

**PROGRAMMATIC AGREEMENT  
AMONG  
THE FEDERAL ENERGY REGULATORY COMMISSION  
AND THE  
OKLAHOMA STATE HISTORIC PRESERVATION OFFICER  
FOR MANAGING HISTORIC PROPERTIES THAT MAY  
BE AFFECTED BY ISSUING A LICENSE TO  
GRAND RIVER DAM AUTHORITY  
FOR THE CONTINUED OPERATION OF THE  
MARKHAM FERRY HYDROELECTRIC PROJECT  
IN MAYES COUNTY, OKLAHOMA  
(FERC PROJECT NO. 2183)**

**WHEREAS**, the Federal Energy Regulatory Commission or its staff (Commission) proposes to issue a new license to the Grand River Dam Authority (Licensee) to continue operating the Markham Ferry Hydroelectric Project (Project) as authorized by Part I of the Federal Power Act, 16 U.S.C. Sections 791(a) through 825(r) *as amended*; and

**WHEREAS**, the Commission has determined that issuing such a license may affect properties included in or eligible for inclusion in the National Register of Historic Places (Historic Properties); and

**WHEREAS**, Appendix A of this Programmatic Agreement provides a description of the cultural context, historical investigations and consultation conducted prior to this Programmatic Agreement; and

**WHEREAS**, the Commission has consulted with the Oklahoma State Historic Preservation Officer (SHPO) pursuant to 36 C.F.R. Section 800.14(b) of the Advisory Council on Historic Preservation's (Council) regulations (36 C.F.R. Part 800), implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f; hereinafter, "Section 106"); and

**WHEREAS**, the SHPO and the Oklahoma Archeological Survey (OAS) have entered into a cooperative agreement under which the OAS provides special services to the SHPO in the Section 106 review process. OAS maintains the inventory of Oklahoma's prehistoric resources and provides professional services to the SHPO in prehistoric archeology. OAS reviews federal undertakings for impacts on prehistoric archeological resources and provides written comments as the SHPO's official representative. The OAS has participated in the consultation and has been invited to concur in this Programmatic Agreement; and

**WHEREAS**, the Licensee has participated in the consultation and has been invited to concur in this Programmatic Agreement; and

**WHEREAS**, the Licensee has provided the Muscogee (Creek) Nation, the Cherokee Nation, United Keetoowah Band of Cherokee, Wichita and Affiliated Tribes, Caddo Tribe, and Osage Nation copies of the Initial Consultation Package for this proceeding;<sup>1</sup> and

**WHEREAS**, the Commission has afforded the Council a reasonable opportunity to comment on the proceeding in accordance with Section 106, and has invited the Council to participate in the consultation in accordance with 36 CFR Part 800. Because the Council has not responded, we assume it has determined its participation is not needed, pursuant to 36 CFR § 800.6(a)(1)(C)(iii); and

**WHEREAS**, the Commission will require the Licensee to implement the provisions of this Programmatic Agreement as a condition of the new license for the Project;

**NOW THEREFORE**, the Commission and the SHPO agree that the Project will be administered in accordance with the following stipulations in order to satisfy the Commission's Section 106 responsibilities during the term of the Project's License.

### **STIPULATIONS**

The Commission will ensure that, upon issuing a new license for this Project, the Licensee implements the following stipulations. All stipulations that apply to the Licensee will similarly apply to any and all of the Licensee's successors. Compliance with any of the following stipulations does not relieve the Licensee of any other obligations it has under the Federal Power Act, the Commission's regulations, or its license.

