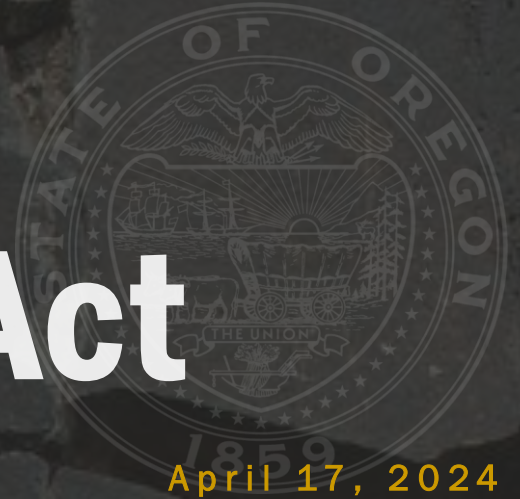


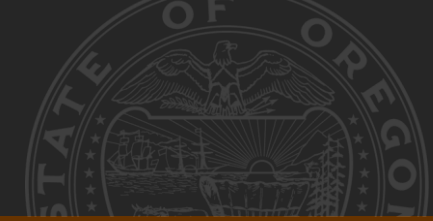


& National Historic the Preservation Act



April 17, 2024





Agenda



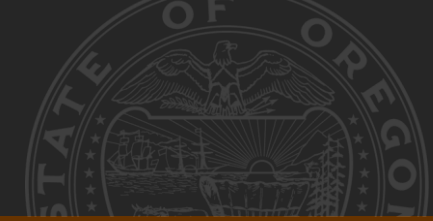
- 1 Background
- 2 Section 106 Overview
- 3 What is a Programmatic Agreement and how will it work?
- 4 OWEB's Restoration and TA grant offerings
- 5 One Grantee's Approach

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.**

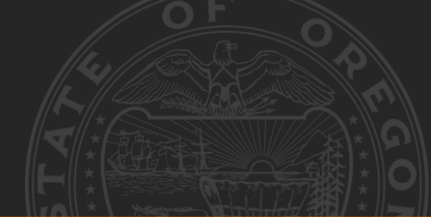
- Populations that are listed as threatened or endangered, or identified by a State as at-risk to be listed
- Non-listed populations necessary for exercise of Tribal treaty fishing rights or native subsistence
- Conservation of habitat



