

APPENDIX J
DRAFT PROGRAMMATIC AGREEMENT FOR SECTION 106
COMPLIANCE

**PROGRAMMATIC AGREEMENT
AMONG
THE USDA RURAL UTILITIES SERVICE, THE U.S. FOREST SERVICE, THE SOUTH
CAROLINA STATE HISTORIC PRESERVATION OFFICE, AND CENTRAL ELECTRIC
POWER COOPERATIVE
REGARDING
THE MCCLELLANVILLE 115kV TRANSMISSION LINE PROJECT
IN BERKELEY AND CHARLESTON COUNTIES, SOUTH CAROLINA**

WHEREAS, the United States Department of Agriculture's (USDA) Rural Development (RD) programs offer low interest loans, grants, and loan guarantees to support essential services; and promote economic development by supporting loans to businesses through banks, credit unions, and community-managed lending pools; and

WHEREAS, RD's Rural Utilities Service (RUS) may fund the proposed McClellanville 115kV Transmission Line project (Project) consisting of the construction of a new 24-mile 115 kV transmission line with a 75-foot right-of-way (ROW) encompassing approximately 212 acres. The proposed Project would begin at the Jamestown Substation, travel southwest, and cross SC Highway 45. It would then turn west and follow the CSX railroad to Tiger Corner Road, then angle southeast and remain on the USFS Francis Marion National Forest (USFS) as it follows Tiger Corner Road exiting USFS lands near Shulerville. The alignment would then turn east and cross private lands until it intersects and follows the existing Winyah-Charity 230-kV transmission line northeast towards the community of Honey Hill. The route would then turn east before the community and turn southeast following SC Highway 45 to the McClellanville Substation near U.S. Highway 17. RUS funding would make the proposed Project an undertaking ("the undertaking") subject to review under 54 USC § 306108 (previously codified at 16 U.S.C. 470f), and its implementing regulations, 36 CFR Part 800, which require federal agencies to take into account the effects of their undertakings on Historic Properties and to afford the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment (36 CFR 800.1(a)); and

WHEREAS, the USFS may issue a special use permit for the Project to cross easements held by that federal agency, thereby making the Project an undertaking subject to review under 36 CFR Part 800; and

WHEREAS, the USFS has management responsibilities for their land, RUS will consult with the USFS on determinations of eligibility, resolutions of adverse effects, mitigation measures, and on an as needed basis. Central Electric Power Cooperative (CEPC) or their contractor will consult the USFS as stipulated in any permits issued.

WHEREAS, pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344) and/or Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), CEPC expects to submit to the U. S. Army Corps of Engineers, Charleston District (USACE) a future Department of the Army (DA) permit application proposing to discharge dredged or fill material into waters of the United States associated with the Project; and

WHEREAS, in accordance with 36 CFR § 800.2(a)(2), the RUS is serving as the lead federal agency for purposes of Section 106 of the National Historic Preservation Act (54 U.S.C. 306108) to fulfill the collective NHPA Section 106 responsibilities of the RUS, the USFS, and the USACE.

WHEREAS, the Central Electric Power Cooperative (CEPC) intends to implement the undertaking (Appendix A: Project Map); and

WHEREAS, pursuant to 36 CFR § 800.2(c)(4), and 7 CFR § 1970.5(b)(2) of the regulations, "Environmental Policies and Procedures" (7 CFR Part 1970), the RUS has issued a blanket delegation for

its applicants, including CEPC, to initiate and proceed through Section 306108 review to the extent agreed to by the Signatories to this Agreement and described herein; and

WHEREAS, CEPC, as an applicant for RUS funding, has participated in consultation per 36 CFR 800.2(c)(4), and agrees to carry out the stipulations of this PA, being responsible for all costs including, but not limited to, fieldwork, post-field analyses, preparation of all research, interim, summary, treatment, and mitigation reports, both draft and final, curation of all documentation and artifact collections in a SHPO-approved curation facility and repatriation of materials eligible for repatriation, under the oversight of the RUS, and is an Invited Signatory to this PA; and

WHEREAS, the RUS has determined that the undertaking may have an adverse effect on historic properties, defined as properties listed in or eligible for listing in the National Register of Historic Places (NRHP), and has consulted with the South Carolina State Historic Preservation Officer (SHPO); and

WHEREAS, the RUS, in consultation with the SHPO, has determined that execution of a Programmatic Agreement (PA) in accordance with 36 CFR 800.14(b)(1)(ii) is appropriate because effects on historic properties cannot be fully determined prior to the approval of the undertaking; and

WHEREAS, the RUS has determined that the undertaking's area of potential effects (APE) for direct physical, visual, audible, or atmospheric effects consists of a 100-foot corridor centered on the 25.8-mile preferred alternative that will contain the 70-foot wide ROW as well as all Project related access roads, temporary work spaces, construction areas, and appurtenant facilities that may be located outside of the ROW and may not be contiguous (Appendix A); and

WHEREAS, on November 21st, 2023, RUS invited the SC SHPO, National Park Service, Gullah Geechee Cultural Heritage Corridor Commission, Lowcountry Rice Project, Fairfield Plantation, SC Dept of Parks, Recreation and Tourism, White Oak Forestry Corporation, Oaks Plantation, Lowcountry Open Land Trust, Hopsewee Plantation, Historic Charleston Foundation, to participate in Section 306108 consultation and/or consultation on the development of this PA; and

WHEREAS, on November 21st, 2023, RUS invited the Catawba Indian Nation, the Cherokee Nation, the Eastern Shawnee Tribe of Oklahoma, the Muskogee (Creek) Nation, the Absentee Shawnee Tribe of Indians in Oklahoma, the Shawnee Tribe, and the United Keetoowah Band of Cherokee Indians in Oklahoma to participate in Section 306108 consultation and/or consultation on the development of this PA; and

WHEREAS, RUS has issued notices to the local governments, interested organizations and notified the public under the National Environmental Policy Act (NEPA) with language included pertaining to the NHPA (Section 306108) inviting input regarding Historic Properties (Federal Register Vol 84. No 169 2019).

WHEREAS, pursuant to 800.6(a)(1)(C), the RUS notified the ACHP on November 21st, 2023 of the development of this PA and invited the ACHP to sign the PA as a signatory; and the ACHP chose not to participate on December 6, 2023.

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

DEFINITIONS

Terms used in this PA are defined in Appendix B. All other terms not defined have the same meaning as set forth in ACHP's regulations at 36 CFR § 800.16, Section 300301 of the NHPA.