#### **I. HISTORIC PROPERTIES MANAGEMENT PLAN**

- A. Within 18 months of the date a new license is issued for this Project, the Licensee will file for the Commission's approval a historic properties management plan (HPMP) specifying how historic properties will be managed in the Project's area of potential effects (APE), as defined in 36 C.F.R. Section 800.16(d), during the term of the license. The HPMP will

---

<sup>1</sup>In addition, the Commission determined that the Quapaw Tribe of Oklahoma historically occupied lands in the project area and could have an interest in the proceeding.

be prepared in consultation with the SHPO, OAS, Muscogee (Creek) Nation, Cherokee Nation, United Keetoowah Band of Cherokee, Wichita and Affiliated Tribes, Caddo Tribe, Osage Nation, Quapaw Tribe of Oklahoma, and the U.S. Army Corps of Engineers, Tulsa District (Corps)<sup>2</sup> as defined in 36 C.F.R. Section 800.2.<sup>3</sup> The Licensee will seek the concurrence of these consulted entities in the HPMP. The HPMP will be developed in coordination with any shoreline management and recreation plans developed for the Project.

- B. Archeology and Historic Preservation: The Secretary of the Interior's Standards and Guidelines" (*Federal Register*, September 29, 1983, Vol. 48, No. 190, Part IV, pp. 44716-44740; hereinafter, "Secretary's Standards") and the Council and Commission's *Guidelines for the Development of Historic Properties Management Plans for FERC Hydroelectric Projects* (issued May 20, 2002) will be taken into account in developing the HPMP. The HPMP will be developed by a person or persons who meet, at a minimum, the professional qualifications standards for architectural history and archeology in the Secretary's Standards (48 *Federal Register* 44738-39).
- C. The HPMP will, at a minimum, address the tasks listed below as they relate to the license. The HPMP will also specify how each task will be carried out and when it will be completed.
1. Completion of the identification of historic properties within the existing project's APE.<sup>4</sup> The APE includes the following: (a) lands enclosed by the Project boundary; and (b) lands or properties outside the Project

---

<sup>2</sup>The Corps regulates flood control in the Grand River.

<sup>3</sup>All consulting parties need to respond within 30 days of receipt of a request for review of a finding or determination involving the HPMP and during the interim period prior to completion and implementation of the HPMP.

<sup>4</sup>In order to file the HPMP for Commission approval within 18 months of issuing the license, the Licensee shall consult with SHPO and OAS within three months to design the archeological survey and complete the survey reports within 15 months of issuing the license. The Licensee shall provide the Commission a copy of the completed survey reports along with the SHPO's and OAS's comments within 30 days of receiving the comments from the SHPO and OAS.

boundary where the Project may cause changes in the character or use of Historic Properties, if any Historic Properties exist. When the Markham Ferry Project becomes 50 years of age (approximately 2011) the project facilities will be evaluated for their eligibility for the National Register of Historic Places;

2. Protection and preservation of historic properties that may be threatened by ground-disturbing activities or other potential adverse effects caused by implementing the license;
3. Consideration and, where appropriate, adoption of prudent and feasible project or management alternatives that would avoid adverse effects on historic properties;
4. Consideration and implementation of appropriate treatments that would mitigate any unavoidable adverse effects;
5. Consultation with the SHPO, OAS, Muscogee (Creek) Nation, Cherokee Nation, United Keetoowah Band of Cherokee, Wichita and Affiliated Tribes, Caddo Tribe, Osage Nation, and Quapaw Tribe of Oklahoma regarding identification and evaluation of historic properties, determination of effects, and ways to avoid, minimize or mitigate adverse effects;
6. An action plan for unanticipated discoveries during license-related construction activities;
7. Treatment and disposition of any human remains that may be discovered, taking into account applicable state laws;
8. Identification and proposed treatment, avoidance, or mitigation of effects to traditional cultural properties through the development and implementation of a traditional properties treatment plan after consultation with the SHPO, OAS, Muscogee (Creek) Nation, Cherokee Nation, United Keetoowah Band of Cherokee, Wichita and Affiliated Tribes, Caddo Tribe, Osage Nation, and Quapaw Tribe of Oklahoma;

9. Identification of activities and routine maintenance not requiring consultation with the SHPO and OAS; and
10. Coordination with the SHPO, OAS, Muscogee (Creek) Nation, Cherokee Nation, United Keetoowah Band of Cherokee, Wichita and Affiliated Tribes, Caddo Tribe, Osage Nation, Quapaw Tribe of Oklahoma, and Corps during implementation of the HPMP.

