| Draft Cultural Resource Area Types According to Risk of Environmental or Cultural Resource Sensitivities or Constraints | | | | | |
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| Area Type | Agency | Risk Classification Category[[1]](#footnote-1) | Area Type Description | Justification (Applicable policy/statute [*ital*] and/or rationale for the classification [where applicable]) | Notes for EDTF consideration |
| National Historic Districts, Archaeological Districts, and sites at least 0.5 square kilometers (62 acres)[[2]](#footnote-2) in size that are eligible for or listed in the NRHP | Designation: Statutory  Administration: National Park Service | 3 | Areas of historic and/or prehistoric cultural resources deemed locally, regionally and/or nationally significant because they illustrate particular times, forms or qualities | *National Historic Preservation Act*  National Register of Historic Places listed or eligible districts or sites are designated by the National Park Service. National Register of Historic Places listing or eligibility does not necessarily mean that district must be protected from disturbance or damage, just that it must be considered during “Federal, federally assisted, and federally licensed undertakings” Designation of sites on non-federal lands does not place restrictions on the use, treatment, transfer, or disposition of private property (see [National Register of Historic Places website](http://www.mhpp.ab.ca/pdfs/6_Managing_Historic_Places_Designation_Guide.pdf)). However, such districts and sites may result in increased project scrutiny and mitigation costs that could add additional risk to a project |  |
| State Historic Districts | Designation and Administration: State Historic Preservation Officer | 3 | Areas of historic and/or prehistoric cultural resources deemed locally, regionally and/or nationally significant because they illustrate particular times, forms or qualities | *Applicable state laws or regulations*  Restrictions vary based on state, ranging from no additional requirements to substantial development restrictions. |  |
| National Historic Landmarks and Landmark Districts | Designation: Statutory  Administration: National Park Service | 3 | A National Historic Landmark is a historic building, site, structure, object, or district that represents an outstanding aspect of American history and culture. There are fewer than 2,500 properties designated National Historic Landmarks (see [NPS NHL website](http://www.nps.gov/nr/publications/bulletins/nrb38/)). The United States government owns fewer than 400 NHLs. | *Historic Sites Act of 1935*  “*The purpose of the National Historic Landmarks Program is to focus attention on properties of exceptional value to the nation as a whole rather than to a particular State or locality. The program recognizes and promotes the preservation efforts of Federal, State and local agencies, as well as of private organizations and individuals and encourages the owners of landmark properties to observe preservation precepts. Properties designated as National Historic Landmarks are listed in the National Register of Historic Places upon designation as National Historic Landmarks.* (48 FR 4655)” National Register of Historic Places listing of a National Historic Landmark does not necessarily mean it must be protected from disturbance or damage, just that it must be considered during “Federal, federally assisted, and federally licensed undertakings”. “*Listing of private property on the National Register does not prohibit under Federal law or regulations any actions which may otherwise be taken by the property owner with respect to the property*. (48 FR 4655)” However, National Historic Landmark status on non-federal land may increase project scrutiny and mitigation costs that could add additional risk to a project. |  |
| Traditional Cultural Properties eligible for or listed in the NRHP or state equivalent | Designation: Statutory  Administration: National Park Service, State or Tribal Historic Preservation Officer | 3 | A place that is locally, regionally and/or nationally significant because of its association with cultural practices and beliefs that are (1) rooted in the history of a community, and (2) are important to maintaining the continuity of that community's traditional beliefs and practices | *National Historic Preservation Act; American Indian Religious Freedom Act ; and, Applicable state laws or regulations*  National Register of Historic Places listed or eligible Traditional Cultural Properties are designated by the National Park Service. National Register of Historic Places listing or eligibility does not necessarily mean that district must be protected from disturbance or damage, just that it must be considered during “Federal, federally assisted, and federally licensed undertakings” Designation of Traditional Cultural Properties on non-federal lands does not place restrictions on the use, treatment, transfer, or disposition of private property (see [National Register Bulletin: Guidelines For Evaluating And Documenting Traditional Cultural Properties](http://www.historicplaces.ca/en/home-accueil.aspx)). However, such properties may result increase project scrutiny and mitigation costs that could add additional risk to a project. |  |
