibility (NRHP): Determinations of eligibility shall be made in consultation with the appropriate land managing agencies, SHPO, and Tribes, as appropriate. Pursuant to regulation (36 CFR § 800.4(C)(1)), if Western and the SHPO do not agree, Western shall obtain a determination of eligibility from the Secretary (Keeper of the National Register) pursuant to 36 CFR Part 63. All cultural resources identified at the time of documentation will be evaluated relative to all criteria of significance found at 36 CFR § 60.4; however, when there is difficulty assessing the eligibility of a cultural resource in the field the RPO or FPO may assume it eligible. Agencies and Tribes agree to provide comments on NRHP eligibility within **30 calendar days** of receipt of Western's request for comments. Extensions to this timeframe may be requested by letter, email or telephone. After consultation with the appropriate agencies and Tribes, the RPO or FPO shall consult with the SHPO regarding determinations of NRHP eligibility. Correspondence between Western and the SHPO will be provided to the appropriate land managing agencies pursuant to Stipulation I.C.

D. Monitoring: Western may use archaeological monitors and/or tribal cultural monitors during implementation nonexempt of maintenance activities to ensure avoidance of historic properties and to make available personnel who could respond quickly to potential discovery situations, which would involve historic property identification and evaluation. Western will base its decision to include tribal cultural monitors on the type and nature of the nonexempt undertaking being conducted, and the presence or likely presence of specific resources of concern to tribes. Western will consult with the SHPO, appropriate land-managing agencies, and appropriate Tribes on monitoring plans.

V. PROJECT EFFECTS AND APPROVED CONDITIONS

A. Western utilizes a BMP of avoiding or minimizing adverse effects to historic properties whenever possible, and established additional practices to follow to minimize project effects to historic properties (Appendix E). For all non-exempt undertakings (see Appendix D), the RPO or FPO will review such undertakings per Stipulation IV and make findings of effects in accordance with the following:

1. A finding of **No Historic Property Affected** would result when no historic properties are present or when there are historic properties present but the undertaking will have no effect upon them (for example when the APE or proposed undertaking is modified

to avoid historic properties). A finding of **No Adverse Effect** would result when one or more historic property is within the APE, and the undertaking will affect a historic property, but the effects will not diminish the aspects of integrity nor the characteristics that make the property eligible for listing in the NRHP (for example when (for example when efforts are made to minimize effects).

Findings of **No Adverse Effect** will be made in consultation with the appropriate land-managing agencies, Tribes, THPOs and SHPOs, except when the following conditions apply:

a) the FPO/RPO determines that the project area is surveyed to current Class III standards (see Stipulation IV), **and**

b) historic properties within the APE will be avoided **or** effects are limited to driving soft rubber-tired or tracked vehicles across a nonstructural historic property on an existing access road, or crossing over a site while off-road within the ROW in soft rubber-tired ATVs during ground patrols when conditions are dry.

The RPO or FPO will determine if the above conditions apply and are appropriate for the activity. The RPO or FPO is not required to consult with the land managing agency, SHPO or Tribe regarding findings of No Historic Property Affected or No Adverse Effect, when approved conditions apply. For all non-exempt undertakings (listed or not listed in Appendix D) where these approved conditions do not apply, the RPO or FPO will consult with the appropriate land-managing agency, Tribes and SHPO regarding No Adverse Effect findings pursuant to 36 CFR § 800.5(d)(1). Consulting parties will be provided **30 calendar-days from receipt to respond.** If no response, within the 30 calendar-day timeframe, Western may assume concurrence and may move forward with the activity. Extensions to this timeframe may be requested by letter, email or telephone. The RPO or FPO will document findings of effect for all non-exempt undertakings, which will be reported annually pursuant to Stipulation IX.

B. The RPO or FPO will make a finding of **Adverse Effect** when adverse effects to historic properties cannot be avoided or minimized. An adverse effect results when an undertaking alters any characteristic of a historic property that qualifies the property 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.

C. Western's RPO or FPO shall consult with the SHPO, ACHP, land-managing agencies, and THPO/Tribes, and other consulting parties to resolve adverse effects pursuant to 36 § CFR 800.6 prior to commencing with the activity. Should project plans change, or Western decides not to pursue with the activity, all parties involved will be notified.

