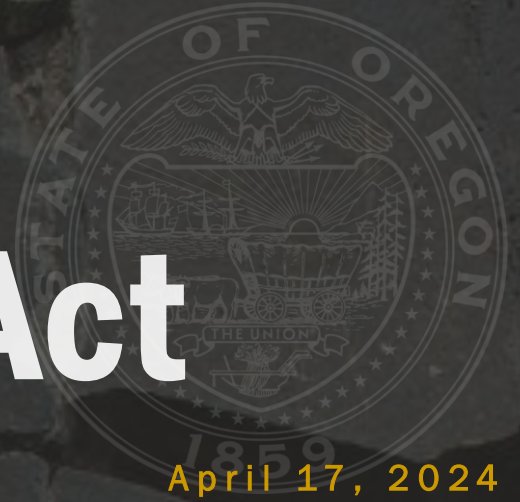


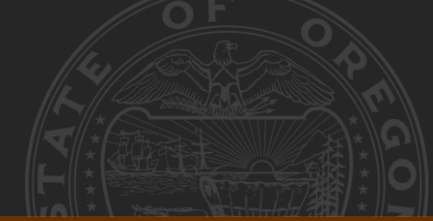


# **&** National Historic **the** Preservation Act



April 17, 2024





# Agenda



- 1 Background
- 2 Section 106 Overview
- 3 What is a Programmatic Agreement and how will it work?
- 4 OWEB's Restoration and TA grant offerings
- 5 One Grantee's Approach

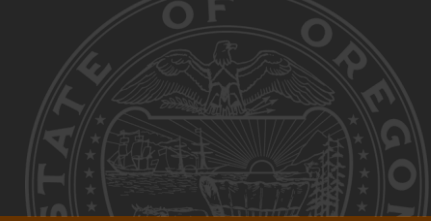
# Pacific Coastal Salmon Recovery Fund (PCSRF)



Supplement State and Tribal programs for salmon restoration by allocating Federal funding to projects and activities that **provide demonstrable and measurable benefits to Pacific anadromous salmonids and their habitat.**

- Populations that are listed as threatened or endangered, or identified by a State as at-risk to be listed
- Non-listed populations necessary for exercise of Tribal treaty fishing rights or native subsistence
- Conservation of habitat



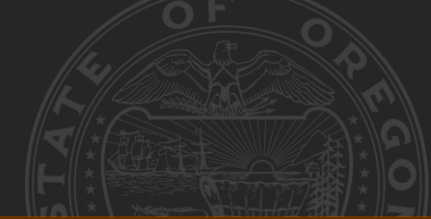


# Eligible Applicants

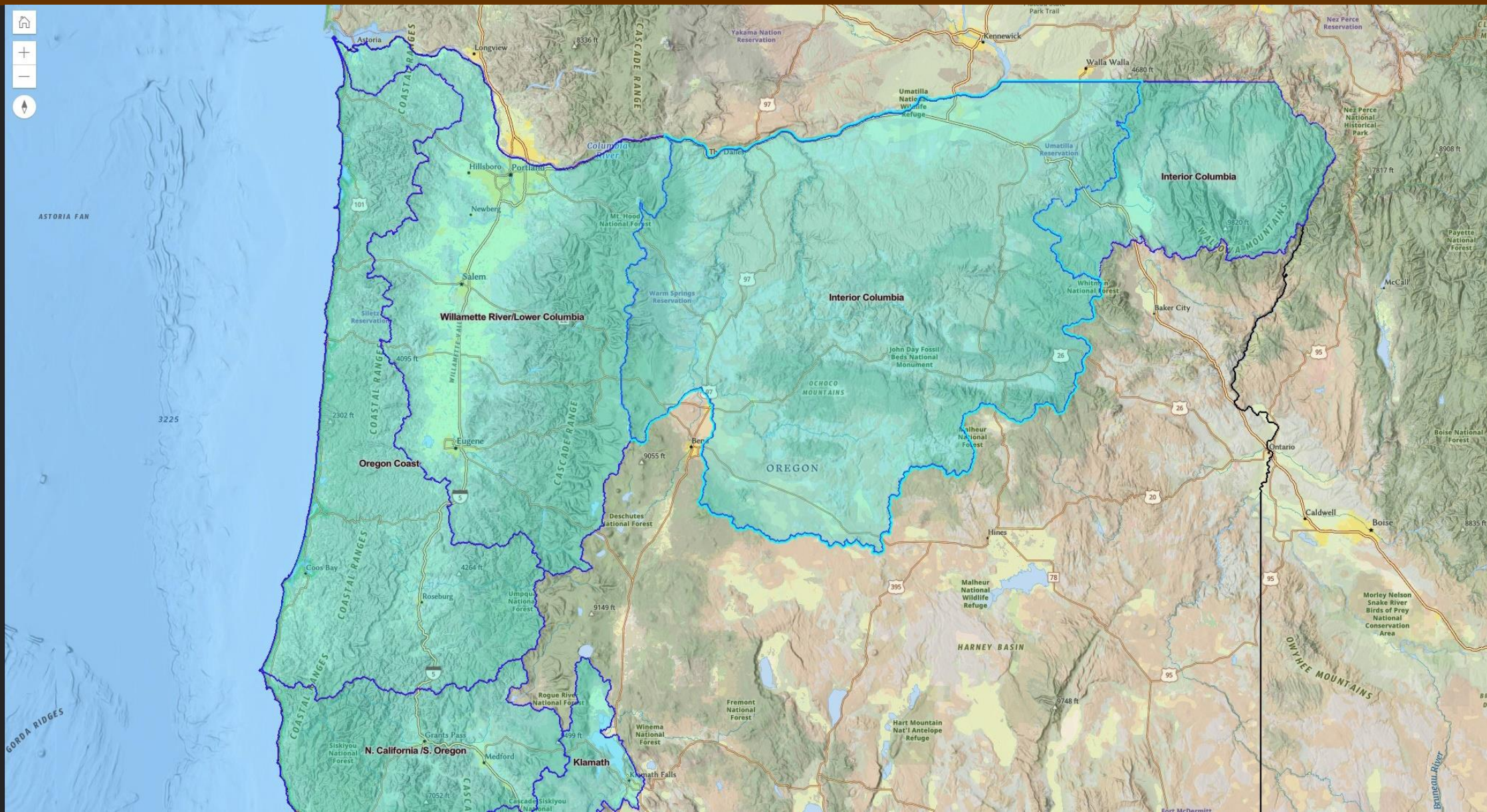


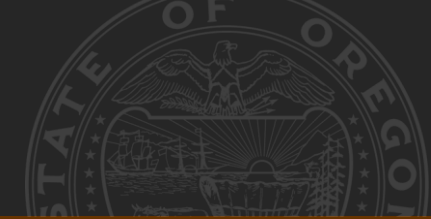
- Alaska
- Washington
- Oregon
- Idaho
- California
- Nevada
- Federally Recognized Tribes



