



# Pensacola Hydroelectric Project (FERC No. 1494)

Cultural Resources Working Group Meeting

## Introduction – Project Overview

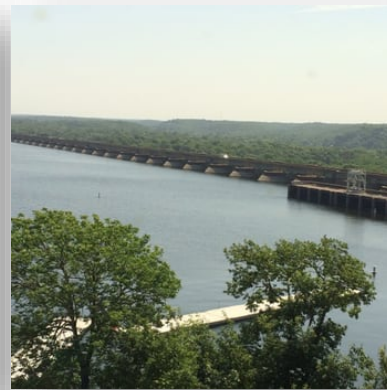
- The Grand River Dam Authority (GRDA) is the Licensee and operator of the Pensacola Hydroelectric Project (FERC No. 1494) (Project or Pensacola Project), located along the Grand/Neosho River in Craig, Delaware, Mayes, and Ottawa counties, Oklahoma.
- The existing license for the Project was issued by the Federal Energy Regulatory Commission (FERC or Commission) on April 24, 1992, and will expire on March 31, 2022.
- GRDA is pursuing a new license for the Project in accordance with FERC's Integrated Licensing Process.
- Pursuant to the ILP, GRDA filed a Proposed Study Plan (PSP) with the Commission on April 27, 2018. In the PSP, GRDA proposed to conduct a Cultural Resources Study of the Project's Area of Potential Effects (APE).





# Introduction – Project Overview

- GRDA held a PSP Meeting in Langley, Oklahoma, on May 30 and 31, 2018. GRDA also held a Cultural Resources Working Group (CRWG) Meeting on May 31, 2018.
- To inform GRDA's development of the Revised Study Plan (RSP), GRDA also held additional meetings subsequent to the PSP Meeting.
  - On August 14, 2018 GRDA met with the Advisory Council on Historic Preservation (ACHP) in Washington D.C.
  - FERC convened a tribal consultation meeting in Catoosa, Oklahoma on August 21, 2018.
  - On August 22, 2018, GRDA had a relicensing consultation meeting with the Oklahoma State Historic Preservation Officer (SHPO) and the Oklahoma Archaeological Survey (OAS) in Oklahoma City, Oklahoma.



## Introduction – Project Overview

- GRDA revised the Cultural Resources Study Plan for the RSP to take into account formal comments on the PSP as well as the discussions and comments received during meetings with the ACHP, Native American Tribes, the SHPO, and OAS.
- The RSP was filed on September 24, 2018.
- The Commission issued a Study Plan Determination (SPD) for the Project on November 8, 2018, that approved the Cultural Resources Study Plan, with modifications.
- The Commission's SPD also directed GRDA to hold a CRWG Meeting within 60 days of issuance of the SPD (i.e., on or before January 7, 2019).
- Accordingly, GRDA invited Native American Tribes, the Bureau of Indian Affairs (BIA), SHPO, and OAS to participate in this CRWG Meeting.

# Introduction – Cultural Resources Working Group

- The Pensacola Project CRWG provides a forum for GRDA, Native American Tribes, the SHPO, OAS, BIA, and other parties to discuss issues related to the approved Cultural Resources Study Plan, including:
  - Plan implementation;
  - Schedule;
  - Study methods, results, and recommendations; and
  - Coordination among the CRWG parties.
- GRDA has committed to holding CRWG Meetings in Tulsa, Oklahoma every quarter (i.e., 90 days) for the duration of the Cultural Resources Study.



