

Memorandum

DATE: November 8, 2023

TO: The Siskiyou County Board of Supervisors

FROM: Chelsea Murphy, CKM Environmental

SUBJECT: Klamath Dam Removal Project – Cultural Resources Monitoring & Reporting Procedures

I. INTRODUCTION AND BACKGROUND

Consultation with the Tribal entities affected by the Klamath Dam Removal Project (Project) has been underway by Project proponents for years prior to Project initiation. In fact, coordination and communication with the Tribes with interest in the Klamath River has been ongoing with PacifiCorp as part of their Federal Energy Regulatory Commission (FERC) license. For example, during the initial Klamath Hydroelectric Project relicensing proceeding, PacifiCorp funded Tribal ethnographic studies prepared by the Klamath, Shasta, Karuk, and Yurok Tribes. These studies combined ethnography with extensive oral interviews to describe each Tribe's culture and relationship to the Klamath River (Final Environmental Impact Statement [FEIS], FERC 2022).

Impacts to cultural resources (which includes archaeological resources and historical resources) were identified and analyzed in both the National Environmental Policy Act (NEPA) FEIS and the California Environmental Quality Act (CEQA) Final Environmental Impact Report (FEIR). As part of the environmental analysis Tribal consultation is required through the National Historic Preservation Act (NHPA) Section 106 and through California Assembly Bill 52 (AB52). Formal consultation through the California State Historic Preservation Office (SHPO) and FERC occurred, as did informal consultation between the project proponent (Klamath River Renewal Corporation [KRRC]). Consultation occurred with both federally and non-federally recognized Tribes, including: the Hoopa Valley Tribe, the Karuk Tribe, the Yurok Tribe of the Yurok Reservation, the Klamath Tribes, the Resighini Rancheria, Cher-Ae Heights Indian Community of Trinidad Rancheria, Quartz Valley Indian Community of the Quartz Valley Reservation of California, the Confederated Tribes of Siletz Indians of Oregon, the Shasta Nation (Yreka, California), the Shasta Indian Nation (McDoel, California), and the Modoc Nation (Modoc Tribe of Oklahoma) (FEIS, FERC 2022).

Cultural resources, both archaeological and historical, are known to exist within the project area; 93 archaeological sites and various buildings including the dams themselves. As noted in the environmental documents, the Project would result in significant effects on archaeological and historic sites. With this understanding FERC and the State Water Resources Control Board (SWRCB), as the lead federal and state agencies for the project required the following mitigation measures:

- treatment measures determined in consultation with the National Park Service, such as documentation of historic structures (e.g., Historic American Building Survey/Historic American Engineering Record [HABS/HAER]), public access restrictions,

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capping/armoring, and data recovery in situations where non-intrusive protective measures cannot be implemented;

- provisions for additional surveys;
- implementation of a Monitoring and Inadvertent Discovery Plan (appendix B of the draft Historic Properties Management Plan [HPMP]) that includes the participation of Tribal advisers accompanying cultural resources monitors and archaeological teams during fieldwork;
- treatment of human remain discoveries;
- implementation of a Looting and Vandalism Prevention Plan (HPMP appendix C);
- coordination with law enforcement;
- curation of recovered artifacts;
- implementation of a public education program;
- implementation of a culturally significant plant enhancement program;
- employee training; and,
- additional reporting and consultation.

As described in the FEIS, FERC held a consultation meeting on March 1, 2022, with the California SHPO, the Shasta Indian Nation, and others. The Shasta Indian Nation requested that FERC include the California Water Board's proposed mitigation measures that it had developed for impacts to Traditional Cultural Resources (TCRs) (FERC 2022). These measures are described in a Summary of Interest presented by the Shasta Indian Nation in Daniels (2021) filed on March 8, 2022. The Tribe's comments on the revised HPMP filed on July 1, 2022, reiterate its requests regarding inclusion of the TCR mitigation measures. In the final HPMP, mitigation measures are included in Chapter 7 (https://klamathrenewal.org/wp-content/uploads/2022/10/20221014-5091_Final-October-2022-HPMP-Public.pdf).

II. MONITORING AND REPORTING PROCESS

Per the mitigation measures and cultural resource documents and plans, the Project must follow a rigorous protocol for both known and unknown archaeological and historical sites and discoveries. During construction professionally qualified cultural resources monitors will be present during ground-disturbing activities in the following areas: (1) locations of medium to high sensitivity based on a geoarchaeological sensitivity model, impact areas, and the historical landscape and submerged resources analyses; and (2) locations of historic properties, including eligible, treated as eligible, and listed archaeological sites (HPMP 2022). Avoidance of known archaeological historic properties and potential historic properties is being completed by cultural and tribal monitors, by flagging a 100-foot buffer around each site. Cultural resources monitors have the authority to suspend construction, for suspected or actual discoveries to be inspected, recorded, evaluated, and treated.