STIPULATIONS

The CEPC in consultation with RUS, the lead federal agency and Signatories to the agreement will ensure that the following stipulations are met and carried out.

I. PROFESSIONAL QUALIFICATIONS STANDARDS

- A. CEPC will ensure that all work undertaken to satisfy the terms of this PA meets the Secretary of the Interior's (SOI) Standards and Guidelines for Archeology and Historic Preservation (48 FR 44716) (Federal Register, September 29, 1983), hereinafter referred to as SOI Standards, and is consistent with the [ACHP's guidance on archaeology](#) (2009) and all applicable state and federal guidance for evaluating the eligibility of properties for listing in the NRHP.
- B. CEPC will ensure that all identification and inventory is carried out by or under the direct supervision of a person or persons meeting, at a minimum, the applicable professional qualifications standards set forth in the SOI Standards and the permitting requirements of appropriate states, tribal, and federal agencies.

II. IDENTIFICATION, EVALUATION, AND DETERMINATION OF EFFECTS

A. Area of Potential Effects

The RUS in consultation with the USFS and SHPO has determined the Project APE. The APE will apply to federal, state, tribal, and private lands that may be affected by the transmission line, staging areas, borrow areas, helicopter landing pads, vegetation clearance areas, new or improved access roads, and other related infrastructure for this undertaking. The RUS may modify the APE in accordance with Stipulation II.A.5 of this PA.

1. Direct Physical Effects:

- a. The APE for the transmission line is a 100-foot corridor centered on the proposed line.
- b. The APE for staging areas, borrow areas, helicopter landing pads, and any other areas of vegetation clearance or ground disturbance is the area footprint plus 100 feet in all directions.
- c. The APE for any new or improved access roads is 50 feet to either side of the proposed route centerline.

2. Direct Visual, Auditory, or Atmospheric Effects:

- a. The APE for visual, auditory, and atmospheric effects considers those effects that could diminish the integrity of historic properties for which setting, feeling, and/or association are qualifying characteristics of NRHP eligibility. The APE for these effects extends to the visual horizon or for one half-mile radius around the project, whichever is closer.
- b. Where the APE for visual, audible, or atmospheric effects includes traditional cultural

properties (TCPs), properties of traditional religious and cultural importance, National Historic Landmarks (NHL), National Historic Trails (NHTs), and other classes of historic properties for which setting, feeling and/or association contributes to eligibility, additional analysis may be required, and the APE may be modified according to the procedures in Stipulation II.A.5 below.

3. Indirect Effects:

Indirect effects are those caused by the undertaking that are later in time or are farther removed in distance but are still reasonably foreseeable. The APE for indirect effects is the same as those listed above for physical, visual, auditory, or atmospheric effects.

4. Cumulative Effects:

Cumulative effects are the impact on the environment that results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes other actions. For the purposes of this PA, the APE for cumulative effects is the same as those listed above for physical, visual, auditory, and atmospheric effects.

5. Modifying the APE:

The RUS may modify the APE at the request of CEPC or any consulting party to the PA who provides written justification. The RUS will forward the modification proposal to all consulting parties to the PA and consult with them for fifteen (15) calendar days. If all parties cannot agree or do not respond to the proposal, then the RUS will render a final decision. Any remaining impasse will refer to Stipulation XIII of this document. Any agreement to modify the APE will not require amendment of this PA.

B. Phased Historic Properties Survey and Reporting

1. CEPC, with written approval from the RUS, may adopt a phased identification survey plan for the Project allowing an approval to be given for one segment of construction where Section 306108 review is complete, while implementation of Section 306108 and meeting of terms for other segments is ongoing.
 - a. CEPC may define up to three (3) segments of the overall project for which the requirements of Section 306108 may be satisfied independently. This definition must be approved by the RUS.
 - b. If segments are established, each Section 306108 identification survey and associated report(s) shall correspond to a specific segment.
 - c. Non-completion of Section 306108 on any segment of the project will not preclude the beginning of construction on another segment for which Section 306108 review is complete.
 - d. Construction shall not begin on any segment until the RUS has issued a Section 306108 Conclusion Memo for that segment.

C. Identification

1. CEPC, at its sole expense, using an SOI-qualified professional, will conduct a professional historic property and/or cultural resources survey and or inventory that will include systematic

subsurface testing over the entire direct physical APE to identify and evaluate potential historic properties. This will be accompanied by an above-ground historic and architectural resources survey of the direct visual, auditory, and atmospheric APE and assessment of visual, auditory, and atmospheric effects for the entire APE regardless of land ownership. CEPC is responsible for obtaining right-of-entry permits for any applicable lands within the entire APE. The assessment of visual, auditory, and atmospheric effects will entail identification of cultural resources that are or will be 50 years of age or older by the estimated construction start date.

2. CEPC shall ensure that all work will be carried out in accordance with the [South Carolina Standards and Guidelines for Archaeological Investigations](#) and the [South Carolina Statewide Survey of Historic Properties Survey Manual](#).
3. Subsurface testing will not be required in locations where bedrock is exposed on the surface or where there is excessive slope. Excessive slope is defined as greater than 15 percent. Surface inspection of these areas via pedestrian survey is still required except where dangers may exist such as steep drop-offs or other hazardous landforms.
4. Determination of archaeological site boundaries within the physical APE is required. Identified resources exceeding the physical APE that are either linear or extremely large, must be inventoried and recorded to the same extent as those sites that are fully within the physical APE. The applicant's consultant shall record such resources up to 100 meters beyond the boundary of the physical APE, provided access is authorized, or to the boundary of the resource beyond the physical APE, whichever is closer.
5. The applicant may use existing resources to the extent available to identify historic properties that fall within the visual APE that may be affected by the undertaking. Such resources may include existing aerial photography, archival and historic documents such as Government Land Office (GLO) maps, other early maps, local histories, ethnographic information, current existing studies, geographic information systems (GIS) data, the South Carolina SHPO database, and any other available means.