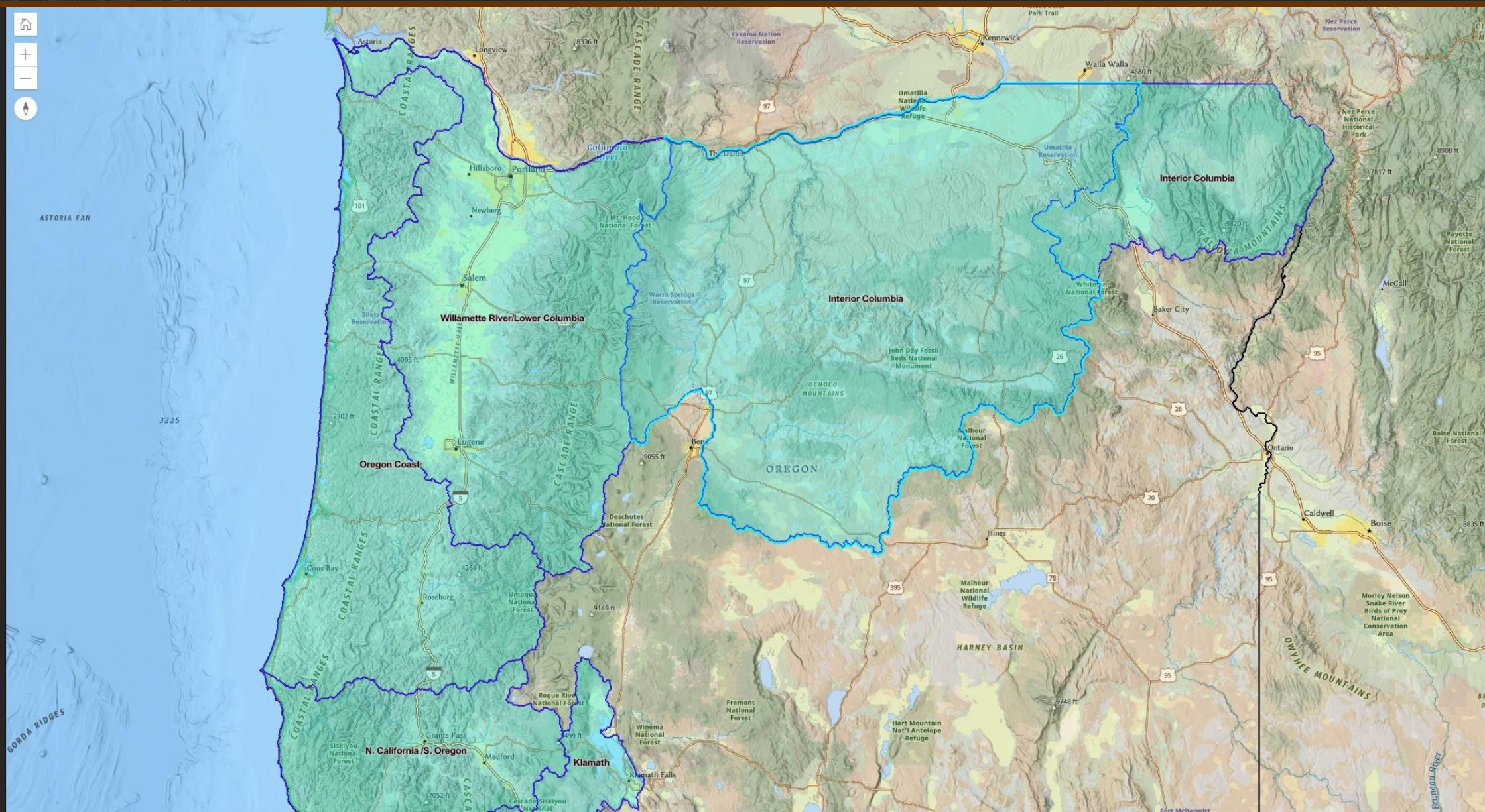
Eligible Applicants

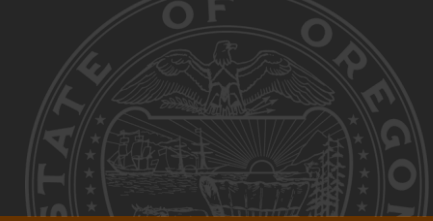


- Alaska
- Washington
- Oregon
- Idaho
- California
- Nevada
- Federally Recognized Tribes

