

PROGRAMMATIC AGREEMENT

AMONG

**U.S. DEPARTMENT OF ENERGY-WESTERN AREA POWER ADMINISTRATION,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
ARIZONA STATE HISTORIC PRESERVATION OFFICER,
ARIZONA STATE LAND DEPARTMENT, BUREAU OF INDIAN AFFAIRS,
BUREAU OF LAND MANAGEMENT, BUREAU OF RECLAMATION,
NATIONAL PARK SERVICE, UNITED STATES FOREST SERVICE,
YUMA PROVING GROUND, AK-CHIN INDIAN COMMUNITY,
COLORADO RIVER INDIAN TRIBES, FORT MOJAVE INDIAN TRIBE,
FORT YUMA-QUECHAN TRIBE, GILA RIVER INDIAN COMMUNITY,
HUALAPAI TRIBE, NAVAJO NATION, SALT RIVER PIMA-MARICOPA INDIAN
COMMUNITY, AND TOHONO O'ODHAM NATION**

REGARDING

**MAINTENANCE AND MINOR CONSTRUCTION ACTIVITIES AT EXISTING
WESTERN TRANSMISSION LINES, FACILITIES AND PROPERTIES IN ARIZONA**

WHEREAS, the United States Department of Energy, Western Area Power Administration (Western) operates and maintains, through its Desert Southwest Regional Office (DSW) and Rocky Mountain Regional Office (RMR), an extensive electrical power delivery system throughout the state of Arizona (AZ), 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 activities "undertakings" 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 activities as these activities have the potential to affect historic properties on private, state, federal, or tribal lands; and

WHEREAS, Western's electrical delivery system crosses private, state, state trust, federal and tribal lands, and Western consulted with the AZ State Land Department, Bureau of Indian Affairs, Bureau of Land Management, Bureau of Reclamation, National Park Service, United States Forest Service, and Yuma Proving Ground and invited these agencies to participate as Invited Signatories to this programmatic agreement (PA); and

WHEREAS, this PA concerns Western’s electrical delivery system that crosses lands of the following federally-recognized tribes: the Ak-Chin Indian Community, Colorado River Indian Tribes, Fort Mojave Indian Tribe, Gila River Indian Community, Hualapai Tribe, Navajo Nation, Quechan Tribe, Salt River Pima-Maricopa Indian Community, and Tohono O’odham Nation, and Western consulted with these tribes and respective Tribal Historic Preservation Officers (THPOs) regarding the development of this PA, and invited these Tribes to participate as Invited Signatories; and

WHEREAS, Western also consulted with other federally-recognized tribes (all tribes consulted are collectively referred to as Tribes) that may attach religious or cultural significance to properties throughout AZ that may be affected by Western’s maintenance program: Cocopah Indian Tribe, Chemehuevi Indian Tribe, Fort McDowell Yavapai Nation, Havasupai Tribe, Hopi Tribe, Kaibab Band of Paiutes, Las Vegas Tribe of Paiute, Moapa Band of Paiute, Pascua Yaqui Tribe, Pueblo of Zuni, San Carlos Apache Tribe, San Juan Southern Paiute Tribe, Tonto Apache Tribe, White Mountain Apache Tribe, Yavapai-Apache Nation, and the Yavapai-Prescott Indian Tribe to participate in the development of this PA, and invited these Tribes to sign as Concurring Parties to this PA; and

WHEREAS, the Arizona State Museum (ASM) has been invited to participate as a Consulting Party pursuant to 36 CFR 800.3(f), as it has defined authorities and responsibilities under Title 41, Chapter 4.1 Article 4 Arizona Revised Statute [A.R.S.] Section 41-841 et. Seq. that apply to state, county, city, and other municipal lands in Arizona, and invited to sign as a Concurring Party; and

WHEREAS, Western sought public input through public outreach and comments were considered and incorporated in this PA; and

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

WHEREAS, this PA supersedes the previous PA signed in 1996, titled *Programmatic Agreement Among Western Area Power Administration, the Advisory Council On Historic Preservation, and the Arizona State Historic Preservation Officer, Concerning Routine Maintenance Activities at Western Facilities*; and

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

NOW, THEREFORE, Western, the SHPO, THPOs for the Gila River Indian Community, Hualapai Tribe, Navajo Nation, and Tohono O’odham Nation, and the ACHP and other participating Invited Signatories agree that Western’s maintenance program shall be implemented in accordance with the following stipulations in order to take into account the effects of the maintenance program activities on historic properties.

