



— BUREAU OF —
RECLAMATION

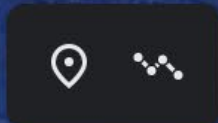
Cultural Resources & Irrigation Facilities

Idaho Water Users Association | Summer Water Law
Seminar

August 31, 2020

United States

Gulf of California

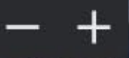


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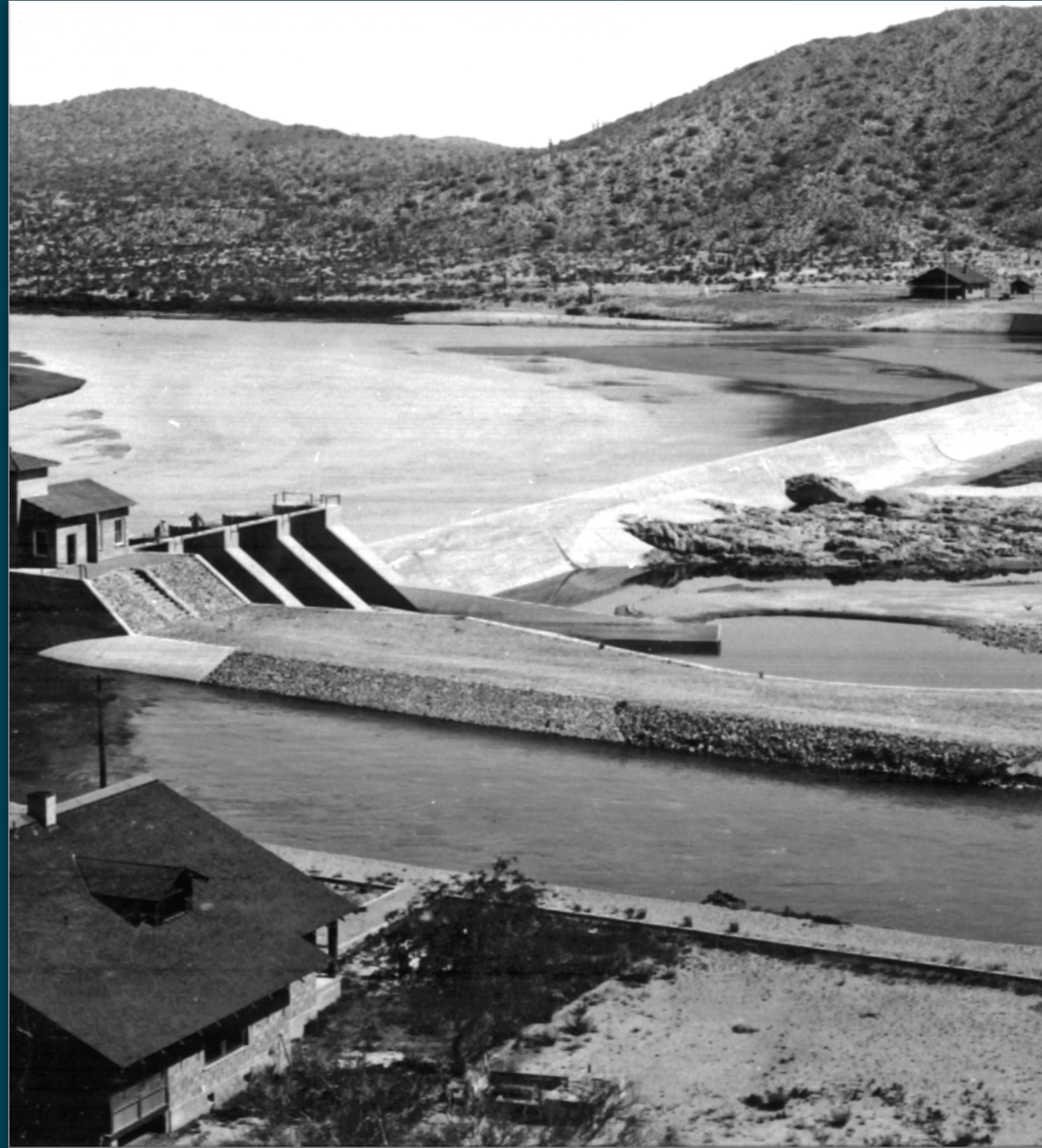
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Hawk
Edu

In this presentation

- What are cultural resources?
- What laws protect them?
- Section 106



Why does Reclamation care about Cultural Resources?

- Reclamation has an obligation to care for cultural resources to help western communities tell the story of their collective heritage and tremendous importance to the nation
- They are critically important to Native American Tribes
- Numerous laws require federal agencies consider the affects of their programs on cultural resources
- Other laws provide for stewardship of cultural resources

Cultural Resources.



Archeological Sites

Columbian Mammoth near Buffalo Bill Dam. Found in 2017.



Native American Sites

Petroglyphs on the Arkansas River Project, Colorado.



Cemeteries and Burials

Isolated grave near Medicine Creek Reservoir



Buildings

Heart Mountain Japanese Internment Camp, near Ralston, Wyoming



Cultural Resources.



Dams

Boise River Diversion Dam.
Built 1912.



Irrigation Districts & Facilities

Canal on the Minidoka Project, Idaho. 1909.



...other places and objects
more than 50 years old.



What Laws Protect Cultural Resources

- **National Historic Preservation Act.** 54 USC § 300101 *et seq.*
- Archeological Resources Protection Act.
- Native American Graves Protection and Repatriation Act.
- American Indian Religious Freedom Act.
- State Law and Regulation.
- Local policy can incorporate historic property protections..



How the NHPA Works

- Establishes Federal Historic Preservation Program
 - National Register of Historic Places
 - State and Tribal Historic Preservation Offices.
 - Grants and Funding.
- Creates Advisory Council on Historic Preservation.
- Establishes federal responsibilities for historic preservation
 - Section 106 Consultation
 - Section 110 Management of federal



Historic Properties

- A special category of Cultural Resources
- Historic Properties are cultural resources that have been determined eligible for listing or have been placed on the National Register of Historic Places (NRHP)
- The National Park Service provides guidelines and criterion for individual eligibility determinations



Section 106 Consultation

36 CFR § 800, Subpart B

- Is there an undertaking with the potential to cause effects?
- Identify consulting parties.
- Identify historic properties and evaluate their significance.
- Assess and resolve adverse effects.



What is the SHPO's Role?

- Commenting agency
- Advise and assist the lead federal agency
- A SHPO must be given the opportunity to comment on an undertaking
- Relationships often key



How long compliance takes depends

- Effects of a project
- Project with no potential to affect historic properties can proceed immediately
- Some projects with little possibility to affect historic properties can be done relatively quickly
- Size of a project and the number of sites being impacted can affect compliance time



Key Points

- Start early and avoid the rush.
- Details matter
 - What is the Area of Potential Effects
 - Why is a property historic?
- One and done is the way to go.
- Tell your story.



Are there options for streamlining?

- Alternatives to normal section 106 are available via Advisory Council on Historic Preservation (ACHP)
- Congress can also write exceptions in individual legislation
- Can work in concert with National Environmental Policy Act



Alternatives to normal NHPA compliance process via ACHP include

- Programmatic Agreements
- Exemptions
- Program Comments

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