

# Appendix G – National Historic Preservation Act Consultation

## Introduction

Consultation with the Montana State Historic Preservation Office (SHPO) began with a request for a search of files to identify any historic properties previously recorded within the area of potential effects of the Intake Project (table G.1). This file search request was e-mailed on May 1, 2009. The SHPO responded on May 11, 2009 with a list of determinations of eligibility, previously recorded sites, and a list of cultural resources reports in the area of potential effects.

On October 15, 2009, Reclamation sent a letter to the SHPO continuing consultation on the Intake Project (see below). The letter enclosed detailed information about the location of the proposed federal undertaking, identification of historic properties, and effects determination, and proposed mitigation measures. In addition, Reclamation offered to meet to discuss the proposed federal undertaking.

The Montana SHPO concurred with Reclamation's October 15, 2009, consultation letter on November 4, 2009. Consultation on preparation of a formal memorandum of agreement regarding mitigation of adverse effects and treatment of historic properties is ongoing.

**Table G.1 – File Search Request Sent to Montana SHPO on May 1, 2009.**

**STATE HISTORIC PRESERVATION OFFICE**

1410 8<sup>th</sup> Ave., P.O. Box 201202, Helena, MT 59620-1202

Phone: (406)-444-7767

Email: [dmurdo@mt.gov](mailto:dmurdo@mt.gov)

Attn: Damon Murdo

<b>File Search Request Form</b>			
<i>Please complete this form and attach a copy of the appropriate USGS Quad map showing the project location. All fields must be completed in order for your file search request to be processed. The form and accompanying map can be returned to the address above, emailed, or brought directly to the office.</i>			
<b>Individuals Name</b>	J. Signe Snortland		
<b>Organization (Agency/Company)</b>	U.S. Department of the Interior, Bureau of Reclamation		
<b>Street</b>	P.O. Box 1017 or 304 East Broadway Avenue		
<b>City</b>	Bismarek	State: ND	Zip:58502
<b>Telephone #</b>	701-221-1278	Fax: 701-250-4590	
<b>Project Name</b>	Intake Diversion Dam Modification, Lower Yellowstone Project		
<b>Government Agency Involved</b>	Bureau of Reclamation and U.S. Army Corps of Engineers, Omaha District		
<b>Describe the project. Please identify any work that will involve ground disturbance, or the demolition and modification of existing buildings. If none of these are to occur, please indicate.</b>	Reclamation and the Corps are proposing to modify Intake Diversion Dam to improve passage for the endangered pallid sturgeon and reduce unintended entrapment of fish in an unscreened irrigation canal system. The two action alternatives under consideration are to: 1) replace the existing historic dam with a concrete weir and rock ramp and the unscreened historic intake with a new screened intake or 2) relocate the main channel of the Yellowstone River around the historic dam and move the irrigation main canal upstream and build a new screened headworks. A No Action Alternative, the future without the proposed federal undertaking, is also under consideration in an environmental assessment.		
<b>Describe any previous disturbance and the current land use.</b>	The area of potential effects is currently used for by the Lower Yellowstone Project irrigation districts. Beside the irrigation project intake and main canal is a state-operated recreation area, Intake Fishing Access Site.		
<b>Approximate date of proposed project initiation.</b>	If an action alternative is selected, construction of a fish screen and headworks would begin in September 2010, and construction of fish passage would start in March 2011.		
<b>Land Ownership (Private, State, Federal, etc.)</b>	Mixed - some land is federal (Reclamation), some state, and some private. A real estate plan is being developed.		
<b>Remarks/ Special Requests</b>	<p>Remarks - Most of the area of potential effects has been surveyed previously by the University of North Dakota, as documented in "Lower Yellowstone Irrigation Project, 1996 and 1997 Cultural Resources Inventory, Dawson and Richland Counties, Montana, and McKenzie County, North Dakota" by Cynthia Kordecki, Mary McCormick, Carrie F. Jackson, and Jennifer Bales and Renewable Technologies, Inc.</p> <p>Special Requests – If possible, please check to see if consensus determinations have been completed the results of these determinations for 24DW287, 24DW298, 24DW299, 24DW300, 24DW430, 24DW431, 24DW433, 24DW434, 24DW436, 24DW437, 24DW443, 24DW444, 24DW447, and isolated find BA1-29.</p>		
<b>Project Area Location Information (add on if necessary) Projects in cities also require TRS.</b>			
<b>TOWNSHIP</b>	<b>RANGE</b>	<b>SECTION</b>	<b>COUNTY</b>
T18N	R56E	Sections 25, 35, and 36	Dawson
T18N	R57E	Sections30 and 31	Dawson
T17N	R56E	Sections 1 and 2	Dawson
T17N	R57E	Section 6	Dawson