STIPULATIONS

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

I. COORDINATION OF ACTIVITIES REQUIRING REVIEW THAT OCCUR ON FEDERAL, STATE AND TRIBAL RESERVATION LANDS

For all planned maintenance program activities requiring review (see Stipulation III.B) under this PA that occur on state, federal and tribal lands, Western ensures that:

- A. Western's environmental staff (Environmental Manager, Regional Preservation Official (RPO) or Federal Preservation Officer (FPO)) will notify the state or federal agency(ies) or Tribe(s), as appropriate, within 10 calendar days from the initiation of Western's environmental review of the project.
- B. Western will provide the state or federal agency(ies) and Tribe(s), as appropriate, with draft copies of all new inventory reports, tribal consultation documentation (as appropriate), and all similar documentation relating to the identification and treatment 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 NRHP eligibility determinations pursuant to Stipulation IV.B.
- D. Western will consult with land-managing agencies, Tribes and the SHPO on National Register of Historic Places (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 to enable the reviewer to understand the basis for the findings and determinations.

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 activity/undertaking.
- B. Western's RPO and FPO will ensure that its contractors obtain all appropriate 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 agency, THPO or the Arizona State Museum's documentation 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. 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 B is a list of maintenance program activities/undertakings exempt from further Section 106 review. **These activities/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 C** is a list of **non-exempt** maintenance program activities/undertakings that require review under Stipulation IV. Further, any maintenance program activity not listed in Appendices B or C requires Western's RPO or FPO to follow procedures outline in Stipulation IV, prior to the activity/undertaking.

IV. HISTORIC PROPERTY IDENTIFICATION AND EVALUATION

A. **Determine the 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 activities 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 Western's contractor will contact or visit the land managing agency for current survey information. For activities/undertakings that occur within a tribe's reservation boundaries, Western will contact the tribe to find out about surveys and historic properties known within the proposed project area, as well as any other cultural resources or areas of concern that Western should consider with regard to the proposed activity/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 D, Best Management Practices). 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 whose land the project is on to discuss monitoring, or post-activity survey or other options if the proposed project cannot be redesigned to avoid these areas. Survey reports will be provided to the land managing agency, SHPO, THPO 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 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 activities.

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, Tribes and THPOs, as appropriate. Pursuant to regulation (36 CFR 800.4(C)(1)), if Western and the SHPO/THPO 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, including isolates, will be evaluated relative to all criteria of significance found at 36 CFR 60.4; however, when there is difficulty determining the eligibility of a cultural resource 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 or THPO regarding determinations of NRHP eligibility. Correspondence between Western and the SHPO or THPO will be provided to the appropriate land managing agencies, Tribes and THPOs pursuant to Stipulation X.B.

V. PROJECT EFFECTS AND APPROVED CONDITIONS

A. Western utilizes a best management practice of avoiding or minimizing adverse effects to historic properties as defined in 36 CFR § 800.16(1)(1) whenever possible, and has established additional BMP practices that will be followed to minimize project effects to historic properties (Appendix D). For all non-exempt activities (see Appendix C), the RPO or FPO will review such activities 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 the APE or proposed activity is modified to avoid historic properties. A finding of **No Adverse Effect** would result when one or more historic property is within the APE, but efforts are made to minimize effects.

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

- a) the project area is determined by the RPO/FPO to have been surveyed to current Class III standards (see Stipulation IV), **and**
- b) historic properties within the APE will be avoided or impacts are limited to driving soft rubber-tired or tracked vehicles across a site 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/THPO or Tribe regarding findings of No Historic Property Affected or No Adverse Effect, when approved conditions apply. For all non-exempt activities (listed or not listed in Appendix C) where these approved conditions do not apply, the RPO or FPO

will consult with the land-managing agency, Tribes and SHPO/THPO regarding No Adverse Effect findings pursuant to 36 CFR 800.5(d)(1). Consulting parties will be provided **30 calendar-days to respond**. If no response, within the 30 calendar-day timeframe, Western may assume concurrence and 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 activities, which will be reported annually pursuant to Stipulation X.

- 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 AZ SHPO, the ACHP, THPOs, and land-managing agencies and Tribes (as appropriate) to resolve adverse effects pursuant to 36 CFR § 800.6 prior to commencing with the activity. Should Western decide not to pursue with the activity, all parties involved will be notified.