D. Determinations of National Register Eligibility and Assessment of Effects

1. For every historic property and/or cultural resource within the undertaking's APE, CEPC, through their SOI qualified professional(s), will provide recommendations for eligibility and effect to the RUS, pursuant to 36 CFR 800.4(c)(1), and following National Register Bulletin 15: "How to Apply the National Register Criteria for Evaluation".
2. The RUS will consult with any Indian Tribe that may attach religious and cultural significance to any identified resource to assist in determinations of NRHP eligibility. This will be done by means of a standard RUS finding letter. The finding letter will describe the results of the survey in detail thereby giving the tribes an opportunity to help provide input into determinations of resource significance and NRHP eligibility.
3. If the parties cannot reach agreement on a determination of NRHP eligibility, the documentation will be forwarded to the Keeper of the National Register (Keeper) for a formal determination.
4. The RUS, in consultation with the Signatories and Invited Signatories, has final authority and responsibility for all determinations of effect on non-federally managed lands. CEPC, through its SOI qualified professional(s), is responsible for providing recommendations of effect.
5. The USFS, in consultation with the applicable consulting parties, has final authority and responsibility for all determinations of effect on USFS managed lands. CEPC, through its SOI

qualified professional(s), is responsible for providing recommendations of effect.

6. Determinations of effect may be subject to change due to re-design or other alterations in the undertaking and APE. The RUS will consult with all consulting parties to this PA on any re-design or other changes in the undertaking or APE that may require changes in the agency's determinations of effect.
 - a. If a redesigned or relocated portion of the project is located outside the original APE, the SOI qualified professional(s) will conduct additional identification and evaluation of historic properties in accordance with Stipulation II.C and II.D.
 - b. If a redesigned or relocated portion of the project is located within a previously surveyed area, where historic properties are present, the SOI qualified professional(s) will submit an amendment to the inventory report to the RUS describing the proposed changes and reevaluating the effect of the redesigned or relocated facility on historic properties. The USFS will be included for land managed by the USFS.
 - c. If a redesigned or relocated portion of the project is located within a previously surveyed area where no known historic properties are present, CEPC through its SOI qualified professional will submit an amendment to the inventory report to the RUS describing the changes to the design of the project.
 - d. Previous surveys shall only be considered valid if the work was done within the previous 15 years and in line with current professional standards. Consult local USFS staff for validity of surveys on land they manage.
 - e. Within fifteen (15) calendar days of receiving the amendment to the report, the RUS will review and make a determination and/or a Finding using the report's recommendations and submit its determination and/or Finding to the SHPO and consulting parties to the PA for review and concurrence.
 - f. Within thirty (30) calendar days of receiving the RUS determinations covered by the amendment to the report, the SHPO and consulting parties to the PA will review and concur or not concur with the RUS.
 - g. If the RUS and SHPO agree that the revisions to the proposed component or activity would result in a finding of no historic properties affected or no adverse effect to historic properties, the proposed activity may proceed, upon written authorization from the RUS, without further cultural resources work, unless monitoring as outlined in stipulation VI is a condition of the finding.
 - h. If the RUS and SHPO agree that the revisions to the proposed component or activity would have adverse effects to historic properties, consultation between the consulting parties to the PA will be undertaken to identify the appropriate mitigation as specified at Stipulation V.

E. Reporting

1. CEPC through its qualified professional will produce a professional report meeting SOI documentation standards, and that adheres to the [South Carolina Standards and Guidelines for Archaeological Investigations](#) and the *South Carolina Statewide Survey of Historic Properties Survey Manual*. The USFS will require one (1) 508 consistent pdf and three (3) bound hard copies of any final report involving lands we manage in addition to GIS shapefiles of the survey

area/resources, pdf copies of any resource site forms, and digital copies of resource photos. The USFS requires these deliverables for the issuance of permits.

2. At the time of report submission, the SOI qualified professional will provide GIS shapefiles to the appropriate parties. Shapefiles must be provided for the entire APE, and must include the APE itself, areas surveyed, areas excluded from survey, and all sites within two miles of the project. Shapefiles for sites must include both newly recorded and previously recorded sites. Site boundaries for newly recorded sites and previously recorded sites with updated boundaries must be defined by GPS data collected in the field.
3. CEPC will submit the draft report and copies of all site forms to the RUS for a maximum 15 calendar day review. The report will be submitted to USFS, if it involves land they manage. Once the federal agencies approve the report, the RUS will distribute the reports by means of a standardized RUS "Finding Letter", to all consulting parties to the PA. All consulting parties to the PA will have thirty (30) calendar days regardless of the type of finding. Any lack of response will be considered concurrence with NRHP eligibility evaluations and effect determinations.
 - a. If the SHPO concurs that the proposed component or activity would result in a finding of no historic properties affected or no adverse effect to historic properties, the proposed activity may proceed, upon written notice from the RUS that the requirements of Section 306108 have been met and/or a Notice to Proceed (NTP) from the USFS on lands they manage without further cultural resources work, unless monitoring as outlined in Stipulation VI is a condition of the finding.
 - b. If the SHPO concurs that the proposed component or activity would have adverse effects to historic properties, consultation between the RUS and the consulting parties with interest in the specific area will be undertaken to identify the appropriate mitigation as specified at Stipulation V.
4. If the time frames discussed above cannot be met, reviewing offices will notify the RUS by email requesting a review extension and providing a justification for the delay. The RUS will determine whether to grant an appropriate extension, not to exceed thirty (30) calendar days.
5. Once the consulting parties to the PA have concurred on the findings and determinations, the RUS will distribute a standardized Section 306108 Conclusion Memo to the consulting parties to the PA.
6. Construction will not commence until the expiration of the review period, and written notice from the RUS that the requirements have been met for the purposes of Section 306108, or an NTP has been issued by the USFS on lands they manage.
7. The 30-day review period may be foreshortened if ALL consulting parties to the PA reply sooner.

III. INITIATION OF CONSTRUCTION ACTIVITIES

- A. Surface disturbing construction activities will not commence on non-federally managed lands until CEPC receives written notice from the RUS that the requirements of Section 306108 have been met. Written notice may be provided on a phased-segment-basis. Construction segments on non-federally managed lands will be defined by the RUS in consultation with the consulting parties to this PA.
- B. Surface disturbing construction activities will not commence on USFS lands until issuance of a federal

ROW grant, issuance of a Special Use Permit, and/or written NTP from the USFS. NTPs may be issued on a phased-segment-basis. Construction segments on USFS lands will be defined by the USFS in consultation with the consulting parties to this PA.

- C. Surface disturbing construction activities will not begin on any segment of the project until the RUS and if applicable, the USFS has determined that either:
 - 1. No historic properties are present within the APE for that construction segment; or
 - 2. Historic properties are present within the APE for that construction segment, but will not be adversely affected; or
 - 3. Historic properties are present and will be adversely affected, but mitigation measures identified in this document have been implemented according to Stipulation V.
- D. The construction of a given segment of the project will not preclude rerouting of other segments or affiliated ancillary feature locations.

