

Final October 7, 2014
**AMENDMENT 1 TO THE
PROGRAMMATIC AGREEMENT AMONG
THE BUREAU OF LAND MANAGEMENT,
WYOMING STATE HISTORIC PRESERVATION OFFICER,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
AND POWER COMPANY OF WYOMING, LLC
REGARDING ADVERSE EFFECTS TO HISTORIC PROPERTIES
RESULTING FROM THE
CHOKECHERRY AND SIERRA MADRE WIND ENERGY PROJECT
IN CARBON COUNTY, WYOMING**

WHEREAS, the Bureau of Land Management (BLM), Advisory Council on Historic Preservation (ACHP), Wyoming State Historic Preservation Officer (WYSHPO), and Power Company of Wyoming, LLC (PCW) executed a Programmatic Agreement (PA) on August 23, 2012 taking into account adverse effects to historic properties from construction, operation, and maintenance of wind turbines and associated facilities within the Chokecherry and Sierra Madre Wind Energy Project Area (Undertaking) located in Carbon County, Wyoming; and

WHEREAS, the *Programmatic Agreement among the Bureau of Land Management, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers Regarding the Manner in Which BLM Will Meet Its Responsibilities Under the National Historic Preservation Act, State Protocol Between the Wyoming Bureau of Land Management State Director and the Wyoming State Historic Preservation Officer* (hereinafter State Protocol), was revised and executed on April 25, 2014, and is incorporated herein by reference; and

WHEREAS, work that was initiated and/or accomplished prior to execution of the current Protocol will be held to the stipulations, standards, and definitions of the previous State Protocol executed on March 8, 2006; and

WHEREAS, references to the State Protocol in the Stipulations of the PA apply to the current State Protocol executed on April 25, 2014 and work that was initiated after that date will be held to the stipulations, standards, and definitions of the current State Protocol; and

WHEREAS, the timing and scope of the phased approach for the Site-Specific Plans of Development (POD) has changed since execution of the PA, and the BLM, ACHP, WYSHPO, and PCW have agreed that an amendment to the PA should be executed to reflect these changes to the Undertaking; and

NOW, THEREFORE, in accordance with Stipulation X of the PA, the BLM, ACHP, WYSHPO, and PCW agree that the PA shall be amended as follows:

1. With the exception of items explicitly delineated in this Amendment, all terms and conditions of the PA shall remain unchanged and in full force and effect.

2. Amend the first paragraph of Stipulation II to read as follows:

Consistent with the phased process for Section 106 compliance under this PA, PCW shall submit no more than ten (10) separate right-of-way (ROW) applications with associated site-specific PODs to the BLM, expected to include, but not limited to, the Phase I Haul Road and Facilities, West Sinclair Rail Facility, Road Rock Quarry, Phase I Wind Turbine Development, Phase II Wind Turbine Development, and others as necessary. BLM shall identify historic properties for which it has not yet reached a determination of effect and assess effects to those historic properties from the activities proposed in the PODs consistent with the following procedures:

3. Amend Stipulation II.c.2 to read as follows:

Upon review of any POD that includes wind turbine generators, BLM shall make final determinations of effect for the Parco Historic (48CR1197), Rawlins Residential Historic District (48CR7277), Rawlins Downtown Historic District (48CR4221), and the historic Wyoming State Penitentiary (48CR1198) in accordance with Stipulation II.d of this PA.

4. Amend Stipulation III.c.1 to read as follows:

A committee to develop Compensatory Mitigation Plan(s) (CMP) will include the Consulting Parties or their authorized representative(s), and any Invited Concurring Parties that choose to participate. The Rawlins Field Manager shall convene the committee within 90 days of execution of this PA. The committee shall also develop recommendations for standards for approval of the CMP(s). The Consulting Parties on the committee will be responsible for the final recommendations. The Rawlins Field Manager, with WYSHPO concurrence, will have final authority on approval of committee recommendation(s). Within 30 days of approval, the CMP(s) will be appended to this agreement. A copy of the CMP(s) will be mailed to all Parties. Failure to reach agreement on the CMP(s) prior to authorization of each ROW including wind turbine generators will result in nullification of this PA. Should the PA be nullified, any remaining adverse effects to the historic properties will be addressed pursuant to the State Protocol. The committee shall meet annually and/or as needed to evaluate implementation of the CMP(s) and determine when mitigation is complete.