VI. EMERGENCY CONTIGENCIES

Emergency situations are defined as hazardous materials spills or situations of unplanned or unscheduled power outages or imminent outages that potentially threaten human life and property. An emergency is when the preservation of human life and property is a priority concern. Emergencies apply only to undertakings that are implemented within 30 days after a disaster or after formal declaration by an appropriate authority as described at 36 CFR § 800.12. In the event of an emergency Western will comply with the following procedures:

- The Region's Maintenance Manager will submit a report to the Region's Environmental Manager concerning any emergency activity within 7 calendar-days of the occurrence.
- The Region's Environmental Manager, RPO or FPO will notify the affected land-managing agency by telephone or email within 24 hours days of receipt of the Maintenance Manager's report.
- A summary of the emergency activity will be included in the annual report pursuant to Stipulation IX.
- Western will conduct a Class I inventory of the emergency activity APE to determine if known historic properties exist within the APE. If no prior surveys occurred, a post emergency Class III survey will be conducted within 45 calendar-days of the report.
- If cultural resources are found as a result of the post-emergency survey the procedures under Stipulation VII for Discoveries will be followed.

VII. DISCOVERIES

A. If archaeological materials are discovered as a result of any maintenance activity or undertaking, the discovery will be protected, all earth disturbing undertakings will cease within 30 meters (100 ft) of the discovery, and heavy equipment will be removed from the area until the discovery is assessed and documented. If the RPO or FPO determines that the discovery is an isolate and determines it is not eligible for NRHP listing, it will be documented and the activity will proceed with no further consultation. For all other discoveries, Western will either assume the materials eligible for NRHP listing pursuant to 36 CFR § 800.13(c) or consult with the appropriate land-managing agency, THPOs/Tribes, and SHPO regarding eligibility and effect. Western will notify the appropriate land-managing agency, SHPO, state agency and Tribes by phone within 48 hours of the discovery.

B. If human remains are discovered work will cease within 30 meters (100 ft) of the discovery. If remains are discovered on federal land, the local County Sheriff will be notified

immediately, and pursuant to 43 CFR Part 10, the individual who made the discovery will notify the land managing agency and Western immediately by phone followed by written notification within 24 hours of the discovery. Should this PA apply to tribal lands in the future, human remains that are discovered on tribal lands, will be treated in accordance with 43 CFR Part 10 (NAGPRA), and Western will notify the BIA and tribe followed by written notification within 24 hours of the discovery. Compliance with laws concerning discoveries of human remains on federal lands will be the responsibility of the federal land-managing agency. If human remains are found on state or private lands, Western will comply with state procedures: Historic Preservation and Archeology - Protection of Indian Burial Sites (Nevada Revised Statutes (NRS) Chapter 383.170-180).

VIII. DURATION

This PA will expire ten (10) years from the date of its execution, unless the PA is amended pursuant to Stipulation XI with a new expiration date prior to such time. If the PA expires, Western shall consult on undertakings pursuant to 36 CFR §§ 800.4 - 800.6, until a new PA is executed pursuant to 36 CFR § 800.14.

IX. PROGRAM MONITORING AND REPORTING

The RPO or FPO will meet annually with the SHPO and interested Signatories, Invited Signatories to discuss the implementation of the PA and annual report. Western will provide a report to the SHPO and all Signatories, Invited Signatories and interested consulting parties listing the exempt undertakings in table form and detailing the **non-exempt** undertakings over the course of the prior calendar year by April 1 of each year, beginning in 2015. This report will include emergencies and discoveries, and copies of cultural awareness training materials. Western will provide a table listing the following information:

- Exempt and non -exempt undertakings,
- Dates of undertakings,
- File searches,
- Surveys,
- Reports,
- Eligibility determinations, and
- Consultations with land-managing agencies and Tribes

X. DISPUTE RESOLUTION

Should any Signatory or Invited Signatory to this PA object at any time to any actions proposed or the manner in which the terms of this PA are implemented, the RPO or FPO shall notify the SHPO about the objection by email and will consult with the objecting party to resolve the matter. If the RPO or FPO determines that such objection cannot be resolved, the FPO will forward the objection to the ACHP for its advisory comments.

A. If the ACHP does not provide its advisory comments regarding the dispute within 30 calendar-days, Western may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, Western shall prepare a written response that takes into account any timely comments regarding the dispute from the Signatories and Invited Signatories to the PA, and provide them and the ACHP with a copy of such written response.

