

**PROJECT PROGRAMMATIC AGREEMENT  
BETWEEN THE  
BUREAU OF LAND MANAGEMENT,  
THE BONNEVILLE POWER ADMINISTRATION,  
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,  
AND THE  
OREGON STATE HISTORIC PRESERVATION OFFICE  
REGARDING THE GLASS BUTTE RADIO STATION PROJECT**

WHEREAS, the Bureau of Land Management (BLM) is considering the issuance of a federal right-of-way (ROW) grant, as applied for by the Bonneville Power Administration (BPA), for the proposed Glass Buttes Radio Station Project (undertaking) pursuant to Section 106 of the National Historic Preservation Act (NHPA), and its implementing regulations (54 USC § 306108; 36 CFR 800); and

WHEREAS, the BLM has determined that issuance of the ROW grant triggers the requirements of Section 106 of the NHPA for the undertaking as defined at 36 CFR 800.16(y); and

WHEREAS, the proposed undertaking consists of the construction, operation, and maintenance of a communication facility, use of staging areas for construction equipment during construction, and use and improvements to an existing access road (road) linking U.S. Route 20 to the undertaking's proposed communication facility near the peak of Glass Butte, and more specifically, the proposed communication facility would include a 100 foot tall self-supporting steel lattice tower with a 35 foot by 35 foot concrete foundation, a one-story communication building that would be an approximately 20 feet wide, 52 feet long, and 15 feet high concrete masonry unit block veneer building, and one 2000 gallon propane tank installed on a concrete pad all within a graded and rocked 2.3 acre area amongst and in between several existing communication facilities and approximately 120 feet southeast of Glass Butte's peak, and furthermore, the undertaking would provide BPA the ability to assure the secure and reliable operation of its power transmission network in Oregon and adjoining states and allow enhanced real time monitoring and management of the power grid ensuring against the possibility of significant power transmission failures; and

WHEREAS, the undertaking would provide communications reinforcement for power system information and controls as required by NERC standard COM-001-1, and the undertaking would provide protection and restoration of Critical Infrastructure which are among the highest priority for Homeland Security coordination as provided in Executive Order 13228 and Homeland Security Presidential Directive (HSPD) -7, and the undertaking would provide increased communications and data path reliability for the operation of the power system which is in accordance with the Western Electric Coordinating Council (WECC) requirement for critical communications circuits and for Remedial Action Schemes (RAS); and

WHEREAS, BPA is directed by the Federal Columbia River Transmission System Act to construct improvements, additions, and replacements to its transmission system necessary to maintain electrical stability and reliability, and to provide service to BPA's customers (16 U.S.C. § 838b(b-d)); and

WHEREAS, NHPA sites, as well as, properties of traditional religious and cultural importance to Indian tribes (also known as Traditional Cultural Properties) that have not yet been evaluated for potential inclusion into the National Register of Historic Places will hereafter be referred to in this agreement as properties and the Glass Buttes TCP respectively; and

WHEREAS, properties and the Glass Buttes TCP include those cultural resources analyzed in the *Glass Butte Communication Site Right-of Way and RMP Amendment Environmental Assessment DOI-BLM-ORWA-P000-2013-0017-EA*; and

WHEREAS, the federally recognized tribes mentioned in this document will hereafter be listed in alphabetical order and include the Burns Paiute Tribe, the Confederated Tribes of Warm Springs Reservation of Oregon, and the Klamath Tribes; and

WHEREAS, background research, consultation with consulting parties, and an appropriate level of field investigation has established the presence of properties within the area of potential effects (APE) and that the undertaking may have an adverse effect on those properties if they are determined eligible for listing in the National Register of Historic Places, and the BLM has consulted with the Burns Paiute Tribe, the Confederated Tribes of Warm Springs Reservation of Oregon, the Klamath Tribes, the Advisory Council on Historic Preservation (ACHP) and Oregon State Historic Preservation Office (SHPO) pursuant to 36 CFR Part 800, the regulations implementing Section 106 of the NHPA; and

WHEREAS, through consultation with consulting parties the BLM has defined the undertaking's APE as described in Attachment I.; and

WHEREAS, the BLM is the lead federal agency involved in the undertaking as defined at 36 CFR 800.2(a)(2); and

WHEREAS, the BLM intends to issue a ROW grant for the construction, operation, and maintenance of the undertaking and the ROW grant will incorporate by reference this PA; and

WHEREAS, the BPA intends to construct, operate, and maintain the undertaking according to the approved Plan of Development for the undertaking, which shall be appended to and made a part of the ROW grant; and

WHEREAS, the BLM intends to grant a lease that will incorporate the ROW grant for the construction, operation and maintenance of the undertaking; and

WHEREAS, the ACHP decided to participate in consultation for this undertaking, because the undertaking presents issues of concern to Indian tribes as permitted by 36 CFR 800 Appendix A (c)(4), furthermore the ACHP has elected to be a signatory to this PA; and

WHEREAS, the BPA intends to eventually decommission the undertaking according to the stipulations within the ROW which would include the use of three tribal cultural resource monitors individually selected by the Burns Paiute Tribe, the Confederated Tribes of Warm Springs Reservation of Oregon, and the Klamath Tribes that would be funded by the BPA to monitor construction activities within the proposed and finalized ROW, and these cultural resource monitors would follow the *Inadvertent Discovery Plan* that is part of this PA; and

WHEREAS, consulting parties include the Burns Paiute Tribe, the Confederated Tribes of Warm Springs Reservation of Oregon, the Klamath Tribes, BPA, ACHP, and SHPO, all of which include those invited to consult on the undertaking, requested to consult on the undertaking, or are consulting on the undertaking pursuant to 36 CFR 800; and

WHEREAS, the BLM has consulted and continues to consult with the Burns Paiute Tribe, the Confederated Tribes of Warm Springs Reservation of Oregon, the Klamath Tribes, BPA, ACHP and SHPO pursuant to 36 CFR 800; and

WHEREAS, the BLM through its government-to-government relationship with tribal governments has consulted and will continue to conduct tribal consultation with the Burns Paiute Tribe, the Confederated Tribes of Warm Springs Reservation of Oregon, and the Klamath Tribes regarding the undertaking and requirements of other statutes, as applicable, such as the National Environmental Policy Act (NEPA), the Native American Graves Protection and Repatriation Act (NAGRPA), the American Indian Religious Freedom Act (AIRFA), Archaeological Resources Protection Act (ARPA), Federal Land Policy and Management Act (FLPMA), and agency-specific legislation pursuant to 36 CFR 800.2(a)(4), furthermore consultation will also continue as applicable regarding Executive Order 13007, the Religious Freedom Restoration Act (RFRA), and Executive Order 13175; and

WHEREAS, during consultation amongst the BLM, BPA, the Burns Paiute Tribe, the Confederated Tribes of Warm Springs Reservation of Oregon, and the Klamath Tribes and subsequent consultation with consulting parties including the SHPO and ACHP, it was determined that “Option #3”, the original proposed location for the undertaking, was not the preferred location for the undertaking and that other alternative locations for the undertaking should be considered given tribal concerns and that “Option #4”, “Option #2” or “Option #1” are the preferred locations for the undertaking as depicted in Attachment II.; and

WHEREAS, “Option #3 corresponds to the Alternative considered but eliminated “saddle location” for BPA’s Glass Butte Radio Station as documented in the *Glass Butte Communication Site Right-of Way and RMP Amendment Environmental Assessment DOI-BLM-ORWA-P000-2013-0017-EA*; and

WHEREAS, during subsequent consultation amongst consulting parties, “Option #4” was determined to be the preferred location of BPA’s Glass Butte radio station; and