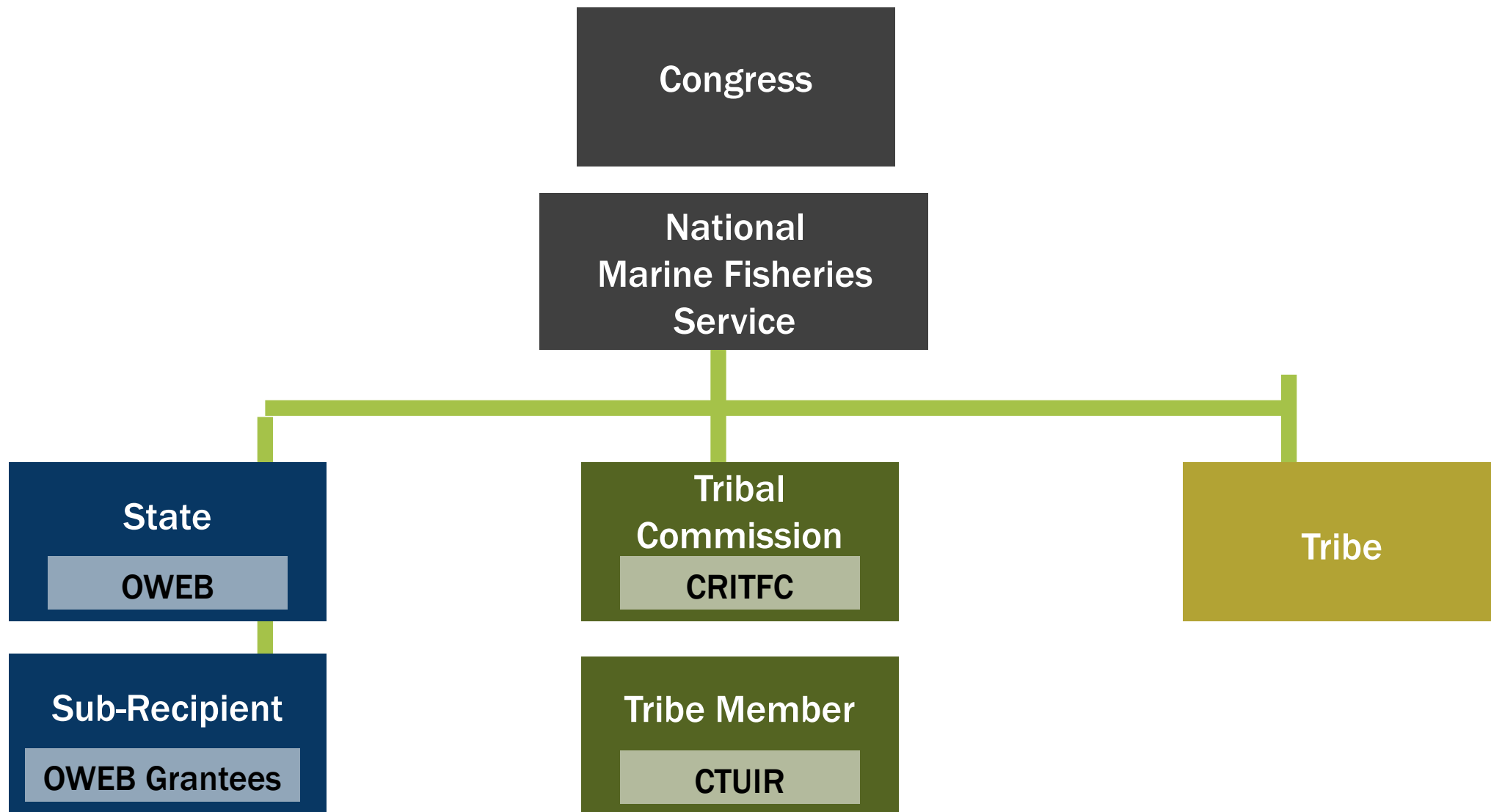


# Recovery Domains Map

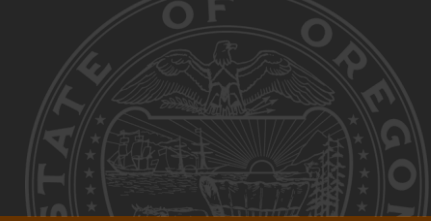




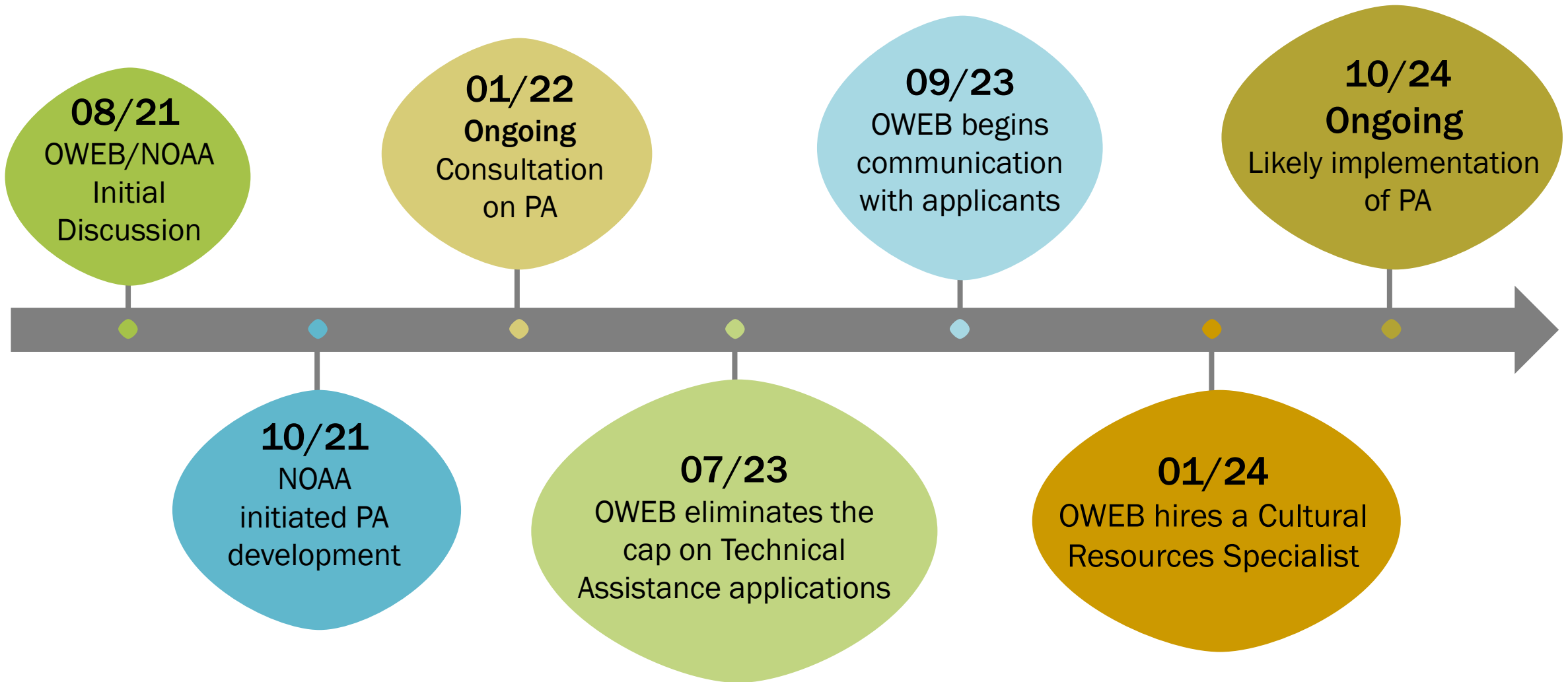
# Distribution of PCSRF Funds







# Process



# Section 106 Compliance through Programmatic Agreements



## Why a Programmatic Agreement?

800.14(b)(1) Thresholds

- When effects on Historic Properties are similar and repetitive or are multi-state or regional in scope
- When effects on historic properties cannot be fully determined prior to the approval of an undertaking
- When non-federal parties are delegated major decision-making responsibilities
- (2 C.F.R. Part 200.331-333 & DOC Financial Assistance Terms & Conditions)

## Benefits

- Standardized Forms
- Avoids Duplicative Review for Parallel Undertakings
- Create Efficiencies for No Effect Projects
- Less Paperwork
- Upfront involvement





# Programmatic Agreements Section 106 of the National Historic Preservation Act of 1966 (36 CFR 800)



Section 106 of the National Historic Preservation Act requires **Federal agencies to take into account the effects of their undertaking on historic properties** and afford the Council a reasonable opportunity to comment on such undertakings (36 CFR 800.1(a)).