VI. DEVELOPMENT OF A PLAN FOR MONITORING AND DISCOVERIES

Western may use archaeological monitors and/or tribal cultural monitors during implementation of maintenance activities to ensure avoidance of historic properties and to make available personnel who could respond quickly to potential discovery situations. A plan for monitoring and treating discoveries will be developed in consultation with the Signatories and Invited Signatories, within six (6) months after the execution of this PA, and will be attached as Appendix E. The Signatories and Invited Signatories will have **30 calendar-days to review the draft plan** and provide comments to Western. Western will consider all comments and provide a final draft plan for review and comment 30 calendar-days after receipt of such comments. Signatories and Invited Signatories will have **15 calendar-days to provide additional comments on final draft plan** to Western. Western will consider any additional comments and provide the final plan to the Signatories and Invited Signatories no later than 30 calendar-days after receipt of the final comments. Should Western not meet the timeline for developing the plan, Western will consult with the SHPO, and appropriate land-managing agencies, appropriate Tribes and THPOs on monitoring plans and discoveries on a case-by-case basis, until such plan is developed.

VII. EMERGENCY CONTINGENCIES

Emergency activities are defined as hazardous materials spills or situations of unplanned or unscheduled power outages or imminent outages that potentially threaten human life and property. 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 or Tribe or THPO 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 X.
- 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 VIII for Discoveries will be followed.

VIII. DISCOVERIES

- A. If archaeological materials are discovered as a result of any maintenance activity, the discovery will be protected, all earth disturbing activities 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, Tribes, THPOs, and SHPO regarding eligibility, and will also consult if the discovery was, or will be, adversely affected by the activity. 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, pursuant to 43 CFR 10, the regulations implementing the Native America Graves Protection and Repatriation Act (NAGPRA, 25 U.S.C. 30001 et seq). Western will notify the land managing agency followed by written notification within 24 hours of the discovery. If human remains are discovered on tribal lands, pursuant to 43 CFR 10 (NAGPRA), 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: Discovery of Human Remains, Sacred Ceremonial Object, Object of National and Tribal Patrimony (Arizona Rev. Stat. Â§41-844). Details on these procedures will be outline in the monitoring and discovery plan referenced under Stipulation VI.

IX. EXECUTION AND DURATION

- A. This PA 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 PA. Western will distribute copies of all signed pages to the Signatories, Invited Signatories and Concurring Parties once the PA is executed in full.
- B. This PA will expire ten (10) years from the date of its execution, unless the PA is amended with a new expiration date prior to such time. At such time, and prior to work continuing on any activity covered by this PA, Western shall either (a) execute a PA pursuant to 36 CFR § 800.14(b), or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7 or (c) consult on undertakings pursuant to 36 CFR §§ 800.4 - 800.6. Prior to such time, Western may consult with the other Signatories and Invited Signatories to reconsider the terms of the PA and amend it in accordance with Stipulation XII below. Western shall notify the Signatories and Invited Signatories as to the course of action it will pursue.

X. PROGRAM MONITORING AND REPORTING

The RPO or FPO will meet annually with the SHPO or THPO and interested Signatories and Invited Signatories to discuss the implementation of PA and annual report. Western will provide a report to the SHPO and all Signatories detailing the non-exempt activities over the course of the prior calendar year by April 1 of each year, beginning in 2014. This report will include emergencies and discoveries. Western will prepare a table as part of the report listing the activities, dates, file searches, surveys, eligibility determinations, and any consultations with land-managing agencies and Tribes.

XI. 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 consult with the objecting party to resolve the objection. If the RPO or FPO determines that such objection cannot be resolved, the FPO will forward the objection to the ACHP.

- A. If the ACHP does not provide its advice 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.

XII. 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 the amendment to all Signatories, Invited Signatories and Concurring Parties. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

XIII. 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 XII. If within thirty 30 calendar-days (or another time period agreed to by all Signatories/Invited Signatories) an amendment cannot be reached, any Signatory or Invited Signatory may terminate 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 outlined 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.

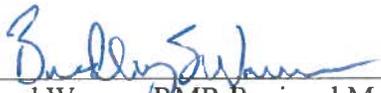
Execution and implementation of this PA evidences that Western has satisfied its Section 106 responsibilities for all individual undertakings associated with its maintenance program in Arizona, and afforded the ACHP the opportunity to comment.