WHEREAS, “Option #4” corresponds to the “Alternative 2” proposed action location for BPA’s Glass Butte Radio station as documented in the *Glass Butte Communication Site Right-of Way and RMP Amendment Environmental Assessment DOI-BLM-ORWA-P000-2013-0017-EA*; and

WHEREAS, BPA’s final proposed location for “Option #4” is attached to this PA, and named the Glass Butte Radio Station Topographic Survey map; and

WHEREAS, the BPA contracted and funded a cultural resource management firm to conduct background research and a field survey within the APE to prepare information, analyses and recommendations regarding the undertaking’s potential effect to historic properties as permitted at 36 CFR 800.2(a)(3), and the BPA funded two archaeologists and one archaeology technician individually selected by each consulting tribe to survey with and aid the cultural resource firm in identification of religious and cultural historic properties of significance to the tribes within the APE, and the cultural resource survey contracted and funded by the BPA is ongoing, and the BPA contracted and funded three separate and ongoing oral history or Traditional Cultural Property (TCP) studies regarding the APE and Glass Buttes landform with the Burns Paiute Tribe, the Confederated Tribes of Warm Springs Reservation of Oregon, and the Klamath Tribes; and

WHEREAS, the cultural resource survey has been documented in the *Cultural Resource Survey of the Proposed Glass Buttes Radio Station Project, Lake County, Oregon* (report) and consultation with all consulting parties has been sought, has occurred, and will continue regarding the eligibility of historic properties identified and evaluated within that report prior to the report’s finalization, and finalization of the report will be phased; and

WHEREAS, TCP studies for the APE will be carried out in phases, as set forth in this PA and as those studies are able to be completed and are released by the tribes, they will then be used in concert with field survey data for a Glass Buttes TCP evaluation on a National Register of Historic Places Form that BPA has contracted a cultural resource management firm to complete; and

WHEREAS, the BLM has consulted and will continue to consult with the Burns Paiute Tribe, the Confederated Tribes of Warm Springs Reservation of Oregon, and the Klamath Tribes, to determine if the undertaking would have an adverse effect on potentially eligible historic properties or a Glass Buttes TCP with religious and cultural significance to these tribes; and

WHEREAS, the BLM has consulted with and invited the Burns Paiute Tribe, the Confederated Tribes of Warm Springs Reservation of Oregon, and the Klamath Tribes to be concurring parties to this PA; and

WHEREAS, the BPA, a potential grantee of the ROW, through signature to this PA, agrees to carry out the stipulations herein under the oversight of the BLM, and is an invited signatory to this PA per 36 CFR 800.6(c)(2)(iii); and

WHEREAS, the BLM will not issue a Notice to Proceed permitting any ground disturbing or construction activities authorized by the ROW prior to completing a Mitigation Plan in accordance with the stipulations in this PA; and

WHEREAS, the BLM will require that the undertaking be executed in accordance with the conditions of the ROW granted by the BLM and in accordance with the stipulations of this PA, which shall be appended to and made part of the ROW grant; and

WHEREAS, the stipulations of the ROW will include and require the execution and resolution of adverse effects as determined through the stipulations of this PA; and

NOW, THEREFORE, the BLM, BPA, SHPO, and ACHP agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

The BLM shall ensure that the following measures are carried out:

## **I. Stipulations**

- A. The BLM will ensure that all Section 106 of the NHPA work, completed to satisfy the terms in this PA, follows the Secretary of the Interior's Standards for Archaeology and Historic Preservation (48 FR 44716) (Federal Register, September 29, 1983) and any applicable National Register Bulletins.
- B. Identification and Evaluation of Historic Properties by the BPA, BLM, and consulting parties will occur in the following phases.
  1. Phase 1: the Cultural Resource Survey Report for this undertaking, titled *Cultural Resource Survey of the Proposed Glass Buttes Radio Station Project, Lake County, Oregon*, will be finalized. Finalization will include, at a minimum, the identification and evaluation of historic properties documented in the report (excluding the Glass Buttes TCP) within the ROW

being considered including the road, staging areas, and communication facility that may have adverse effects from the undertaking. And the BLM will seek consensus determinations of eligibility with the SHPO for all of these properties pursuant to 36 CFR 800.4(c)(2).

2. Phase 2: BPA's contractors will complete three separate and finalized oral history or TCP studies regarding the APE and Glass Buttes landform with the Burns Paiute Tribe, the Confederated Tribes of Warm Springs Reservation of Oregon, and the Klamath Tribes. Final drafts shall be received at the latest by January 15, 2018. If final drafts are not received from or released by the Burns Paiute Tribe, the Confederated Tribes of Warm Springs Reservation of Oregon, and the Klamath Tribes by that date, Phase 3 shall proceed. Otherwise, Phase 3 shall proceed once final drafts are received by the BLM or BPA. In addition, if tribes seek not to release final drafts to a contracted private archaeological firm through BPA, then tribes can release the final drafts to the BLM and BPA instead, and if necessary, they can provide their own Glass Buttes TCP National Register of Historic Places evaluations to the BLM for review and the subsequent insertion into the form described below.
3. Phase 3: the Glass Buttes TCP will be evaluated to determine if it is a historic property and this evaluation will be used by BPA's contractor to complete a Glass Buttes TCP National Register of Historic Places Form. If necessary, the BLM will append this evaluation and supporting data to the form or the applicable portions of the form if confidentiality concerns regarding the information in the form arise from the Burns Paiute Tribe, the Confederated Tribes of Warm Springs Reservation of Oregon, or the Klamath Tribes. The determination of eligibility will incorporate research, applicable national register bulletins, the applicable findings and historic properties identified and evaluated in the survey report including those with religious and cultural significance to the Burns Paiute Tribe, the Confederated Tribes of Warm Springs Reservation of Oregon, or the Klamath Tribes, and the available oral history or TCP Studies. The Glass Buttes TCP will be evaluated pursuant to Section 106 of the NHPA, 36 CFR 800.4(c)(1) and 36 CFR 800.4(c)(2). And thus, the SHPO, the Burns Paiute Tribe, the Confederated Tribes of Warm Springs Reservation of Oregon, the Klamath Tribes, and the BLM will consult on the eligibility of the Glass Buttes TCP, and the BLM will seek a consensus determination of eligibility with the SHPO. Phase 3 will occur within a 45 day period once Phase 2 is complete.

- C. If properties are determined to be historic properties, then an assessment of adverse effects to those historic properties would occur.
  1. After Phase 3, the BLM would apply the criteria of adverse effect to historic properties pursuant to 36 CFR 800.5(a)(2) and this would be completed by the BLM in consultation with the SHPO and the Burns Paiute Tribe, the Confederated Tribes of Warm Springs Reservation of Oregon, and the Klamath Tribes. Within 45 days of that assessment, the BLM would consider any views concerning those effects as provided by consulting parties and the public in at least two separate meetings. The BLM would also gather views from consulting parties and the public through correspondence or by phone, if that is their preferred method. Once effects are determined, resolution of any adverse effects would occur.

