



# Federal Columbia River Power System (FCRPS)

## Cultural Resources Sub-Committee (CRSC)

### 2021 Spring Quarterly Meeting - Notes

Date & Time: March 10, 2020 - 8:30 a.m. to 12:30 p.m., Pacific Time  
 March 11, 2020 - 8:30 a.m. to 12:30 p.m., Pacific Time  
Place: CONFERENCE CALL/WEBINAR

#### Attendees

Participant Name	3/10	3/11	Affiliation
Greg Anderson (GA)	X	X	BPA
Derek Beery (DB)- notes	X	X	Reclamation
Jennifer Bertolani (JB)	X	X	USACE – NWS
Leah Bonstead (LB)			USACE – NWW
Kevin Cannell (KC)	X	X	BPA
Michael Flowers (MF)	X	X	USACE – NWD
Tara Gauthier (TG)	X		USACE – NWP
Scott Hall (SMH)	X	X	USACE – NWW
Sean Hess (SCH)	X	X	Reclamation
Sarah MacIntosh (SM)	X		USACE – NWS
Celia Moret Crockett (CMC)	X	X	BPA
Aaron Naumann (AN)	X	X	BPA
Liz Oliver (LO)	X	X	USACE – NWP
Kelly Phillips (KP)	X	X	BPA Contractor
Jenna Peterson (JP)	X	X	BPA
Matthew Punke (MP)			USACE – NWS
Jeremy Ripin (JR)		X	USACE – NWS
Pei-Lin Yu (PY)	X		USACE – NWW

#### Note:

Action Items highlighted in blue. They are summarized in a table at the end.

## Day 1, March 10

### ***Introductions & Announcements (Group)***

Webex meeting began at 8:30 with roll call.

KC- Bonneville Power Administration (BPA) teleworking until May 1<sup>st</sup> -additional months likely to be added. In process of backfilling departed GIS specialist. Also hiring a pool of federal archaeologists due to contract archaeologists leaving and increased workload.

MF- Jim Fredericks has announced his retirement in early June. This will impact management at Northwest Division and he will be backfilled with detailers for at least one period if not more until they can re-hire. Seattle District just hired a new architectural historian (Lys Opp-Beckman). She is a United States Army Corps of Engineers (Corps)-wide asset.

SCH has been into the Regional Office once a week. There is no discussion on changing phases. United States Bureau of Reclamation (Reclamation) staff can do fieldwork with supervisor review. Grand Coulee and Columbia Cascades Area Offices are both in the process of hiring historians. The Regional Office Chain of Command is stable. DB has a new supervisor starting Monday morning. His name is Richard (Rusty) Miller.

### ***SWPA Requirements – Schedule & Milestones***

#### ***FY20 Annual Report update (MF)***

The final draft is complete. Legal and signatory reviews are in process. BPA will print the hard copies and the Corps will mail the reports out by the end of March due date. MF will scan the transmittal letter and prepare it for signatures.

LO asked to make sure it goes to Oregon State Historic Preservation Officer (SHPO) through GoDigital.

CMC asked if we are still doing the full-page summary sheet. KC confirmed.

#### ***2020 Systemwide Annual Meeting follow up (April 2021) (KC, MF, SH)***

The Program Managers (Ps) are drafting a letter to likely be signed at the deputy level to respond to the various tribes and agencies concern with Stipulation XVI.G. of the System-wide Programmatic Agreement (SWPA). The Lead Federal Agencies (LFAs) have not altered their course, but are continuing to discuss amongst the Ps.

The Ps are trying to get the letter finalized by April 30. Legal review will be necessary. The Ps will discuss this on Monday, March 15<sup>th</sup>. SCH will send out a reminder for that meeting now.

#### ***Program Goals & Measures Summary for FY2021***

Discussed long-term goals in detail at the last meeting- focus today on a few special requests.

*Discuss issues/planning for accessing private land parcels with respect to Corps projects (MF, all)*

LO and JR organized a meeting with the Corps on accessing private land parcels with Office of Counsel and Real Estate staff. Albeni to be first project to implement this process. Developing a one- or two-page FAQ for landowners with concise answers that can be mailed along with the Right of Entry letter.