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

XI. AMENDMENTS

This PA may be amended in counterparts, when such an amendment is agreed to in writing by all Signatories and Invited Signatories. Western will distribute copies of any amendments to the Signatories, Invited Signatories and consulting parties, and will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

XII. TERMINATION

If any Signatory or Invited Signatory to this PA determines that its terms will not or cannot be carried out, that Signatory or Invited Signatory shall immediately consult with the other Signatories/Invited Signatories to attempt to develop an amendment per Stipulation XI. If within thirty 30 calendar-days (or another time period agreed to by all Signatories/Invited Signatories) an amendment cannot be reached, the Signatory may terminate the PA or an Invited Signatory may terminate their involvement in the PA upon written notification to the other Signatories and Invited Signatories. If the PA is terminated or if a Signatory or Invited Signatory terminates its involvement, prior to work continuing on any undertaking that would be normally be covered by this PA or on that Signatory or Invited Signatory's land, Western must either:

A. follow the procedures outline in 36 CFR §§ 800.4 - 800.6 for each undertaking, or
B. execute an new PA pursuant to 36 CFR § 800.14(b), or
C. request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. Western shall notify the Signatories/Invited Signatories as to the course of action it will pursue.

Execution and implementation of this PA evidences that Western has satisfied its Section 106 responsibilities for all individual undertakings associated with its maintenance program in Nevada, and afforded the ACHP the opportunity to comment.

SIGNATORIES

WESTERN AREA POWER ADMINISTRATION

By: Ronald E Moulton Date: 8/14/14
Ronald Moulton, Acting DSW Regional Manager, Department of Energy

WESTERN AREA POWER ADMINISTRATION

By: P Subhash Paluru Date: 8/19/14
~~Tom Boyko~~, SNR Regional Manager, Department of Energy
SUBHASH PALURU

NEVADA STATE HISTORIC PRESERVATION OFFICER

By:_____ Date:_____
Rebecca Palmer, State Historic Preservation Officer

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: John M. Fowler Date: 1/23/15
John M. Fowler, Executive Director

SIGNATORIES

WESTERN AREA POWER ADMINISTRATION

By:_____ Date:_____
Ronald Moulton, Acting DSW Regional Manager, Department of Energy

WESTERN AREA POWER ADMINISTRATION

By:_____ Date:_____
Subhash Paluru, SNR Regional Manager, Department of Energy

NEVADA STATE HISTORIC PRESERVATION OFFICER

By: Rebecca Palmer Date: 10/7/14
Rebecca Palmer, State Historic Preservation Officer

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: John M. Fowler Date: 1/23/15
John M. Fowler, Executive Director

INVITED SIGNATORIES

BUREAU OF LAND MANAGEMENT

By:_____ Date: 9/15/14
Amy Lueders, State Director

BUREAU OF RECLAMATION

By:_____ Date: September 26, 2014
Terrance Fulp, PhD., Lower Colorado Regional Director