# Programmatic Agreements Section 106 of the National Historic Preservation Act of 1966 (36 CFR 800)



Section 106 of the National Historic Preservation Act requires **Federal agencies to take into account the effects of their **undertaking on historic properties**** and afford the Council a reasonable opportunity to comment on such undertakings (36 CFR 800.1(a)).



# Programmatic Agreements Section 106 of the National Historic Preservation Act of 1966 (36 CFR 800)




What is an undertaking  
subject to Section 106?

- **Funding**
- Permit
- License
- Approval



# Programmatic Agreements Section 106 of the National Historic Preservation Act of 1966 (36 CFR 800)



**HISTORIC PROPERTY** means any prehistoric or historic **district, site, building, structure, or object** included in, or eligible for inclusion in, the *National Register of Historic Places*.

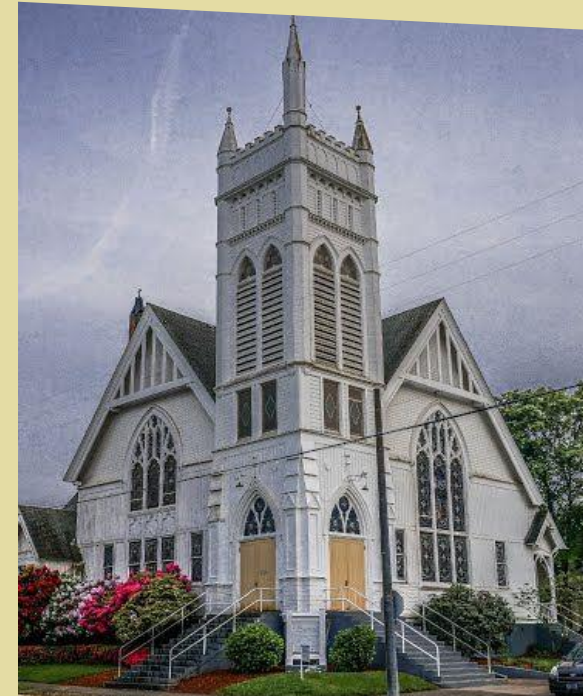


# Programmatic Agreements Section 106 of the National Historic Preservation Act of 1966 (36 CFR 800)



## Building

A building created principally to shelter any form of human activity.



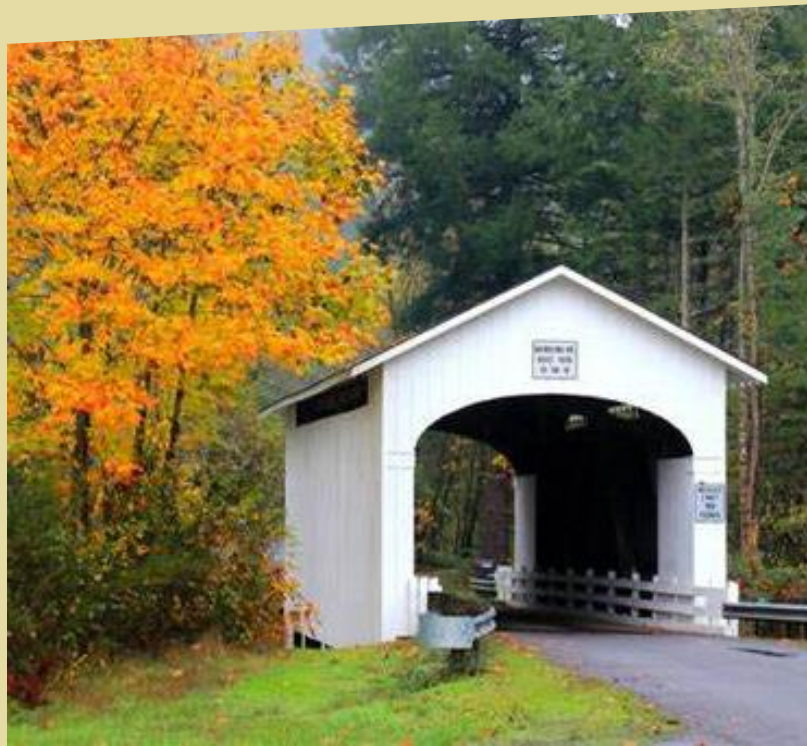


# Programmatic Agreements Section 106 of the National Historic Preservation Act of 1966 (36 CFR 800)



## Structure

The term “structure” is used to distinguish from buildings. Structures are functional constructions made usually for purposes other than creating human shelter.