## **II. HPMP REVIEW AND IMPLEMENTATION**

- A. The Licensee will submit the HPMP, along with documentation of consultation with the SHPO to the Commission for review and approval.
- B. If the SHPO concurs on the HPMP, and the Commission determines the HPMP is adequate, the Commission will forward a copy of the HPMP, along with the views of the SHPO to the Council for filing.
- C. If the SHPO has not concurred on the HPMP, or the Commission finds the HPMP inadequate, the Commission will consult with the Licensee, and the SHPO to seek agreement on the HPMP. If concurrence is not reached within 45 days, the Commission will request that the Council enter into the consultation to seek agreement on the HPMP.
  1. If agreement is reached on the HPMP, the Commission will forward a copy of a revised HPMP to the Council for filing.
  2. If agreement on the HPMP cannot be reached among the Commission, the SHPO, and the Council; the Commission will request that the Council comment pursuant to Stipulation V.B of this Programmatic Agreement;
- D. The Licensee will annually file a report with the SHPO of activities conducted under the implemented HPMP. The first report will be filed within 30 days after the first anniversary of issuance of the license, and then annually thereafter. The reports will contain a detailed summary of any cultural resources work conducted during the preceding year; if no work

was completed, a letter from the Licensee will be prepared to that effect, and will satisfy the intent of this stipulation.

### **III. INTERIM TREATMENT OF HISTORIC PROPERTIES**

- A. All consultation under this stipulation will be in accordance with 36 C.F.R. Sections 800.4 and 800.5 with the Licensee acting as the Agency Official. The Licensee shall file with the Commission documentation of any consultation conducted under this stipulation within 30 days of completion of the activity.
- B. After the new license for the Project has been issued, but before the HPMP has been approved by the Commission (hereinafter, "the interim"), the Licensee will consult with the SHPO regarding the effect on historic properties of the following actions related to this license that may be implemented in the interim: (a) all activities that require ground disturbance; (b) new construction, demolition, repairs, or rehabilitation of project facilities; or (c) any other procedure or activity, such as; active erosion of archeological sites due to project operation, that may affect any historic property. The Licensee will consult with the SHPO to apply the criteria of adverse effect, pursuant to 36 C.F.R. Section 800.5(a)(1).
1. If the Licensee and the SHPO agree that the activity will not adversely affect historic properties, the Licensee may proceed in accordance with any agreed-upon treatment measures or conditions. If the Licensee and the SHPO do not agree, the matter will be resolved in accordance with Stipulation V of this Programmatic Agreement.
  2. If either the Licensee or the SHPO determines that the activity may have an adverse effect, they will consult with the Indian tribes to develop a strategy for avoiding, minimizing or mitigating adverse effects. If the Licensee and the SHPO can reach agreement, the Licensee will implement the agreed-upon strategy. If they disagree, the Licensee will submit the matter to the Commission in accordance with Stipulation V of this Programmatic Agreement.

3. If a National Historic Landmark is within the APE and either the Licensee or the SHPO determines that the activity may have an adverse effect, on the property, the Licensee will submit the matter to the Commission, which will solicit and consider the views of the consulting parties, and apply the criteria of adverse effect, pursuant to 36 C.F.R. Section 800.5(a)(1). If the Commission or the SHPO finds that the activity may have an adverse effect, the Commission will initiate the process set forth at 36 C.F.R. Sections 800.6 and 800.7(a) through (c)(3).

