



NHPA (Section 106) Compliance & Bonneville Cultural Resource Program Updates



Two Goals:

Brief Cultural resource compliance training/discussion

Program-specific process improvements



NATIONAL HISTORIC PRESERVATION ACT (1966)

SECTION 106: The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking shall, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, *take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register.* The head of any such Federal agency shall afford the Advisory Council on Historic Preservation established under Title II of this Act a reasonable opportunity to comment with regard to such undertaking.



Section 106 process

- Parties in Section 106 process
 - Agency official
 - Advisory Council on Historic Preservation (ACHP) – Independent Federal agency with responsibility for commenting on Federal undertaking's effects on historic properties.
 - State Historic Preservation Officer (SHPO) – Must be consulted by agency official during Section 106 process. Responsible for state historic preservation standards and for reviewing federal determinations of eligibility and effect during Section 106 process. Established by Section 101 of the NHPA.
 - Tribal Historic Preservation Officer (THPO) – Similar to SHPO but with responsibility only on tribal lands (area within exterior boundaries of an Indian reservation).
 - Indian tribes – consulted when an undertaking could affect properties of religious and cultural significance.
 - Other consulting parties
 - Local governments
 - Parties with a demonstrated interest in the undertaking

BPA must take into account the effects of its undertakings on historic properties and afford the Advisory Council on Historic Preservation opportunity to comment.

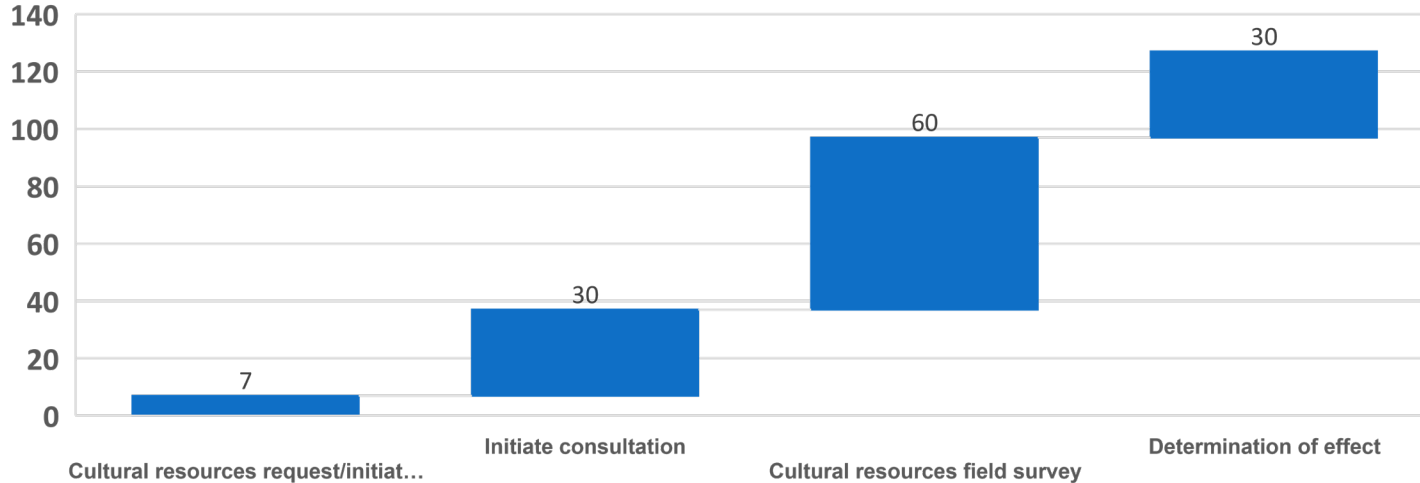
Historic properties = districts, sites, buildings, structures or objects that are eligible for inclusion in the National Register of Historic Places

Four steps:

- 1) Initiate consultation
- 2) Identify historic properties
- 3) Determine effects*
- 4) Resolve effects

*Most BPA projects end at this step

Current timeframe to complete Section 106 for routine O&M



- Typically a minimum of 120 days to complete the Section 106 process. This timeline requires a complete/finalized project description. Modifications impact timelines.
- Can be much shorter (30-45 days) in some instances where discrete project areas have been previously surveyed for cultural resources.
- Can also be much longer due to staff availability, land ownership, consultation issues, contracting timelines, adverse effects requiring completion of an MOA, etc.