By:_____ Date:_____
David Murillo., Mid-Pacific Regional Director

NATIONAL PARK SERVICE, LAKE MEAD NATIONAL RECREATION AREA

for By: _____ Date: 9/2/14
William K. Dickinson, Superintendent

CONCURRING PARTIES

Battle Mountain Band Council

By:_____ Date:_____
Harvey Henley, Chairman

Carson Colony Council

By:_____ Date:_____
Gary Nevers, Chairman

Chemehuevi Tribe

By:_____ Date:_____
Edward D. "Tito" Smith, Chairman

Cocopah Indian Tribe

By:_____ Date:_____
Sherry Cordova, Chairperson

Colorado River Indian Tribes

By:_____ Date:_____
Sylvia Homer, Acting Chairwoman

Colorado River Indian Tribes

By:_____ Date:_____
Wilene Fisher-Holt, Tribal Historic Preservation Officer

Confederated Tribes of Goshute Reservation

By:_____ Date:_____
Ed Naranjo, Chairman

Dresslerville Community Council

By:_____ Date:_____
Lloyd Wyatt, Chairman

Duck Valley Shoshone-Paiute Tribe

By:_____ Date:_____
Terry Gibson, Chairman

Duckwater Shoshone Tribe

By:_____ Date:_____
Virginia Sanchez, Chairperson

Elko Band Council

By:_____ Date:_____
Gerald Temoke, Chairman

Ely Shoshone Tribe

By:_____ Date: 9-4-14
Alvin S. Marques, Chairperson

Fallon Paiute-Shoshone Business Council

By:_____ Date:_____
Len George, Chairman

Ft. McDermitt Paiute-Shoshone Tribe

By:_____ Date:_____
Billy Bell, Chairman

Ft. Mohave Indian Tribe

By:_____ Date:_____
Timothy Williams, Chairman

Fort Yuma Quechan

By:_____ Date:_____

Havasupai Tribe

By:_____ Date:_____
Don Watahomigie, Chairman

Hopi Tribe

By:_____ Date:_____

Hualapai Tribe

By:_____ Date:_____
Sherry Counts, Chairperson

Kaibab Paiute Tribe

By:_____ Date:_____

Las Vegas Paiute Tribe

By:_____ Date:_____
Benny Tso, Chair

Lovelock Paiute Tribe

By:_____ Date:_____
Victor Mann, Chairman

Moapa Business Council

By:_____ Date:_____
William Anderson, Chairman

Paiute Tribe of Utah

By:_____ Date:_____

Pyramid Lake Paiute Tribe

By:_____ Date: 9/8/2014
Elwood Lowery, Chairman

Pyramid Lake Paiute Tribe

By:_____ Date:_____
Ralph Burns, THPO

Reno-Sparks Indian Community

By:_____ Date:_____
Arlan Melendez, Chairman

Reno-Sparks Indian Colony

By:_____ Date:_____
Michon R. Eben, THPO

South Fork Band Council

By:_____ Date:_____
Sim Malotte, Chairperson

Stewart Community Council

By:_____ Date:_____
David Tom, Chairman

Summit Lake Paiute Tribe

By:_____ Date:_____
Randi DeSoto, Chairwoman

Te-Moak Tribal Council

By:_____ Date:_____
Davis Gonzales, Chairman

Timbisha Shoshone Tribe

By:_____ Date:_____
George Gholson, Chairman

Walker River Paiute Tribe

By:_____ Date:_____
Lorren Sammaripa, Chairperson

Washoe Tribal Council

By:_____ Date:_____
Wanda Batchelor, Chairperson

Washoe Tribe of Nevada and California

By:_____ Date:_____
Darrel Cruz, CRO/THPO Director

Wells Band Council

By:_____ Date:_____
Michelle Cure, Chairperson

Winnemucca Colony Council

By:_____ Date:_____
Tribal Chair

Woodsfords Community Council

By:_____ Date:_____
Geoff Ellis, Chairman

Yerington Tribal Council

By:_____ Date:_____
Delmar Stevens, Chairman

Yomba Tribal Council

By:_____ Date:_____
Wayne Dyer, Chairman

APPENDIX A

NV PA Tribal Consultation Distribution List

Battle Mountain Band Council

Carson Colony Council

Chemehuevi Tribe

Cocopah Tribe

Colorado River Indian Tribes

Confederated Tribes of Goshute Reservation

Dresslerville Community Council

Duck Valley Shoshone-Paiute Tribe

Duckwater Shoshone Tribe

Elko Band Council

Ely Shoshone Tribe

Fallon Paiute-Shoshone Business Council

Ft. McDermitt Paiute-Shoshone Tribe

Fort Mojave Indian Tribe

Fort Yuma Quechan

Havasupai Tribe

Hopi Tribe

Hualapai Tribe

Kaibab Paiute Tribe

Las Vegas Paiute Tribe

Lovelock Paiute Tribe

Moapa Business Council

Paiute Tribe of Utah

Pyramid Lake Paiute Tribe

Reno-Sparks Indian Community

South Fork Band Council

Stewart Community Council

Summit Lake Paiute Tribe

Te-Moak Tribal Council

Timbisha Shoshone Tribe

Walker River Paiute Tribe

Washoe Tribe of Nevada and California

Wells Band Council

Winnemucca Colony Council

Woodfords Community Council

Yerington Tribal Council

Yomba Tribal Council

APPENDIX B

Definitions

Aircraft warning device – A device consisting of both signs and marker balls. Signs are usually placed on the tops of transmission line structures. "Marker balls" are large colored balls placed around overhead ground wires to make them visible to aircraft and birds.

Anchor – An anchor is a metal pin or concrete weight attached to the end of a guy wire to secure it to the ground.

Archeological Resources/Materials – "As defined in the uniform regulations implementing the Archeological Resources Protection Act at 43 CFR 7.3(1)) and are any material remains of past human life which are of archaeological interest at least 50 years of age.