IV. CHANGES IN CONSTRUCTION ACTIVITIES

- A. The RUS will make every effort to expedite review of any changes to construction plans after initiation of construction. If CEPC proposes changes in the construction ROW or any ancillary areas outside of the APE surveyed for the Undertaking, CEPC will conduct identification and evaluation of historic properties in accordance with Stipulations II.C and II.D. For issuing RUS Section 306108 conclusion memos and if applicable a USFS NTPs, the RUS will respectfully consider recommendations from Tribes regarding eligibility, effect, and treatment concerning sites of traditional religious and cultural significance and will ensure that all stipulations are in place to resolve adverse effects. Results of the inventory report will be handled as follows:
 - 1. If the inventory results in no cultural resources identified, CEPC will submit copies of the draft inventory report to the RUS for distribution to the consulting parties to the PA. The USFS if applicable, will provide any comments to the RUS within 10 business days of receipt of the document. If the RUS accepts the findings, the RUS may provide a written statement that the requirements of Section 306108 have been met without SHPO review. If the applicable federal agency does not accept the findings, CEPC will revise the report as necessary and resubmit it to the applicable federal agencies within 5 business days. The RUS will send the documentation to the SHPO who will have 10 business days to comment. If the SHPO does not respond within the stated timeframe, the RUS will assume SHPO has no objection to the report and concurs with the agency determination/s of eligibility and effect. The RUS may provide written authorization that the requirements of Section 306108 have been met, or the USFS may provide a NTP or other applicable authorization to proceed. The report data also will be included in any final report for the Undertaking.
 - 2. If the inventory results in no historic properties identified, CEPC will submit copies of the draft inventory report to the RUS for distribution to the consulting parties to the PA. Reviewers will provide any comments to the RUS within 10 business days of receipt of the document. Any necessary changes to the report will be made by CEPC and resubmitted to RUS within 5 business days. The RUS will send the report to the applicable federal agencies for 5 days. The RUS will then send the documentation to the SHPO who will have 15 business days to review and comment. The RUS will have 5 business days to respond to any SHPO comments. If the SHPO does not respond within the stated timeframe, the RUS will assume SHPO has no objection to the report and concurs with the agency determination/s of eligibility and effect. The RUS may provide a conclusion memo indicating that requirements of Section 306108 have been met, or the USFS may provide a NTP or other applicable authorization to proceed.

3. If the inventory results in historic properties identified, the CEPC will submit copies of the draft inventory report to the RUS to distribute the report, including the potential effects to any historic properties, to the consulting parties to the PA. Reviewers will provide comments to the RUS within 30 calendar days. The RUS will have 10 business days to respond to any comments. If the SHPO does not respond within the 30 days, the RUS will assume SHPO has no objection to the report and concurs with the agency determination/s of eligibility and finding of effect. The RUS may provide a conclusion memo indicating that requirements of Section 306108 have been met and/or the USFS may issue the NTP or other applicable authorization.

V. MITIGATION IN THE EVENT OF ADVERSE EFFECT

- A. If CEPC is not able to redesign or relocate the proposed project, and the RUS and SHPO concur on the adverse effect finding, the RUS, as the lead agency, will coordinate invitations to the consulting parties to the PA in order to provide input on the recommended mitigation. Consulting parties to the PA will have thirty (30) days to provide comments or input on mitigation options.
- B. Mitigation of any kind shall only commence upon written approval of the mitigation plan by the RUS and the SHPO. The mitigation plan will be drafted by CEPC's SOI qualified professional(s) and submitted to RUS. The mitigation plan will be reviewed by RUS and the consulting parties to the PA.
- C. Unless CEPC is directed otherwise through consultation with RUS and the SHPO, CEPC may implement one of the four standard mitigation actions listed below:

1. *Physical adverse effect to an archaeological site:*

Data recovery with research design, artifact analysis, artifact curation, and production of a professional report. Potential archaeological monitoring during construction. The data recovery plan shall only be implemented upon written approval of the RUS.

2. *Visual adverse effect to the historic built environment:*

Vegetative buffers of appropriate materials may be used to screen historic properties to mitigate visual effects.

HABS/HAER Level III Documentation as defined by the Secretary of Interior's Guidelines for Architectural and Engineering Documentation (as amended).

3. *Visual adverse effect to a historic district or landscape*

Document the historic district or landscape photographically before construction. Collect and curate historic photographs of the historic district or landscape. Produce a professional product presenting this information within its appropriate historic context. The product of this mitigation should be directed toward the public good and community oriented.

- D. In addition to the standard mitigation, the RUS, in consultation with consulting parties to the PA may determine that archaeological monitoring of ground-disturbing activities is necessary. In this case, CEPC will follow the guidelines for monitoring found in Stipulation VI.
- E. If the adverse effect is not covered by the standard mitigation actions listed above, CEPC will consult with the RUS in consultation with consulting parties to the PA to identify an appropriate mitigation action. In consultation with the RUS and consulting parties to the PA CEPC may identify non-

standard creative mitigation to address an adverse effect. The RUS and consulting parties to the PA will have thirty (30) days to concur or not concur with CEPC's creative mitigation proposals. Creative mitigation proposals must relate to the geographic area in and around the project. Examples of creative mitigation include:

- i. Production and distribution of interpretive or educational materials such as pamphlets, booklets, interpretive displays, waysides, state historical markers, websites, or GIS storymap.
 - ii. One-time grant in support of local or regional historic preservation programs;
 - iii. One-time grant to a certified local government;
 - iv. One-time grant to the property owner to pay for restoration or repair in order to preserve the historic character of a historic building or buildings;
 - v. Any other creative mitigation agreed to by the RUS, consulting parties to the PA, and CEPC.
- F. If through consultation it is determined that the mitigation does not require further documentation or cultural resources work in the area of the adverse effect, CEPC may proceed with construction of the project or other ground-disturbing activity before all elements of the specified mitigation are completed, upon written notification from the RUS that the requirements of Section 306108 have been met.
- G. Where the mitigation does require further documentation or cultural resource work in the area of the adverse effect, CEPC will submit a draft of the applicable mitigation product to the RUS and consulting parties to the PA for review.
- H. Within fifteen (15) days of receiving the draft mitigation product, the RUS and consulting parties to the PA will review the product to determine if all required mitigation actions have been completed.
- I. If the consulting parties to the PA agree that that mitigation is complete, the proposed activity may proceed without further cultural resources work, unless monitoring during construction is stipulated. CEPC may not proceed with construction until it receives the RUS' written notification that the requirements of Section 306108 have been met.
- J. If a consulting party determines that mitigation is not complete, CEPC will consult with RUS to determine what additional work is required to complete the required mitigation.