SIGNATORIES

WESTERN AREA POWER ADMINISTRATION

By:  Date: 7/17/13
Darrick Moe, DSW Regional Manager, Department of Energy

WESTERN AREA POWER ADMINISTRATION

By:  Date: 8-2-13
Brad Warren, RMR Regional Manager, Department of Energy

ARIZONA STATE HISTORIC PRESERVATION OFFICER

By:  Date: 11/19/13
James W. Garrison, State Historic Preservation Officer

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By:  Date: 12-12-13
John M. Fowler, Chief Executive Officer

INVITED SIGNATORY

ARIZONA STATE LANDS DEPARTMENT

By: Vanessa P. Hickman Date: 9/9/13
Vanessa P. Hickman, Land Commissioner

INVITED SIGNATORY

BUREAU OF INDIAN AFFAIRS

By: Rodney M. Uy Date: 8.26.13
for Bryan Bowler, Regional Director, Western Region

INVITED SIGNATORY

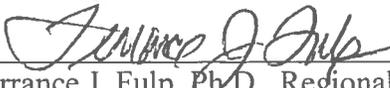
BUREAU OF LAND MANAGEMENT

By: Raymond Suazo
Raymond Suazo, State Director

Date: 9/11/2013

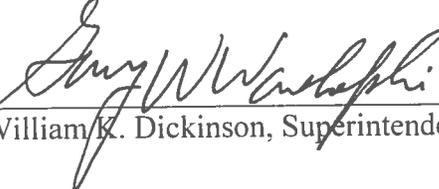
INVITED SIGNATORY

BUREAU OF RECLAMATION, LOWER COLORADO REGION

By:  Date: August 30, 2013
Terrance J. Fulp, Ph.D., Regional Director

INVITED SIGNATORY

NATIONAL PARK SERVICE, LAKE MEAD RECREATION AREA

By:  Date: 8/14/13
for William K. Dickinson, Superintendent

INVITED SIGNATORY

UNITED STATES FOREST SERVICE

By:  Date: 08/27/2013
For Calvin Joyner, Regional Forester for Southwest Region

INVITED SIGNATORY

U.S. ARMY GARRISON, YUMA PROVING GROUND

By: Richard T. Martin Date: 8/13/15
Richard T. Martin, Garrison Manager

INVITED SIGNATORY

AK-CHIN INDIAN COMMUNITY

By: _____ Date: _____
Louis Manuel Jr., Chairman

INVITED SIGNATORY

COLORADO RIVER INDIAN TRIBES

By: _____ Date: _____
Wayne Patch, Sr., Chairman

INVITED SIGNATORY

FORT MOJAVE INDIAN TRIBE

By: _____ Date: _____
Timothy Williams, Chairman

INVITED SIGNATORY

GILA RIVER INDIAN COMMUNITY

By: _____ Date: _____
Gregory Mendoza, Governor

By: _____ Date: _____
Barnaby Lewis, Tribal Historic Preservation Officer

INVITED SIGNATORY

HUALAPAI TRIBE

By: _____ Date: _____
Sherry Counts, Chairperson

By: _____ Date: _____
Loretta Jackson-Kelly, Tribal Historic Preservation Officer

INVITED SIGNATORY

NAVAJO NATION

By: _____ Date: _____
Ben Shelly, President

By:  Date: 9-26-13
Alan S. Downer, PhD., Tribal Historic Preservation Officer

INVITED SIGNATORY

QUECHAN TRIBE

By: Keeny Escalanti Date: 8/27/2013
Keeny Escalanti, President

INVITED SIGNATORY

SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY

By: _____ Date: _____
Diane Enos, President

INVITED SIGNATORY

TOHONO O'ODHAM NATION

By: _____ Date: _____
Ned Norris, Jr., Chairman

By: _____ Date: _____
Peter L. Steere, Tribal Historic Preservation Officer

CONCURRING PARTY

ARIZONA STATE MUSEUM

By:  Date: 10 Sept 2013
Patrick Lyons, Director

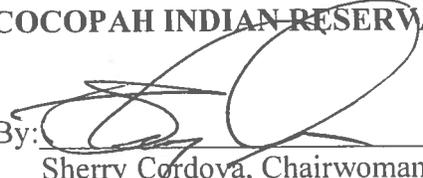
CONCURRING PARTY

CHEMEHUEVI INDIAN TRIBE

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

CONCURRING PARTY

COCOPA~~H~~ INDIAN RESERVATION

By:  _____ Date: _____
Sherry Cordova, Chairwoman

CONCURRING PARTY

FORT MCDOWELL YAVAPAI NATION

By: _____ Date: _____
Bernadine Burnette, Vice President

CONCURRING PARTY

HAVASUPAI TRIBE

By: _____ Date: _____
Don Watahomigie, Chairman

CONCURRING PARTY

HOPI TRIBE

By: _____ Date: _____
LeRoy N. Shingoitewa, Chairman

CONCURRING PARTY

KAIBAB-PAIUTE TRIBE

By: _____ Date: _____
Manuel Savala, Chairperson

CONCURRING PARTY

LAS VEGAS TRIBE OF PAIUTE

By: _____ Date: _____
Tonia Means, Chairperson

CONCURRING PARTY

MOAPA BAND OF PAIUTE

By: _____ Date: _____
William M. Anderson, Chairman

CONCURRING PARTY

PASCUA YAQUI TRIBE

By: _____ Date: _____
Peter Yucupicio, Chairman

CONCURRING PARTY

PUEBLO OF ZUNI

By: _____ Date: _____
Governor Arlen Quetawki, Sr.