Area of potential effects (APE)- the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. 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.

Armor rod – Protective pre-formed wires wrapped around an aluminum conductor to prevent damage at point of support. An armor rod is also used to repair minor conductor damage.

Auger truck – A truck equipped with a bed-mounted auger used to dig holes for poles or structure foundations.

Bird guard – A specially designed device placed on transmission line structures to prevent birds from being electrocuted.

Bobcat – A small front-end loader.

Bucket truck – A specially designed truck equipped with a bucket and hydraulic arm used to lift men and equipment to the top of transmission line structures during construction, maintenance and inspection of transmission line structures.

Bushing – An electrically insulated lining for a hole to protect a through conductor (from Webster's).

Capacitor bank – A capacitor is a device which stores an electrical charge. Capacitors are grouped in "banks" inside switchyards and substations. Capacitor banks perform various functions including increasing power flow, compensating for voltage drops, and improving power at the point of delivery.

Circuit breaker or "breaker" – A circuit breaker is any device designed primarily to provide safe, rapid interruption of abnormal current flow. Circuit breakers interrupt a faulted circuit, and reclose as soon as the fault has been cleared.

Class I inventory –a literature and records search of existing archaeological and historic site records.

Class II survey –a professionally conducted sample survey designed to characterize an area previously surveyed.

Class III survey –a professionally conducted, intensive 100 percent survey at 20 or 30 meter transect intervals conducted to the specifications of the land-managing agency.

Clipping – The task of permanently attaching the conductor to the insulators during construction. Clipping is the last step in completing conductor stringing.

Communication site – Four communication systems are used by Western to track and monitor the power system: Microwave transmissions, power line carriers, radio, and leased telephone lines. Microwave communication sites are being used more and more. A microwave site consists of a fenced, level pad occupied by a tower and a small control building.

Conductor – A conductor, often called wire or line, is the actual carrier of current in a transmission system. It is usually made from solid or stranded aluminum and reinforced with steel.

Cross arm – The cross arm is the crossing member of a wood pole or steel transmission line structure which supports the insulators for the conductors.

Cut out fuse – A fuse is an electrical safety device that melts and interrupts the circuit when the current exceeds certain amperage.

Dampener Installation – Vibration dampeners are installed to inhibit the conductor or overhead ground wires from oscillating, whipping, and/or bouncing. They may be installed using bucket trucks.

Danger Tree – A tree, living or dead, that could fall onto the transmission line, structure, facility or a tree that could grow under the line to a height that could cause electric current jumps by Federal Energy Regulatory Commission/Nuclear Energy Regulatory Commission (FERC/NERC) standards.

Disconnect switch – A switch used to open or close a circuit. An open switch stops current from flowing in a circuit, while a closed switch allows current to flow again. A disconnect switch is used in an electrical system to separate a part of the system during a fault, and to allow for maintenance and repair.

Emergency – Emergency undertakings are defined as hazardous materials spills or situations of unplanned or unscheduled power outages or imminent outages that potentially threaten human life and property.

Footing – A footing is an enlargement at the base of a structure used to distribute the load or weight of the structure. Footings are dug with an auger into the ground and sometimes are filled with concrete.

Ground mat – A ground mat is a large wire mesh mat buried under a substation or other electrical facility used to help ground electrical equipment.

Ground rod – A ground rod is a metal pole installed in the ground to a depth of at least 5 feet. The rods are attached to grounding cables.

Ground wire – A ground wire is a safety devise that directs current to the earth or "ground". Overhead ground wires act as lightning rods. They are connected to the transmission line structures and extend down into the ground.

Guy wire – A steel wire used to support or strengthen a structure. A guy wire securely anchors the structure to the ground. Guy wires are used at dead-end and turning structures, and at endpoints such as substations.

Historic property – any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the NRHP maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria.

Insulator – An insulator keeps current from flowing to the earth or another conductor. Insulators usually hang from the transmission line structure cross arms. An insulator inhibits the flow of electricity to the earth or another conductor. Insulators are usually bell-shaped, arranged in strings, and are made of porcelain, Pyrex glass, or plastic.

Isolate (Isolated Occurrence or Isolated Find) – is a cultural manifestation that does not meet the definition of a site as defined by the respective land managing agency, SHPO or THPO. On Nevada state lands, archaeologists documenting isolates will default to the BLM definition; whereby an isolate is one artifact within a 30-square meter area.