VI. ARCHAEOLOGICAL MONITORING

- A. RUS in consultation with the SHPO may require monitoring of ground-disturbing activities. Consult SC SHPO's [Guidance for Archaeological Site Monitoring](#).
- B. There will be at least one supervisory archaeological monitor on site that meets the standards for an SOI qualified professional.
- C. CEPC shall ensure that an adequate number of archaeological monitors are present to effectively monitor the proposed actions.
- D. The archaeological monitor(s) shall conduct a daily archaeological site sensitivity briefing for the

contractors and/or personnel conducting the action to be monitored. This briefing will be informal and will be conducted as part of daily “tailgate safety briefings.” The briefing will cover the following topics:

1. Legal context for cultural resource protection.
 2. Applicable federal and state laws.
 3. Penalties for disturbing cultural resources/human remains.
 4. Cultural resources likely to be found in the project area.
 5. Monitoring procedures and safety around heavy equipment.
 6. Hand signals between monitors and equipment operators.
- E. At least one archaeological monitor will be present when/where ground disturbance is taking place.
- F. The archaeological monitor(s) have the authority to order a halt in the work to inspect and carry out an analysis of potential cultural resources. CEPC will inform all contractors and subcontractors performing work on the Project of their responsibilities under this PA.
- G. If cultural resources are discovered during monitoring, the SOI qualified professional will halt all construction within 100 feet of the resources and examine them. If the resource is not modern (>50 years), the monitor will notify the RUS within 24 hours. The RUS will then consult with the SHPO, and the USFS (if on FS lands), to determine if they are eligible for listing on the NRHP. The USFS and the SHPO will have three (3) business days to reply to the RUS. After that, the RUS will proceed with the consultation.
- H. If the RUS and the consulting parties to the PA conclude that the identified resources are not eligible for listing on the NRHP, or do not warrant further consideration, the RUS may determine that work can continue after the resource is documented. The RUS will make this determination within five (5) business days of the discovery and send written notification to CEPC that Section 306108 requirements have been met.
- I. If the RUS and the consulting parties to the PA conclude that the cultural resources are eligible for listing on the NRHP, RUS will consult with CEPC to determine if the proposed action can be redesigned or relocated to avoid an effect on the identified Historic Properties. The results of the consultation will be reported to the consulting parties to the PA by RUS within 48 business hours of a decision.
- J. If the RUS, in consultation with the consulting parties to the PA conclude that the redesign or relocation of the proposed action would result in a finding of no historic properties affected, or no adverse effect to historic properties, the RUS will notify CEPC in writing that Section 306108 requirements have been met within 5 business days.
- K. If it is not possible to redesign or relocate the proposed action to avoid an adverse effect to historic properties, CEPC will notify the RUS and the consulting parties to the PA and begin consultation to identify appropriate mitigation (Stipulation V).
- L. Human Remains discovered during archaeological monitoring will be treated in accordance with Stipulation VIII of this PA.

- M. All cultural material gathered during monitoring will be curated in accordance with Stipulation IX of this PA.

VII. POST REVIEW DISCOVERIES OF CULTURAL RESOURCES PLAN

Previously unidentified cultural resources may be encountered during the Project activities. Such resources may include historic or prehistoric materials and may be located above and/or below ground or under water due to ponding, stream changes, or erosion. If there is a post review discovery of cultural materials during any Project activities, the following plan will be implemented to ensure compliance with state and federal laws. This plan includes stopping work at the location of discovery, notifying officials and stakeholders, and evaluating and consulting on the discovery. This plan must be posted in an accessible location on the construction site and be available to all personnel.

The Post Review Discovery of Human Remains Plan must be implemented instead if the discovery involves human remains, funerary objects, sacred objects, or objects of cultural patrimony.

A. Step 1: Stop Work (Everyone's Responsibility)

1. The construction contractor shall immediately notify CEPC's on-site manager, or the supervisory cultural resource monitor.
2. Flag a 100-foot radius buffer around the discovery to minimize further disturbance/destruction. The buffer should be flagged with high visibility flagging/staking so that it is obvious to all personnel that the area must be avoided.
3. Use protective measures if the discovery is threatened by exposure to the elements. This could include covering the discovery with a tarp or shoring up cut banks or trench walls so that additional exposure does not occur.
4. Secure especially small or fragile items. In some cases, it may be necessary to place items in archival quality bags or containers, but those items and all others should be left in place at the discovery site (to the extent possible) until Step 2 can be completed.

B. Step 2: Notify Officials (Supervisor/Manager's Responsibility)

1. Within 24 hours, CEPC shall notify the RUS, SHPO, any applicable land managing agency. If they cannot be reached by phone, then written notification via email is required. Contact information is listed in Appendices C and D. The notification shall include the following information:
 - a. Information regarding the nature and extent of the discovery, including descriptions of the items found; and
 - b. Narrative description and GPS coordinates of the precise location of the discovery; and
 - c. When the discovery occurred and who documented it; and
 - d. When an SOI-qualified archaeologist will arrive on-site to assess the finds; or, if an SOI qualified archaeologist is on site already, an initial assessment of the significance and integrity of the discovery, and potential NRHP eligibility, or an estimate of how much time will be needed to complete an assessment.
2. The discovery shall be treated as eligible until a full assessment can be completed.

3. Project work will be stopped in the area of the discovery until conclusion of Step 4 below. The on-site manager or supervisory cultural resources monitor must ensure the discovery is kept secure and is not disturbed.

