

**SACRAMENTO MUNICIPAL UTILITY DISTRICT'S  
UPPER AMERICAN RIVER PROJECT  
(FERC NO. 2101)**

**SUPPLEMENTAL  
PRELIMINARY DRAFT  
ENVIRONMENTAL ASSESSMENT**

**SECTION 5.3.7 – CULTURAL RESOURCES**

Sacramento Municipal Utility District  
Sacramento, California

**JULY 2006**



## TABLE OF CONTENTS

<b>Section &amp; Description</b>	<b>Page</b>
5.3.7 Cultural Resources .....	1
5.3.7.1 Environmental Effects of the Agency Alternative.....	1
5.3.7.2 Agency Alternative Measure – Heritage/Cultural Resources.....	1
5.3.7.3 Agency Alternative Measure – Heritage Resource Discovery .....	3



### 5.3.7 Cultural Resources

#### 5.3.7.1 Environmental Effects of the Agency Alternative

The Agency Alternative contains the following measures pertaining to heritage/cultural resources:

- Heritage Resources (Agency Alternative, p. 100);
- Heritage Resources Discovery (Agency Alternative, p. 100).

The Agency Alternative's cumulative effects are evaluated in Chapter 7. This SPDEA does not evaluate the environmental effects of Agency Alternative measures specific to the heritage/cultural resources of the Chili Bar Project (Agency Alternative, Appendix B).

To determine the environmental effects of the Agency Alternative on heritage/cultural resources, SMUD compared the effects of the Agency Alternative against baseline conditions and the Proposed Action. We consider the Agency Alternative to have a significant effect if it changes the quantity or quality of heritage/cultural resources in the UARP area in a way that poses a significant adverse effect upon these resources. Here, however, there was no such change; the Agency Alternative will not have a significant adverse effect on heritage/cultural resources.

#### 5.3.7.2 Agency Alternative Measure – Heritage/Cultural Resources

The Agency Alternative requires completing a Heritage Properties Management Plan (HPMP) for Forest Service approval within six months after issuance of the new FERC license, and implementing the HPMP after obtaining FERC approval. The HPMP will address direct and indirect UARP effects upon cultural, archaeological, historic, and prehistoric resources within the project area, and will also address environmental effects any UARP-related recreation may have upon these resources. The HPMP will be incorporated by reference into the Programmatic Agreement<sup>1</sup> (Agency Alternative, p. 100). The licensee's initial draft of the HPMP was reviewed by the USFS; a second draft HPMP has been under review by the USFS since September 2005.

The Agency Alternative Rationale, on page 178, indicates the desired condition within the APE (Area of Potential Effect)<sup>2</sup> "is to mitigate damage to significant historic properties pursuant to the National Historic Preservation Act of 1966" (NHPA). The impacts identified in the Agency Alternative Rationale, page 178, are:

---

<sup>1</sup> For hydropower licensing actions, FERC typically complies with the National Historic Preservation Act "by entering into a Programmatic Agreement (PA) or Memorandum of Agreement (MOA) with the license applicant, the Council, and the State and/or Tribal Historic Preservation Officer (SHPO/THPO). This agreement is then incorporated by reference into the project license when it is issued." FERC, *Guidelines for the Development of Historic Properties Management Plans for FERC Hydroelectric Projects* (May 2002).

<sup>2</sup> The APE is described in the PDEA, p. 5-299.

- Damage to cultural resources sites from erosion and terracing along the shorelines of the Project reservoirs due to wave action and fluctuating lake levels; and
- Damage to cultural resources sites from human impacts such as roads, OHV trails, and foot trails going directly through heritage resource sites; and camping sites and Project reservoirs located directly on cultural resources sites.

The PDEA discusses how heritage/cultural resources will be addressed in the HPMP for the duration of the new license period (License Application, PDEA, p. 5-305). The HPMP provides for:

- Normal and routine maintenance operations or other activities for the project that may require monitoring;
- Periodic monitoring conducted at regular intervals (e.g., once every three, five or ten years, based on the above factors based on Site Management Decision Diagram);
- A site-specific treatment plan for sites considered high-sensitivity with active effects;
- Designation of a HPMP coordinator that will be responsible for implementation of the plan; and
- Implementation of a Worker Environmental Awareness Training program.