Knee brace – An angle support device used to support a transmission line structure's cross arm.

Light beacon – A light attached to a tower used for guidance or aircraft warning.

Lightning arrestor – Any attachment, usually a metal bayonet, used to attract lightning away from the transmission system and direct it to a ground wire and the ground.

Masticator – A tractor-type machine used for mechanically removing vegetation. Three types of

masticators are used:

1. **Feller Buncher** – A tractor-type piece of machinery used to mechanically clear or mow dense vegetation. This is a method of vegetation removal that mechanically blades high-growth vegetation down to 6-8 inches while avoiding soil disturbance during normal operations.
2. **Hydroax** – A hydro-axe is an articulated tractor with a mower-mulcher mounted on the front of the machine. It has rubber flotation-type tires that cause little disturbance to the surface ground in dry soil. The mower-mulcher clips and mulches vegetation from 4 to 10 inches above ground. The hydroax can also be used to remove tree stumps from the ground.
3. **Cut-Shredder** – A rotating drum with teeth that is attached to a front end loader for the removal of vegetation. The drum has guide arms to prevent it from hitting the ground.

Microwave radio tower – A tower, usually constructed of steel lattice, equipped with a microwave receiving dish.

Minor construction – the minor or temporary construction of something relating to a maintenance activity; for example, the construction of a shoofly.

Parabolic dish – A bowl-shaped antenna or reflector used in microwave communications.

Pole guard – A metal collar or brace used to add strength to a pole. See also "stub".

Portable or Mobile substation – A mini-substation that is transportable by truck and installed anywhere along the transmission system.

Reactor – A reactor is a device used to introduce inductive reactance into a circuit. Usually installed in groups or banks, they help limit current to a safe value. This protects equipment from excessive power surges during a fault.

Recloser – A recloser is a device associated with a circuit breaker that allows the circuit to close automatically after a fault.

RipRap – the placement of rock or fill in a small area around creek beds or embankments to prevent erosion.

Regulator – See voltage regulator.

Routine maintenance – work conducted on Western's transmission lines and facilities to maintain the maintain safety and reliability of the electrical system.

Shoofly – A shoofly is a temporary road used to get around an obstruction in the right-of-way, usually used during construction. More commonly, it also refers to a temporary tap line used to direct current around a piece of the transmission system that is under construction or repair.

Signatures –

1. **Signatory**: a signatory is a party that has a responsibility under the terms of the PA and has the sole authority to execute, and amend or terminate the PA.
2. **Invited Signatory**: is a party that has a responsibility under the terms of the PA and has been invited to sign giving them the authority to amend or terminate the PA.
3. **Concurring Party**: is a consulting party that does not have a particular responsibility under the PA and has been invited to concur with the stipulations of the PA. The refusal of any party invited to concur in the PA does not invalidate the PA.

Solar power array – A collection or grouping of devices such as mirrors or photovoltaic cells, capable of capturing solar energy for use in generating electricity; typically attached to structures.

Stabilizer or Outrigger pad – A metal plate used to support lifting equipment.

Undertaking – a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; and those requiring a Federal permit, license or approval.

Stub – A "stub" refers to temporary reinforcement done at the base of a pole to provide additional strength. A stub usually consists of a short piece of another pole,

Steel transmission line (TL) structure – A steel structure, usually in a lattice or single pole configuration which can be used in special construction situations and to carry large transmission voltages.

Substation – A substation is an on-ground facility consisting of various electrical equipment used to transform or "step down or up" the voltage for delivery and consumer use.

Switch (Switchgear) – Substation equipment designed and operated to switch electrical circuits and to interrupt power flow.

Tap changer – A device in some transformers that increase or reduce the potential by changing the transformer turns ratio. Tap changing transformers are used to control voltage at loads, substations, and direct current ties.

Transformer – A transformer transfers energy from one circuit to another circuit and are used to increase or decrease voltage in an alternating current system- A transformer consists of two "windings", or many turns of magnetically coupled wires or coils, placed very close together within an oil-cooled cylinder.

Voltage regulator – An electric device that regulates voltage flowing through distribution lines. It automatically raises and lowers the voltage to maintain required voltage levels for service.

