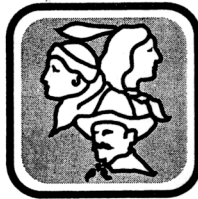


Appendix C-Colorado SHPO Consultation



**COLORADO
HISTORICAL
SOCIETY**

The Colorado History Museum 1300 Broadway Denver, Colorado 80203-2137

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FRJ	54871
CNTR	STR
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June 30, 2004

Carol DeAngelis
Area Manager
Bureau of Reclamation
Upper Colorado Region
Western Colorado Area Office
835 E. 2nd Avenue, Suite 300
Durango, CO 81301-5475

Re: Price-Stubb Diversion Dam Modification, Mesa County, CO (CHS #30201)

Dear Ms. DeAngelis,

Please find enclosed the signed Memorandum of Agreement signed by our office for the Price-Stubb Diversion Dam Modification. If we may be of further assistance, please contact me at (303) 866-4678.

Sincerely,

Amy Pallante
Section 106 Compliance Coordinator

cc: Mike Andrews/Bureau of Reclamation



United States Department of the Interior

BUREAU OF RECLAMATION

Upper Colorado Region,
Western Colorado Area Office

2764 Compass Drive, Suite 106
Grand Junction CO 81506-8785

835 E 2nd Avenue, Suite 300
Durango CO 81301-5475

**MEMORANDUM OF AGREEMENT
BETWEEN
THE UNITED STATES BUREAU OF RECLAMATION,
WESTERN COLORADO AREA OFFICE,
AND
THE COLORADO STATE HISTORICAL PRESERVATION OFFICER
REGARDING THE
PRICE-STUBB DIVERSION DAM FISH PASSAGE**

WHEREAS, the United States Bureau of Reclamation, Western Colorado Area Office (Reclamation), and the Colorado State Historic Preservation Officer (SHPO) have determined that the Price-Stubb Diversion Dam (Dam), Site Number 5ME769, meets the significance criteria in 36 CFR Part 60.4 to be considered eligible for the National Register of Historic Places (Register); and

WHEREAS, Reclamation has determined that the proposed fish passage undertaking at the Price-Stubb Diversion Dam will have an adverse affect on the qualities which make the Dam eligible, and has consulted with the SHPO pursuant to 36 CFR Part 800 regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. Section 470f); and

WHEREAS, in accordance with 36 CFR Section 800.6 (a) (1), Reclamation has notified the Advisory Council on Historic Preservation (Council) of its adverse effect determination with specified documentation and the Council has chosen not to participate in this Memorandum of Agreement pursuant to 36 CFR Section 800.6 (a) (iii); and

WHEREAS, Reclamation has consulted with the National Park Service Heritage Partnership Program on the nature and level of intensity of Historic American Engineering Record (HAER) investigations which would adequately mitigate the effects of the undertaking to this historic property, and incorporated the National Park Service requirements into this Agreement;

NOW, THEREFORE, Reclamation and the SHPO agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

STIPULATIONS

Reclamation shall ensure that the following measures are carried out:

I. Visual Effects on the Price-Stubb Project Diversion Dam

- A. Design. Reclamation shall proceed with design of the fish passage based on the final environmental assessment dated April 19, 2004, entitled "Price-Stubb Fish Passage Revised Supplemental Draft Environmental Assessment", taking into account the Secretary of the Interior's Standards for Rehabilitation (U.S. Department of the Interior, National Park Service, 1992, pp. 35-36).
- B. Review. Reclamation shall provide the SHPO with plans and specifications for the fish passage as shown in the final environmental assessment, and afford the SHPO at least 10 calendar days to comment on such plans and specifications.
- C. Resolving Concerns. Reclamation shall consult with the SHPO to resolve any concerns raised by the SHPO with regards to plans and specifications reviewed pursuant to the above stipulation. If any such concern is not resolved through such consultation, Reclamation shall seek resolution in accordance with dispute resolution stipulations below.

