



# Guidance on **CULTURAL RESOURCES COMPLIANCE** for OWEB Grants

## Background




The Oregon Watershed Enhancement Board (OWEB) applies annually for Pacific Coastal Salmon Recovery Funds (PCSRF) from the National Marine Fisheries Service (NMFS) and awards these funds through various grant programs. These funds are mainly used in restoration and technical assistance projects that benefit salmon and steelhead.

In August 2025, OWEB, the NMFS, along with the Oregon State Historic Preservation Office (SHPO) and the Advisory Council on Historic Preservation, signed a [Programmatic Agreement \(PA\)](#) for PCSRF projects, delegating the responsibilities of Section 106 of the National Historic Preservation Act of 1966 (NHPA) to OWEB. Section 106 requires federal agencies to consider the effects on historic properties of projects they carry out, assist, fund, permit, license, or approve.

OWEB has historically relied on its grantees to self-report and track permits required for project implementation in the application and grant agreement. Under the PA, OWEB is responsible for ensuring that the grantees are in compliance with Section 106. This includes reviewing projects to ensure alignment with the PA, examining cultural resource reports, and submitting the appropriate documentation to the SHPO and the National Oceanic and Atmospheric Administration (NOAA).

Under the PA, OWEB is required to review all grants funded by PCSRF, as well as those utilizing Oregon Lottery funds used to meet its 33% required match to NOAA. The information below is intended to help OWEB applicants understand these new requirements.

### The PA applies to all land in Oregon that:




-  Falls within the Recovery Domains for ESA-listed salmon and steelhead.
-  Does not already have another established federal PA.
-  Is not under Tribal Historic Preservation Office (THPO) jurisdiction. THPO has authority in lieu of the Oregon SHPO.

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## Impacts to Grantees

OWEB grantees are accustomed to ensuring Section 106 compliance when working with federal funds and working on federal lands; these federal nexuses are triggers for compliance with federal laws. Grantees that are now funded with Oregon Lottery funds but are located within the Recovery Domains for ESA-listed salmon and steelhead will have to plan to demonstrate compliance with Section 106 and budget in technical assistance and restoration applications for cultural resources review.

### Applicants should consider the following when planning projects:

-  Contact a qualified archaeological contractor and the federally recognized tribes' THPO office early in the project planning process to avoid, minimize or mitigate impacts to cultural resources. The [Oregon SHPO](#) provides a helpful bulletin for individuals and organizations interested in hiring an archaeologist and the [Association of Oregon Archaeologists](#) offers a contractor directory.
-  Apply for a Technical Assistance (TA) grant and budget time and expenses for cultural resources requirements in the TA grant prior to applying for a restoration grant.
-  Complete as much cultural resource work as possible during the design phase of the project to reduce delays. If cultural resource work has not begun by the time grantees apply for a restoration grant, the review may note concerns about unknown budget costs and delays in the project timeline.

## How OWEB Can Help

**Projects in the design phase** are able to request funds for cultural resources work through OWEB's TA grant program. The applicant is encouraged to identify the [Area of Potential Effect \(APE\)](#) during the design phase.

**Projects in the implementation phase** may include costs for cultural resources work to be done in the restoration grant application.

OWEB encourages applicants to reach out to cultural resources consulting firms to assist in budgeting or conducting a pre-review early in the project development phase. Costs for cultural resources work depend on the scope, scale, and location of the project. A survey in a low-probability area may cost \$2,000-\$5,000. A survey for a larger project or activities in a high-probability area (or known site) could cost \$50,000 or more.

OWEB also encourages applicants to contact the local Tribal Natural and Cultural Resource offices and share the project site and scope early in the life of the project to identify any potential areas of concern that may be included in the planning and design phase. The Legislative Commission on Indian Services has contact information for each Tribe's Cultural Resources staff.

## Questions?

OWEB will do everything possible to work with grantees to answer questions in a timely manner. Please contact: [Cultural.Resources@oweb.Oregon.gov](mailto:Cultural.Resources@oweb.Oregon.gov) | 971-345-7756

## Three Activity Categories

The activities listed below are categorized based on project types that qualify for PCSRF funding and are subject to change as the PA is finalized in July 2024.



1

### **EXEMPT** from Section 106 Review

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



2

### **ASSESSED** for Exemptions from Section 106

Activities with **variable potential to affect historic properties** will be subject to a screening process prior to being excluded from further Section 106 review.