#### **IV. DISPUTE RESOLUTION**

- A. If at any time during implementation of this Programmatic Agreement and the resulting HPMP, the SHPO, or the Council objects to any action or any failure to act pursuant to this Programmatic Agreement or the HPMP, they may file written objections with the Commission. The Commission will consult with the objecting party, and with other parties as appropriate, to resolve the objection.
- B. If the Commission determines that the objection cannot be resolved, the Commission will forward all documentation relevant to the dispute to the Council and request that the Council comment. Within 30 days after receiving all pertinent documentation, the Council will either:
  1. Provide the Commission with recommendations, which the Commission will take into account in reaching a final decision regarding the dispute; or
  2. Notify the Commission that it will comment pursuant to 36 C.F.R. Section 800.7(c)(1) through (c)(3) and Section 110(1) of the National Historic Preservation Act, and proceed to comment.
- C. The Commission will take into account any Council comment provided in response to such a request, with reference to the subject of the dispute, and will issue a decision on the matter. The Commission's responsibility to carry out all actions under this Programmatic Agreement that are not the subject of dispute will remain unchanged.

## V. AMENDMENT AND TERMINATION OF THIS PROGRAMMATIC AGREEMENT

- A. The Commission, the SHPO, or the Licensee may request that this Programmatic Agreement be amended, whereupon these parties will consult in accordance with 36 C.F.R. Section 800.14(b) to consider such amendment.
  
- B. The Commission or the SHPO may terminate this Programmatic Agreement by providing 30 days written notice to the other parties, provided that the Commission, and the SHPO consult during the 30-day notice period in order to seek agreement on amendments or other actions that would avoid termination. In addition, the Commission will seek comments from the SHPO and the Licensee on the termination during the 30-day notice period. In the event of termination, the Commission will comply with 36 C.F.R. Sections 800.3 through 800.7(c)(3), with regard to individual actions covered by this Programmatic Agreement.

Execution of this Programmatic Agreement evidences that the Commission has satisfied its responsibilities pursuant to Section 106 of the National Historic Preservation Act, *as amended*, for all individual actions carried out under the license. Provided, however, that unless and until the Commission issues a license for the Project and this Programmatic Agreement is incorporated by reference therein, this Programmatic Agreement has no independent legal effect for any specific licensee or Project.



**FEDERAL ENERGY REGULATORY COMMISSION**

By: Ann F. Miles Date: 5-17-06

Ann F. Miles, Director  
Division of Hydropower Licensing

**OKLAHOMA STATE HISTORIC PRESERVATION OFFICER**

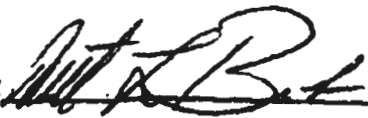
By: Bob Blackburn Date: 6/19/06

Dr. Bob L. Blackburn  
State Historic Preservation Officer

**Programmatic Agreement  
Project No. 2183**

**Page 11**

**CONCUR: OKLAHOMA ARCHEOLOGICAL SURVEY**

By:  Date: 6/15/06

**Dr. Robert Brooks  
State Archeologist**

**CONCUR: GRAND RIVER DAM AUTHORITY**

By: \_\_\_\_\_ Date: \_\_\_\_\_

Appendix A to:

**PROGRAMMATIC AGREEMENT AMONG THE FEDERAL ENERGY REGULATORY COMMISSION AND OKLAHOMA STATE HISTORIC PRESERVATION OFFICE FOR MANAGING HISTORIC PROPERTIES THAT MAY BE AFFECTED BY ISSUING A LICENSE TO THE GRAND RIVER DAM AUTHORITY FOR THE CONTINUED OPERATION OF THE MARKHAM FERRY HYDROELECTRIC PROJECT IN MAYES COUNTY, OKLAHOMA (FERC PROJECT NO. 2183)**

**PROJECT, HISTORIC PROPERTIES, AND ANTICIPATED EFFECTS**

**I. THE PROJECT**

The Markham Ferry Project is located approximately 1.5 miles north of Locust Grove, Oklahoma, in Mayes County on the Grand River (also known as the Neosho River). The project is located immediately downstream of Grand River Dam Authority's (GRDA) Pensacola Project and immediately upstream of Fort Gibson Lake, a U.S. Army Corps of Engineers (Corps) flood control reservoir. The Salina Pumped Storage Project is located upstream of the Markham Ferry dam. The Markham Ferry Project began operation in 1961 and is operated in coordination with the two GRDA upstream projects noted above and the Corps' requirements, to fulfill flood control, power generation, and recreation objectives.