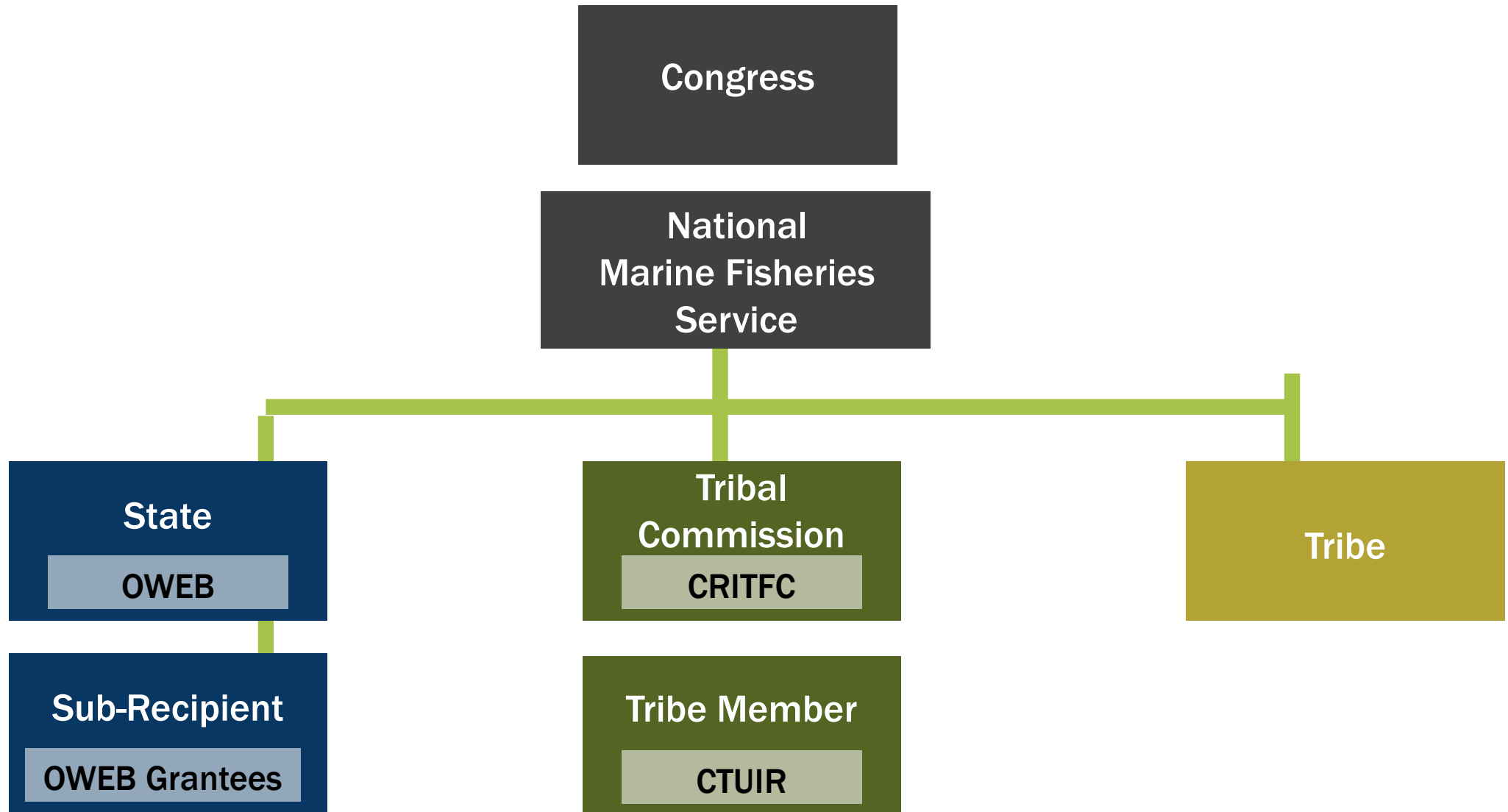


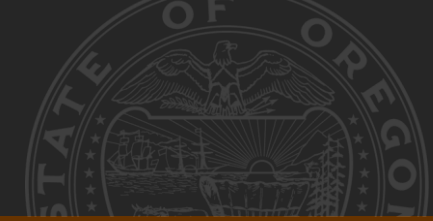
Recovery Domains Map



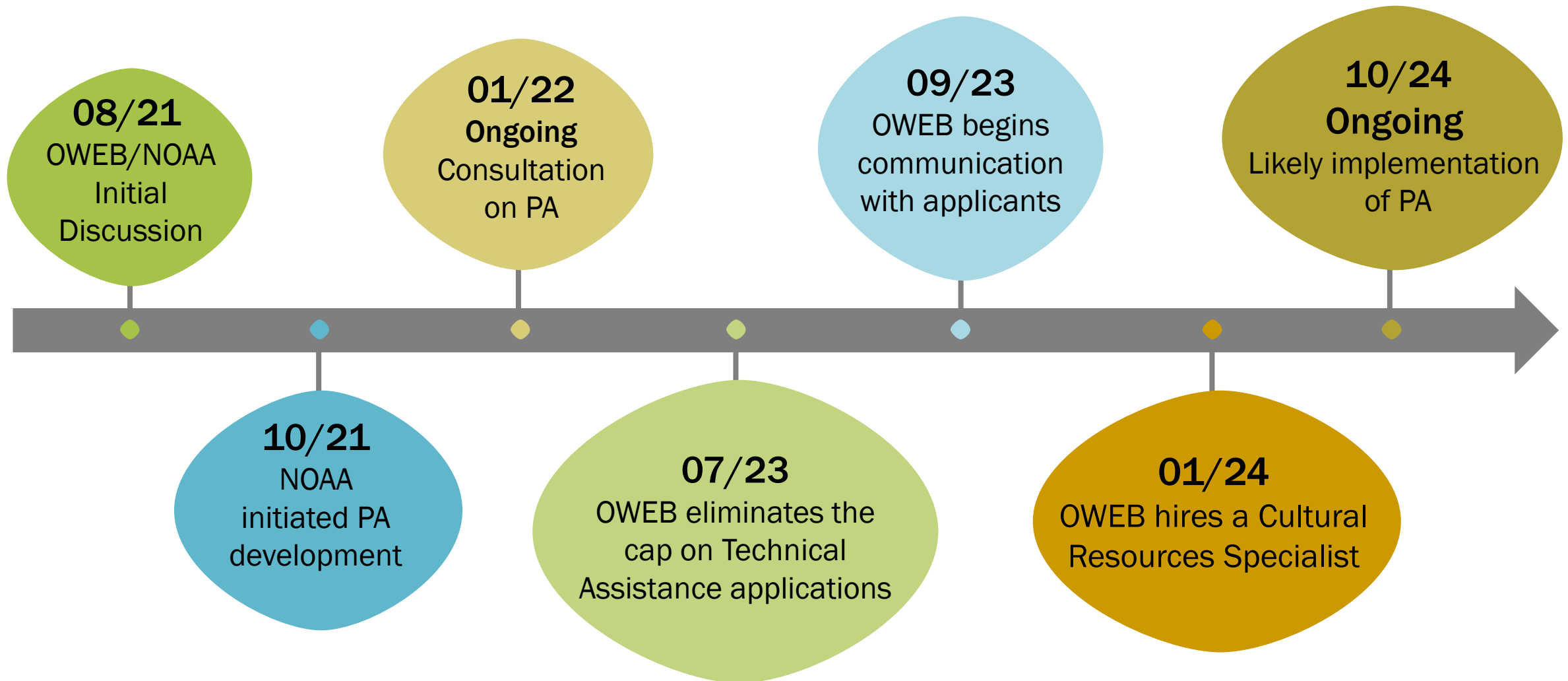


Distribution of PCSRF Funds





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)



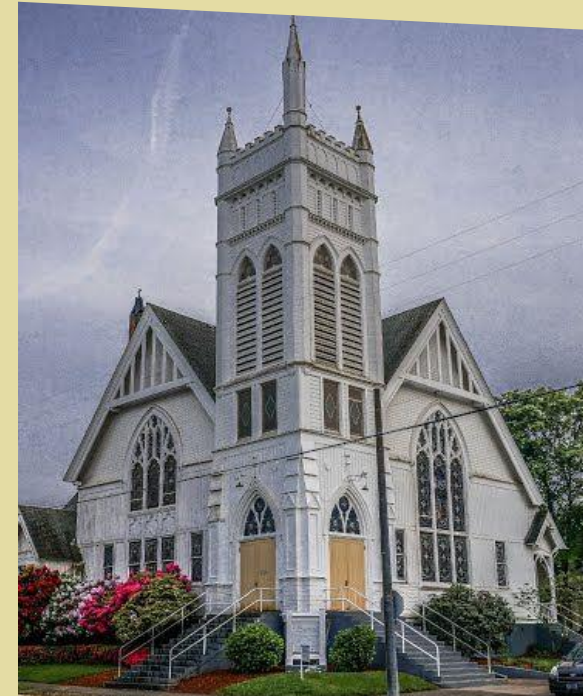
HISTORIC PROPERTY means any prehistoric or historic **district, site, building, structure, or object** included in, or eligible for inclusion in, the *National Register of Historic Places*.

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.