- D. Previous BLM Consultation with the Burns Paiute Tribe, the Confederated Tribes of Warm Springs Reservation of Oregon, the Klamath Tribes, BPA, ACHP, and SHPO regarding the resolution of potential adverse effects to historic properties resulted in the following list of potential mitigation:
1. A total of three tribal cultural resource monitors individually selected by the Burns Paiute Tribe, the Confederated Tribes of Warm Springs Reservation of Oregon, and the Klamath Tribes would be BPA funded to monitor construction activities within the proposed and finalized ROW. The *Inadvertent Discovery Plan* would be followed when inadvertent discoveries occur, new historic properties are discovered, or when unanticipated effects occur to known historic properties.
  2. BPA would ensure that their contractors and any other BPA project personnel do not go outside of and beyond the ROW or clearly marked designated construction work areas for any purposes, to ensure that historic properties are not purposely or inadvertently harmed by any of their personal activities.
  3. Potential Mitigation for Adverse Effects to a Glass Buttes TCP: the BLM would begin and follow through with the National Register (NR) nomination process to list a NR eligible Glass Buttes TCP on the NR once a Glass Buttes TCP National Register of Historic Places Form is complete and this would be conducted with the SHPO as appropriate.
  4. Potential Mitigation for Adverse Effects to a Glass Buttes TCP: the BLM would conduct a total of 150 acres of cultural resource survey as mitigation for this and a similar project proposed by AT&T. The timing and locations of those surveys on public lands would be determined through future consultation.
  5. Potential Mitigation for Adverse Effects to Historic Properties: a kiosk celebrating over 14,000 years Glass Buttes obsidian use would be constructed near the intersection of the ROW and U.S. Route 20. This would be completed by the BLM and funded by BPA. Consulting parties would be invited to consult on the kiosk, its placement, and its content.
  6. Potential Mitigation for Adverse Effects to Historic Properties: an ARPA message or other similar message may be put on the kiosk, as well as, information regarding current “rockhound” rules and regulations.
  7. Potential Mitigation for Adverse Effects to Historic Properties: additional ARPA signs would be placed along roads as necessary. Signs would be funded by BPA and installed by the BLM.
  8. Potential Mitigation for Adverse Effects to Historic Properties: the BLM would develop a rockhounding management plan for Glass Buttes.
  9. BPA may avoid impacts to Historic Properties along the road through the use of temporary geotextile fabric and gravel during construction and would then remove geotextile fabric and gravel after construction.

10. Staging areas proposed for use by BPA would seek to minimize or avoid impacts to historic properties through the use of temporary fencing, the placement of geotextile fabric, the presence of tribal cultural resource monitors or any combination thereof.
  11. BPA will ensure that their contractors adhere to the *Inadvertent Discovery Plan* attached to this PA.
  12. A total of three tribal cultural resource monitors individually selected by the Burns Paiute Tribe, the Confederated Tribes of Warm Springs Reservation of Oregon, and the Klamath Tribes would be BPA funded to monitor the decommissioning of BPA's radio station (communication facility) when that process occurs.
  13. When decommissioning occurs, BPA would ensure that their contractors and any other BPA project personnel do not go outside of and beyond the ROW or clearly marked designated construction work areas for any purposes, to ensure that historic properties are not purposely or inadvertently harmed by any of their personal activities.
  14. Potential Mitigation for Adverse Effects to Historic Properties including the Glass Buttes TCP: a Multiple Property Document (MPD) would be written per SHPO and National Park Service standards. Glass Buttes obsidian quarry or procurement sites and sites related to obsidian procurement would be used to determine the property types and topics described in the MPD. In addition, Glass Buttes sites would be used to determine the characteristics and qualities that obsidian procurement and related sites associated with other buttes or other mountainous terrain like Glass Buttes within south-central Oregon must possess to be eligible for the National Register under the MPD.
- E. The BLM would resolve adverse effects to historic properties pursuant to 36 CFR 800.6(a) through consultation with the Burns Paiute Tribe, the Confederated Tribes of Warm Springs Reservation of Oregon, the Klamath Tribes, BPA, ACHP, SHPO, and the public within 40 days of the assessment of adverse effects to historic properties. The BLM would consider any views concerning those effects as provided by consulting parties and the public in two separate meetings. The BLM would also gather views from consulting parties and the public through correspondence or by phone, if that is their preferred method. The BLM would then provide the mitigation measures via a Mitigation Plan to the consulting parties, and the BLM with BPA would assure that the necessary mitigation measures are completed during and after all construction activities.

## **II. Duration**

This PA will expire if its terms are not carried out within 15 years from the date of its execution. Prior to such time, BLM may consult with the other signatories to reconsider the terms of the PA and amend it in accordance with Stipulation V below.

## **III. Post-Review Discoveries**

If properties are discovered that may be historically significant or unanticipated effects on historic properties found, the BLM shall implement the *Inadvertent Discovery Plan* included as Attachment III. within this PA.

#### **IV. Monitoring and Reporting**

Each year, by January 31<sup>st</sup>, following the execution of this PA until it expires, terminates, or the terms of the PA are met, the BLM shall provide all parties to this PA a summary report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in the BLM's efforts to carry out the terms of this PA.

#### **V. Dispute Resolution**

Should any signatory\* or concurring party to this PA object at any time to any actions proposed or the manner in which the terms of this PA are implemented, the BLM shall consult with such party to resolve the objection. If the BLM determines such objection cannot be resolved, the BLM will:

- A. Forward all documentation relevant to the dispute, including the BLM's proposed resolution, to the ACHP. The ACHP shall provide the BLM with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the BLM shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. The BLM will then proceed according to its final decision.
- B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, the BLM may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the BLM shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the PA, and provide them and the ACHP with a copy of such written response.
- C. The BLM's responsibility to carry out all other actions subject to the terms of this PA that are not the subject of the dispute remain unchanged.

#### **VI. Amendments**

This PA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

#### **VII. Termination**

Any signatory to this PA may initiate termination by providing written notice to the other signatories of their intent. After notification by the initiating signatory, the remaining signatories shall have 90 days to consult to seek agreement on amendments or any other actions with all signatories and concurring parties that would address the issues and avoid termination. If within ninety (90) days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the PA upon written notification to the other signatories.

Once the PA is terminated, and prior to work continuing on the undertaking, the BLM must either (A) execute a Memorandum of Agreement pursuant to 36 CFR § 800.6, (B) execute a project Programmatic Agreement 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. The BLM shall notify the signatories as to the course of action it will pursue.

Execution of this PA by the BLM and SHPO and implementation of its terms evidence that the BLM has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.\*\*

Notes:

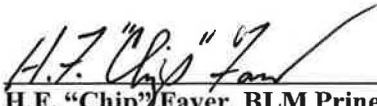
*\* This document assumes that the term "signatory" has been defined in the agreement to include both signatories and invited signatories.*

*\*\* Remember that the agency must submit a copy of the executed MOA, along with the documentation specified in Section 800.11(f), to the ACHP prior to approving the undertaking in order to meet the requirements of Section 106. 36 CFR § 800.6(b)(1)(iv).*

**PROJECT PROGRAMMATIC AGREEMENT  
BETWEEN  
THE BUREAU OF LAND MANAGEMENT, THE BONNEVILLE POWER  
ADMINISTRATION, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,  
AND THE OREGON STATE HISTORIC PRESERVATION OFFICE  
REGARDING THE GLASS BUTTE RADIO STATION PROJECT**


**SIGNATORIES:**

**Bureau of Land Management**

 Date: 3/5/18  
H.F. "Chip" Faver, BLM Prineville District Central Oregon Field Office Manager

**PROJECT PROGRAMMATIC AGREEMENT  
BETWEEN  
THE BUREAU OF LAND MANAGEMENT, THE BONNEVILLE POWER  
ADMINISTRATION, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,  
AND THE OREGON STATE HISTORIC PRESERVATION OFFICE  
REGARDING THE GLASS BUTTE RADIO STATION PROJECT**

Oregon State Historic Preservation Officer

 Date: 12-12-17  
Christine Curran, Deputy SHPO

PROJECT PROGRAMMATIC AGREEMENT  
BETWEEN  
THE BUREAU OF LAND MANAGEMENT, THE BONNEVILLE POWER  
ADMINISTRATION, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,  
AND THE OREGON STATE HISTORIC PRESERVATION OFFICE  
REGARDING THE GLASS BUTTE RADIO STATION PROJECT