# Programmatic Agreements Section 106 of the National Historic Preservation Act of 1966 (36 CFR 800)



## Object

Includes those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed. Although it may be, by nature or design, movable, an object is associated with a specific setting or environment.





# Programmatic Agreements Section 106 of the National Historic Preservation Act of 1966 (36 CFR 800)



## Site

The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location possesses historic, cultural, or archaeological value.



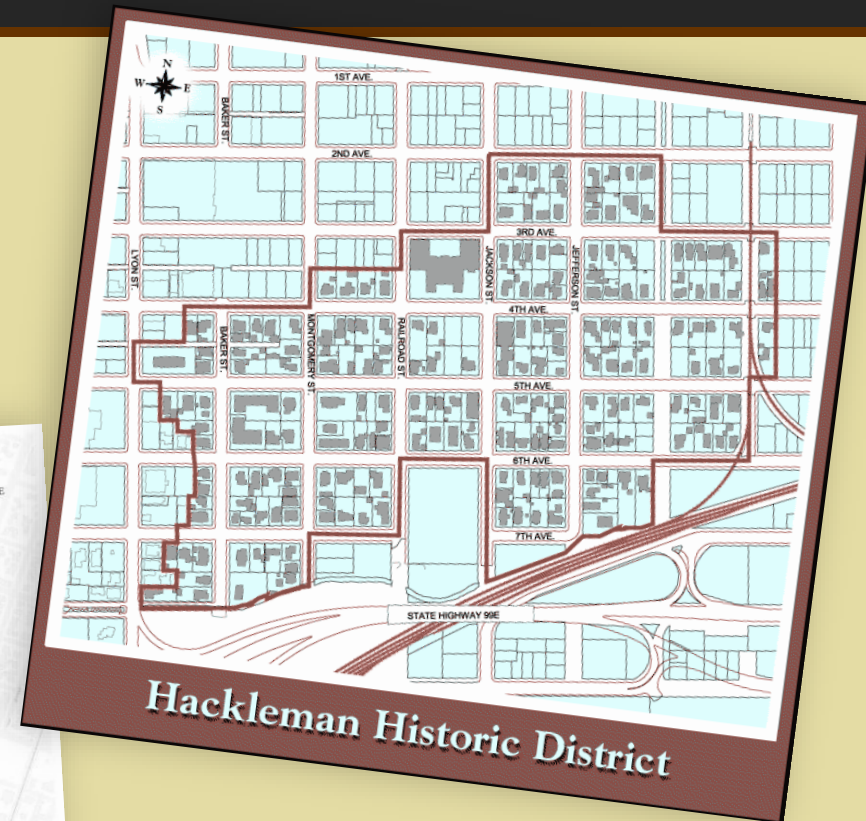
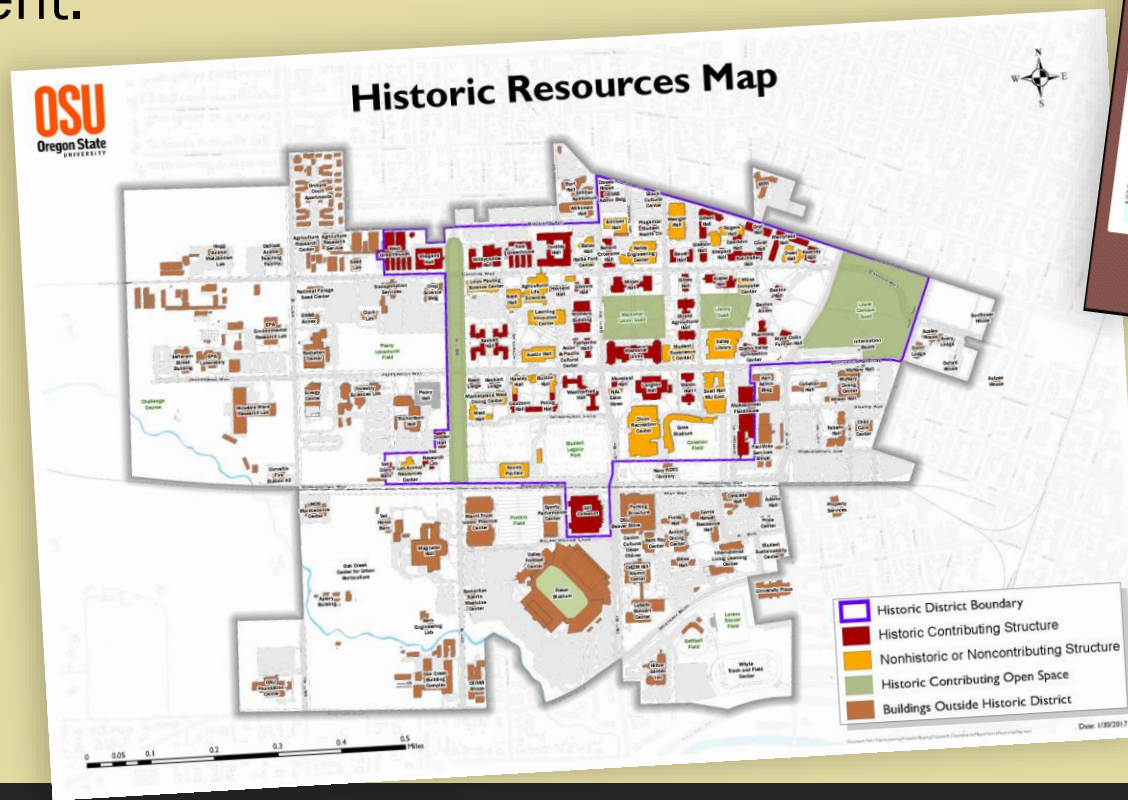


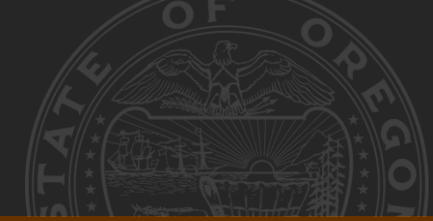
# Programmatic Agreements Section 106 of the National Historic Preservation Act of 1966 (36 CFR 800)



## District

A district possesses a significant concentration, linkages, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.