Project Facilities: The project consists of: (1) the 3,744-foot-long, 90-foot-high Kerr dam, which includes: (a) a 2,256-foot-long by 90-foot-high earthen embankment on its right side; (b) a 1,388-foot-long concrete non-overflow section; and (c) an 824-foot-long gated spillway topped with seventeen 40-foot-long by 27-foot-high steel Taintor gates; (2) a concrete powerhouse integral with the dam containing four Kaplan turbines with a total maximum hydraulic capacity of 28,000 cubic feet per second (cfs), and four generating units with a total installed generating capacity of 108 MW, producing an average of 257,000 MWh annually; (3) the 15-mile-long project reservoir (Lake Hudson), which has a surface area of 10,900 acres and 200,300 acre-feet of operating storage at elevation 619 feet mean sea level (msl) and a surface area of 18,800 acres and 444,500 acre-feet of flood storage capacity at elevations between 619 and 636 feet msl; (4) the 6,200-foot-long by 45-foot-high Salina dike with a crest elevation of 642.25 feet msl; and (5) appurtenant facilities. GRDA owns the dam and existing project facilities.

Operating Regime: Currently, the project license does not stipulate how the project is to be operated. Typically, GRDA generates electricity by using flows

that are available within the constraints required from Corps' flood control restrictions and operation of GRDA's upstream projects.

GRDA controls operation of the Markham Ferry Project from its energy control center located at the Kerr dam. The center's dispatcher coordinates project operation with the operation of GRDA's Pensacola Project and the Salina Pumped Storage Project. GRDA's energy center dispatcher controls Markham Ferry Project operation when the project's pool (Lake Hudson) elevation is at or below 619 feet msl, the normal pool elevation.

Operation of GRDA's above mentioned three projects is further coordinated with the Corps' flood control management on the Grand and Arkansas Rivers. The Corps directs flows from Lake Hudson when it is between 619 and 636 feet msl (the top of the flood storage pool) to coordinate and control flows and water levels on the Arkansas River. Although the Corps controls flow releases from Lake Hudson at elevations above 619 msl, the Markham Ferry Project uses the flow to continue to generate electricity and minimizes spill to the extent possible.

The Corps' flood control mandates set the upper normal maximum pool elevation of Lake Hudson at 619 feet msl. The Corps' water control manual limits the bottom of the conservation pools to 599 feet msl. During non-flood conditions, GRDA attempts to maintain reservoir water levels at or below the 619 foot elevation.

Water from the Markham Ferry Project reservoir is pumped to the Salina Pumped Storage Project during off-peak hours resulting in a reservoir draw-down of 0.5 foot. During peak hours, water is released from the upstream Salina Project resulting in a project reservoir level increase of 0.5 foot.

Normal daily variations in the reservoir when no flood control is occurring are about 1 foot (0.5 foot on either side of elevation 619 feet msl), and can extend up to 3.6 feet (1.83 feet below to 1.75 feet above 619 feet msl). GRDA states that daily fluctuations in the pool elevation occur because available inflow from the Pensacola and the Salina projects varies, power generation needs (peak and off-peak) vary, maintenance activities, and Corps flood control management actions can cause reservoir fluctuations.

During maintenance, GRDA is allowed to draw the reservoir down to 599 feet msl. However, GRDA rarely draws the reservoir down to the bottom of the pool. Typically, maintenance is performed with reservoir drawdowns of less than 6 feet.

GRDA proposes to continue operating the project as described above.

## II. HISTORIC PROPERTIES IDENTIFIED

### *Cultural-Historical Context*

The Grand River valley in northeastern Oklahoma has been an important area for human activity from prehistoric times through the twentieth century. Prehistoric peoples, Native Americans in the historic period, and European-American settlers in the modern period leading up to Oklahoma's statehood have made extensive use of this region as a place of both settlement and transportation.