Advisory Council on Historic Preservation

 Date: 3/27/18  
John M. Fowler, Executive Director

**PROJECT PROGRAMMATIC AGREEMENT  
BETWEEN  
THE BUREAU OF LAND MANAGEMENT, THE BONNEVILLE POWER  
ADMINISTRATION, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,  
AND THE OREGON STATE HISTORIC PRESERVATION OFFICE  
REGARDING THE GLASS BUTTE RADIO STATION PROJECT**

**INVITED SIGNATORIES:**

**Bonneville Power Administration**

F. Lorraine Bodi Date: 12/12/17  
F. Lorraine Bodi, Vice President, Environment, Fish and Wildlife

**PROJECT PROGRAMMATIC AGREEMENT  
BETWEEN  
THE BUREAU OF LAND MANAGEMENT, THE BONNEVILLE POWER  
ADMINISTRATION, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,  
AND THE OREGON STATE HISTORIC PRESERVATION OFFICE  
REGARDING THE GLASS BUTTE RADIO STATION PROJECT**

**CONCURRING PARTIES:**

**The Burns Paiute Tribe**

 Date: 1-30-2018  
Eric Hawley, Tribal Council Chairperson

**PROJECT PROGRAMMATIC AGREEMENT  
BETWEEN  
THE BUREAU OF LAND MANAGEMENT, THE BONNEVILLE POWER  
ADMINISTRATION, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,  
AND THE OREGON STATE HISTORIC PRESERVATION OFFICE  
REGARDING THE GLASS BUTTE RADIO STATION PROJECT**

**The Confederated Tribes of the Warm Springs Reservation of Oregon**

\_\_\_\_\_ **Date:** \_\_\_\_\_  
**Eugene “Austin” Green, Jr., Tribal Council Chairman**

**PROJECT PROGRAMMATIC AGREEMENT  
BETWEEN  
THE BUREAU OF LAND MANAGEMENT, THE BONNEVILLE POWER  
ADMINISTRATION, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,  
AND THE OREGON STATE HISTORIC PRESERVATION OFFICE  
REGARDING THE GLASS BUTTE RADIO STATION PROJECT**

**The Klamath Tribes**

\_\_\_\_\_ **Date:** \_\_\_\_\_  
**Don Gentry, Tribal Council Chairman**



**Attachment I., Undertaking's Area of Potential Effects (APE):**

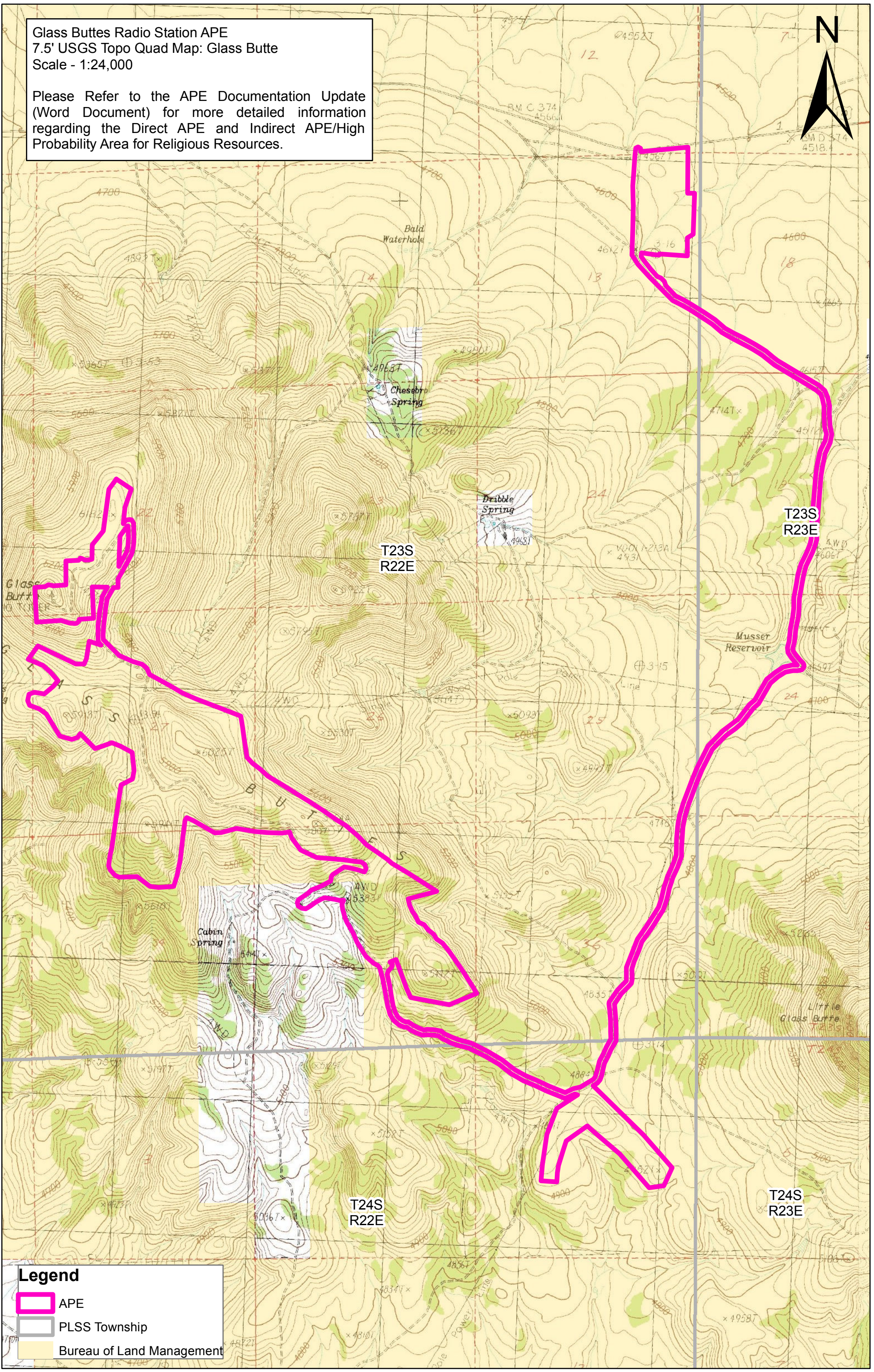
Glass Butte Radio Station APE Map

&




APE Documentation Update

Glass Buttes Radio Station APE  
7.5' USGS Topo Quad Map: Glass Butte  
Scale - 1:24,000

Please Refer to the APE Documentation Update  
(Word Document) for more detailed information  
regarding the Direct APE and Indirect APE/High  
Probability Area for Religious Resources.



**Legend**

-  APE
-  PLSS Township
-  Bureau of Land Management

## **Direct APE:**

The Direct APE consists of an existing access road that connects the highway to the top of Glass Butte, three proposed staging areas, and the proposed radio station site location as determined by Section 106 consulting parties including tribal representatives, the BLM, and BPA.