| Sacred sites identified by an Indian tribe in accordance with Executive Order 13007 | Designation: Executive Order (subject to agency regulation interpretations)  Administration: Bureau of Land Management, U.S. Forest Service, Bureau of Reclamation, Bureau of Indian Affairs, U.S. Department of Defense, National Park Service | 3/4  [*pending discussions with tribes]* | Specific, discrete, narrowly delineated locations on Federal land that are identified for an agency by an Indian tribe, or Indian individual determined to be an appropriately authoritative representative of an Indian religion, as sacred by virtue of their established religious significance to, or ceremonial use by, an Indian religion | *American Indian Religious Freedom Act of 1978 (AIRFA)*[[3]](#footnote-3)  Protects the rights of Native Americans to exercise their traditional religions by ensuring access to sacred sites.  *Executive Order No. 13007: Indian Sacred Sites*  Executive Order No. 13007 address the maintenance of access to Indian sacred sites on Federal lands, and contains instructions for federal agencies manage these lands to avoid adversely affecting the physical integrity of sacred sites. The Executive Order notes, however, that “[n]othing in this order shall be construed to require a taking of vested property interests. Nor shall this order be construed to impair enforceable rights to use of Federal lands that have been granted to third parties through final agency action.”  However, such sacred sites may result increase project scrutiny and mitigation costs that could add additional risk to a project. | A federal undertaking must include consultation with tribes and other interested parties (For an Environmental Impact Statement, Section 106 must be complied with, for an Environmental Assessment, public outreach should include tribal consultation). Increasingly, tribes are taking legal action if they feel effects to sacred sites were not appropriately analyzed/mitigated.  In 2011, the U.S. Forest Service published a [draft report](http://www.achp.gov/book/sectionVIII.html) intended, in part, to revise, strengthen, and broaden the Executive Order 13007-based definition and management of sacred sites. That draft report includes a definition for a new concept in significant tribal resources referred to as “sacred places”**[[4]](#footnote-4)**. If the Service accepts and implements the report’s recommendations, the EDTF may need to revise the description of this area type to reflect these sites on U.S. Forest Service administered lands. |
| State listed historic sites & trails | Designation: Applicable State Legislation  Administration: State Historic Preservation Officers | 3 | State designate historic sites and trails | *Applicable state laws or regulations*  Restrictions vary based on state, ranging from no additional requirements to substantial development restrictions. |  |
| Identified sites and districts at least 0.5 square kilometers (62 acres)[[5]](#footnote-5) in size not yet evaluated for NRHP eligibility | Designation and Administration: U.S. Federal Agencies | 3 | Identified sites on federally-administered lands that have not yet been evaluated against NRHP criteria to determine whether they are locally, regionally and/or nationally significant. Agencies treat these unevaluated sites as eligible pending an eligibility determination. | *NA* |  |
| Areas identified by experts as containing significant concentrations of cultural resources | N/A | 3 | Prehistoric or historic cultural resource landscapes notable for their site density, site type and time period, and/or relationship to surrounding topography and environment | *NA* |  |
| Un-surveyed locations in areas with generally high cultural resource site density | N/A | 2 | Areas that have not been surveyed to determine if they include significant cultural resource sites, but that are likely candidates for finding significant sites either do to the topographic characteristics of the area or a high density of cultural resource sites in the surrounding areas. | *NA* |  |
| High potential route segments of National Historic Trails | Designation: Statutory  Administration: Bureau of Land Management, National Park Service, U.S. Forest Service | 3 | Intact or minimally altered segments of trails on federal lands deemed nationally significant under the National Trails System Act of 1968 for their connection to historic people or events. | *National Trails System Act (16 U.S.C. 1241); applicable federal land use plans*  Under the Act, the applicable agency must study and prepare a plan for each trail to promote the purpose for which it was created (e.g., recreational, historic or scenic values). Though multiple jurisdictions and levels of development along trails can result in management uncertainty and variability, trail segments that are generally intact are anticipated to have more restrictive management constraints than degraded or poorly defined trail segments. This subset of trails is more like to represent a high level of risk to potential transmission solutions that may cross or come within proximity of the trail segment.  The area type “*National Historic Trails and other Nationally Significant Trails*” (Risk Classification Category 2) describes the potential risk to transmission to other, less intact, segments of state/local governments, private landowner, and federal agency-administered trail segments. |  |