II. Documentation

- A. Content. Documentation shall explicate and illustrate the current condition of that portion of the dam which is affected by the fish passage. Documentation will contain a HAER number obtained from the National Park Service. Documentation shall be turned into the SHPO no later than 120 days after completion of the construction.
 - i. Drawings: A location map, clearly showing the location of the property. Reproduce on an 8-1/2" x 11" paper; place a heading in the upper right corner and include as a page in the narrative (see below).
 - ii. Sketch Maps and Plans: As specified below, these do not have to be to scale, and can be adapted from existing maps or drawings, but must be free from copyright. Reproduce each on an 8-1/2" by 11" paper, place a heading in the upper right corner, and include as pages in the narrative:
 - a) A sketch map indicating the layout of the irrigation system in which the dam operated. Include the water being diverted from the river into the canal near the dam, and the approximate locations of the irrigation ditch system in relation to area landmarks. Name the ditches whenever possible.
 - b) A sketch of the dam, head gates, canal, and power plant as they appeared historically, similar to the sketch entitled Figure 3 on Page 10 of "Price-Stubb Fish Passage: Revised Supplemental Draft Environmental Assessment", Bureau of Reclamation, April 19, 2004.

c) A small sketch profile of the dam, showing the ogee shape. This may be included on one of the other sketch pages.

ii. Photographs: At least five archival-quality, large-format photographs and negatives of the structure, including views of significant engineering and historic features, especially the area that will be directly impacted by the undertaking. Follow the guidelines outlined in National Park Service's "Photographic Specifications for the Historic American Buildings Survey (HABS) and the Historic American Engineering Record (HAER)."

iii. Written Data: A written narrative at least seven pages in length, placing the structure in historical and engineering context, and describing the character-defining attributes. Include a discussion of Charles D. Vail, the design/engineering challenges that Vail faced at the site, and the ogee design within the range of dam types. Explain how the dam system functions; also include a discussion of the Thompson radial gate, and the need for use of the powerhouse and pumping apparatus. Follow the guidelines in the National Park Service's paper "Preparing the HAER Narrative Text."

B. Quality. Documentation shall be prepared accurately from reliable sources with limitations clearly stated to permit independent verification of information. The documentation must be edited, cataloged, and packaged according to the "Manual for Editing HABS/HAER Documentation". Written history: written history shall be based on primary sources to the greatest extent possible.

C. Materials. Documentation shall be prepared on media that are readily reproducible for ease of access, durable for storage, and in standard sizes for ease of handling. Archival supplies (cover cards, photo mount cards, and negative sleeves) of any official HAER, available from the National Park Service upon request, will be used.

D. Additional Cultural Resources Inventory. Any additional areas of impact (rock quarries, access roads, borrow pits, etc.) identified during the course of the project will be inventoried for cultural resources. The results of the inventory will be forwarded to the SHPO in documentation which meets the Secretary of the Interior Standards and Guidelines. If no cultural resources are found during the inventory, the project may proceed within the area inventoried. If potentially significant cultural resources are present, Reclamation will consult with the SHPO according to 36 CFR Part 800 on eligibility, effect, and an acceptable treatment program. No construction work will occur at or near the site until this consultation is completed.

III. Duration. This agreement will be null and void if its terms are not carried out within five (5) years from the date of its execution. Prior to such time, Reclamation may consult with the SHPO to reconsider the terms of the agreement and amend in accordance with Stipulations VII below.

IV. Post-Review Discoveries. If potential historic properties (other than the dam) are discovered or unanticipated effects on historic properties realized, Reclamation shall implement the discovery plan included as Attachment A of this agreement.

V. Monitoring and Reporting. Each year following the execution of this agreement until it expires or is terminated, Reclamation shall provide all parties to this agreement a summary report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in Reclamation's efforts to carry out the terms of this agreement. Failure to provide such summary report may be considered noncompliance with the terms of this MOA pursuant to Stipulation VII, below.