LO - There are thousands of flowage easements on the lower Columbia River. This is a monumental real estate program effort. LO concerned how this will impact other program goals and budgets. JR has been quoted that each Right of Entry letter/action will cost approximately \$1500.

KC- We need to make a good faith effort toward the goal of gaining access to privately held parcels in the Area of Potential Effects (APE). We can update the long-term goals and adjust dates for when projects can realistically meet expectations.

Walla Walla working to gain access to private parcels on the Nez Perce Reservation. Washington Department of Archaeology and Historic Preservation (DAHP) is pushing the state laws they have for protecting resources on private land to convince the landowners to comply. KC recommends that we refer landowners with questions to the State Archaeologist for state specific regulations. SMH suggested purchasing easements if a significant site is discovered during the inventory on private land. MF has not spoken with leadership about this- it would be precedent setting. Similar discussion at the project level at Chief Joseph.

SCH discussed mitigation banking at Reclamation for the Pasco Pump Lateral Project. The CTUIR saw the banking as a “zero sum game.” Also considering a transfer of federal responsibility process (kind of a land transfer) at Lake Roosevelt. Would Reclamation Office of Counsel or a Solicitor support land purchases as a means to treat a site under Section 106? Are there authorities that allow such purchase of land? MF- real estate/counsel use the original easement language to gain entry rather than using Section 106 regs. SCH- the Walla Walla District has purchased land along the Snake River under the Fish and Wildlife Compensation Plan. Has also seen the use of the Army Compatible Use Buffer program.

MF- when private land inventory gets prioritized, the cooperating group (CG) participants need to understand budget and time impacts imposed by the effort to gain access to private lands.

KC- some CGs may not be as interested in inventorying private lands, but we need to make the reasonable and good faith effort to meet the expectations of the consulting parties and SWPA signatories.

### ***Performance Indicators Status (Group)***

KC- updating the Performance Indicators (PIs) monthly using the status sheet. He hopes to send out an updated status sheet March 15. The Corps is close to meeting the interim PI for completion of both milestones. Unsure if they will be marked yellow or green. Next is the midterm milestone for identifying excess funds.

SJH- Would tracking Cultural Resources Sub-Committee (CRSC) projects that are above certain budget amounts help us track potential budget excesses? MF and KC would like prioritization of work across the projects. SCH- Reclamation struggles not with excess funds identification, but with getting through

the acquisition process in time to expend after the identification of excess. SCH asked that if we do pull together a tracking process, we recognize those differences.

MF- finding the appropriate match with the Corps' business lines is challenging if excess funds get moved. MF is having ongoing conversations about commitments made in the CRSO Record of Decision (ROD) while also balancing the budget issues based on BPA's reductions to power funds. CRSC will talk more about this tomorrow.

SCH-Reclamation's next treatment-based PI is due June 4 and is on track. The programming and execution PIs are due at the end of the month. The first milestone is already green. The next one (finalize the Fiscal Year 2022 workplans for Reclamation Projects) is on track to be fulfilled.

### ***FCRPS Handbook Update – status update (MF, KC, SH)***

Ps have started reviewing and discussing what needs to be updated in the handbook. Due date to reach consensus on what should be updated is the end of September 2021. After that they will ask volunteers from the CRSC to redraft and/or add to the handbook.

### ***Public Information Posts about Resources Protection***

LO- Corps has cited individuals for a looting incident at a site in the Bonneville Pool. Curious about how we message to the public. Portland District is working on a social media effort to educate about the illegal aspects of artifact collection from federal lands. Would CRSC like LO to coordinate the Portland District effort with others? JR- Yes, disrespect of the landscape has been an issue this past year at Albeni Falls.

SCH- Reclamation has done this for paleontological resources. We should recognize how to be respectful of tribal concerns. The Reclamation Public Affairs Office has recommended that we promote positive messages like "Please snap a picture, record a location, and send them to us while leaving the artifact in place" instead of "don't touch it and don't take it."