**Access Road:** The access road is proposed to be used to move heavy equipment, construction supplies, and people to and from the Glass Buttes Radio Station site and staging areas. According to BPA if the proposed project occurs, "(l)arge equipment such as excavators and backhoes [would] typically make a one time trip to the site and are left there until the construction is finished. Utility trucks might make a couple of trips a day. BPA estimates that it will have about 15 cement trucks trips with a capacity of 8-10 cu/yards for an estimated 130 cu/yards. Potential equipment might include a backhoe, excavator, cement trucks, and utility trucks up to 1-ton. In general, cement trucks are around 100dB; backhoes around 95dB, excavators are around 80dB, and utility trucks are around 75 dB. The noise level will depend on the manufacturer, the age of the vehicle, and the distance from the vehicle. Exact equipment will not be known until a contractor has been selected." (BPA and Majors 2016)

Before proposed construction at the radio station site, BPA would improve the access road. "At that time any road repairs necessary to enable construction vehicle access will be completed. BPA expects the road work will take roughly 1 week to complete. This may require adding gravel for dust abatement, stability, load bearing and to keep the roads passable during wet conditions. BPA will use local weed free gravel that closely matches the existing surface material and conform to the requirements of the visual resource management policy. Upon the conclusion of the radio building project BPA will ensure the road is returned to conditions equal to or better than those documented in the survey prior to construction. All road work will be within and maintain the existing road prism, width, and drainage." (BPA and Majors 2016)

The access road BPA proposes to improve has been in use since at least 1969 (USDI and BLM 1969; USDI and USGS 1983). The road is driven on by a variety of users today including, BLM employees, wildland firefighters, private landowners, lawful obsidian gatherers, existing radio tower users, grazing permittees, and other public land users. The access road measures approximately 10.4 miles long from U.S. Route 20 (US 20) to the proposed radio station site near the top of Glass Butte. At present, BPA proposes to improve approximately 3.49 miles of the access road within the existing road prism (BPA 2015; BPA and Majors 2016). Improvements would be ground or surface disturbing in nature, but they may also reduce long-term erosion and hazards. Disturbance via vehicular traffic in the road prism has been ongoing for approximately 47 years and has likely led to soil compaction, displacement, and erosion.

Ground and surface disturbance from proposed access road improvements would occur within the road prism and total approximately 4.8 acres or 3.49 linear miles. No work or improvements are planned for the remaining access road prism which totals approximately 11.5 acres or 6.92 miles.

Please Note: BPA might propose fewer or even no road improvements for the proposed undertaking as the Section 106 review process moves forward.

**Three Staging Areas:** Staging areas are currently proposed to be used for staging equipment, vehicles, and supplies necessary for the construction of the radio station. Staging Area 1 is rectangular in shape, measures approximately 67 acres, and is located immediately south of US 20 and immediately east of the access road. Staging Area 2 is located on a saddle approximately 840 feet north-northeast of the peak of Glass Butte; this staging area has an irregular polygon shape somewhat similar to a rectangle and measures approximately .4 acres. Staging Area 3 is located approximately 1,282 feet southeast of Glass Butte's peak, is rectangular in shape, and measures approximately .07 acres in size.

Please Note: BPA may change the proposed size, shape, number, and location of staging areas as the Section 106 review process continues.

**The Glass Buttes Radio Station:** The construction footprint for the radio station as currently proposed is approximately .9 acres and would be located upon a sloping ridgeline roughly 200 feet southeast of Glass Butte's peak. This area would have an irregular polygon shape.

If the proposed radio station is built it will include a "100' self-supporting tower with a foundation size of 30' x 30' and communications building with a foundation size of 20' x 52'. The communication building will contain three separate rooms; one communications room for use by BPA, one tenant communications room for use by ODOT and an emergency generator room." (BPA and Majors 2016)

"The emergency generator will run on propane. A single 2000 gallon propane tank will be located outside the building at a prescribed safe distance. The propane tank will be installed to meet code requirements and will be no closer than 25 feet of a critical building. The building and tower will have roughly 100 cubic yards of concrete and roughly 200 cubic yards of weed free gravel for backfill and a parking area. The area around the building will be graded appropriate to the existing landscaping around the building and the tower. Existing surface rock will be removed, set aside and reused on site to minimize visual impact of new construction." (BPA and Majors 2016)

**Trench:** a trench is proposed to be excavated that would connect the Glass Buttes Radio Station to an existing electrical source to the southwest of the radio station site. The trench would be 100ft long, 18in wide, and 40in deep. The surface of the trench prior to excavation would be .003 acres, while the volume of the trench once dug would be 500 cubic feet.

**Direct APE Total Acres:** 84.7

### **Indirect APE/High Probability Area for Religious Resources:**

The Direct APE was determined through consultation between the BLM and consulting parties, including the ACHP, BPA, BPT, CTWSRO, the Klamath Tribes, and SHPO. Consulting parties had archaeologist Todd

M. Volkenand, M.S., RPA indicate the Indirect APE/High Probability Area for Religious Resources to BLM Prineville District Archaeologist Terry Holtzapple. Once indicated to Terry, the 888 acre Direct APE and Indirect APE/High Probability Area for Religious Resources were conveyed to Liz Oliver at BPA to produce a survey contract. At that time it was determined that the 888 acre intensive survey area was too large given the proposed project's budget and so the survey area was reduced to approximately 455 acres. Although the survey area was reduced, it still included the entire Direct APE and a majority of the peaks, ridgelines and saddles identified in the Indirect APE/High Probability Area for Religious Resources. This 455 acre area was then provided to AINW to survey for the proposed undertaking.

As of December 8, 2015 Todd Volkenand indicated to the BLM that an important peak was mistakenly left out of the final 888 acre Direct APE and Indirect APE/High Probability Area for Religious Resources. Once this area was added back into the Indirect APE/High Probability Area for Religious Resources the final acre total shown above increased from 888 acres to 904 acres.

## **Works Cited:**

Bonneville Power Administration (BPA)

2015 (Draft) Glass Butte Road Map. Submitted to: Bureau of Land Management Prineville District Office 12/3/2015. On file at the BLM Prineville District Office: Prineville, Oregon.

Bonneville Power Administration (BPA), Vincent C. Majors

2016 Plan of Development for the Bonneville Power Administration Glass Butte Radio Site Project. Submitted to: Bureau of Land Management Prineville District Office 1/12/2016. On file at the BLM Prineville District Office: Prineville, Oregon.

United States Department of the Interior (USDI), Bureau of Land Management (BLM)

1969 Hampton Oregon 30 Minute Series: Hampton, Oregon 43-120-1 1969.

United States Department of the Interior (USDI), United States Geological Survey (USGS)

1983 Glass Butte Quadrangle Oregon 7.5 Minute Series (Topographic), Glass Butte Oregon Provisional Division 1983 43120-E1-TF-024.

**Attachment II., Original and Final Proposed Locations for the BPA Glass  
Butte Radio Station:**

Proposed Locations for the BPA Glass Butte Radio Station Map  
(Aerial map and topographic map provided),