VI. Dispute Resolution. Should any party to this agreement object at any time to any actions proposed or the manner in which terms of this MOA are implemented, Reclamation shall consult with the objecting party(ies) to resolve the objection. If Reclamation determines, within 30 days, that such objection(s) cannot be resolved, Reclamation will:

- A. Forward all documentation relevant to the dispute to the Council in accordance with 36 CFR Section 800.2 (b) (2). Upon receipt of adequate documentation, the Council shall review and advise Reclamation on the resolution of the objection within 30 days. Any comment provided by the Council, and all comments from the parties to the MOA, will be taken into account by Reclamation in reaching a final decision regarding the dispute.
 - i. If the Council does not provide comments regarding the dispute within 30 days after receipt of adequate documentation, Reclamation may render a decision regarding the dispute. In reaching its decision, Reclamation will take into account all comments regarding the dispute from the parties to the MOA.
 - ii. Reclamation's responsibilities to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged. Reclamation will notify all parties of its decision in writing before implementing that portion of the Undertaking subject to dispute under this stipulation. Reclamation's decision will be final.

VII. Amendments and Noncompliance. If any signatory to this MOA, including any invited signatory, determines that its terms will not or cannot be carried out or that an amendment to its terms must be made, that party shall immediately consult with the other parties to develop an amendment to this MOA pursuant to 36 CFR Parts 800.6 (c)(7) and 800.6 (c)(8). The amendment will be effective on the date a copy signed by all parties of the original signatories is filed with the Council. If the signatories cannot agree to appropriate terms to amend the MOA, any signatory may terminate the agreement in accordance with Stipulation VIII, below.

IX. Termination. If an MOA is not amended following the consultation set out in Stipulation VIII, it may be terminated by any signatory or invited signatory. Within 30 days following termination, Reclamation shall notify the signatories if it will initiate consultation to execute an MOA with the signatories under 36 CFR §800.7(a) and proceed accordingly.

Execution of this Memorandum of Agreement by Reclamation and the Colorado SHPO, the submission of documentation and filing of this Memorandum of Agreement with the Council pursuant to 36 CFR Section 800.6(b) (1) (iv) prior to Reclamation's approval of this undertaking, and implementation of its terms evidence that Reclamation has taken into account the effects of this undertaking on historic properties and afforded the Council an opportunity to comment.

SIGNATORIES:

U.S. Bureau of Reclamation, Western Colorado Area Office

Carol DeAngelis
Carol DeAngelis, Area Manager

6/22/04
Date

Colorado State Historic Preservation Officer

Georgianna Contiguglia
for Georgianna Contiguglia

6/29/04
Date



COLORADO HISTORICAL SOCIETY

The Colorado History Museum 1300 Broadway Denver, Colorado 80203-2137

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SEP - 9 2004

CLASS		
FOLDER		
PROJECT		
CONTROL #		
NAME	DATE	INITIAL
M. Andrews		
E. Jensen		

September 1, 2004

Mike Andrews
Environmental and Planning Group
Bureau of Reclamation
Upper Colorado Regional Office
Western Colorado Area Office
2764 Compass Drive, Suite 106
Grand Junction, CO 81506-8785

Re: Late Discovery for A Proposed Fish Passage at the Price-Stubb Diversion Dam: Assessment of Potential Effects and Recommendations (CHS #30201)

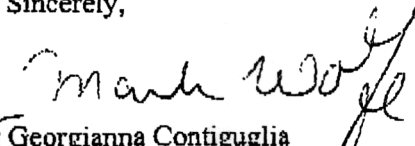
Dear Mr. Andrews,

Thank you for your correspondence dated August 30, 2004 and received by our office on September 1, 2004 regarding the post-review discovery of the resource 5ME.769/Price-Stubb Irrigation Canal (36 CFR 800.13).

After review of the submitted information and of our files, we concur with your determination that the Price-Stubb Irrigation Canal was officially determined *not eligible* for listing in the National Register of Historic Places by our office on June 15, 1998. We also concur with your finding that the proposed undertaking will result in a finding of *no historic properties affected* under Section 106 of the National Historic Preservation Act in regards to the Price-Stubb Irrigation Canal.

If we may be of further assistance, please contact Amy Pallante, our Section 106 Compliance Coordinator, at (303) 866-4678.

Sincerely,

for 
Georgianna Contiguglia
State Historic Preservation Officer