PROCESS IMPROVEMENTS



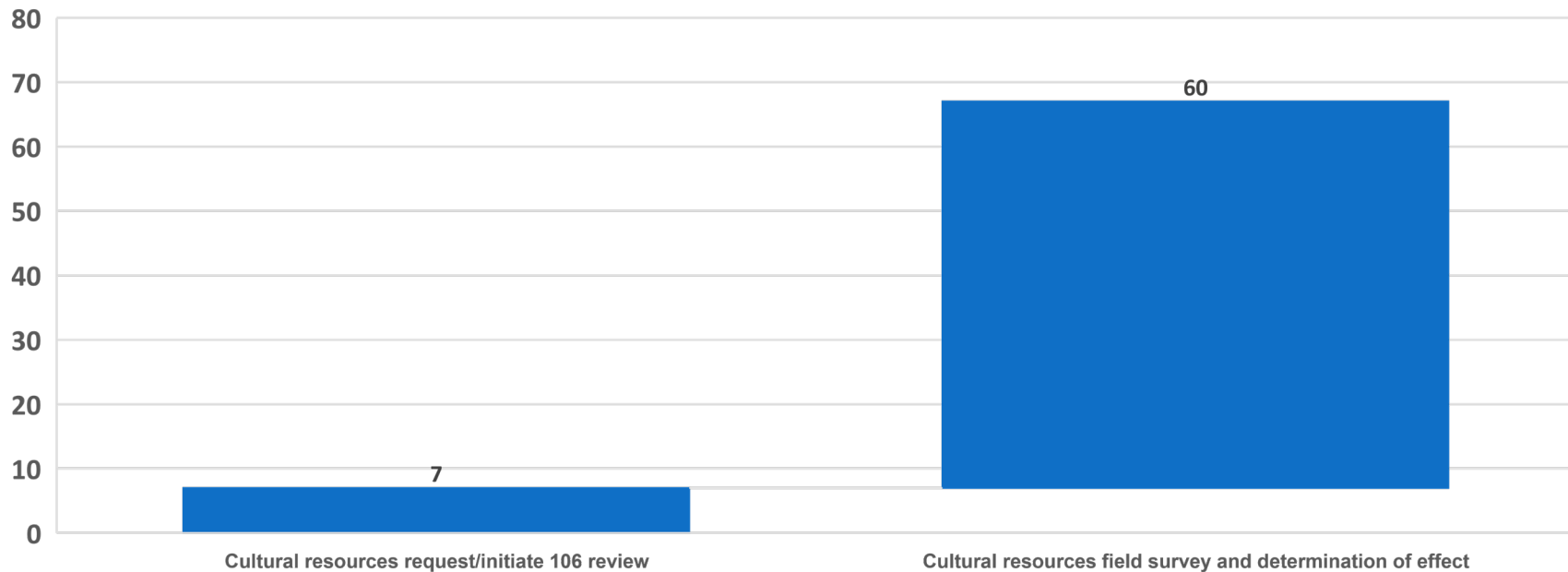
Programmatic Agreement (PA)

- The regulations implementing Section 106 allow for “program alternatives” to tailor the standard Section 106 process to better fit agency programs.
- Two types of PAs:
 - Project PA
 - Program PA
- A PA is typically executed to increase the efficiency of the Section 106 process by allowing some types of actions to proceed with limited or expedited review.
- PAs are typically executed between a Federal agency, State Historic Preservation Officer(s) (SHPO), and the Advisory Council on Historic Preservation.
 - The exception is a PA executed at a regional or national level when the National Conference of SHPOs is participating in consultation.