Wave trap – A wave trap is used in carrier communications to confine the carrier signal to one transmission line section. It is a parallel circuit tuned to the frequency of the carrier signal.

Wood transmission line (TL) structure – A structures built from large wooden poles (usually of fir, pine, larch or cedar) that are treated with a preservative chemical to protect them against decay fungi.

X-brace – An X-brace, usually constructed of wood, provides reinforced support to large wooden transmission line structures.

APPENDIX C

Exempt Undertakings

Undertakings Exempt From Further Section 106 Review and Reporting

A. Substation Maintenance

1. Maintenance and replacement of transformers and breakers.
2. Servicing and testing of equipment at existing substations, including oil change-outs.
3. Installation or replacement of bushings.
4. Cleaning or replacement of capacitor banks.
5. Maintenance or installation of above ground propane tanks within a substation yard.
6. Maintenance of switches, voltage regulators, reactors, tap changes, reclosers and valves.
7. Replacement of wiring in substations and switch yards.
8. Replacement of existing substation equipment including regulators, capacitors, switches, wave traps, radiators, and lightning arresters.
9. Installation of cut-out fuses.
10. Adjust and clean disconnect switches.
11. Placement of temporary transformer.
12. Maintenance, installation or removal of a solar power array panel (approx. 3 by 3 feet) and controller from structures.
13. Emergency clean up of chemical spills (follow procedures in Stipulation VII).
14. Repair or replacement of ground mats, not to exceed current depth of disturbance.
15. Replacement or repair of footings for electrical or communications equipment above the ground mat within an existing substation.
16. Installation of foundations for storage buildings above the ground mat within existing substation yard.
17. Any ground disturbing activity within the leveled and graveled portions of an existing substation yard, not to exceed current depth of disturbance.
18. Clearing vegetation using hand tools , including controlled burns, within an existing substation.
19. Maintenance and repair of buildings and structures <45 years old.

B. Transmission Line Maintenance Within the Established ROW

1. Ground and aerial patrols.
2. Climbing inspection and tightening hardware on wood and steel transmission line structures.
3. Replacement or repair of wood pole ground wire.
4. Replacement of aircraft warning devices.
5. Replacement or cleaning of insulators.

6. Installation of bird guards.
7. In-kind replacement of cross arms on wood pole transmission line structures.
8. Cut and drop danger trees within ROW with hand tools.
9. Replacement or repair of steel members of steel transmission line structures.
10. Inspection of hardware on wood and steel transmission line structures.
11. Installation, repair or replacement of X-brace and knee brace.
12. Installation of structure mile markers.
13. Dampener installation.
14. Replacing ground spike on wood pole structures.
15. Vegetation and slash removal projects using hand tools (e.g. chainsaws) and no brush piling, do not require consultation with land-managing agency. (See BMP: Appendix E).
16. Installation of ground rods.
17. Installation of armor rod and clipping-in structures.
18. Replacement or repair of conductor/reconductoring, overhead ground wire (OGW) or optical ground wire (OPGW).
19. Application of wood preservatives on existing wooden pole structures.
20. Installation of gates where no new posts need to be installed.
21. Exposing tower legs from soil deposition.
22. Stub an existing wood pole structure for replacement in-kind or no replacement.
23. Repair of pole guards.
24. Placement of single post informational signs for accessing the right-of-way.

C. Communication System Maintenance

1. Microwave radio tower maintenance.
2. Communication tower and antennae maintenance.
3. Replacement of light beacons.
4. Removal of microwave dish.
5. Installation, removal and repair of parabolic dish.
6. Installation or removal of solar power array panels (approx. 3 x 3 foot panel) and controllers from buildings/structures.
7. Replacement or repair of footings for electrical or communications equipment above the ground mat within an existing communications facility.
8. Installation of prefabricated shelters on a level surface.
9. Maintenance and repair of buildings and structures <45 years old.

D. General Facilities Maintenance

1. Application of soil sterilants and herbicides (responsibility of land managing agency to notify Western of areas excluded for application of chemicals on its lands during the agency's permitting/approval process).
2. Clearing vegetation using hand tools (see BMP: Appendix E).

3. In-kind repair fences and gates using hand tools.
4. Pull existing fences using hand tools if fence is <45 years old.
5. Grounds maintenance for existing facilities, which could include the use of brush hogs if previously conducted on-site.
6. Maintenance and repair of buildings and structures <45 years old.