C. Step 3: Evaluate and Consult on Discovery

1. Within three (3) days of the notification in Step 2, the RUS will consult with CEPC, the SHPO, and any applicable land management agency, and/or the relevant tribes by phone or email on the nature of the discovery and its potential significance, to determine if additional investigation is necessary to make an eligibility assessment, or if other parties should be notified of the discovery. The CEPC on-site manager, the supervisory cultural resource monitor, or other persons knowledgeable of the discovery may be asked to participate in meetings or calls so they can provide additional information or context about the find. The consulting parties will have three (3) days after consultation to provide concurrence or non-concurrence.
2. If the discovery is determined to not be significant by the RUS, SHPO, an applicable land management agency and/or the applicable tribes, the RUS will provide CEPC with written notice that Section 306108 requirements have been met at the discovery site. The RUS will provide this within one (1) business day of SHPO's concurrence and will also notify any applicable land management agency, and any applicable tribes. Monitoring at the discovery site should continue (unless directed otherwise by the RUS).
3. If the RUS determines that additional investigations are needed to complete an NRHP eligibility assessment, the RUS will notify CEPC via phone or email. CEPC will then ensure that one (1) or more SOI-qualified archaeologists immediately go to the discovery site to complete any investigations necessary to make the assessment. CEPC must provide all necessary equipment, gear, and personnel for the work to be completed consistent with industry standard practices. The archaeologist(s) will have 15 business days from the date of the RUS' notification to complete the eligibility assessment and provide a preliminary report. The RUS may approve extensions on the 15-day timeframe to account for weather, transport, or other operational delays.

The report must be submitted to the RUS within 15 business days and include:

- Detailed descriptions of the nature of the discovery;
 - Detailed descriptions of the investigations and results of the investigations;
 - Maps, drawings, soil profiles, photographs, artifact logs (as applicable);
 - NRHP eligibility assessment and recommendation; and
 - If recommended as eligible, an assessment of effects.
4. Within three (3) business days of receiving the report, the RUS will consult with the SHPO (and other parties as appropriate), on the assessment and make an eligibility determination for the discovery. The SHPO may provide their response at the time of the consultation or may take up to five (5) business days from the date of consultation to provide a response. If no response is received within the five (5) business days, the RUS will move forward with their determination and notify the SHPO, CEPC, and any applicable land management agency and tribes. If the relevant site is within the National Forest, the Forest Archaeologist will have final authority on determination of eligibility and effect.
 5. If the discovery is determined to not be eligible, the RUS will provide CEPC with written notice that Section 306108 requirements have been met at the discovery site. The RUS will provide this within one (1) business day following SHPO's 5 business day review and will also

notify any land management agency and/or tribes of the determination. Monitoring at the discovery site should continue (unless directed otherwise by the RUS).

D. Step 4: Resolution of Effects

1. If the discovery is determined eligible (i.e., is a historic property), the RUS will notify CEPC and the consulting parties within one (1) business day of the determination. CEPC will then ensure a Treatment Plan is prepared by an SOI qualified archaeologist that lists specific measures to be implemented that will resolve any adverse effects to the historic property. The Treatment Plan may include project re-design or mitigation in accordance with Stipulation V. The archaeologist shall prepare and provide a Treatment Plan within five (5) business days.
2. The RUS will then distribute the plan to the consulting parties for a 5-business day review. The RUS will consider any comments received during the review period, and require any changes to be incorporated, before approving of the Treatment Plan. The RUS will then notify CEPC that the Treatment Plan has been approved and that it must be implemented.
3. CEPC is responsible for implementing the Treatment Plan and must provide a Final Implementation Report to the RUS that describes how and when the measures were implemented. The RUS must approve of the Final Implementation Report before it can be considered finalized. RUS will notify CEPC in writing that Section 306108 requirements have been met.

VIII. POST REVIEW DISCOVERIES OF HUMAN REMAINS PLAN

Multiple state laws govern the treatment of human remains, sacred objects, and objects of cultural patrimony following inadvertent discovery on non-federal lands: [South Carolina \(SC\) Code 16-17-600 and SC Code 16-11-780 and other applicable laws](#). Native American Graves Protection and Repatriation Act (NAGPRA) regulations (43 CFR § 10) govern the treatment of human remains found on federal lands. The following steps shall be taken if human remains, or suspected human remains, are discovered:

1. Should human burials be encountered, work shall be stopped at once within a 100-foot radius of the discovery and the RUS and the local law enforcement, the local medical examiner, and the applicable land manager/landowner shall be contacted immediately. CEPC will remain onsite after discovery and accompany local law enforcement during all field investigations. Contact information is included in Appendix D. Human remains shall be treated with dignity and respect at all times during the course of discovery and investigation. The appropriate law enforcement agency and or medical examiner for [Charleston County](#) and or [Berkeley County](#) will be contacted immediately.
2. If law enforcement/medical examiner determines the remains are not of a forensic nature and/or subject to criminal investigation then CEPC shall engage an SOI-qualified professional who is qualified as a biological/physical anthropologist or archaeologist, with training in osteological analysis and experience in the evaluation of human remains to inspect the construction site to assess the extent and age of the discovery, ensure that the construction activities are halted, clearly mark the area of the discovery, and implement any additional measures, as appropriate, to protect the discovery from looting and vandalism.
3. If the local police department or medical examiner, in consultation with the SOI qualified professional, determines the remains to be non-modern (greater than 50 years old), CEPC will engage, for no more than thirty (30) days, a Qualified Forensic Specialist experienced in the analysis of human remains to evaluate and document the discovery, and analyze the remains with non destructive or invasive techniques in order to make an independent assessment of cultural affiliation.

4. If the human remains are determined to be of Native American origin, the RUS will consult with the affiliated federally recognized Tribe regarding respectful treatment of the remains. If the human remains are not Native American, and a determination has been made by the local police department and medical examiner that a death investigation is not warranted, then local law enforcement and or SHPO will follow state or local protocols regarding the identification and informing relatives or descendants of the deceased.
5. The project shall avoid and minimize the movement of any discovered human remains. Consultation with the aforementioned parties will be conducted following discovery, with all parties having the opportunity to discuss concerns with impacts and potential relocation. If relocation is the only option. CEPC shall obtain the required permits from the South Carolina Bureau of Vital Statistics and any [appropriate local governing body](#) and reinter the remains in a designated area as agreed upon during consultation.
6. CEPC may not resume construction until they have received written notice from the RUS that the requirements of Section 306108 have been met. CEPC shall ensure that the requirements of this PA are incorporated into all construction contracts.