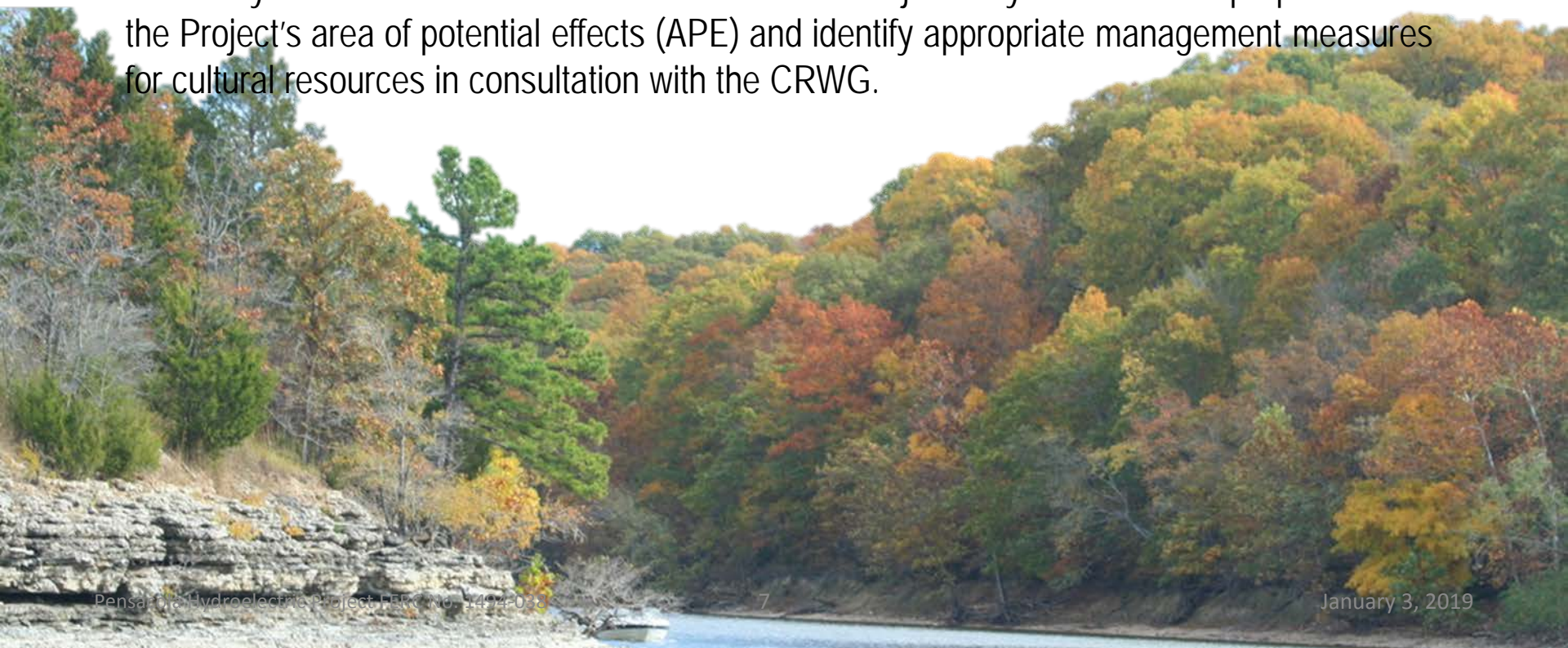
# Introduction – Meeting Agenda

Item	Schedule
Welcome and Introductions	9:00 AM – 9:15 AM
Review and Discussion of the Requirements of the Commission's SPD	9:15 AM – 10:00 AM
Discussion of GRDA's Request for Extension of the License Term	10:00 AM – 10:45 AM
<i>Break</i>	10:45 AM – 11:00 AM
Schedule and Approach for the Cultural Resources Study	11:00 AM – 12:00 PM
<i>Lunch Break</i>	12:00 PM – 1:00 PM
Discussion of Pre-Fieldwork Report Development	1:00 PM – 2:00 PM
<i>Break</i>	2:00 PM – 2:15 PM
Pre-Fieldwork Consultation Requirements and Tribal Monitoring	2:15 PM – 3:30 PM
Review of Action Items, Next Steps, and CRWG Meeting Schedule	3:30 PM – 4:00 PM



# Review and Discussion of SPD

- The Commission issued the SPD on November 8, 2018.
- As summarized in the SPD, GRDA is proposing to conduct a Cultural Resources Study to evaluate Project-related effects on cultural resources and meet the requirements of Section 106 of the National Historic Preservation Act (NHPA).
- The study would determine the extent to which the Project may affect historic properties within the Project’s area of potential effects (APE) and identify appropriate management measures for cultural resources in consultation with the CRWG.