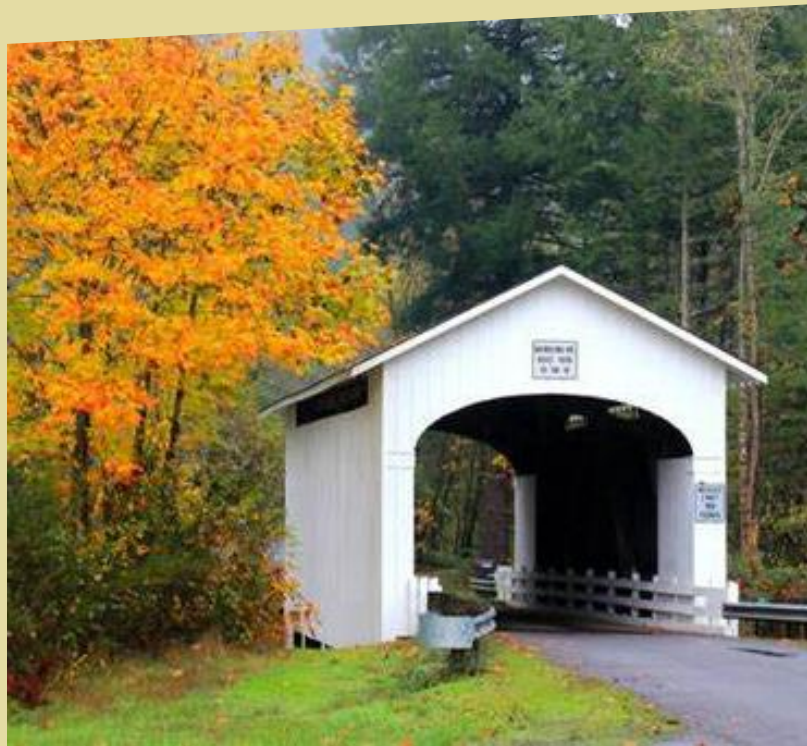


Programmatic Agreements Section 106 of the National Historic Preservation Act of 1966 (36 CFR 800)



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.

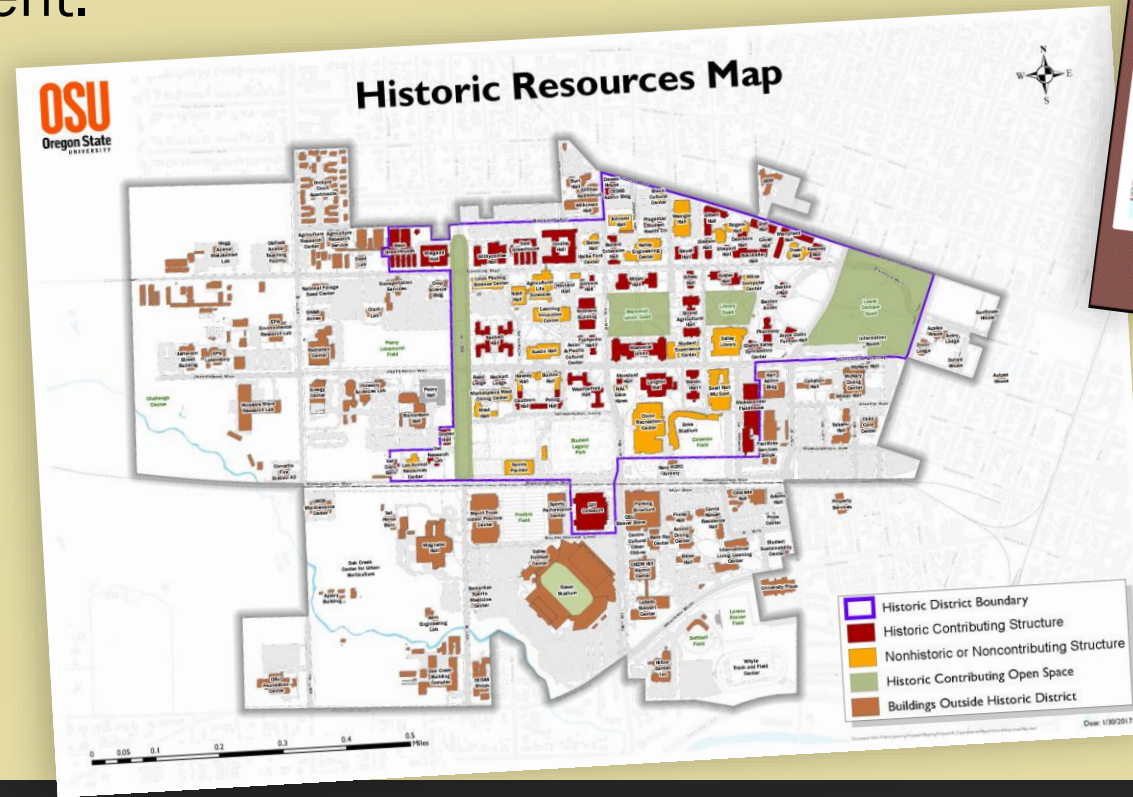


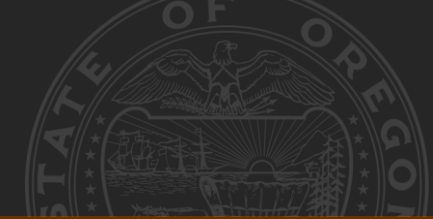
Programmatic Agreements Section 106 of the National Historic Preservation Act of 1966 (36 CFR 800)



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.



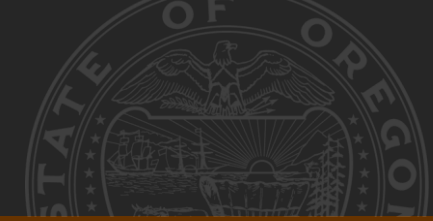
Implementation



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

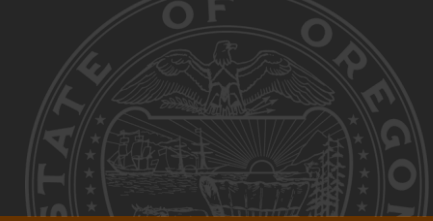
- Activities with very **minimal to no potential to cause effects** to historic properties.