### *Properties eligible for the National Register of Historic Places*

The Strang Bridge is the only recorded historic resource within the area of potential effects (APE).<sup>5</sup> The bridge is a Parker through-truss bridge constructed in 1922 by the Vincennes Bridge Company of Indiana, one of four bridges that this company built in Oklahoma. The Strang Bridge, located west of Strang, crosses Lake Hudson near its northernmost point. According to the Oklahoma State Historic Preservation Office (SHPO), the bridge is eligible for listing on the National Register of Historic Places (National Register) as a good example of its type (Criterion C) based on a prior survey by the Oklahoma Department of Transportation (due to loss of survey records, no further information is currently available). No surveys have been conducted to identify any other historical resources in the APE.

### *Cultural Resources Investigations and Consultation*

Although GRDA did not conduct any archaeological surveys in association with its new license application, many sites have been identified within and adjacent to the project. In the 1930s, the Federal Works Progress Administration conducted limited archaeological surveys along the river channel in what is now Lake Hudson. The few sites that were recorded are now completely submerged (personal communication, R. Brooks, Oklahoma State Archaeologist, Oklahoma Archaeological Survey, University of Oklahoma, Norman, OK, with B.G. Harvey, Archeologist, Kleinschmidt Associates, Strasburg, PA, on May 20, 2005).

In 1962, the Oklahoma River Basin Survey initiated what amounted to a data recovery program at Markham Ferry dam and reservoir, by then under construction (personal communication, R. Brooks, Oklahoma State Archaeologist,

---

<sup>5</sup> The APE encompasses all lands within project boundaries plus any locations outside the licensed project where project operations, or project-related environmental measures, could affect cultural resources. The APE for relicensing of the Markham Ferry Project therefore includes, at a minimum, the project facilities and the impoundment shoreline up to elevation 636 feet msl.

Oklahoma Archaeological Survey, University of Oklahoma, Norman, OK, with B.G. Harvey, Archeologist, Kleinschmidt Associates, Strasburg, PA, on May 20, 2005). This was a combined Phase I and Phase II survey, focused on principal floodplain settings that would be inundated (below the full pool elevation of 619 feet msl). The survey identified 54 archaeological sites within the project area. Five of these sites were tested, with additional excavations being carried out at one of the five as well as at eight other sites. Most of these archaeological sites, primarily from the Woodland period, were small, indicating that prehistoric peoples occupied them only briefly. The survey also identified buried late Paleoindian material and Archaic period deposits.

The National Historic Preservation Act (1966) came after construction of the project, and none of the archaeological sites identified during the Oklahoma River Basin Survey were evaluated for National Register eligibility. Since that survey, an additional 20 prehistoric archaeological sites have been recorded on or near the Lake Hudson shoreline, but none have been evaluated for National Register eligibility. Approximately ten of the 20 sites are located within the APE. They include lithic scatters, hearths, and other prehistoric deposits ranging from the Archaic through Woodland periods. All recorded sites in the APE are mapped on modern United States Geologic Survey maps held at Oklahoma Archaeological Survey (OAS); however, much of the site location information was transferred from earlier maps and has never been verified in the field (personal communication, R. Brooks, Oklahoma State Archaeologist, Oklahoma Archeological Survey, University of Oklahoma, Norman, OK, with B.G. Harvey, Archeologist, Kleinschmidt Associates, Strasburg, PA, on May 20, 2005).

### **III. PROPOSED ACTION**

GRDA proposes the following measure for the protection and enhancement of cultural resources that may be affected by the project:

- 1) Conduct a new archaeological survey for the project area in consultation with the SHPO to locate and identify archaeological resources and historical structures and buildings within the perimeter of Lake Hudson to elevation 622 feet msl, including exposed land areas within the reservoir.