IX. CURATION

- A. The RUS shall ensure that curation of the material remains and all associated records resulting from identification and data recovery efforts is completed in accordance with 36 CFR Part 79 and the provisions of NAGPRA (25 U.S.C. § 3001). CEPC will bear all costs of curation and repatriation. Documentation of the curation of these materials will be provided to the RUS and to any applicable land managing agencies, as appropriate, within sixty (60) days of acceptance of the applicable report. Materials found on federal lands will remain federal property when curated (unless otherwise repatriated in accordance with federal law).
- B. Archaeological materials collected from private lands pursuant to the implementation of this PA shall be maintained in accordance with 36 CFR Part 79 until all analysis is complete. If artifacts are recovered from private property, the RUS, and CEPC will consult with the landowner to provide recommendations regarding the appropriate method for curation. CEPC will return all artifacts and archaeological materials recovered from private lands to the landowner, unless consultation with the landowner results in an authorization to curate some or all of the recovered artifacts at a museum or other curation facility. CEPC will pay any curation fees at its sole expense.
- C. The South Carolina Institute of Archaeology and Anthropology is the approved repository for artifacts collected from federal and state lands under this PA. Unless the consultation determines otherwise, artifacts and archaeological materials collected from privately owned land shall also be curated at the South Carolina Institute of Archaeology and Anthropology pursuant to CEPC's curation agreement.

X. PERMITS FOR CULTURAL RESOURCES INVESTIGATIONS

- A. All necessary permits for conducting cultural resources investigations on federal or State land will be obtained prior to their implementation. It is the responsibility of CEPC to ensure that all permits or permissions are obtained from the landowners.
- B. For the purposes of archaeological surveys and monitoring of the APE on state-owned land, CEPC is responsible for ensuring that the cultural resource management firm they hire has applied for and obtained any necessary permits. CEPC is responsible for allowing time for other agencies to process permits.

- C. For cultural resources fieldwork conducted under the terms of this PA on USFS lands, the USFS will issue a Permit for Archaeological Investigations (Organic Act or ARPA permit) to CEPC to cover all Cultural Resources Field Survey, Evaluations, and mitigation covered by this PA.
- D. When cultural resources field survey and evaluation are required for project components covered by this PA located on USFS lands, CEPC will submit a request to the appropriate USFS Ranger District Office to proceed with work authorization under the issued USFS Organic Act or ARPA permit. Field investigations may proceed when a response is received from the FS Ranger District authorizing the request.
- E. The cultural resource firm (or firms) hired by CEPC shall comply with all standard and special conditions specified in the USFS Organic Act or ARPA Permit.

XI. PROTECTION OF CONFIDENTIAL INFORMATION

All consulting parties to this PA agree that, to the extent consistent with Title 54 U.S.C. § 307103 (formerly Section 304 of the NHPA), and the Archaeological Resources Protection Act (ARPA) of 1979 (16 U.S.C. 470aa-mm) Section 9(a), cultural resource data from this project will be treated as confidential by all consulting parties to the PA and is not to be released to any person, organization, or agency not a consulting party to this PA. Duplication or distribution of cultural resource data from this undertaking by any consulting party requires written authorization from the RUS or any applicable land managing agency. Confidentiality concerns for properties that have traditional religious and cultural importance to the tribes will be respected and will remain confidential to the fullest extent permitted by law.

XII. DEOBLIGATION OF FUNDING

- A. It is imperative that CEPC who intends to receive funding from the RUS does not engage in activities that could be interpreted to be in violation of 54 U.S.C. 306113 formerly known as “Section 110(k)” of the NHPA. Violation of Section 306113 applies to any applicant who, with the intent to avoid the requirements of Section 306108, has intentionally, significantly adversely affected a historic property to which the grant or loan would relate, or having the legal power to prevent it, allowed such significant adverse effects to occur.
- B. Violation of Section 306113 includes anticipatory demolition. Anticipatory demolition occurs when the applicant intentionally destroys a historic property in order to avoid compliance with Section 306108 of NHPA. Section 306113 of the NHPA that was adopted in 1992 to discourage anticipatory demolition by prohibiting Federal agencies from providing grants, loans, permits, or other assistance to the applicant who intentionally destroys a historic property in order to avoid compliance with Section 306108 of NHPA, unless the agency consulted with the Council to determine whether such assistance was nevertheless justified. If the applicant is in violation of Section 306113 of the NHPA, their RUS funding may be revoked, and the applicant may be unable to receive RUS funds to reimburse them for Project activities that were done upfront.

XIII. MONITORING AND REPORTING

Each year following the execution of this PA until it expires or is terminated, RUS shall provide all parties to this PA 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 RUS’s efforts to carry out the terms of this PA.

CEPC and their SOI qualified professional(s) shall provide a draft of the annual report to RUS no later than December 1 each year during the term of the PA. RUS will provide the consulting parties to the

PA a final annual report no later than December 31 of each year during the term of the PA. Consulting parties to the PA have 15 business days to provide any corrections to the report. If any corrections are received RUS will issue a final annual report no later than January 31 each year of the term of the PA.

XIV. DISPUTE RESOLUTION

- A. Should any Signatory to this PA object to the manner in which the measures stipulated in this PA are implemented, they shall provide written notice to the RUS of the reason for, and a justification of, the objection. Upon acceptance of such notice, the RUS shall consult for up to thirty (30) days with the consulting parties to this PA to resolve the objection. If the RUS determines that the objection cannot be resolved, the RUS shall forward all documentation relevant to the dispute to the ACHP. Within thirty (30) days after receipt of all pertinent documentation, the ACHP shall either:
 - 1. Provide the RUS with recommendations, which the RUS shall take into account in reaching a final decision regarding the dispute; or notify the RUS that it will comment within an additional thirty (30) days, in accordance with 36 CFR 800.7(c)(4). Any ACHP comment provided in response to such a request will be taken into account, and responded to, by the RUS in accordance with 36 CFR 800.7(c)(4) with reference to the subject of the dispute.

XV. AMENDMENT

Any Signatory to this PA may request that the PA be amended by informing RUS in writing of the reason for the request and providing the proposed amendment language. The RUS shall notify all consulting parties to the PA of the proposed amendment, provide the proposed language and consult to reach agreement within thirty (30) days unless the Signatories agree to a longer period of consultation or the party proposing the amendment retracts its proposal. The amendment will be effective on the date a copy signed by all the Signatories and Invited Signatories is filed by the RUS with the ACHP.

XVI. TERMINATION

- A. Any of the Signatories may terminate the PA.
- B. The termination process starts when a Signatory provides written notice to the other Signatories of its intent to terminate. Termination shall take effect no less than thirty (30) days after this notification, during which time the signatories shall consult to seek agreement on amendments or any other actions that would address the issues and avoid termination. The notice must explain in detail the reasons for the proposed termination. The PA will be terminated at the end of the 30-day period unless the signatories and invited signatories agree to a longer period of consultation or the party proposing termination retracts its proposal.
- C. In the event this PA is terminated, the RUS shall comply with 36 CFR 800.6 (c)(8) and will take reasonable steps to avoid adverse effects to historic properties until another PA has been executed or will request, take into account, and respond to ACHP comments, in accordance with 36 CFR 800.7 (c)(4). The RUS will notify all consulting parties to this PA as to the course of action it will pursue.