By: _____ Date: _____
Kurt Dongoske, Tribal Historic Preservation Officer

CONCURRING PARTY

SAN CARLOS APACHE RESERVATION

By: _____ Date: _____
Terry Rambler, Chairman

By: _____ Date: _____
Vernelda Grant, Tribal Historic Preservation Officer

CONCURRING PARTY

SAN JUAN SOUTHERN PAIUTE TRIBE

By: _____ Date: _____
May Preston, President

CONCURRING PARTY

TONTO APACHE TRIBE

By: _____ Date: _____
Ivan Smith, Chairman

CONCURRING PARTY

WHITE MOUNTAIN APACHE TRIBE

By: _____ Date: _____
Ronny Lupe, Chairman

By: _____ Date: _____
Mark Altaha, Tribal Historic Preservation Officer

CONCURRING PARTY

YAVAPAI-APACHE NATION

By: _____ Date: _____
David Kwail, Chairman

CONCURRING PARTY

YAVAPAI-PRESCOTT INDIAN TRIBE

By: _____ Date: _____
Ernest Jones, Sr., President

APPENDIX A

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 – any material remains of past human life or activities 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.

Bedrail – A steel support beam placed between the very top of the two wooden poles on traditional H-Frame structures so as to link the poles and stabilize them. The bedrail is also called the steel angle or ridge iron. It is used for grounding and for attaching the overhead ground wire.

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 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 and Space/Damper Installation – Vibration dampeners and spacer/dampers 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 is 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.

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 device 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, Arizona State Museum or THPO.

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 arrester – 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.

Optical Ground Wire – also known as **OPGW** is a type of cable used in the construction of electric power transmission and distribution lines. Such cable combines the functions of grounding and communications.

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

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

Portable or Mobile substation – A mini-substation that can be transported 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.

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 B

Exempt Activities

Activities/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 (e.g. chainsaws), 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 structure grounds.
4. Replacement of aircraft warning devices.
5. Replacement or cleaning of insulators and bed rails.
6. Installation or replacement of bird guards/discouragers.

7. Replacement of cross arms on wood pole transmission line structures.
8. Cut and drop danger trees within ROW with hand tools (e.g. chainsaws).
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. Removal or installation of structure mile markers.
13. Dampener and spacer/damper installation and replacement.
14. Replacing ground spike on wood pole structures.
15. Vegetation and slash removal projects using hand tools (e.g. chainsaws) and no brush piling, not exceeding 10 acres do not require consultation with land-managing agency.
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. Inspection, testing, and application of wood preservatives on existing wooden pole structures.
20. Placing fill or rocks on the surface around existing towers or structures, culverts or erosion features on access roads (source locations are previously reviewed/analyzed per Section 106 (NHPA) and NEPA; excess materials are stored at a substation).
21. Installation of gates where no new posts need to be installed.
22. Exposing tower legs from soil deposition.
23. Stub an existing wood pole structure.
24. Repair of pole guards and pole splints.
25. 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 or tribe to notify Western of areas excluded for application of chemicals on their lands during the agency or tribe's permitting/approval process).

2. Clearing vegetation using hand tools (e.g. chainsaws).
3. Place fill or rocks around existing culverts (sources locations are previously reviewed/analyzed per Section 106 (NHPA) and NEPA; excess materials are stored at a substation).
4. Repair fences and gates using hand tools.
5. Pull existing fences using hand tools.
6. Grounds maintenance for existing facilities, which could include the use of brush hogs.
7. Maintenance and repair of buildings and structures <45 years old.

APPENDIX C

Non-exempt Activities

Non-exempt activities require RPO or FPO review. Non-exempt activities where approved conditions are met per Stipulation V.A(1) do not require consultation. Any activity not listed in Appendix B or C requires consultation. Non-exempt activities 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 D

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 IV.B(2).
- 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 activities 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) 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 VII of the PA.

APPENDIX E
MONITORING AND DISCOVERY PLAN
(TBD PER Stipulation VI)