If archaeological sites or human remains are found during construction the onsite monitors (including Tribal monitors) are required to stop work and follow a protocol that's outlined in the HPMP. These procedures are summarized in flow charts, which are included here as Appendix A and B. Protocol for human remains includes notification by SHPO and the California Native American Historic Commission (NAHC) to the most likely descendants of the remains. Tribes to be contacted during the project including those who could be considered most likely descendants are included in Chapter 6 of Appendix B of the HPMP and include the: Modoc Nation, Shasta

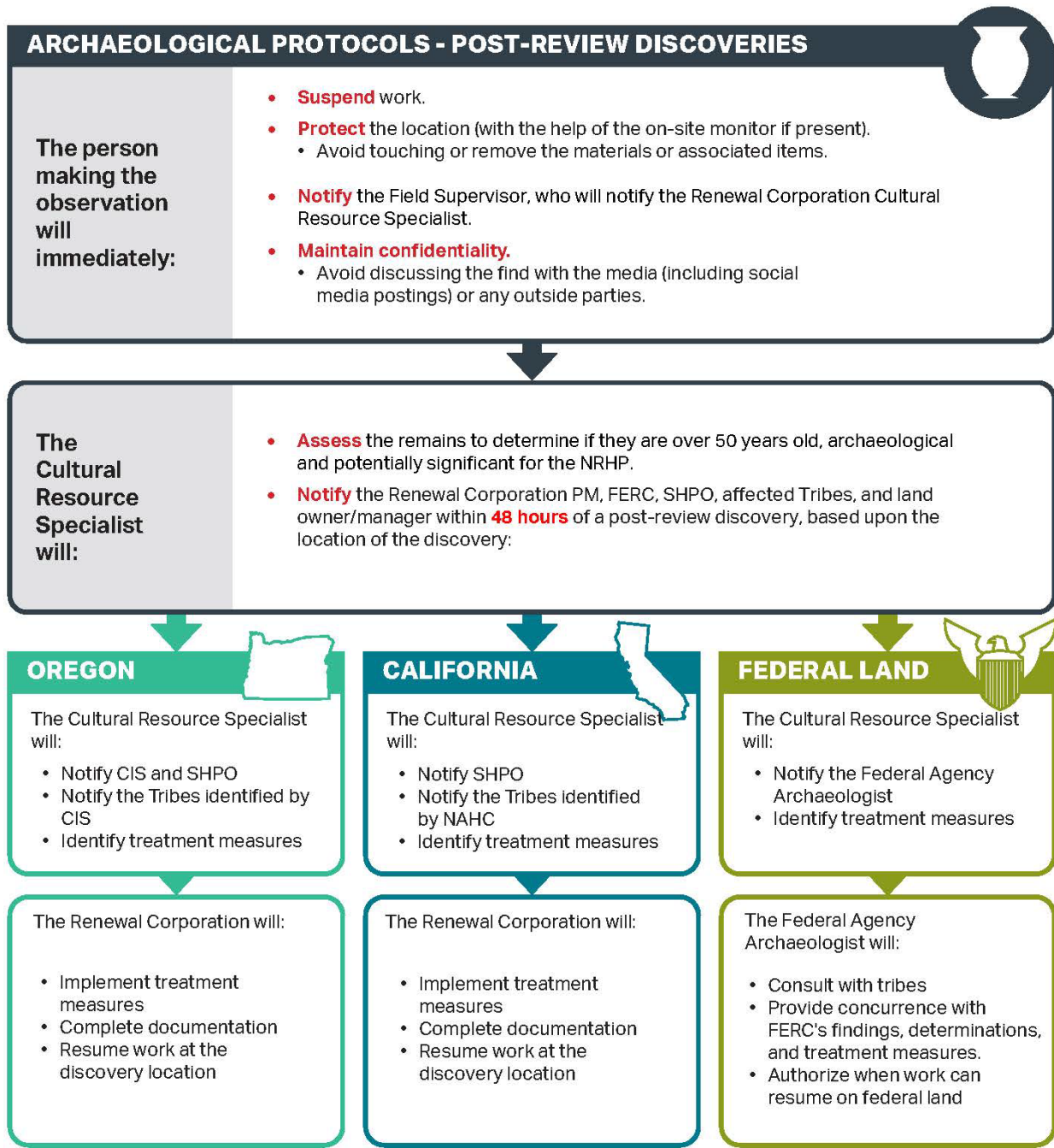
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Nation, Shasta Indian Nation, Quartz Valley Indian Reservation, Karuk Tribe, Yurok Tribe, and the Cher'Ae Heights of the Trinidad Rancheria. This process is not driven by KRRC. KRRC's involvement is through their qualified and professional cultural resource experts, and contracted Tribal monitors to stop work, document the finds, and take direction from SHPO and the tribes on how to treat the finds.