# Implementation



## What types of projects are impacted

- 1** Projects that are **funded (regardless of when the application was submitted)** after the Programmatic Agreement goes into effect, likely October 2024.
- 2** Projects that are funded with **PCSRF funds**.
- 3** Projects that are eligible for PCSRF but funded with Lottery and OWEB uses to meet its **match** requirement for the PCSRF grant.



## How Do I Know if My Project is Impacted

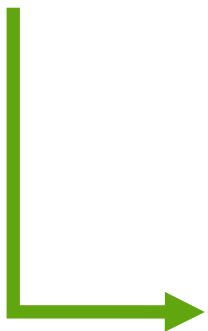


1. Does the proposed project fall within the recovery domain boundary?

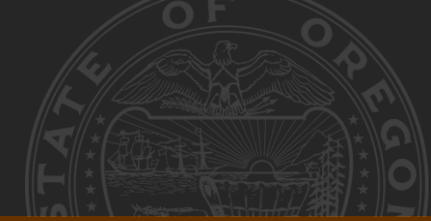


2. Are the activities proposed in the application on either

- **Screened** exemption list or
- **Require full** section 106 review list



If you answered **YES** to 1 and 2,  
then your project **MAY** be impacted



# Project Types



## EXEMPT from Section 106 Review

- Activities with very **minimal to no potential to cause effects** to historic properties.



## SCREENED for Exemptions from Section 106 Review

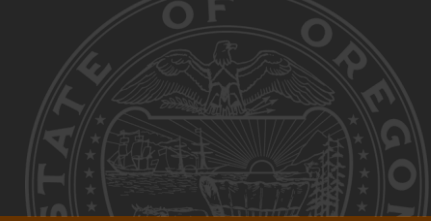
- Activities with **variable potential to affect historic properties**, and therefore will be subject to a screening process prior to their being excluded from further Section 106 review



## REQUIRE FULL Section 106 Review

- **Activities with potential to affect historic properties** and will require a full project review and consultation.





# Example EXEMPT Activities



## Instream Flow

- Water flow gages, water leases/ purchases
- Maintaining adequate flow or reducing flow



## Salmonid Restoration Planning and Assessments

- Restoration Planning and Coordination
- Habitat Assessment/Inventory
- Design work for restoration projects



## Site Maintenance

- Irrigating or replanting trees that failed to survive, using only existing infrastructure, hand tools or other non-destructive methods.





# Example Activities Require FULL Section 106 Review



## Upland Habitat and Sediment

- Slope stabilization
- Upland vegetation management.



## Instream Habitat

- Channel reconfiguration and connectivity



## Estuarine/Nearshore

- Channel modification
- Dike or berm modification/ removal
- Tide gate alteration/removal
- Estuarine culvert modification/ removal
- Slope regrading
- New estuarine creation

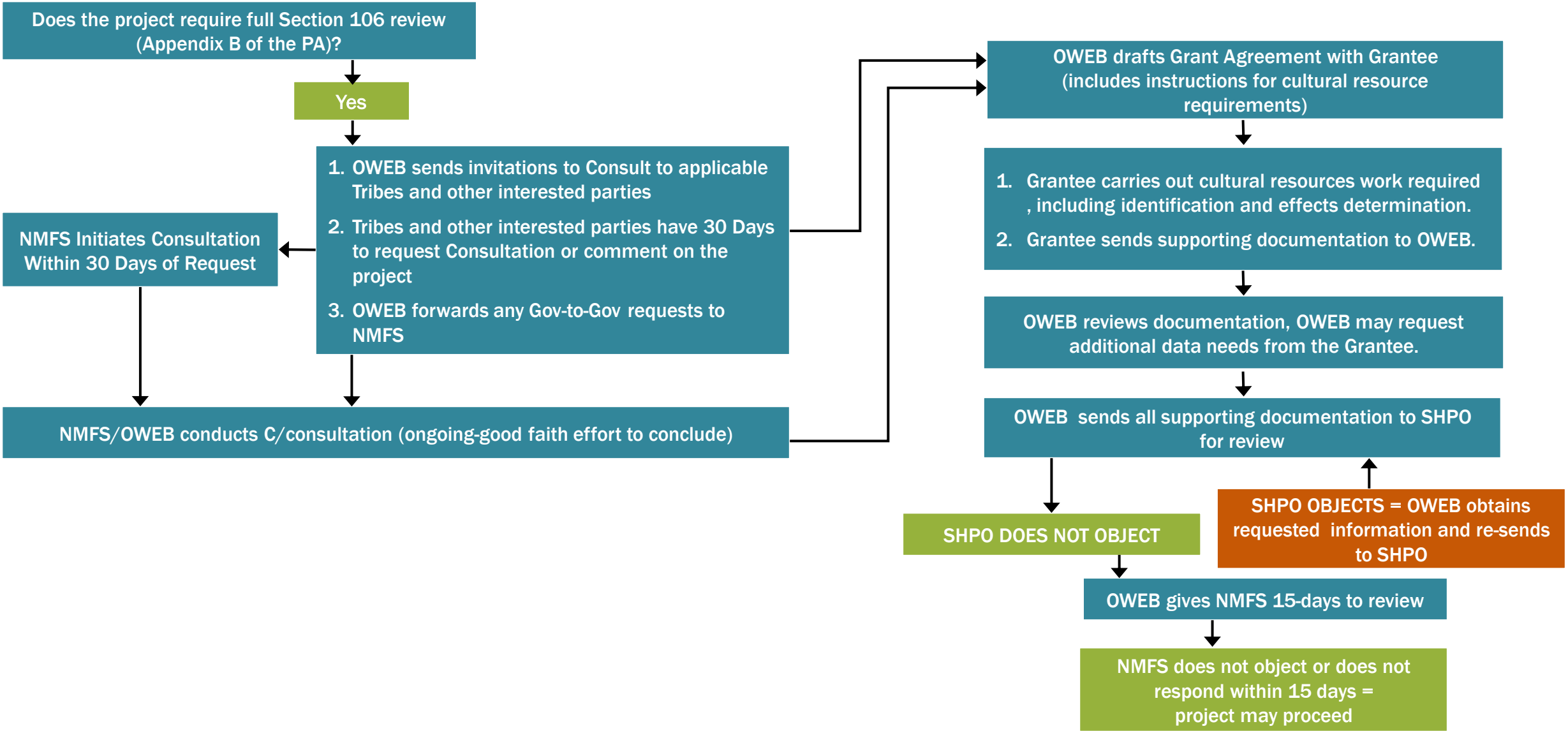


## Fish Passage Improvements

- Removal or alteration of fish passage blockages
- Culvert installation or improvement at road-stream crossing
- Bridge installation or improvement at road-stream crossing
- Rocked ford-road stream crossing