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.

Estuarine/Nearshore

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

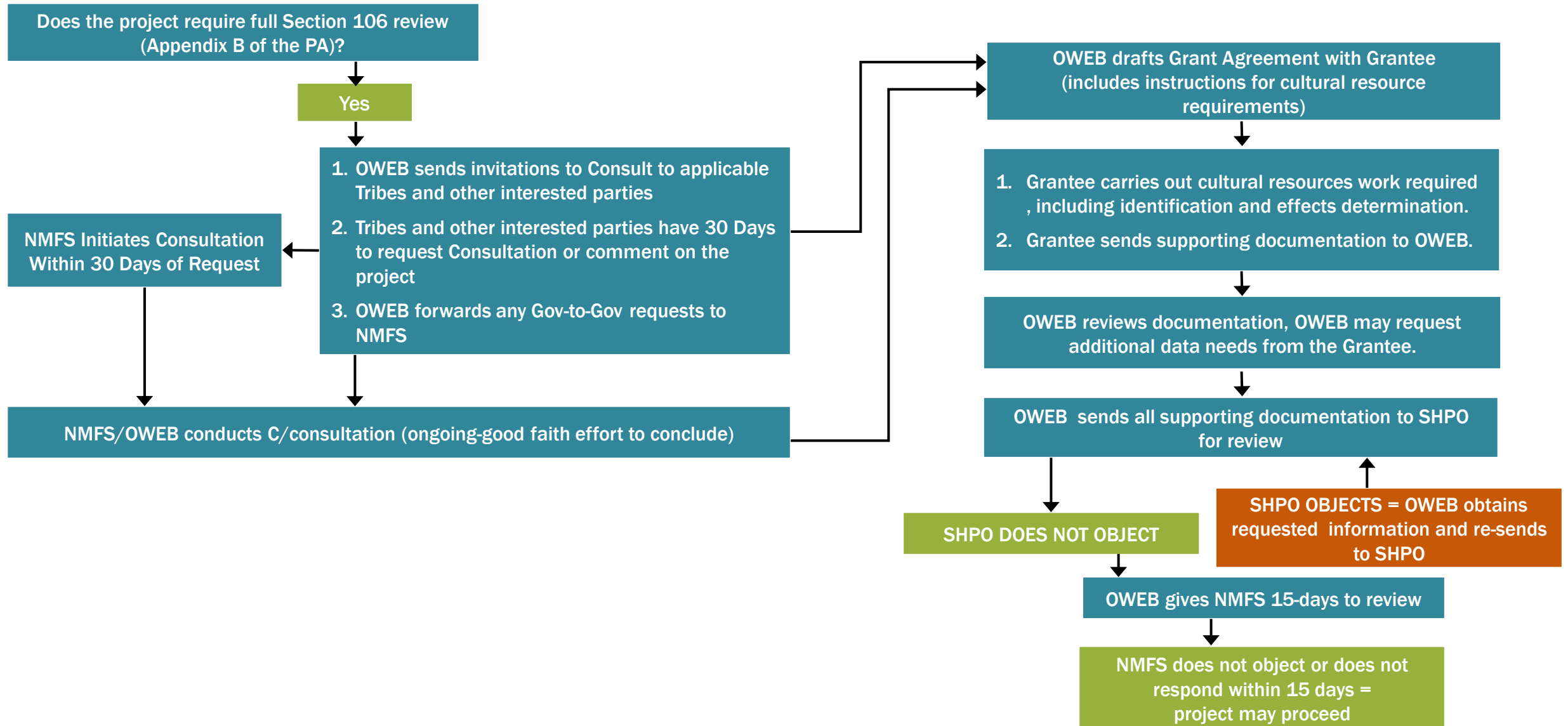
Instream Habitat

- Channel reconfiguration and connectivity

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

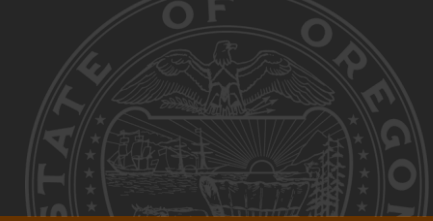
- Refuse/debris removal
- Sewage Clean-up
- Toxin Reduction
- Livestock manure management
- Stormwater/Wastewater

Wetland

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

Estuarine/Nearshore

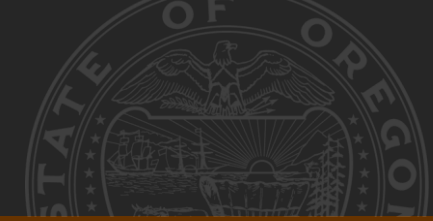
- Removal of existing fill material
- Fill placement
- Plant removal/control
- Beach nourishment
- Contaminant removal/remediation
- Debris removal
- Overwater structure removal/modification
- Planting
- Exclusion devices



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.