APPENDIX D

Non-exempt Undertakings

Non-exempt undertakings require RPO or FPO review. Non-exempt undertakings where approved conditions are met per Stipulation V.A(1) do not require consultation. Any activity not listed in Appendix C or D requires consultation. Non-exempt undertakings include, but are not limited to:

1. Excavation and installation of new footings on a transmission line or at a communication site.
2. Installation of new or replacement of existing culverts (using a backhoe/front-end loader within an existing access road).
3. Installation of new guy anchors or digging out buried anchors.
4. Wood pole replacements.
5. Removal of foundations at communication sites.
6. Installation, repair or pulling existing fences and gates with heavy equipment or where posts or poles must be installed.
7. Erosion control projects outside existing facilities or within existing facilities that go beyond current depth of disturbance.
8. Access road maintenance, construction or upgrading.
9. Installation of foundations for storage buildings outside graveled area at an existing substation or inside communication site yard.
10. New propane tank installation at a communication site or outside of an established substation.
11. Vegetation clearing by bulldozer or grader.
12. Installation of microwave and radio tower.
13. Underground installation of water, power, communication or ground electrical line beyond current depth of disturbance.
14. Installation of water bars on existing access roads.
15. Setting up portable substations or mobile transformers outside of an established substation.
16. Maintenance and repair to historic buildings or structures (>45 years old or older).

APPENDIX E

Best Management Practices (BMP)

1) Where the RPO or FPO determines that extremely dense vegetation prevents a Class III survey or where vegetation coverage provides low ground visibility <20% or where vegetation becomes a concern for crew safety such as dense areas of cacti, mesquite, tamarisk, etc. or poison oak - all areas within this exclusion will be subject to close reconnaissance from surrounding area. Areas >1 acre or >0.25 mile long that cannot be surveyed due to vegetation coverage, the RPO or FPO will consult with the land managing agency to discuss monitoring, or post-activity survey or other options if the proposed project cannot be redesigned to avoid these areas per Stipulation V).

2) Where due to the scale of the project removal of vegetation using hand tools is not feasible, and where mechanical means of vegetation removal will use mastication machinery, the following requirements for BMP are in place.

   A: Mastication equipment will not be used within historic properties.

   B: A qualified archaeologist will monitor mastication undertakings in areas that cannot be surveyed to be available for discovery situations and to conduct post activity survey to identify the presence of historic properties.

3) Western's historic property avoidance measures for all non-exempt undertakings covered under this PA are as follows:

   Western, whenever possible will redesign undertakings to avoid historic properties. In addition, archaeological monitoring will occur to ensure avoidance of historic properties present within the APE. In addition to archaeological monitoring, tribal cultural monitoring may occur in certain circumstances, determined appropriate during tribal consultation. Archaeological monitors will coordinate with the crew supervisor or maintenance inspector assigned by Western as the point of contact regarding scheduled training and monitoring. Coordination with the supervisor or inspector is necessary to evaluate the location and condition of historic properties recommended for monitoring.

   Prior to maintenance activities, Western's archaeologist or contractor monitoring archaeologist will complete background research on any historic property scheduled for monitoring. Research will provide information concerning the type of resource, location of artifacts and/or feature(s), and past investigations, including any previous monitoring, testing, or data recovery. Documentation of historic properties by the archaeological monitor before maintenance activities begin will consist of a boundary evaluation, photographic documentation of the current conditions, and field checking of relevant features near the maintenance activity.

Blue and white flagging, recognized by Western as demarcating sensitive areas, will be used to mark the boundary and a 30-meter buffer. Prior to ground disturbing activities, the monitor will document artifacts/features within the proposed maintenance work area, but no collections will occur. Flagging and other markings shall be removed as soon as possible to avoid calling undue attention to historic properties.

Western's archaeologist or contractor will at times also monitor within the boundaries of known historic properties, where Western determined that the undertaking is a type that would not affect the qualities that make the property eligible to the NRHP.

As part of continued coordination with Western's supervisor or inspector, the supervisor will contact the monitoring archaeologist when the project is completed. The monitoring archaeologist will then examine the monitored historic properties to take final photographs, assess condition, and remove the flagging, staking and signage within 2 weeks of project completion.

Maintenance vehicles will stay on established access roads which may be within or outside the transmission line ROW, In the event of overland travel by anything other than an off road vehicle the incident will be reported to the Environmental Manager per Stipulation VI of the PA.