# Review Process for OWEB-funded Projects that Require FULL Section 106 Review



# Example Activities SCREENED from Exemptions Subject to Tiered Review Process



## Fish Passage Improvements

- Road stream crossing removal

## Instream Flow

- Irrigation practice improvement

## Instream Habitat

- Plant removal/control
- Channel structure placement
- Streambank stabilization
- Spawning gravel placement

## Riparian Habitat

- Riparian planting
- Fencing and exclusion
- Water gap development
- Conservation grazing management
- Plant removal/control

## Upland Habitat and Sediment

- Road drainage system improvements and reconstruction
- Erosion control structures installed
- Planting for erosion and sediment control
- Agriculture management
- Livestock management
- Wetland improvement

## Water Quality

- Refuse/debris removal
- Sewage Clean-up
- Toxin Reduction
- Livestock manure management
- Stormwater/Wastewater

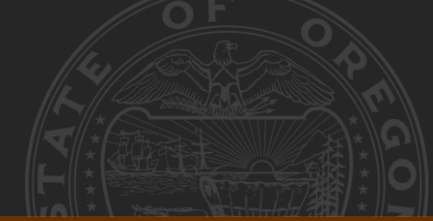
## Wetland

- Planting
- Plant removal/control
- Improvement/ Restoration
- Artificial wetland creation

## Estuarine/Nearshore

- Removal of existing fill material
- Fill placement
- Plant removal/control
- Beach nourishment
- Contaminant removal/remediation
- Debris removal
- Overwater structure removal/modification
- Planting
- Exclusion devices

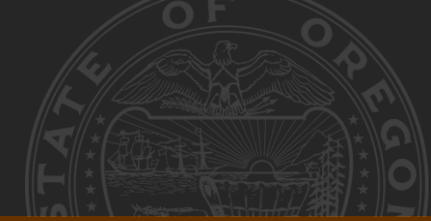




# Tiered Review Process



The review process is still in development



# How to Prepare



- 1 Consider submitting a Technical Assistance application to OWEB to complete cultural resource work during the design phase of the project.
- 2 If the project may be impacted budget accordingly in the technical assistance and restoration applications.
- 3 Allow for more time during project design and implementation to complete any required cultural resource work.