Google Earth Reference Map,

&

Glass Butte Radio Station Topographic Survey Map



Attachment II., Proposed Locations for the BPA Glass Butte Radio Station Map

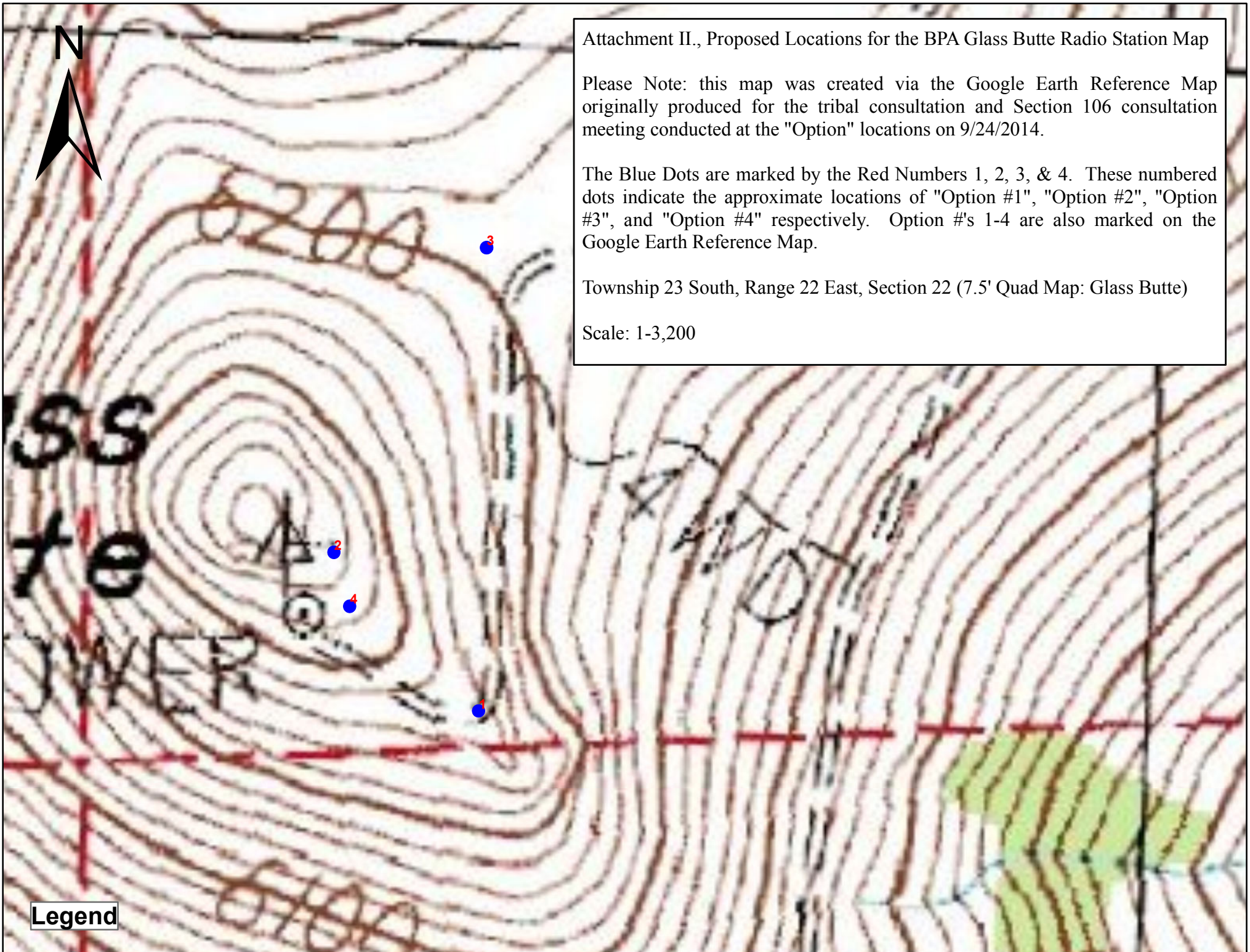
Please Note: this map was created via the Google Earth Reference Map originally produced for the tribal consultation and Section 106 consultation meeting conducted at the "Option" locations on 9/24/2014.

The Blue Dots are marked by the Red Numbers 1, 2, 3, & 4. These numbered dots indicate the approximate locations of "Option #1", "Option #2", "Option #3", and "Option #4" respectively. Option #'s 1-4 are also marked on the Google Earth Reference Map.

Township 23 South, Range 22 East, Section 22 (7.5' Quad Map: Glass Butte)

Scale: 1-3,200

**Legend**



Attachment II., Proposed Locations for the BPA Glass Butte Radio Station Map

Please Note: this map was created via the Google Earth Reference Map originally produced for the tribal consultation and Section 106 consultation meeting conducted at the "Option" locations on 9/24/2014.

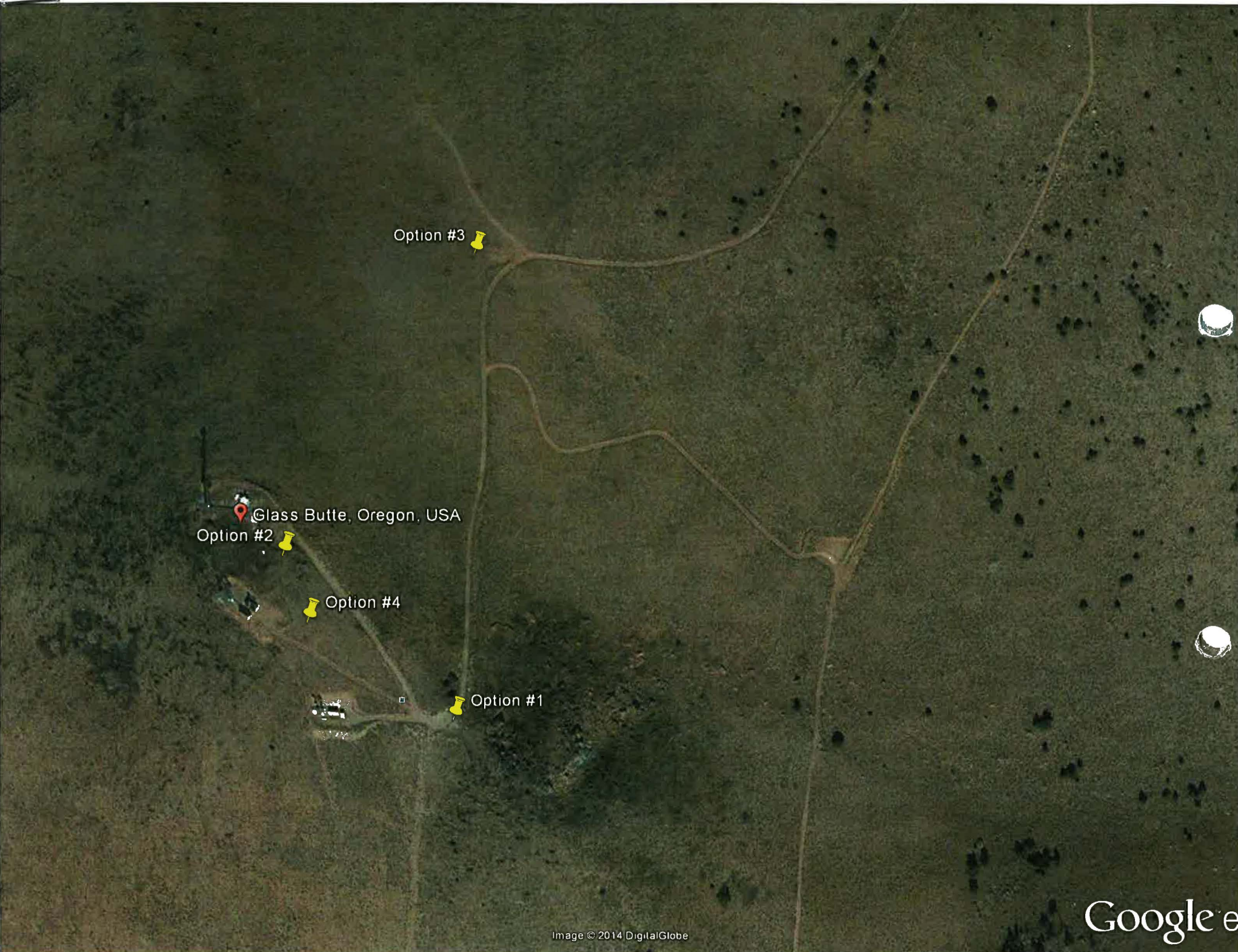
The Blue Dots are marked by the Red Numbers 1, 2, 3, & 4. These numbered dots indicate the approximate locations of "Option #1", "Option #2", "Option #3", and "Option #4" respectively. Option #'s 1-4 are also marked on the Google Earth Reference Map.