IN REPLY REFER TO:  
MT-227  
ENV-3.00

## United States Department of the Interior

BUREAU OF RECLAMATION  
Great Plains Region  
Montana Area Office  
P.O. Box 30137  
Billings, Montana 59107-0137



OCT 15 2009

Dr. Mark Baumler  
State Historic Preservation Office  
P.O. Box 201202  
1410 8th Ave.  
Helena, MT 59620 - 1202

Subject: Consultation on Intake Diversion Dam Modification, Lower Yellowstone Project, and  
Notification of Potential Adverse Effects on Historic Properties  
SHPO Project Designation Number: 2009051102

Dear Dr. Baumler:

In compliance with 36 CFR Parts 800.3, 800.4, and 800.5 the U.S. Department of the Interior, Bureau of Reclamation, is continuing consultation on the Intake Diversion Dam Modification, Lower Yellowstone Project. Reclamation and the U.S. Army Corps of Engineers (Corps) are proposing to modify Intake Diversion Dam. Reclamation is the lead Federal agency and is responsible for compliance with the National Historic Preservation Act (36 CFR Part 800.2[a]) for this proposed Federal undertaking. Reclamation and the Corps are currently preparing a draft environmental assessment for the proposed Federal undertaking.

The proposed Federal undertaking is located at Intake, Dawson County, Montana (see enclosure figure 1). The legal descriptions of the undertaking are Township 18 North, Range 56 East, Sections 25, 35, and 36; Township 18 North, Range 57 East, Sections 30 and 31; Township 17 North, Range 56 East, Sections 1 and 2; and Township 17 North, Range 57 East, Section 6 (see enclosure figure 1). Ownership of land in the area of potential effects (APE) is a mixture of federal, state, and private (see enclosure figure 2).

The proposed action is needed to:

- Improve upstream and downstream fish passage for adult pallid sturgeon and other native fish in the lower Yellowstone River,
- Minimize entrainment of pallid sturgeon and other native fish into the Lower Yellowstone Project main canal,
- Continue effective operation of the Lower Yellowstone Project in compliance with the Endangered Species Act, and
- Contribute to restoration of the lower Yellowstone River ecosystem.

Three alternatives are being evaluated in the Intake Diversion Dam Modification, Lower

Yellowstone Project, Draft Environmental Assessment (Intake EA), as described in the enclosure. The Rock Ramp is the preferred alternative, and without mitigation, will result in Adverse Effects to several historic properties. The public has been notified of this proposed Federal undertaking through the National Environmental Policy Act scoping meetings held last fall, and will be given an opportunity to comment on summary cultural resource information in the Intake EA this fall, and to attend public meetings. Along with the public scoping meetings, a total of 25 tribes in the upper Missouri Basin were sent letters notifying them of the proposed project. Follow-up telephone calls were made to each tribe, and none expressed interest in it.

Enclosed is detailed information about the location of the proposed Federal undertaking, alternatives considered, identification of historic properties, effects determination, and proposed mitigation measures. Reclamation is planning to continue consultation with your office, on preparation of a formal memorandum of agreement stipulating the mitigation and treatment plan. If you have any questions about this proposed Federal undertaking or would like to schedule a meeting to discuss it, please feel free to contact me at 406-247-7666.

Sincerely,

**WILLIAM B VINCENT**

William Vincent  
Area Archaeologist


Enclosure

cc: Ms. Sandy Barnum  
U.S. Army Corps of Engineers  
1616 Capitol Ave,  
Omaha, NE 68102

bc: 84-53000 (Lincoln)  
DK-5000 (Snortland)  
GP-42000 (Coutant)  
MT-200, MT-221, **MT-227**, MT-745


WBR:WVincent:JJohnson:10/14/2009:406-247-7666  
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U.S. DEPARTMENT OF THE INTERIOR  
MARCH 3, 1849

### United States Department of the Interior



TAKE PRIDE  
IN AMERICA

BUREAU OF RECLAMATION  
Great Plains Region  
Montana Area Office  
P.O. Box 30137  
Billings, Montana 59107-0137

IN REPLY REFER TO:  
MT-227  
ENV-3.00


NOV 09 2009

OCT 15 2009

BY: SHPO  
• Josef  
• BOR  
• Intake Dam  
Modification  
Lower YL

Dr. Mark Baumler  
State Historic Preservation Office  
P.O. Box 201202  
1410 8th Ave.  
Helena, MT 59620 - 1202

**CONCUR**  
**MONTANA SHPO**

DATE: Nov 09 SIGNED: 

Subject: Consultation on Intake Diversion Dam Modification, Lower Yellowstone Project, and Notification of Potential Adverse Effects on Historic Properties  
SHPO Project Designation Number: 2009051102

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