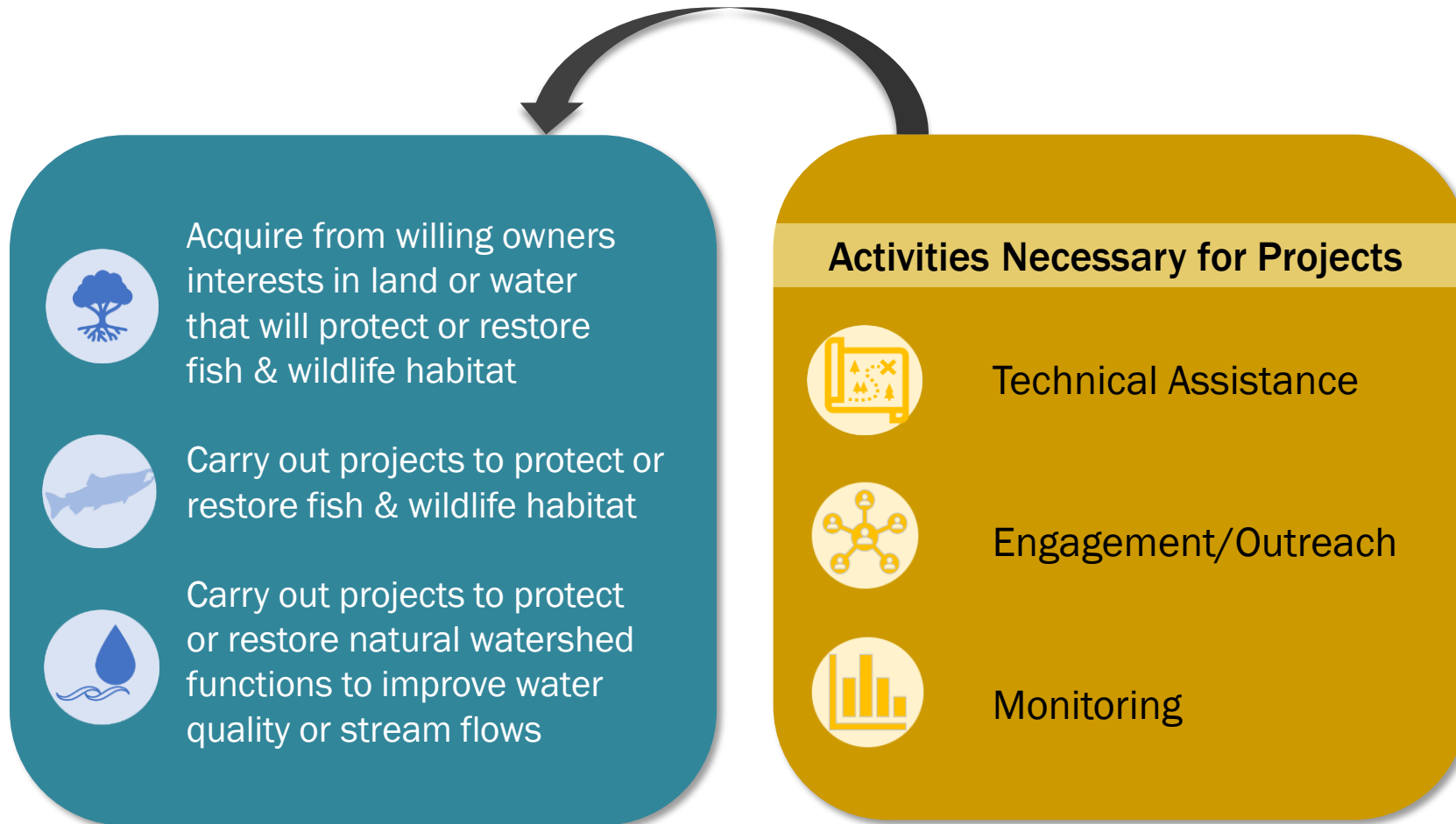




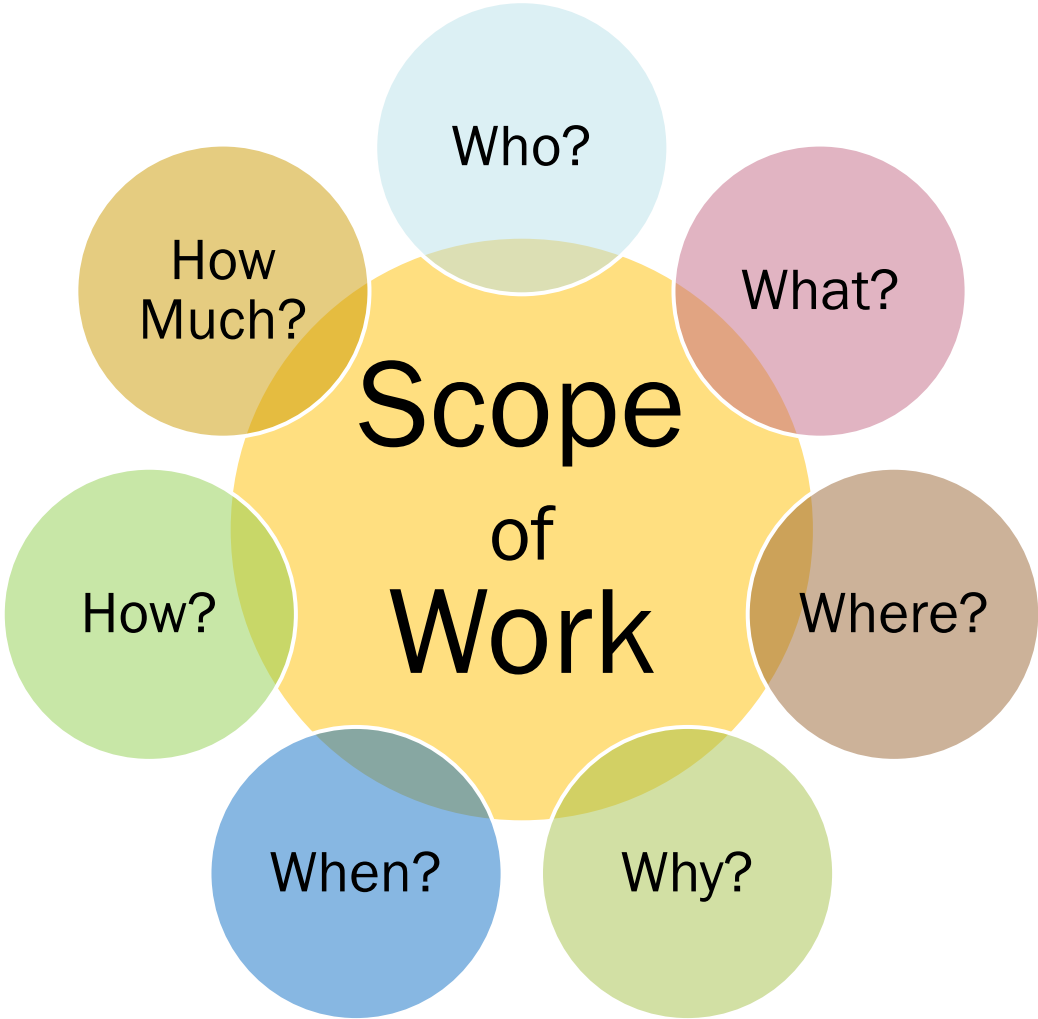
# Connecting Project Outcomes to Statutory Requirements



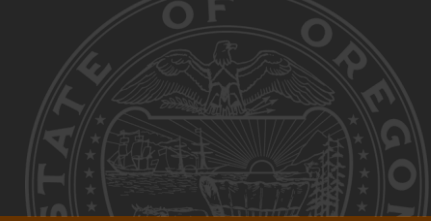
Article XV (4b) Constitution & ORS 541.956: Moneys shall be used only to...



# Applications Are Scopes Of Work







# Evaluation Criteria

## RESTORATION Evaluation Criteria OAR 695-010-0060

Does the application clearly state the project objectives & provide information about how those objectives will be met?

Will project be implemented using a clearly defined methods appropriate for addressing the problem?

Does the project address limiting factors or watershed issues by treating the causes rather than the symptoms of disturbance?

Is the project ready to be implemented?

Were alternatives to address the identified problem identified & evaluated?

How are watershed benefits adequately quantified in the application?

How are changing climate conditions incorporated & how will project contribute to durable adaptation & resilience for ecosystems?

How has consideration of greenhouse gas emissions or long-term carbon sequestration or storage informed project?

How were likely impacts to the site & adjacent properties during & after project implementation considered?

What specific action(s) will be implemented that are within an explicit geography prioritized in a watershed restoration plan?

### All projects must meet the following:

- Will the project provide public benefit by supporting improved water quality, habitat, &/or ecosystem functions?
- Does the project demonstrate sound watershed management principles?
- Are project methods adapted to the project location?
- Will professionally accepted restoration approaches be followed?

Does the application provide an overall budget that reflects expected & quantified watershed health benefit?

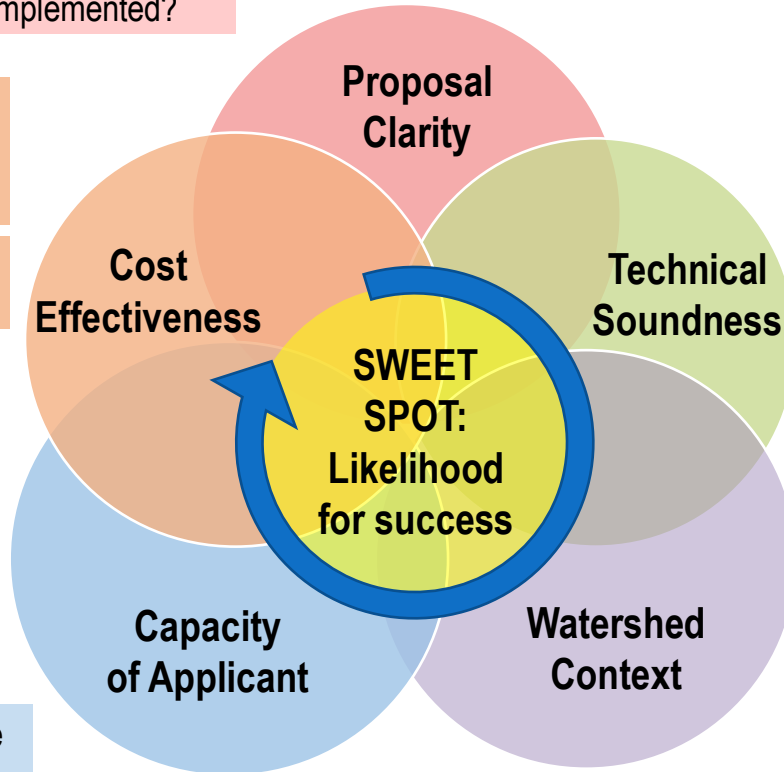
Does the budget reflect necessary costs & reasonable rates for direct costs?