3

### **REQUIRE** Full Section 106 Review

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



## 1 **EXEMPT** from Section 106



## 2 **ASSESSED** for Exemptions from Section 106 Review



## 3 **REQUIRE** Full 106 Review

<b>Water Quality</b> <ul style="list-style-type: none"><li>• Carcass or nutrient placement</li></ul>	<b>Water Quality</b> <ul style="list-style-type: none"><li>• Refuse/debris removal</li><li>• Sewage clean-up</li><li>• Toxin reduction</li><li>• Livestock manure management</li><li>• Stormwater/wastewater</li></ul>	<b>Water Quality</b> <ul style="list-style-type: none"><li>• Return flow cooling</li></ul>
	<b>Riparian Habitat</b> <ul style="list-style-type: none"><li>• Riparian planting</li><li>• Riparian exclusion and fencing</li><li>• Water gap development</li><li>• Riparian plant removal/control</li><li>• Debris/structure removal</li><li>• Conservation grazing management</li></ul>	<b>Riparian Habitat</b> <ul style="list-style-type: none"><li>• Forestry Practices/Stand Management</li></ul>
	<b>Instream Habitat</b> <ul style="list-style-type: none"><li>• Streambank stabilization</li><li>• Spawning gravel placement</li><li>• Plant removal/control</li><li>• Beaver introduction/ management</li><li>• Predator/ competitor removal</li></ul>	<b>Instream Habitat</b> <ul style="list-style-type: none"><li>• Channel reconfiguration and connectivity</li><li>• Channel structure placement</li></ul>
	<b>Estuarine/Nearshore</b> <ul style="list-style-type: none"><li>• Removal of existing fill material</li><li>• Fill placement</li><li>• Estuarine plant removal/control</li><li>• Shoreline armor removal or modification</li><li>• Beach nourishment</li><li>• Contaminant removal/remediation</li><li>• Debris removal</li><li>• Overwater structure removal/ modification</li><li>• Exclusion devices such as fencing</li><li>• Estuarine planting</li></ul>	<b>Estuarine/Nearshore</b> <ul style="list-style-type: none"><li>• Channel modification</li><li>• Dike or berm modification removal</li><li>• Tidegate alteration/ removal</li><li>• Estuarine culvert modification/ removal</li><li>• Slope regrading</li><li>• New estuarine creation</li></ul>

	<b>Fish Passage Improvements</b> <ul style="list-style-type: none"> <li>• Fish passage at road crossings, barriers, fishways, and weirs</li> <li>• Fishway chutes or pool installation</li> <li>• Fish ladder installation/ improvement</li> <li>• Road stream crossing removal</li> </ul>	<b>Fish Passage Improvements</b> <ul style="list-style-type: none"> <li>• Removal or alteration of fish passage blockages</li> <li>• Culvert installation or improvement at road stream crossing</li> <li>• Bridge installation or improved at road stream crossing</li> <li>• Rocked ford-road stream crossing</li> </ul>
<b>Instream Flow</b> <ul style="list-style-type: none"> <li>• Water flow gages, water leases/ purchases</li> <li>• Maintaining adequate flow or reducing flow</li> </ul>	<b>Instream Flow</b> <ul style="list-style-type: none"> <li>• Headgate installation</li> <li>• Flow regulation</li> <li>• Withdrawal reductions</li> <li>• Well installation to eliminate a diversion</li> <li>• Piping open canals</li> </ul>	
	<b>Upland Habitat and Sediment</b> <ul style="list-style-type: none"> <li>• Road drainage system improvements and reconstruction</li> <li>• Road closure/ abandonment</li> <li>• Erosion control structures installation</li> <li>• Erosion and sediment control planting</li> <li>• Upland livestock management</li> <li>• Trail or campground management</li> <li>• Upland wetland improvement</li> <li>• Upland agriculture management, such as low or no-till</li> <li>• Upland irrigation management</li> </ul>	<b>Upland Habitat and Sediment</b> <ul style="list-style-type: none"> <li>• Slope stabilization</li> <li>• Upland vegetation management such as juniper removal, thinning, prescribed burning, stand conversions, etc.</li> </ul>
<b>Public Outreach, Education, and Landowner Recruitment</b> <ul style="list-style-type: none"> <li>• Outreach documents/reports/posters</li> <li>• Media material production</li> <li>• Events/ workshops/ training/ presentations</li> <li>• Landowner contact</li> </ul>	<b>Wetland</b> <ul style="list-style-type: none"> <li>• Wetland planting</li> <li>• Wetland plant removal/control</li> <li>• Wetland improvement/restoration</li> <li>• Artificial wetland creation</li> </ul> <b>Land or Easement Acquisition</b> <b>Other or Unspecified Projects</b>	

## **Salmonid Restoration Planning and Assessments**

- Restoration Planning and Coordination
- Habitat Assessment/Inventory

### **Site Maintenance**

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

### **Pre-Restoration Acquisitions**

- Restoration structures or equipment purchases for future habitat restoration projects

### **Monitoring**

- Adult/smolt/fry salmonids
- Biological instream
- Redd and carcass counts
- Harvest monitoring
- Test fishery
- Water quality and quantity
- Habitat condition
- Post-project implementation or design compliance
- Effectiveness and validation
- Intensively monitored watershed
- Stormwater, wastewater, sewage outfall
- Predator/competitor