Township 23 South, Range 22 East, Section 22 (7.5' Quad Map: Glass Butte)

Scale: 1-3,200

Legend





Glass Butte, Oregon, USA

Option #2

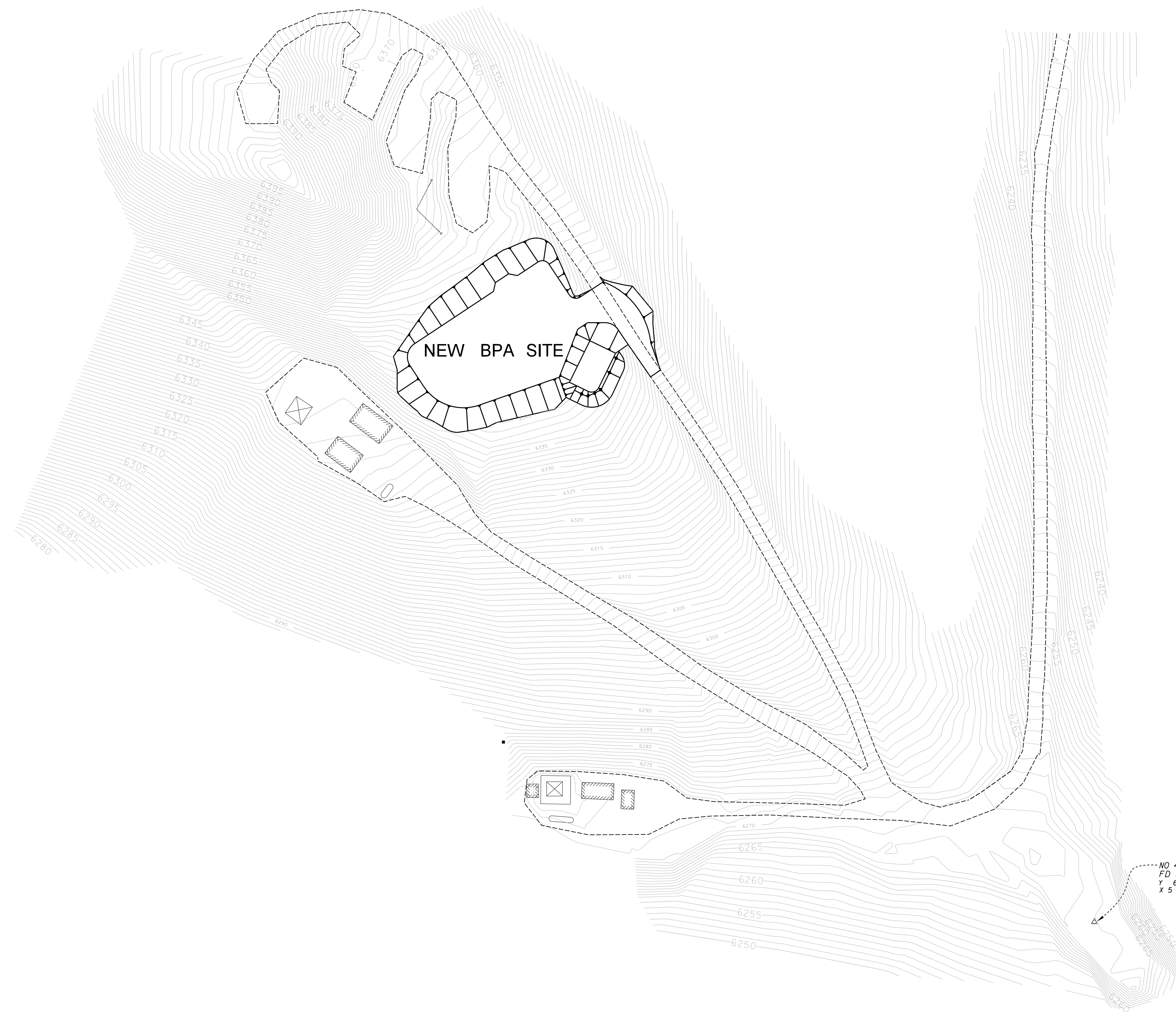
Option #4

Option #3

Option #1



SCALE  
1" = 40' HORIZONTAL  
1" = 20' VERTICAL



**BASIS OF COORDINATES**  
**BPA CONTROL**

NO 5  
SET 1/2" IR W/RPC "DEA INC"

N 689 344.38  
E 5 034 045.79

DATUM: NAD 83  
COORDINATE SYSTEM: OREGON SOUTH  
LINEAR UNIT: INTERNATIONAL FEET

**BASIS OF BEARING**  
**BPA CONTROL**

FROM: NO 5  
SET 1/2" IR W/RPC "DEA INC"

TO: NO 1  
FD 3-5/8" BRASS DISC  
N 689 267.53  
E 5 034 120.28 (OPUS)

BEARING: S44°06'21"E

**BASIS OF ELEVATION**  
**CONTROL POINT NO 5**

DATUM: NAVD88  
NO 5  
SET 1/2" IR W/RPC "DEA INC"  
ELEV= 6395.31 (OPUS) GEO 09

**PROJECT SCALE FACTOR**

0.999917568

**LEGEND:**

- EDGE OF GRAVEL ROAD
- 5 FOOT CONTOUR
- 1 FOOT CONTOUR
- x 6344.2 SPOT ELEVATION
- MW MICROWAVE
- △ CONTROL MONUMENT

NO 4  
FD 5/8" IR IN CONC  
Y 688 807.3  
X 5 034 612.2

NO.	C	WO#	COMPUTER REVISION ONLY	BY	DATE	APPROVED
		305195				
C=CONTRACT CONSTRUCTION ,FA=FORCE ACCOUNT CONSTRUCTION ,R=RECORD						
Design	UNITED STATES DEPARTMENT OF ENERGY <b>BONNEVILLE POWER ADMINISTRATION</b> HEADQUARTERS, PORTLAND, OREGON					
Drawn	<b>GLASS BUTTE RADIO STATION TOPOGRAPHIC SURVEY</b>					
Chkd						
Sub						
Rec						
Appr						
Date	TODD NICHOLSON	SERIAL	SIZE	SHEET	REVISION	
	05-31-2017	319229	A1	1	0	

## **Attachment III., Post-Review Discoveries:**

Inadvertent Discovery Plan

The following plan shall be followed during construction or construction related activities immediately after the *inadvertent discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony* as specifically defined in the Code of Federal Regulations for the Native American Graves Protection and Repatriation Act (43 CFR 10) or after any new or unanticipated discovery of a historic property as defined and directed by Section 106 of the National Historic Preservation Act (36 CFR 800). *Human remains, funerary objects, sacred objects, objects of cultural patrimony, and Historic Properties* will hereafter be referred to as cultural resources, and new or unanticipated discoveries will be referred to as inadvertent discoveries in this plan. If necessary, ORS 97.745(4) will also be followed. The intent of this plan is to protect cultural resources and ensure communication while assuring the completion of the construction project. Please read and follow the plan below:

Construction and construction related activities must cease in the area of the inadvertent discovery if the following cultural resources are discovered and steps 1 and 2 must be followed on next page:

- Native American human remains, funerary objects, sacred objects, or objects of cultural patrimony (see and refer to the NAGPRA definitions at the end of this document specifically for these cultural resources).
- Flaked stone tools like arrowheads, dart points, spear points or other formal bifacial tools.
- Ground stone tools like manos, metates, mortars, and pestles.
- Cultural midden deposits with organically rich soil, artifacts, calcined bone, or fire cracked rock.
- Fire hearths and surrounding soil layers or strata that are black, orange, red or brown in color with fire cracked rock, dark soil, calcined bone, or charcoal.
- Precontact structure remains like post holes, post molds, rock rings or underground depressions seen in exposed and excavated strata.
- Historic structure remains including foundations or other architectural components