## Review and Discussion of SPD

- The study, as approved with modifications in the SPD, includes provisions for:
  - Consultation with the CRWG, including individual Native American Tribes, regarding the Project's APE;
  - Quarterly CRWG Meetings;
  - Background research and archival review, including consultation with Native American Tribes;
  - Development of a Pre-Fieldwork Report;
  - Pre-Fieldwork Report Meetings;
  - Archaeological Reconnaissance Surveys;
  - Archaeological Site Evaluations;
  - An Historic Architectural Resources Survey;
  - An inventory of Traditional Cultural Properties (TCPs); and
  - Development of an Historic Properties Management Plan (HPMP) in consultation with the CRWG to provide for the management of historic properties within the Project's APE for the term of the new license.



# Review and Discussion of SPD

- As described in the approved Cultural Resources Study Plan, GRDA proposed to define the Project's APE to include All lands within the FERC-approved Project boundary. The APE also includes lands or properties outside the project boundary where Project operations or Project-related recreation activities or other enhancements may cause changes in the character or use of historic properties, if any such properties exist.
- GRDA proposed to refine the APE in consultation with the CRWG, as necessary, based on the results of the Hydrologic and Hydraulic (H&H) Modeling Study, other relicensing studies, and information gathered during the first year of the cultural resources study.
- The ILP provides for two years of study during Project relicensing.



## Review and Discussion of SPD

- During Study Year 1, the SPD directs GRDA to conduct a background review and archival research, develop a Pre-Fieldwork Report, hold a Pre-Fieldwork Report Meeting, conduct an Archaeological Reconnaissance Survey, evaluate certain archaeological sites, conduct an Historic Architectural Resources Survey, initiate consultation regarding the TCP Inventory, and hold CRWG Meetings.
- Following Study Year 1, GRDA will consult with the CRWG and seek concurrence from the Oklahoma SHPO and THPOs on the final APE.
- During Study Year 2, the SPD directs GRDA to hold a Pre-Fieldwork Report Meeting, conduct additional Archaeological Reconnaissance Surveys, evaluate certain archaeological sites, complete the TCP Inventory (to the extent possible), and hold CRWG Meetings.



## Review and Discussion of SPD

- Noteworthy modifications to the Cultural Resources Study Plan included in FERC's SPD include requirements to:
  - Modify the schedule to include a CRWG Meeting within 60 days of the issuance of the SPD;
  - Provide FERC with a record of consultation regarding the final APE and to file maps that clearly identify the location of the Project boundary, lands outside the Project boundary included in the APE, and the specific locations of any tribal trust lands that GRDA and BIA determine are within the Project boundary;
  - With respect to the TCP Inventory, (a) prepare a summary of TCP Inventory study results to date to be filed with the Updated Study report (USR), (b) file individual TCP reports for each tribe upon their completion, and (c) file a final comprehensive TCP report that contains the TCP results for all tribes with the final license application;
  - Consult with the SHPO prior to conducting fieldwork on non-federal lands and consult with individual THPOs prior to conducting fieldwork on tribal trust lands to obtain concurrence regarding survey methods;
  - Modify the Pre-Fieldwork Report to include plans to evaluate known archaeological sites in consultation with the CRWG;
  - Include a discussion of any Project-related effects to identified TCPs, including but not limited to effects associated with recreational use, in GRDA's Cultural Resources Study Report; and
  - Adopt BIA's recommendations regarding confidentiality.



# Request for Extension of License Term

- Many of the approved studies are scheduled to require two full years to complete.
- A delay in the ILP process due to a lack of a quorum of FERC commissioners resulted in an incongruity between the ILP process and the statutory deadline under the Federal Power Act for GRDA to file its FLA with FERC.
  - Under the current relicensing schedule, nearly the entire second field season and associated study reporting are scheduled to occur after GRDA files the Preliminary Licensing Plan/Draft License Application (due November 2019) and Final License Application (due March 2020).
- To remedy this situation, and as described in the RSP, GRDA intended to seek a modest extension of the existing license term.
- As proposed in the RSP, GDRA anticipated conducting cultural resources studies in Study Year 1 (November 2018 – October 2019) and Study Year 2 (November 2019 – October 2020).