The Agency Alternative does not address the role of USFS policy and enforcement in relation to damage to cultural resources sites from human impacts such as roads, OHV trails, and foot trails going directly through heritage resource sites; and camping sites and project reservoirs located directly on cultural resources sites. On pages 67 and 68, the draft HPMP recognizes the responsibility extends beyond the licensee's authority:

Recreational activity is regulated, managed and encouraged by the USFS on federal land. . . Although these types of impacts are primarily associated with their proximity to recreation areas (which are operated by the USFS) rather than hydroelectric project operations, protection measures may be considered if they can be incorporated into future project activities (e.g., construction or reconstruction of new/existing recreation facilities).

It is appropriate for SMUD to address UARP-related impacts on heritage/cultural resources within the FERC Project Boundary; however, adequate protection of these resources requires USFS attention to management and enforcement related issues associated with impacts to these resources on federal lands within and outside the FERC Project Boundary.

Both the Proposed Action (License Application, PDEA, p. 5-304) and the Agency Alternative will have beneficial environmental effects compared to baseline conditions by developing a HPMP to avoid significant environmental effects to cultural resources; however, the Agency Alternative should distinguish between site disturbing activities that the USFS manages and UARP operations.

Developing and implementing an HPMP is a routine part of FERC license proceedings, as is the licensee's consultation with the State Historic Preservation Officer (SHPO), potentially affected Native American tribes, and federal land management agencies if the project has the potential to affect cultural properties located on federal land. The HPMP lists any cultural sites (properties listed or eligible for listing in the NRHP) and how each property may be potentially affected by the project. HPMPs typically require monitoring sites with a reasonable potential to be affected by the project, and protecting sites that are affected by the project or are discovered during the license term.

The Proposed Action HPMP (identified in the PDEA as the Historic Properties Management Plan) will avoid any significant impacts the UARP potentially may have upon any sites within the APE that are either listed or eligible for listing in the NRHP. As stated above, the Proposed Action HPMP addresses, among other things, normal and routine maintenance, periodic monitoring, site-specific treatment plans, designation of an HPMP coordinator, and employee awareness. The PDEA concluded under the Proposed Action "operations, maintenance, and recreation will have a less-than-significant effect on the cultural resources with the implementation of" the HPMP (License Application, PDEA, p. 5-304).

We conclude the Proposed Action and the Agency Alternative HPMP measures will provide the benefit of avoiding significant environmental effects on cultural resources compared with baseline conditions by developing a HPMP; however, the Agency Alternative measure overburdens the licensee by assuming recreational activities (which are managed by the USFS), if they result in a negative impact to cultural resources, are the sole responsibility of the licensee.

#### 5.3.7.3 Agency Alternative Measure – Heritage Resource Discovery

The Agency Alternative, on pages 100–101, requires SMUD to cease or avoid ground-disturbing work if:

[I]tems of potential cultural, historical, archeological, or paleontological value are reported or discovered, or a known deposit of such items is disturbed on National Forest System lands and licensee adjoining property, the licensee shall immediately cease work in the area so affected. The licensee shall then notify the FS and shall not resume work on ground disturbing activities until it receives written approval from the FS.

If it deems it necessary, the FS may require the licensee to perform recovery, and preservation of the site and its artifacts at the licensee's expense through provisions of an Archaeological Resources Protection Act permit issued by the FS.

Both the Proposed Action (License Application, PDEA, p. 5-304) and the Agency Alternative will have beneficial environmental effects compared to baseline conditions because both require work stoppage and recovery to avoid significant environmental effects on cultural resources. Once again, however, the Agency Alternative measure does not recognize the FS role as the

administrator and enforcement authority regarding the impact of third parties on these resources within and outside the FERC Project Boundary.

The Proposed Action HPMP requires implementing detailed measures to avoid impacts to cultural resources, including restricting access to sites, burying and/or stabilizing sites, monitoring sites, and performing additional analysis and management of existing archaeological collections and data recovery to retrieve significant and relevant information about the area's history and prehistory. These measures will be assessed regularly to evaluate their effectiveness, and were deemed in the PDEA to reduce effects of the Proposed Action on cultural resources to a less-than-significant level.

We conclude implementing the Agency Alternative's heritage resources discovery measure will have beneficial environmental effects compared to baseline conditions, but will have no environmental effects compared with the Proposed Action's HPMP. However, the Agency Alternative measure overburdens the licensee by assuming recreational activities (which are managed by the USFS), if they result in a negative impact to cultural resources, are the sole responsibility of the licensee.