In addition to GRDA's proposed measure to protect cultural resources, we recommend the following:

- 1) Expand the scope of GRDA's proposed archaeological and historical survey to include all areas within the project boundary. A reasonable effort shall be made to access non-GRDA lands within the APE above elevation 622 for this purpose;



- 2) Evaluate the identified archaeological and historical sites for eligibility to be listed in the National Register of Historical Places;
- 3) Develop and implement an historic properties management plan (HPMP) in consultation with the SHPO, OAS, Muscogee (Creek) Nation, Cherokee Nation, United Keetoowah Band of Cherokee, Wichita and Affiliated Tribes, Caddo Tribe, Osage Nation, Quapaw Tribe of Oklahoma, and Corps as part of a Programmatic Agreement; and
- 4) Coordinate the HPMP with any the shoreline management and recreation management plan required in the new license.

#### **IV. ANTICIPATED EFFECTS**

Effects on cultural resources within the APE can result from project-related activities, such as reservoir level fluctuations, modifications to project facilities, or other project-related ground-disturbing activities. Effects can also result from other forces such as wind and water erosion, vandalism, and private and commercial development. Although more than 30 recorded archaeological sites lie fully submerged in Lake Hudson, at least 10 are located on landforms extending into the water (most on the west side of the reservoir), and are thus potentially subject to erosion from changing water levels, wind, and both natural and boat-induced wave action. Additionally, three sites recorded downstream of the Kerr dam may experience effects resulting from use of the tailrace area for fishing.

A survey is required to identify cultural resources that could be affected by project operation. The data collected from the survey is necessary to develop appropriate measures to protect cultural resources. Therefore, GRDA will conduct a survey, that at a minimum will: (a) locate and identify archaeological resources and historical structures and buildings within the APE (including lands that are regulatory inundated and unsubmerged lands and bars within the reservoir); (b) inspect and record on a SHPO Identification Form the location of any standing structures or buildings; and (c) document the survey and its results in a descriptive and interpretive report acceptable to the SHPO and the OAS. The report will contain recommendations for subsurface testing of any sites that appeared from surface indications to be potentially eligible for inclusion in the National Register. All the lands might not need to be surveyed as there could be areas that have a low probability of containing cultural resources or the cultural resources are not in danger of being impacted. Therefore, GRDA should consult with the SHPO and the OAS on the design of the survey.

The SHPO, by letter filed August 5, 2003, recommended an inventory and assessment of archeological sites that could be affected by shoreline changes that might result from the continued use of the lake for hydroelectric power generation but has not commented on the proposed methodology.

The Osage Tribal Council in a letter dated January 3, 2002, to GDRA noted that the project is located on lands once inhabited by the Osage Tribe and asked that GRDA stop work and contact the Tribe in the event that future construction activities expose Osage archaeological materials.

### ***Properties of Traditional Religious and Cultural Significance to Indian Tribes***

No tribe has identified any cultural resources within the project boundary as sites of traditional cultural or religious significance. GRDA sent its Initial Consultation Package to the Muscogee (Creek) Nation, United Keetoowah Band of Cherokee, Wichita and Affiliated Tribes, Cherokee Nation, Caddo Tribe, and Osage Nation for information and comment. By letter dated December 30, 2002, the Osage Nation stated that the project area, being the Tribe's former reservation and "homeland," could have cultural significance. GRDA received no responses from the other five tribes/Nations.

### ***Conclusion***

The measures proposed to protect historic resources include: (a) conducting archaeological and historical surveys using methods developed in consultation the SHPO, OAS, Muscogee (Creek) Nation, Cherokee Nation, United Keetoowah Band of Cherokee, Wichita and Affiliated Tribes, Caddo Tribe, Osage Nation, Quapaw Tribe of Oklahoma, and Corps, and (b) developing and implementing an HPMP. Development and implementation of an HPMP will ensure that any potential adverse effects to National Register-eligible properties within the project's APE from continued project operation and maintenance or implementation of proposed enhancement measures will be avoided or satisfactory resolved.

### ***Literature Cited***

Grand River Dam Authority. 2003a. Application for license. Prepared for Grand River Dam Authority by Atkins Americans, Inc. Tulsa, Ok. May 2003.

Grand River Dam Authority. 2005a. Response to March 1, 2004, FERC additional information request. Prepared for Grand River Dam Authority by The Benham Companies, LLC. Norman, OK. January 2005.