| National Historic Sites (Non-NPS Managed) | Designation: Statutory  Administration: Bureau of Land Management,  U.S. Forest Service, State and Tribal Historic Preservation Officers | 2 | Individual places or features deemed nationally significant under the Historic Sites Act of 1935 because of their direct association with important historic people or events | *Historic Sites Act of 1935*  National Historic Sites generally consistent of one structure or location, increasing the likelihood that potential effects to these sites could be considered and avoided during siting. In addition, the majority of National Historic Sites are administered by the NPS, and are therefore classified as Risk Classification Category 4. |  |
| National Historic Sites of Canada (sites managed by Parks Canada) | Designation: Statutory  Administration: Parks Canada | 3/4?  [*Parking Lot*] | A collection of 861 sites of national historic significance that compromise the system of National Historic Sites of Canada. The National Historic Sites of Canada are diverse in ownership and management. Parks Canada manages 145 sites; the remaining sites are administered by provincial, territorial or local governments, Aboriginal groups, local heritage groups, the private sector and individual Canadians. | Parks Canada has direct responsibilities for ensuring the commemorative integrity of the 145 National Historic Sites of Canada it administers. These sites are located throughout Canada, in all provinces and one territory. Parks Canada applies the cultural resource management principles of value, public benefit, understanding, respect and integrity. All activities at a site are assessed in light of the potential impact upon the site’s commemorative integrity, and activities that could compromise commemorative integrity are not permitted. |  |
| Canadian Register of Historic Places listed sites and Provincial equivalents | Designation Statutory  Administration: Parks Canada, Provincial and Territorial governments | 3 | “Recognized historic places of local, provincial, territorial and national significance. A historic place is a structure, building, group of buildings, district, landscape, archaeological site or other place in Canada that has been formally recognized for its heritage value by an appropriate authority within a jurisdiction.”(see [Canada’s Historic Places](http://www.fs.fed.us/spf/tribalrelations/sacredsites.shtml)) | *Historic Sites and Monuments Act;* [*Historical Resources Act*](http://ecfr.gpoaccess.gov/e/ecfr.orig/ecfrbrowse/Title36/36cfr65_main_02.html?page=h09.cfm&leg_type=Acts&isbncln=9780779726837) *(Alberta); Heritage Conservation Act (British Columbia)*  Similar to listings under the National Register of Historic Places, listing on the National and/or Provincial registries is intended to encourage the protection of cultural or historic sites. How designated historic places are managed varies, but generally requires government authorization before alteration or destruction of the property. (see [“Managing Historic Places Guide”](http://www.fs.fed.us/spf/tribalrelations/sacredsites.shtml) for example) | Consultation with First Nations Bands is a requirement for federal and provincial undertakings; should First Nation sacred sites be considered a separate area types? The Canadian registers include a number of First Nation sites. |

1. *To consider when determining Risk Classification Categories and during expert reviews: the “it depends” factor. National Register and other cultural and historic sites can vary in size and sensitivity. Some historic structures, like the transmission lines from Hoover Dam to San Bernardino, are industrial in nature. While they can be very large, they are less sensitive to proximity impacts from transmission. However, for historic sites or district that are not industrial in character, there might be proximity impacts, like the introduction of major visual elements that block views or change the historic setting.* [↑](#footnote-ref-1)
2. Represents the smallest cell size in the EDTF data set supplied for use in WECC’s Long-Term Planning Tool. [↑](#footnote-ref-2)
3. Information on the statutes affecting sacred sites was obtained from [An Overview of Federal Historic Preservation Law, 1966-1996](http://www.qp.alberta.ca/574.cfm). [↑](#footnote-ref-3)
4. *Sacred Places “Any specific location on National Forest System land, whether site, feature, or landscape, that is identified by an Indian tribe, or the religious societies, groups, clans, or practitioners of an Indian tribe, as having spiritual and cultural significance to that entity, greater than the surrounding area itself. Sacred places may include but are not limited to geological features, bodies of water, burial places, traditional cultural places, biological communities, stone and earth structures, and cultural landscapes uniquely connecting cultural sites, or features in any manner meaningful to the identifying tribe.”* [*USDA Office of Tribal Relations and Forest Service Policy and Procedures Review Indian Sacred Sites*](http://www.nps.gov/nr/national_register_fundamentals.htm) [↑](#footnote-ref-4)
5. Represents the smallest cell size in the EDTF data set supplied for use in WECC’s Long-Term Planning Tool. [↑](#footnote-ref-5)