LO would like CRSC feedback and is hoping to do one post per month. How might a contracted social media firm help us out with this if there are excess funds available? **LO provided examples of the social media posts to the CRSC via email during the meeting and this should be a topic for the summer CRSC meeting.**

### ***FCRPS Participant Survey – status update (SCH)***

SCH reviewed a Feb. 25th email that included a new, suggested participant survey purpose statement document. A small CRSC subgroup (SCH, JB, GA) have identified three ways to update the Mission Statement:

- To help refine the process- that the group be focused on communication only and not on gaining metric data for product utilization. There are other ways to gather that data.
- There is not a direct, connecting statement to the SWPA. The newly revised version cites the SWPA to help connect with legal authority.
- There's a new focus on how to follow up on feedback. This directly addresses the concerns we have heard from program participants during information gathering. The focus is now on communications and refining plans and processes to provide response to feedback received.

The milestone for completing the update of the purpose statement is the end of fiscal year 2021. KC requested comments prior to the next CRSC meeting.

SCH requested feedback on issue #1. No one in CRSC had any specific concerns. Same with #2. The CRSC reached a decision on the first two issues raised:

- **Decision: Goal #5 has been dropped.**
- **Decision: The CRSC accepts the revision that the SWPA is now referenced in the mission statement.**

MF is concerned with the third bullet regarding feedback. What commitments have we made before and not followed through? Is there a list of concerns and what did we do about it? How did we communicate it externally based on the input?

The group, between now and next meeting, needs to provide feedback on the third issue regarding how the agencies will address comments from partners and provide feedback. **The CRSC will provide comments on the feedback portion of the draft mission statement by April 1, 2021.**

## Day 2, March 11

### *FCRPS program budget development reminder (MF)*

MF provided an overview of the Corps' budget process. The primary take-away was that it is difficult to plan the appropriate matching strategy for appropriated funds with the BPA power funds. Adding to the complexity is the Operations and Maintenance 2020 process that caps appropriated funds requested to a particular percentage of the previous year's FY budget request. This makes budgeting challenging, especially when a specific project may need additional funds for larger treatment efforts. In the 2013 letter of agreement the LFAs doubled the BPA power funding and the Corps committed to funding the appropriated match. At the Division level the funds were "fenced." Now that the idea of fenced funds has been released and the budget is based on 'need.'-Obtaining a high execution rate in the program is hampered by the amount of service contracts undertaken by the program. Working to emphasize the importance regarding the difference between obligated and expended line items with other FCRPS staff on the Joint Operating Committee (JOC). Five Year Plans are vital, and their importance cannot be stated enough. Future focus will likely be on Needs Based Budgeting.

JB has been asked multiple times: What is the very base level of funding for the Chief Joseph Project-what is baseline and what is preferential. MF- use these opportunities to illustrate the relation of SWPA compliance process to the budget and project execution. Include everything from inventory through to treatment/mitigation. The program's funding is all baseline and we have increased the performance expectations and long-term measures for more treatment work at each cooperating group, essentially trying to work more efficiently and even more productively in an austere budget environment maintain compliance with the SWPA.

MF- Working to get District and Division program staff to understand there is a commitment to use the BPA power funding dedicated for the Program for cultural resources compliance - rather than reprogram it at the project level to some other local program before considering the needs of the program as a whole first.

KC suggested Mission Critical Budgeting Justifications like Walla Walla District has used. KC stressed the importance of five years plans.

LO- Her program ranked/designated as “No Mission” legal/environmental. Problems arise when other folks start to re-rank project work. Perhaps there is a messaging issue?

SJH- There’s a discrepancy between reporting successful obligations up the Corps chain compared with how the JOC reports on execution/expenditures. This can cause confusion on program success and is a challenge. MF has run into the same occurrence at the Division level and above. Reclamation does too. SCH has frequent discussions with JOC requesting they take a different approach rather reviewing expense lines in a financial report.

KC- Emphasizes importance of outyear planning and understanding the long-range budgeting process so we can use it to the program’s advantage.