# Request for Extension of License Term

- In the November 2018 SPD, FERC directed GRDA to perform a new bathymetric survey of Grand Lake for use in the H&H Modeling Study and the Sedimentation Study.
- Based on discussions with the U.S. Geological Survey, a full bathymetric survey of Grand Lake is expected to take approximately 2 years to complete.
  - Once the bathymetric survey has been completed, H&H modeling based on the updated bathymetry is expected to take 18 months.
- To accommodate the delay in the ILP process and the requirement to perform a new bathymetric survey, GRDA is now proposing to request an extension of the license term until June 30, 2026.
- If approved by FERC, this schedule would allow additional years (perhaps up to 4 years total) for field work not originally anticipated in the Study Plan.
- In addition to the field work, the additional time offers an opportunity for completion of TCP studies and development of a robust HPMP in consultation with the SHPO and Tribes.
- The additional fieldwork will better inform FERC's licensing decisions and allows for immediate implementation of the HPMP once FERC issues the new license (expected in the 2025-26 timeframe).

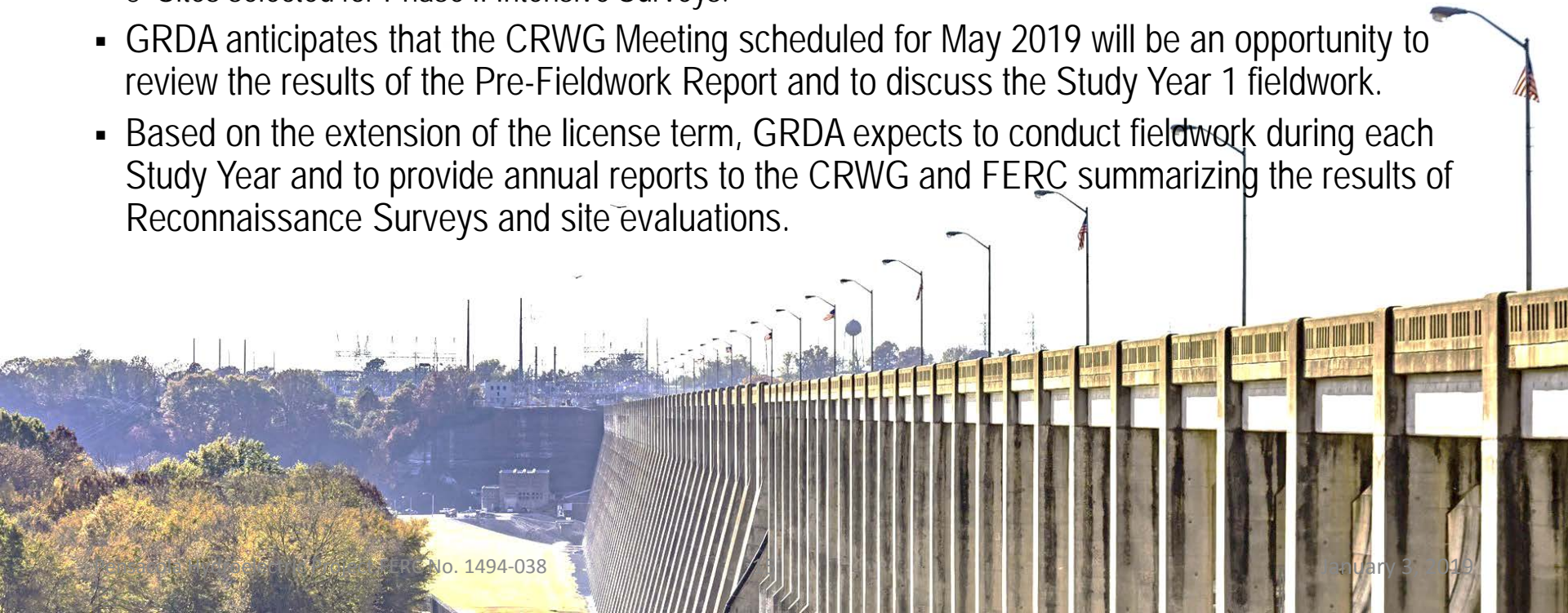
# Schedule and Approach for the Cultural Resources Study