III. CONCLUSION

Based on the extensive documentation and consultations that have occurred to date on the Klamath Dam Project, the processes that are in place to mitigate impacts and treat archaeological and historic resources are appropriate and common for projects of this size. The project has received no special dispensation or exemptions from any federal or state laws regarding cultural resources, and are following standard protocols. KRRC has taken many steps to ensure the confidentiality of known cultural resources in compliance with the National Historic Preservation Act (NHPA) (as found in 54 USC § 307103[a]), as implemented in 36 CFR § 800.11[c]). Information to the consulting Tribes is being shared, especially with tribal monitoring occurring onsite. To preserve confidentiality, sufficient information regarding historic properties is being shared with consulting parties for them to understand the basis of determinations and assessments. The NHPA requires that federal agencies withhold from public disclosure information about the location, character, or ownership of a historic property when disclosure may cause a significant invasion of privacy; risk harm to the historic property; or impede the use of a traditional religious site by practitioners (HPMP 2022). Once the cultural and historic information regarding the project is communicated to the Tribes, the regulatory agencies and the KRRC, it is up to the tribal members to disseminate the information as they see appropriate with their fellow members.

Appendix A: Archaeological Protocols Flow Chart



Notes: *CIS* = Oregon Commission of Indian Services; *NAHC* = Native American Heritage Commission; *SHPO* = State Historic Preservation Office

Figure 7-1: Process flowchart for archaeological post-review discoveries

Appendix B: Human Remains Protocols Flow Chart

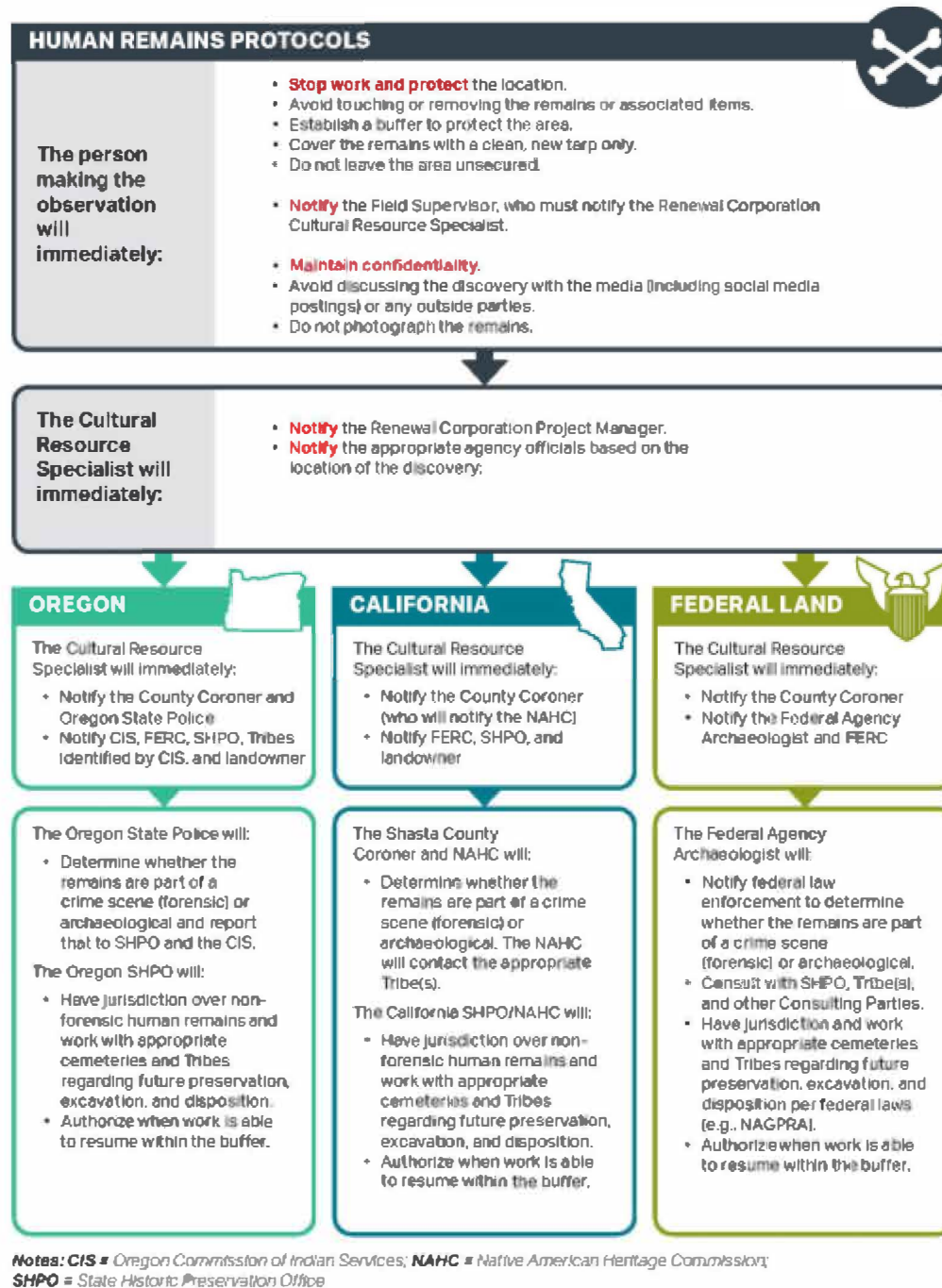


Figure 8-1: Human remains protocols flow chart