### ***Discuss current issues/challenges in Corps contracting (MF)***

MF- The LFA’s are, at times, receiving mixed messaging or feedback from the policy level and the technical level of some of the program participants, especially those with whom work the LFAs are contracting. Also, sometimes the contractors ask for more work than they can accomplish. The Ps would like to be aware, and if necessary become involved, if the project archaeologists face either of these issues.

SJH- frequent changes in contract officers impacts how we approach, justify, and process contracts with the various programs. MF will send existing NWD guidance document to the Corps Project Managers, along with some additional Office of Counsel guidance-if it exists-on this issue.

### ***Project Round Robin (10 min, or more if time allows; overview of each Co-op Group) (Group)***

**Libby:** (KP) Confederated Salish and Kootenai Tribes (CSKT) annual cultural resource management contract is finalized and routed. Working on interpretive and Archaeological Resources Protection Act (ARPA) signage at (and nearby) a site where looting has occurred. The panels are currently being reviewed by the CSKT’s cultural committee, and final revisions should be approved soon. Hoping to print sign panels this fiscal year as a purchase order. This year, treatment will be conducted at two pictograph panels (Big Creek and Gold Creek) affected by operations. CSKT have requested funding culture camps as a creative treatment option. BPA/Corps will have a meeting to discuss the details with CSKT- to iron out the needs of the agency for justifying, planning, and contracting this as a treatment effort.

**Hungry Horse:** (JP) Group just had our planning meeting. The Indigenous Trails Multiple Property Document is with Flathead National Forest (FNF) to submit to Montana SHPO. We have compiled a draft Project Specific Programmatic Agreement (PSPA) and will meet with the FNF and CSKT to work on edits next week. Spring monitoring efforts may coincide with a deeper drawdown for Reclamation maintenance and allow visits to sites not viewed in some time. Working on some future treatments that



also include signage and culture camps like those described at Libby. FNF is working to study and protect a feature at an eligible site being impacted by recreation.

SCH - Reclamation has had a recent SHPO consult on the adequacy of older archaeological surveys. The Advisory Council on Historic Preservation (ACHP) provided input and supported Reclamation's position that age is not basis for rejection of survey adequacy by the SHPO but must be based on methodology instead. **Sean will provide the ACHP letter response to the CRSC.**

**Lake Roosevelt- Mainstem:** (GA) Prioritizing the next batch of stabilization sites and Reclamation is working toward feasibility assessments for each of the locations. Two of these site studies are going to be documented as Treatment Plan Forms (TPFs) this year. CG will decide to how to progress (order, type treatment, etc). If traditional stabilization is not feasible, we may look at alternatives and CCT are working to develop creative mitigation ideas. Inventory is largely completed and CCT are writing a capstone report to memorialize. CCT are working an on-the-ground survey of traditional cultural properties (TCPs) in the APE. Yearly drawdown monitoring continues. The CG is working on a flexible plan for testing/data recovery and other compliance. Finalizing three district determinations of eligibility that will determine eligibility for about 40 sites. LFAs are defining the process to develop the Lake Roosevelt PSPA and BPA/Reclamation are acquiring the services of a facilitator.

SCH gave a brief review of Secretarial Order 3389. This one challenges offsite compensatory mitigations for Interior projects. The new acting Secretary has not waived the SO. It also requires Reclamation to fundamentally change our approach to NHPA by using NEPA substitution process. The expectation is that the new Secretary will cancel it.

**Spokane Arm:** (AN) Planning meeting is complete. We have already seen a looting incident on the Spokane Arm- on the reservation. Finishing up a unique mitigation project to install maintenance sheds at tribal cemeteries within the APE. Field season is beginning and STI staff is working at a full level. Working on a shell dating study to compare against charcoal dates. TPFs are in good shape- one is for a single site and the other is for a multi-site treatment. The multi-year site stabilization project is on budget and on time for Phase 1. Pre-construction work did result in a very informative, single feature, salvage recovery effort that will likely provide both absolute and relative dates.