Does the applicant have capacity for successful long-term stewardship & maintenance of the project?

Does the applicant have a proven track record managing projects, completing projects as proposed & reporting?

Will appropriate partners be engaged in the project?

How did/will engagement with local communities disproportionately impacted by climate change inform project?



How does the project address watershed function & ecosystem processes, including water quality & the life stages of fish & wildlife?

How does the project fit within the context of past & planned future restoration efforts in the watershed?

How will the project promote public awareness that may lead to opportunities for watershed restoration?

# Evaluation Criteria



## TECHNICAL ASSISTANCE

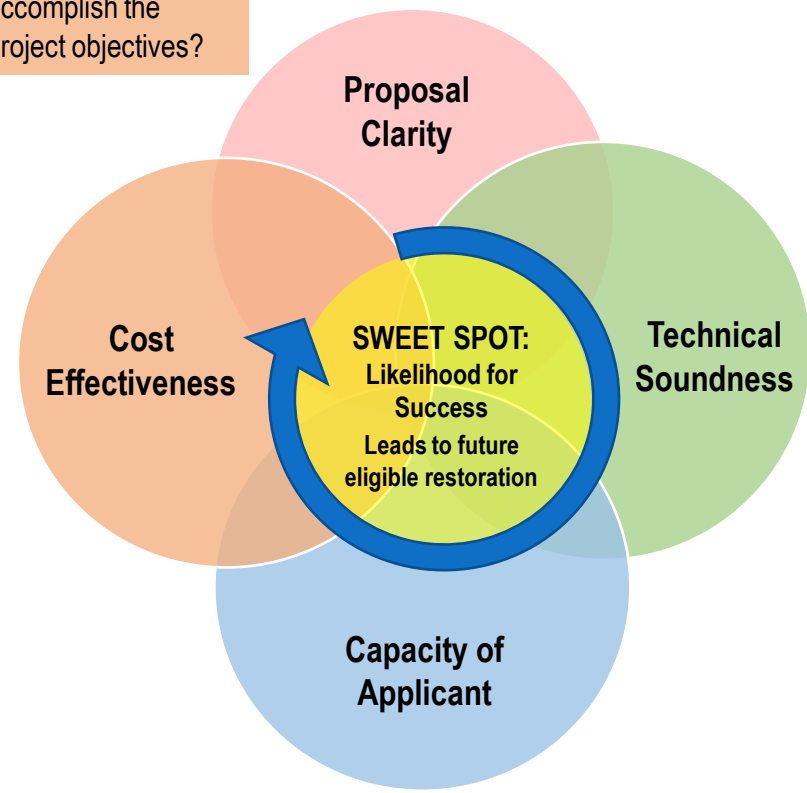
Evaluation Criteria  
OAR 695-030-0045

**Technical Design & Engineering** = project feasibility reports, designs, or engineering materials that directly lead to site-specific restoration or acquisition projects within a specified timeframe.

**Resource Assessment & Planning** = information about existing water quality or habitat conditions and processes at an identified scale, and relates those conditions and processes to actions that will directly lead to desired future conditions within a specified timeframe.

Do costs align with work necessary to accomplish the project objectives?

Does the application describe a clear need?



Does applicant have the organizational capacity to implement the proposed project?

Are staff or consultants qualified to accomplish the proposed activities?

Are appropriate audiences engaged in the project?

How did/will engagement with local communities disproportionately impacted by climate change inform project?

### Technical Design & Engineering

- How does the project address limiting factors in existing conservation or recovery plans?
- Was an alternative analysis completed that demonstrates a range of options were considered?
- Will appropriate data be collected to inform designs?
- Will professionally accepted technical or engineering approaches will be used?
- How are changing climate conditions incorporated & how will project contribute to durable adaptation & resilience for ecosystems?
- How has consideration of greenhouse gas emissions or long-term carbon sequestration or storage informed project?

### Resource Assessment & Planning

- Is the project scope & scale feasible? Have the partners demonstrated the ability for collaborative work at this scale?
- Is the process by which data will be managed & shared with partners appropriate?
- Will professionally accepted methods & parameters will be used?
- How are changing climate conditions incorporated & how will project contribute to durable adaptation & resilience for ecosystems?
- How has consideration of greenhouse gas emissions or long-term carbon sequestration or storage informed project?



# Technical Assistance Application Tips



## Problem

- What is the target habitat?
- What is the target watershed ecosystem function?
- **Example:** Fish Passage & Cold-Water Refugia

## Solution

- **Goal:** Develop design to address fish passage barriers & restore fish access to 7 miles of cold water refugia
- **Action:** Hire a qualified archeology firm to conduct the cultural resources review and survey of the project area

## Wrap Up

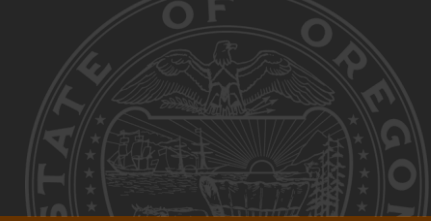
- Anticipated fish & wildlife habitat, &/or water quality or quantity benefits that will result from future restoration or acquisition project(s)
- **Example:** Addressing fish passage barriers will protect migration corridors needed for fish to access 7 miles of cold water refugia

# One Grantee's Approach



Norie Wright, Gilliam SWCD





# Next Steps

## OWEB

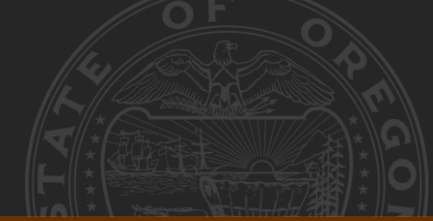
- **Continue to consult with NOAA** until the Programmatic Agreement is finalized.
- **Begin Outreach to Tribes.**
- **Develop tools and resources** to help applicants navigate new requirements.

## Applicants

- Begin designing projects with **future requirements in mind** including both timelines and budgets.







# Questions



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