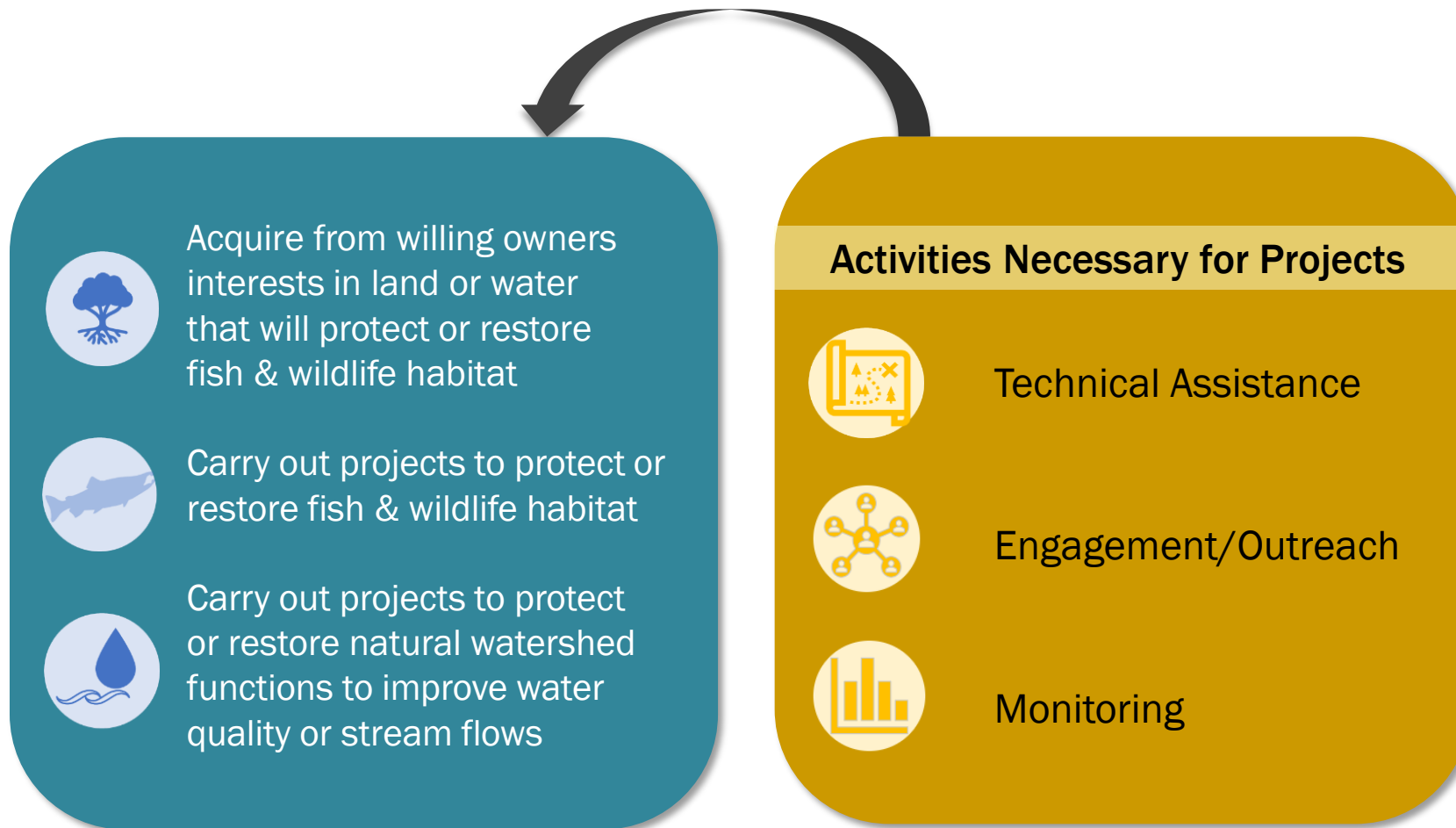
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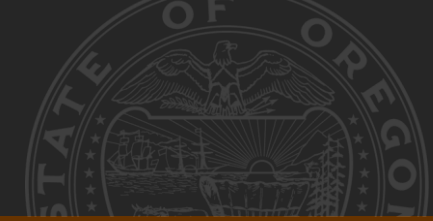
Allow for more time during project design and implementation to complete any required cultural resource work.