**Albeni Falls:** (JR) The current stabilization effort is ready to construct. There are a few funding challenges and they are waiting for the correct conditions to start construction. The CG is discussing how to treat a petroglyph that has been disarticulated and taken from the larger panel and has gone missing. Discussion of treatment/stabilization at another eligible site that has been impacted by increased recreation at a day-use site with a dock. The CG has been anxious about recreational impacts at an already treated rock art site and they are considering ways to inform and guide visitors at the site. Some CG members would like to increase law enforcement instead- in addition to the regular monitoring conducted by the tribes. Corps is working with real estate staff to ramp up the effort to estimate and develop a work plan to gain access to over 1200 private parcels with flowage easements for survey. Working on a contract with Kalispel Tribe to replace one that is expiring.

**Chief Joe:** (JB) CCT working on burned area inventory after the Cold Springs Fire last year and has recently identified a new, large lithic scatter. The stand-alone Historic Properties Management Plan (HPMP) is moving forward and a second draft will be ready over the next few days to send out for 60-

day formal consultation/review. Trying to do a site visit at a Douglas County stacked rock feature site with modern hunting impacts and looking at some signage to help protect the site. Looking for additional funding to update the Rufus Woods Lake Archaeological District. Hoping that they can do the full update in a single year rather than stretching it out to five sites a year (the accustomed process). Other treatments like story maps are in the planning process. There is a site being impacted due to use as an informal boat launch that may also be treated in the future.

**PKC:** (CMC) the CG is focused on PSPA/HPMP documents for McNary. Moving forward with the contracts for monitoring, workshops, and creative mitigation for TCPs. There is also a contract for a collections analysis at a site at McNary which should aid in a management plan for that site and a facilitator contract. The Nez Perce are conducting inventory along tribal owned parcels within the Lower Granite Project and the Corps is working on right of way permissions for a few privately held parcels. Last week the Corps scattered 500lbs of grass seed at two sites and checked on some tule plants that were transplanted to protect a site at the McNary Project last year.

**WPKK:** (GA) The relocation of the petroglyph boulders from Grant House (next to Fort Vancouver) closer to their original location along The Dalles Pool at Columbia Hills State Park occurred about two weeks ago. LO shared some slides of the relocation process and the rock structure built to protect the boulders at the state park. A fencing project along the John Day River to treat cattle trampling at six sites is about to go to bid. The Dalles HPMP has lost a little momentum, but Liz is rewriting the document now. Also working on Right of Entry processes for private property surveys as discussed yesterday.

**Review Action Items (Notetaker and Group)**

*Action Items from Previous Meeting*

Item	Status
SMH will share draft property access letter and documentation with CRSC.	Done
Program managers will identify needed revisions to the FCRPS CRP handbook by the end of FY2021.	Ongoing, potentially end of FY21.
SCH to set up a participant survey development subcommittee call in the immediate future.	Done
GA to follow up with CCT regarding 45LI224 article to be posted to FCRPS web site	Done

**Action Items from This Meeting**

Item	Status
MF to prepare the draft Annual Report Transmittal Letter for review by Ps and signatories	ASAP, Completed 3/12/21
SCH to provide other Ps with a reminder of the March 15 <sup>th</sup> meeting to discuss the Section 16.G letter that needs to go out to tribes by April 30 <sup>th</sup>	Completed during the meeting



LO will provide examples of the social media messaging Portland District has recently posted on their platforms that educate the public on archaeological impacts along the lower Columbia.	Completed during the meeting
CRSC will provide SH with comments on the updated Mission Statement Bullet #3 by April 1 <sup>st</sup> . Discussion of the comments and next steps will be an agenda item for the Summer CRSC meeting	April 1, 2021 Agenda Topic for Summer CRSC Meeting June 10-12, 2021.
MF will send the Corps Archaeologists only the guidance on contracting and letter from the Office of Council	Completed during the meeting (3/11)
SH to provide group with the letter from ACHP to Reclamation regarding technical adequacy of inventories as compared to age of inventory	Completed during the meeting

Next CRSC Meeting: June 10-11, 2021; Format TBD-likely remote again.