- With the potential extension of the license term, GRDA sees an opportunity to conduct additional archaeological studies within the Project's APE that would otherwise be required post-license issuance.
- At this time, GRDA is conducting background research and archival reviews in support of developing a Pre-Fieldwork Report.
- The Pre-Fieldwork Report will identify and map (as available and consistent with data confidentiality protocols)
  - Previously reported archaeological sites and historic resources, relevant map-documented structures, the geographic extent of previous cultural resources surveys, locations of historic and/or archaeological significance identified in consultation with Native American Tribes, and properties listed on or nominated for the National Register of Historic Places (NRHP), Oklahoma State Register of Historic Properties, and any tribal Registers of Historic Places;
  - Areas with archaeological sensitivity, such as pre-Project terrace landforms, the outlets of tributary streams, and other landscape features; Pre-project trails and roads; and historic towns, villages, or other population centers;
  - Areas identified within the APE where erosion or other Project-related effects are occurring; and
  - Lands recommended for survey, including whether recommended survey areas are on lands owned by GRDA.



# Schedule and Approach for the Cultural Resources Study

- As described in the RSP, GRDA anticipates providing the CRWG with the Pre-Fieldwork Report in April 2019.
- The Pre-Fieldwork Report is intended to provide information to assist the CRWG in making informed decisions regarding:
  - The locations for Phase I Reconnaissance Surveys; and
  - Sites selected for Phase II Intensive Surveys.
- GRDA anticipates that the CRWG Meeting scheduled for May 2019 will be an opportunity to review the results of the Pre-Fieldwork Report and to discuss the Study Year 1 fieldwork.
- Based on the extension of the license term, GRDA expects to conduct fieldwork during each Study Year and to provide annual reports to the CRWG and FERC summarizing the results of Reconnaissance Surveys and site evaluations.



# Discussion of Pre-Fieldwork Report Development

- GRDA has initiated background research to inform the specific research design and the historical and environmental contexts of the APE, including the following sources.
  - Information on archaeological sites, historic architectural resources, and previous cultural resources studies on file with OAS, Oklahoma SHPO, and Native American Tribes;
  - Available nomination forms and other relevant information for properties listed on or nominated for the NRHP, Oklahoma State Register of Historic Properties, and any tribal Registers of Historic Places;
  - Available reports on previous cultural resources studies conducted within the APE;
  - A review of the Oklahoma Landmark Inventory and Oklahoma's NRHP listings;
  - Historic maps and aerial photographs of the APE, including relevant plat and Sanborn maps;
  - Aerial photographs of the APE, including historic, pre-Project aerial photographs (as available);
  - Relevant documents related to Project construction;
  - Relevant information available from local repositories;
  - Information on the current and historical environment, including mapped soils, bedrock geology, geomorphology, physiography, topography, and hydrology in the vicinity of the APE;
  - Relevant historical accounts of the Project area;
  - Relevant management plans for the Project;
  - Historic context statements for Management Region 3 available from the Oklahoma SHPO; and
  - Any additional relevant information made available by the CRWG or other relicensing participants.

# Discussion of Pre-Fieldwork Report Development

- As described in the RSP, GRDA will also coordinate with Native American Tribes to arrange meetings with Tribal Historic Preservation offices and/or other representatives that may have information or files relevant to the location of archaeological and/or historical resources within the APE.
  - GRDA expects that this outreach and tribal coordination will take place in the first quarter of 2019.
- Limited field observations will also be undertaken to document existing shoreline conditions and to inform the Pre-Fieldwork Report.
  - Field observations will be conducted by an archaeologist and geoarchaeologist/geomorphologist.