5. Amend Stipulation VIII.a to read as follows:

On or before January 1 of each year, until the Consulting Parties agree in writing that the terms of this PA have been fulfilled, PCW shall prepare and provide a letter report to the BLM detailing how the applicable terms of the PA are being implemented. Upon acceptance, the BLM shall provide this annual report to all Parties on or before February 15 of each year. The Parties may provide comments on the report to the BLM within 30 days of receipt, and the BLM will distribute all comments to the Parties.

6. Amend Stipulation XII to read as follows:

Unless this PA is terminated pursuant to Stipulation XI above, another agreement executed for the Undertaking supersedes it, or the Undertaking itself has been terminated, this PA will remain in full force and effect until BLM, in consultation with the Consulting Parties, determines that construction of all aspects of the Undertaking have been completed and that all terms of this PA have been fulfilled in a satisfactory manner, not to exceed fifteen (15) years from the date of the original execution of the PA, unless each of the Consulting Parties agrees to extend the term hereof through an amendment per Stipulation X of this PA. This PA will expire if the Undertaking has not been initiated and the BLM right-of-way grant expires or is withdrawn.

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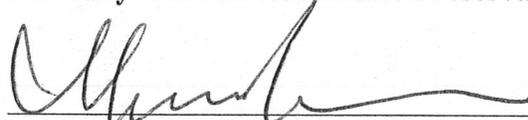
SIGNATURES

In witness whereof, the Parties to this PA Amendment through their duly authorized representatives have executed this PA Amendment on the dates set out below, and certify that they have read, understood, and agreed to the terms and conditions of this PA Amendment as set forth herein.

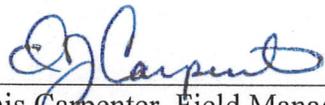
The effective date of this PA Amendment is the date of the signature by the Executive Director of the ACHP.

Consulting Parties:

Advisory Council on Historic Preservation

for  _____ *11/18/14*
John M. Fowler, Executive Director Date

Bureau of Land Management, Rawlins Field Office

 _____ *OCT 22 2014*
Dennis Carpenter, Field Manager Date

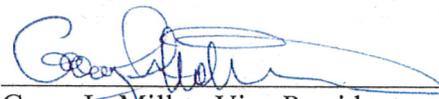
Bureau of Land Management, Wyoming State Office

 *Acting* _____ *10-30-14*
Buddy Green, Deputy State Director, Date
Resource Policy and Management

Wyoming State Historic Preservation Officer

 _____ *11/4/14*
Mary Hopkins, SHPO Date

Power Company of Wyoming, LLC.

 _____ *Oct 30, 2014*
Garry L. Miller, Vice President, Date
Land and Environmental Affairs

Final October 7, 2014

Invited Concurring Parties:

Oregon-California Trails Association

Jere Krakow, Preservation Officer Date

Alliance for Historic Wyoming

Carly-Ann Anderson 10/30/2014

Carly-Ann Anderson, Executive Director Date

TRACKS Across Wyoming

Charles Lanham 10/10/2014

Charles Lanham, President Date

Landmark Committee – City of Rawlins Certified Local Government

Pam Thayer 10/22/14

Pam Thayer, CLG Board Member Date

Wyoming Frontier Prison

Tina Hill 10/22/14

Tina Hill, Historic Site Director Date

Carbon County

Leo J. Chapman 10-22-14

Leo Chapman, Chairman,
Carbon County Commissioners Date

Pine Grove Station

Bruce Thayer, Landowner Date

Final October 7, 2014

Invited Concurring Parties:

Oregon-California Trails Association

Jerre Krakow *Oct. 23, 2014*
Jerre Krakow, National Preservation Officer Date

Alliance for Historic Wyoming

Carly-Ann Anderson, Executive Director Date

TRACKS Across Wyoming

Charles Lanham, President Date

Landmark Committee – City of Rawlins Certified Local Government

Pam Thayer, CLG Board Member Date

Wyoming Frontier Prison

Tina Hill, Historic Site Director Date

Carbon County

Leo Chapman, Chairman, Carbon County Commissioners Date

Pine Grove Station

Bruce Thayer, Landowner Date

Eastern Shoshone Tribe of the Wind River Reservation

Darwin St. Clair, Jr., Chairman Date

Northern Arapaho Tribe

Darrell O'Neal, Sr., Chairman Date

Ute Tribe of the Uintah and Ouray Reservation

Gordon Howell, Chairman Date

Northern Cheyenne Tribe

Llevando "Cowboy" Fisher, President Date

Ft. Peck Assiniboine and Sioux Tribes

A.T. "Rusty" Stafne, Chairman Date

Wyoming Attorney General's Office, Approval as to Form:

S. Jane Caton #121215 11-3-14
S. Jane Caton, Senior Assistant Attorney General Date