Goals in developing Nationwide Programmatic Agreement

- Avoid increasing frequency of impacts on cultural resources
- Draft and execute agreement as quickly as possible while still ensuring meaningful engagement with consulting parties
- Develop agreement that is as broadly focused as possible
- Shorten timeline to complete Section 106 process for routine O&M projects
- Lessen amount of effort necessary for BPA staff to complete Section 106 process for routine O&M
 - Allow more time for BPA staff to focus on Section 106 compliance for new/larger projects with greater potential to impact cultural resources
 - Allow more time for BPA staff to consult with states and tribes regarding potential impacts on cultural resources from new/larger projects

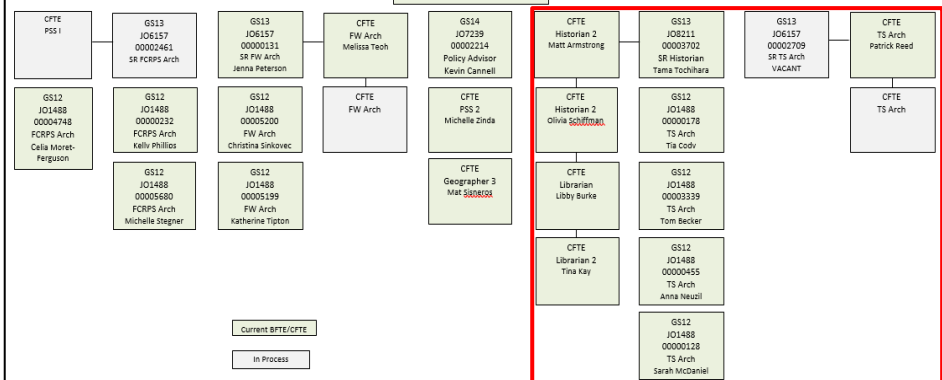
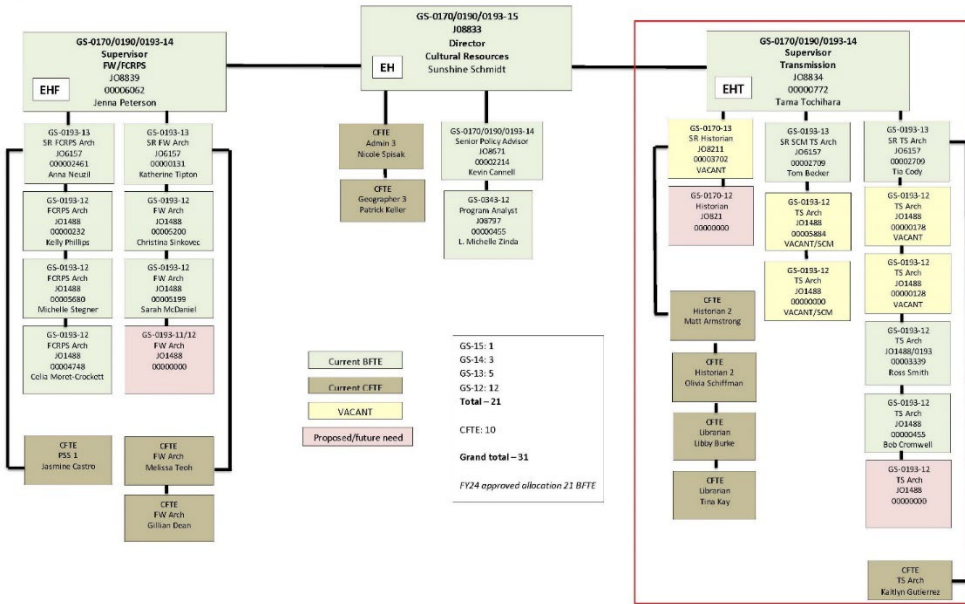
Potential future timeframe to complete 106 for routine O&M



Staffing and Re-organization

Current Organization

2023 Organization





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