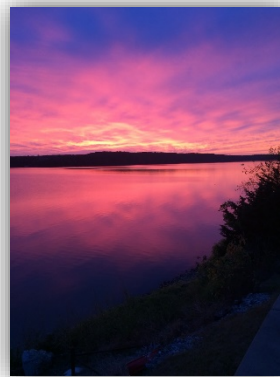


# Pre-Fieldwork Consultation Requirements and Tribal Monitoring

- Section 2.6.4 of the RSP describes pre-fieldwork consultation requirements related to Reconnaissance Survey methodology, the documentation and evaluation of archaeological sites, the collection of cultural material, the curation of artifacts and other cultural material, inadvertent discoveries, and the discovery of human remains.
- While GRDA recognizes that Study Year 1 fieldwork will not begin until after the CRWG has reviewed the Pre-Fieldwork Report and necessary permits are issued, GRDA would like to initiate discussions with the CRWG regarding the pre-fieldwork consultation requirements detailed in the RSP.

# Pre-Fieldwork Consultation Requirements and Tribal Monitoring

- Reconnaissance Survey Methodology
  - In general, GRDA has proposed to conduct archaeological Reconnaissance Surveys consistent with the Osage Nation THPO's Archaeological Block Survey Standards (Osage Historic Preservation Office 2016).
  - Through the Archaeological Resources Protection Act (ARPA) permit application process, GRDA will consult with individual THPOs, Native American Tribes, and the Bureau of Indian Affairs to determine if the proposed methods are appropriate for each Tribe's trust lands.
  - Similarly, GRDA will consult with the Oklahoma SHPO and OAS to determine if the proposed methods are appropriate for non-federal lands within the APE.



# Pre-Fieldwork Consultation Requirements and Tribal Monitoring

- The Documentation and Evaluation of Archaeological Sites and the Collection of Cultural Material
  - GRDA understands that some Native American Tribes permit only limited documentation of archaeological sites and/or do not permit the collection, photography, sketching, or videography of archaeological material.
  - Accordingly, GRDA will consult with Native American Tribes, THPOs, and the BIA through the ARPA permit application process regarding the limitations on documentation and evaluation of archaeological sites and the collection of cultural material.
  - If located on trust lands, artifacts will not be collected, videoed, photographed, or sketched without prior written consent of the BIA Archeologist and the relevant federal Native American Tribe for which the land is held in trust.
  - Similarly, GRDA will consult with the Oklahoma SHPO and OAS to determine if the proposed methods are appropriate for non-federal lands within the APE.



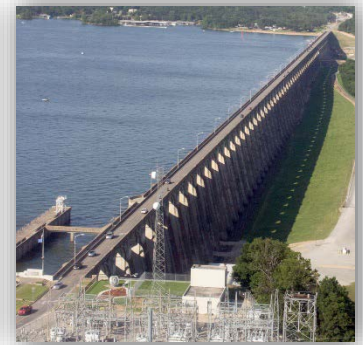
# Pre-Fieldwork Consultation Requirements and Tribal Monitoring

- Curation of Artifacts and Other Cultural Material
  - GRDA understands that it is desirable to identify appropriate repositories for the curation of artifacts and other cultural material prior to the commencement of fieldwork.
  - Accordingly, GRDA will consult with Native American Tribes, THPOs, and the BIA through the ARPA permit application process regarding the appropriate location(s) to curate artifacts and cultural material recovered from each Native American Tribe's trust lands.
  - Similarly, GRDA will consult with the Oklahoma SHPO and OAS to determine the appropriate curation requirements for artifacts and cultural material recovered from non-federal lands within the APE.