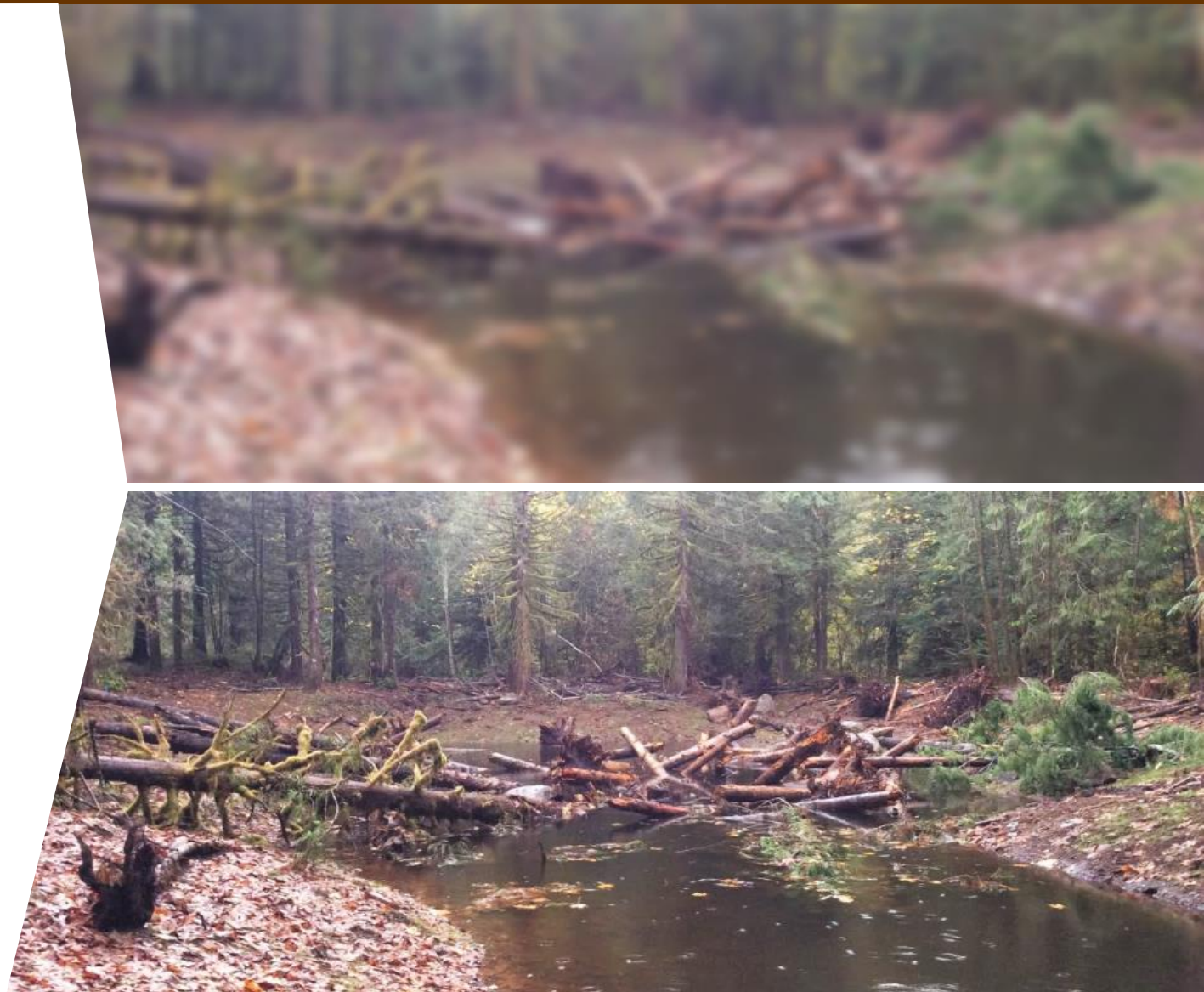
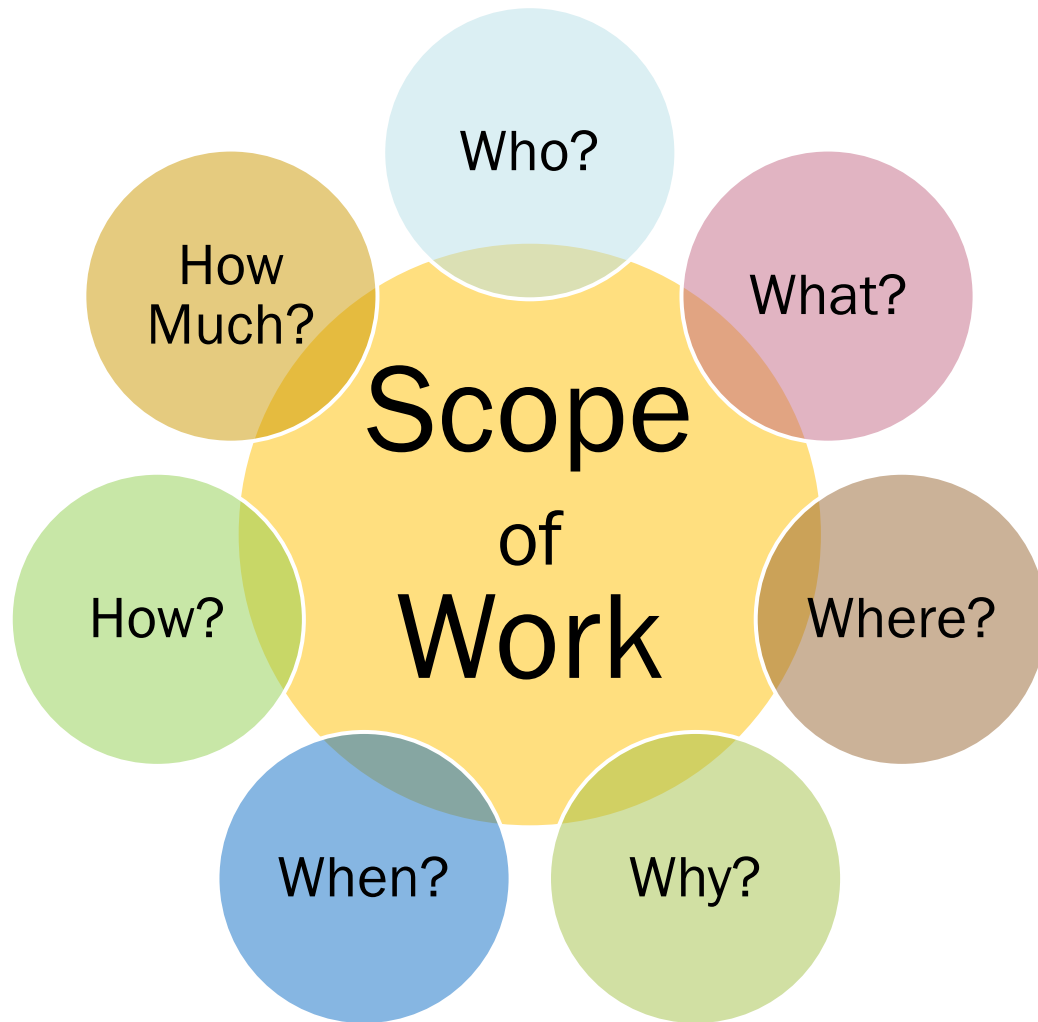
Connecting Project Outcomes to Statutory Requirements

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

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 clearly state the project objectives & provide information about how those objectives will be met?
Is the project ready to be implemented?