## Glass Buttes BPA Communication Site Inadvertent Discovery Plan BLM Prineville District

### Steps:

1. The contracted Program Manager, contractor, cultural resource monitor, project implementer, and other agency personnel that witnesses or knows of any inadvertent discovery of cultural resources during construction or any construction related activities shall immediately notify H.F. “Chip” Faver, BLM Prineville District CORA Field Manager by phone at (541) 416-6731. If Chip cannot be reached, call the BLM Prineville District at (541) 416-6700 and ask to speak with his direct supervisor and notify that individual. Also contact and notify BLM Prineville District Archaeologist Erin Woodard at (541) 416-6735 or Ryan Griffin (Archaeologist) at (541) 416-6771.
2. The contractor shall cease construction and all construction related activities in the area of the inadvertent discovery immediately and make a reasonable effort to protect the inadvertent discovery: place a marker near the location of the inadvertent discovery, securely cover the inadvertent discovery with a tarp or other light-weight materials, secure and protect the inadvertent discovery from all construction and other construction related activities within a 100 foot wide circular avoidance area centered on the discovery, stop all construction and related activities within the 100 foot wide circular avoidance area, ensure the inadvertent discovery is not tampered with by any person, and await further instructions from H.F. “Chip” Faver (the responsible Federal agency official) regarding the inadvertent discovery. Do not speak with the media, police, or anyone without a need to know about the discovery to maintain confidentiality. Construction and related activities may resume outside of the 100 foot wide circular avoidance area.
3. Please note: the Archaeological Resource Protection Act (ARPA) provides criminal penalties (felony and misdemeanor) and civil penalties for the unauthorized excavation, removal, damage, alteration, defacement, or the attempted unauthorized removal, damage, alteration, or defacement of any archaeological resource including artifacts and any material remains of human life or activities which are at least 100 years of age, as well as, *human remains, funerary objects, sacred objects, or objects of cultural patrimony* which are archaeological interest on public lands. The act also prohibits the sale, purchase, exchange, transportation, receipt, or offering of any archaeological resource obtained from public lands (43 CFR 7).
4. Once contacted, H.F. “Chip” Faver (the responsible Federal agency official), with his cultural resource staff, will follow the remaining protocol regarding the custody of human remains, funerary objects, sacred objects, or objects of cultural patrimony according to the Code of Federal Regulations for the Native American Graves Protection and Repatriation Act (43 CFR 10). And subsequent tribal consultation will occur between the Federal agency official and Indian tribes according to 43 CFR 10.5. When the inadvertent discovery involves historic properties or unanticipated effects occur to known historic properties, the BLM agency official and supporting cultural resource staff will determine the actions that the agency official can take to resolve adverse effects to those historic properties, notify the SHPO and any Indian tribe that might

## **Glass Buttes BPA Communication Site Inadvertent Discovery Plan BLM Prineville District**

attach religious and cultural significance to the affected historic property, and notify the Council (ACHP) within 48 hours of the discovery. The notification shall describe the agency official's assessment of National Register eligibility of the property and proposed actions to resolve the adverse effects. The SHPO, Indian tribes and the Council shall respond within 48 hours of the notification. The agency official shall take into account their recommendations regarding National Register eligibility and proposed actions, and then carry out appropriate actions. Lastly, the agency official shall provide the SHPO, the Indian tribe, and the Council a report of the actions to those historic properties when they are completed. In the unlikely event that human remains or associated artifacts are discovered during the proposed blading and rocking of a 1,047 foot long stretch of access road within private lands, the BLM agency official will ensure the following occurs: notification of the Oregon State Police in case the human remains are related to a crime scene; notification of the Commission on Indian Services (CIS) to discover the appropriate Tribes for the area of discovery (503) 986-1067; ensure subsequent contact with all the appropriate Tribes mentioned by CIS in case the human remains are later determined to be Native American; and then contact Oregon SHPO who can help to ensure that the human remains are cared for immediately, that relevant parties agree upon a course of action, and that project activities can recommence while causing no harm to the discovered burial area.

### **Definitions from the Code of Federal Regulations for the Native American Graves Protection and Repatriation Act (43 CFR 10.2):**

(d) What objects are covered by these regulations? The Act covers four types of Native American objects. The term Native American means of, or relating to, a tribe, people, or culture indigenous to the United States, including Alaska and Hawaii.

(1) **Human remains** means the physical remains of the body of a person of Native American ancestry. The term does not include remains or portions of remains that may reasonably be determined to have been freely given or naturally shed by the individual from whose body they were obtained, such as hair made into ropes or nets. For the purposes of determining cultural affiliation, human remains incorporated into a funerary object, sacred object, or object of cultural patrimony, as defined below, must be considered as part of that item.

(2) **Funerary objects** means items that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains. Funerary objects must be identified by a preponderance of the evidence as having been removed from a specific burial site of an individual affiliated with a particular Indian tribe or Native Hawaiian organization or as being related to specific individuals or families or to known human remains. The term burial site means any natural or prepared physical location, whether originally below, on, or above the surface of the earth, into which, as part of the death rite or ceremony of a culture, individual human remains were deposited, and includes rock cairns or pyres which do not fall within the ordinary definition of gravesite. For

**Glass Buttes BPA Communication Site Inadvertent Discovery Plan**  
**BLM Prineville District**

purposes of completing the summary requirements in §10.8 and the inventory requirements of §10.9:

(i) **Associated funerary objects** means those funerary objects for which the human remains with which they were placed intentionally are also in the possession or control of a museum or Federal agency. Associated funerary objects also means those funerary objects that were made exclusively for burial purposes or to contain human remains.

(ii) **Unassociated funerary objects** means those funerary objects for which the human remains with which they were placed intentionally are not in the possession or control of a museum or Federal agency. Objects that were displayed with individual human remains as part of a death rite or ceremony of a culture and subsequently returned or distributed according to traditional custom to living descendants or other individuals are not considered unassociated funerary objects.

(3) **Sacred objects** means items that are specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents. While many items, from ancient pottery sherds to arrowheads, might be imbued with sacredness in the eyes of an individual, these regulations are specifically limited to objects that were devoted to a traditional Native American religious ceremony or ritual and which have religious significance or function in the continued observance or renewal of such ceremony. The term traditional religious leader means a person who is recognized by members of an Indian tribe or Native Hawaiian organization as:

(i) Being responsible for performing cultural duties relating to the ceremonial or religious traditions of that Indian tribe or Native Hawaiian organization, or

(ii) Exercising a leadership role in an Indian tribe or Native Hawaiian organization based on the tribe or organization's cultural, ceremonial, or religious practices.

(4) **Objects of cultural patrimony** means items having ongoing historical, traditional, or cultural importance central to the Indian tribe or Native Hawaiian organization itself, rather than property owned by an individual tribal or organization member. These objects are of such central importance that they may not be alienated, appropriated, or conveyed by any individual tribal or organization member. Such objects must have been considered inalienable by the culturally affiliated Indian tribe or Native Hawaiian organization at the time the object was separated from the group. Objects of cultural patrimony include items such as Zuni War Gods, the Confederacy Wampum Belts of the Iroquois, and other objects of similar character and significance to the Indian tribe or Native Hawaiian organization as a whole.

**Glass Buttes BPA Communication Site Inadvertent Discovery Plan  
BLM Prineville District**

**Additional Contact Information:**

<b>Agency</b>	<b>Personnel</b>	<b>Contact Information</b>
BLM Prineville District	H.F. "Chip" Faver, BLM Prineville District CORA Field Manager	(541) 416-6731, hfaver@blm.gov
BLM Prineville District	Erin Woodard, BLM Prineville District Archaeologist	(541) 416-6735, ewoodard@blm.gov
BLM Prineville District	Ryan Griffin, Archaeologist - BLM Prineville District	(541) 416-6771 Office, (541) 647-9458 Cell, rmgriffi@blm.gov
BLM Prineville District	BLM Prineville District FrontDesk	(541) 416-6700