# Pre-Fieldwork Consultation Requirements and Tribal Monitoring

- Inadvertent Discoveries Plan
  - GRDA will develop a plan for Inadvertent Discoveries of archaeological material in consultation with the Native American Tribes, THPOs, BIA, OSA, and Oklahoma SHPO. The plan will provide procedures in the event that unanticipated archaeological material, including artifacts or features, are encountered during cultural resources studies.
  - For example, if GRDA observed artifacts eroding from a shoreline area within the APE that was not scheduled for cultural resources investigations, the Inadvertent Discoveries Plan would describe how GRDA would address and study that location.
  - GRDA would appreciate the opportunity to review any written guidance regarding inadvertent discoveries that CRWG participants are willing to make available.
  - GRDA anticipates providing a draft Inadvertent Discoveries Plan for review concurrent with the April 2019 Pre-Fieldwork Report.



# Pre-Fieldwork Consultation Requirements and Tribal Monitoring

- Plan for the Discovery of Human Remains
  - GRDA will develop a Plan for the Discovery of Human Remains in consultation with the Native American Tribes, THPOs, BIA, OSA, and Oklahoma SHPO.
  - The plan will provide procedures in the event of the unanticipated discovery of human remains, sacred objects, and items of cultural patrimony during the Cultural Resources Study. Treatment and disposition of any human remains that may be discovered will be managed in a manner consistent with the Native American Graves Protection and Repatriation Act (NAGPRA), Advisory Council on Historic Preservation's Policy Statement Regarding Treatment of Burial Sites, Human Remains, and Funerary Objects, and the Burial Desecration Law – Oklahoma Statute Chapter 47 (Section 1168.0 - 1168.6).
  - Any human remains, burial sites, or funerary objects that are discovered will at all times be treated with dignity and respect.
  - GRDA seeks guidance from CRWG members regarding their individual protocols in the event of the inadvertent discovery of human remains or funerary objects. These protocols will be critical to beginning field work on schedule.
  - GRDA anticipates providing a draft Plan for the Discovery of Human Remains concurrent with the April 2019 Pre-Fieldwork Report.

# Pre-Fieldwork Consultation Requirements and Tribal Monitoring

- GRDA has committed to including tribal monitors during the conduct of archaeological field investigations, including the Reconnaissance and Intensive surveys.
  - Specifically, as stated in the approved study plan, GRDA will compensate one tribal monitor per day for participation in the surveys, in accordance with terms to be agreed upon by between GRDA and Native American Tribes. Additional, uncompensated monitors are also welcome to participate in Reconnaissance Surveys and site evaluations.
  - GRDA would appreciate the opportunity to review any monitoring agreements that Native American Tribes are willing to make available.



# Review of Action Items, Next Steps, and CRWG Meeting Schedule

Action Items and Next Steps	Responsible Party	Timeframe
Continue background research in support of Pre-Fieldwork Report	GRDA	Quarter 1, 2019
Coordinate with THPOs or other designees to collect information in support of Pre-Fieldwork Report	GRDA and THPOs	Quarter 1, 2019
Develop Pre-Fieldwork Report	GRDA	Quarter 1, 2019
Provide written guidance on inadvertent discoveries to GRDA	CRWG	Quarter 1, 2019
Provide written guidance on the discovery of human remains to GRDA	CRWG	Quarter 1, 2019
Provide example monitoring agreements to GRDA	Tribes	Quarter 1, 2019
Provide Pre-Fieldwork Report to the CRWG	GRDA	April 2019
Provide draft Inadvertent Discoveries Plan to the CRWG	GRDA	April 2019
Provide draft Plan for the Discovery of Human Remains to the CRWG	GRDA	April 2019
Follow-up Consultation on Pre-Fieldwork Consultation Requirements and Tribal Monitoring	GRDA and CRWG	Quarter 1, 2019

# Review of Action Items, Next Steps, and CRWG Meeting Schedule

- GRDA has committed to holding CRWG Meetings in Tulsa every 90 days in order to discuss ongoing work related to the study.
- The next CRWG Meeting is scheduled for April 2019.
- The Pre-Fieldwork Report is scheduled for April 2019, and the approved Cultural Resources Study Plan directs GRDA to hold a Pre-Fieldwork Meeting with the CRWG in May 2019.
- Additional CRWG Meetings in 2019 are expected to be held in July, September, and December.



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<http://www.grda.com/pensacola-hydroelectric-project-relicensing>