Proposal Clarity

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

Technical Soundness

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

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?

Watershed Context

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?

Cost Effectiveness

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?

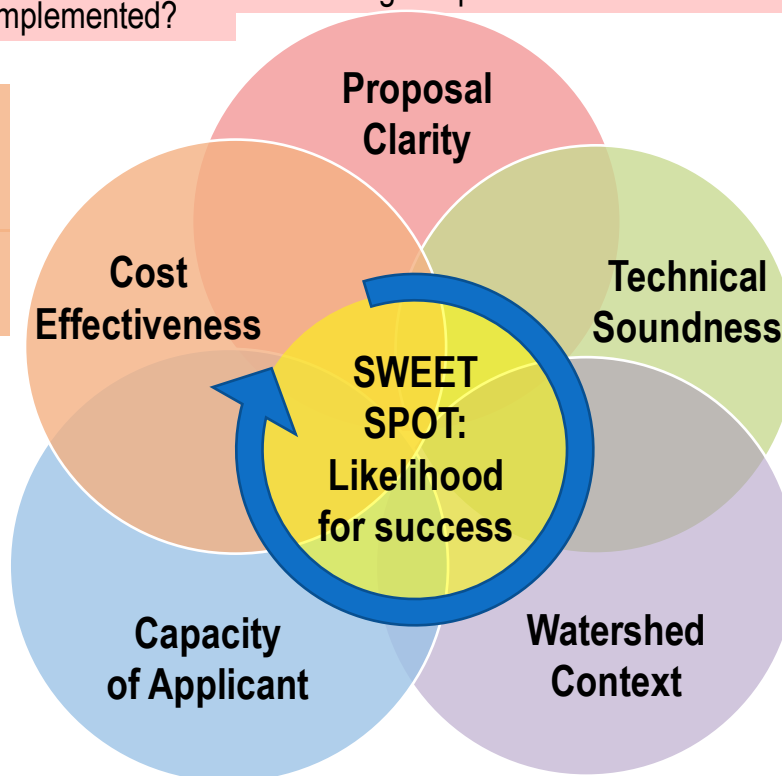
Capacity of Applicant

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.

Capacity of Applicant

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?

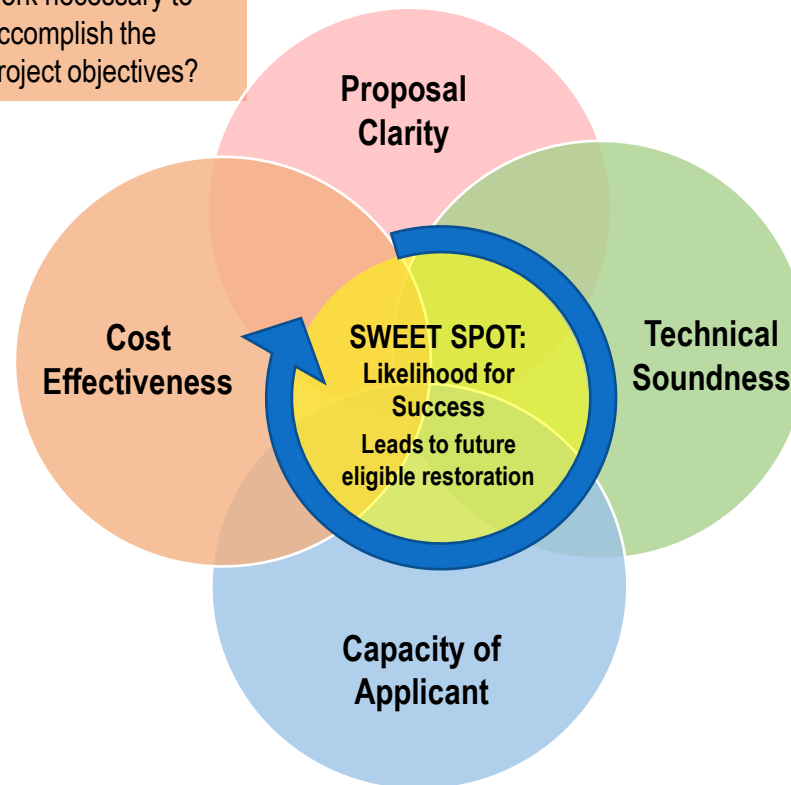
How did/will engagement with local communities disproportionately impacted by climate change inform project?

Cost Effectiveness

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

Proposal Clarity

Does the application describe a clear need?



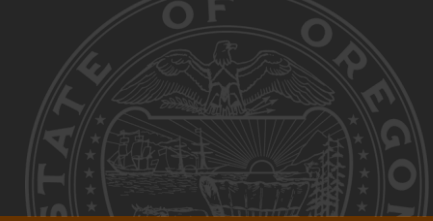
Technical Soundness

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

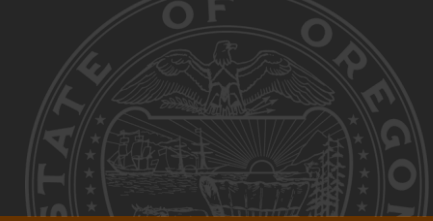
Wrap Up

- 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

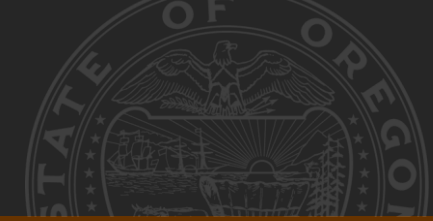
OWEB

- 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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