XVII. DURATION

This PA will continue in full force and effect for five (5) years. At any time prior to this date, CEPC may request, in writing, that the RUS consider modification of this Agreement. No extension or modification will be effective unless all Signatories to the PA have agreed to such extension in writing. Six months prior to expiration of this agreement, CEPC shall notify RUS if an extension will be needed.

XVIII. EXECUTION IN COUNTERPART

This PA may be executed in counterparts, with a separate page for each Signatory. The RUS will provide each Signatory, Invited Signatory, and Concurring Party with a copy of the fully executed PA.

XIX. GENERAL PROVISIONS

- A. Entirety of Agreement. This PA represents the entire and integrated agreement among the parties and supersedes all prior negotiations, representations and agreements, whether written or oral, regarding compliance with NHPA Section 306108 for the undertaking.
- B. This PA is binding upon signature. Should CEPC abandon the Project, RUS will no longer consider the Project an “undertaking” under Section 306108 and will notify all consulting parties to the PA.
- C. Severability. Should any portion of this PA be judicially determined to be illegal or unenforceable, the remainder of the PA shall continue in full force and effect, and any party may renegotiate the terms affected by the severance.
- D. Sovereign Immunity. No state, SHPO, or tribal government waives their sovereign or governmental immunity by entering this PA and each fully retains all immunities and defenses provided by law with respect to any action based on or occurring as a result of the PA.
- E. Indemnification. Each Signatory to this PA shall assume the risk of any liability arising from its own conduct. Each Signatory agrees they are not obligated to insure, defend, or indemnify the other Signatories to this PA.
- F. Counterparts. This PA may be executed in two or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument. The RUS will distribute copies of all pages to all consulting parties to the PA once the PA is executed in full.
- G. All notices, requests, and other communications required or permitted hereunder between the consulting parties to the PA shall be in writing. All such notices, requests, and other communications shall be given (i) by delivery in person (ii) by a next day courier service, (iii) by first class, registered or certified mail, postage prepaid, or (iv) by electronic mail to the address of the consulting party as such party may specify in writing. All such notices, requests, and other communications shall be deemed to have occurred and be effective upon (i) receipt by the party to which notice is given, or (ii) the tenth (10th) day after having been sent, whichever occurs first.

EXECUTION of this PA and subsequent implementation of its terms shall evidence that the RUS and the USFS have taken into account the effects of the Undertaking on historic properties and afforded the ACHP an opportunity to comment.

Signatory Pages Follow

**PROGRAMMATIC AGREEMENT
AMONG
THE USDA RURAL UTILITIES SERVICE, THE U.S. FOREST SERVICE, THE SOUTH
CAROLINA STATE HISTORIC PRESERVATION OFFICE, AND CENTRAL ELECTRIC
POWER COOPERATIVE
REGARDING
THE MCCLELLANVILLE 115kV TRANSMISSION LINE PROJECT
IN BERKELEY AND CHARLESTON COUNTIES, SOUTH CAROLINA**

SIGNATORY:

US Department of Agriculture Rural Utilities Service

Signature: _____ Date: Month Day 2024

Name
Title
Organization

**PROGRAMMATIC AGREEMENT
AMONG
THE USDA RURAL UTILITIES SERVICE, THE U.S. FOREST SERVICE, THE SOUTH
CAROLINA STATE HISTORIC PRESERVATION OFFICE, AND CENTRAL ELECTRIC
POWER COOPERATIVE
REGARDING
THE MCCLELLANVILLE 115kV TRANSMISSION LINE PROJECT
IN BERKELEY AND CHARLESTON COUNTIES, SOUTH CAROLINA**

SIGNATORY:

US Department of Agriculture Forest Service

Signature: _____ Date: Month Day 2024

Name
Title

**PROGRAMMATIC AGREEMENT
AMONG
THE USDA RURAL UTILITIES SERVICE, THE U.S. FOREST SERVICE, THE SOUTH
CAROLINA STATE HISTORIC PRESERVATION OFFICE, AND CENTRAL ELECTRIC
POWER COOPERATIVE
REGARDING
THE MCCLELLANVILLE 115kV TRANSMISSION LINE PROJECT
IN BERKELEY AND CHARLESTON COUNTIES, SOUTH CAROLINA**

SIGNATORY:

South Carolina Historic Preservation Office

Signature: _____ Date: Month Day 2024

Name
South Carolina Historic Preservation Officer

**PROGRAMMATIC AGREEMENT
AMONG
THE USDA RURAL UTILITIES SERVICE, THE U.S. FOREST SERVICE, THE SOUTH
CAROLINA STATE HISTORIC PRESERVATION OFFICE, AND CENTRAL ELECTRIC
POWER COOPERATIVE
REGARDING
THE MCCLELLANVILLE 115kV TRANSMISSION LINE PROJECT
IN BERKELEY AND CHARLESTON COUNTIES, SOUTH CAROLINA**

CONCURRING PARTY:

Organization

Signature: _____ Date: Month Day 2024

Name

Title

APPENDICIES

Appendix A – Project Map Overview

Insert one 8.5 x 11 page.

Appendix B – Terms and Abbreviations

APE	Area of Potential Effect
ARPA	Archaeological Resource Protection Act
NAGPRA	Native American Graves Protection and Repatriation Act
NHL	National Historic Landmark
NHPA	National Historic preservation Act
NHT	National Historic Trail
NRHP	National Register of Historic Places
NTP	Notice to Proceed
ROW	Right-of-Way
SOI	Secretary of the Interior Qualifications
TCP	Traditional Cultural Place/Property

Appendix C – Consulting Parties

Entities who have been contacted regarding Consulting Party Status.

Catawba Indian Nation
Fairfield Plantation,
Francis Marion National Forest
Gullah Geechee Cultural Heritage Corridor Commission
Historic Charleston Foundation
Hopsewee Plantation
Lowcountry Open Land Trust
Lowcountry Rice Project
National Park Service
Oaks Plantation
South Carolina Dept of Parks, Recreation and Tourism
South Carolina State Historic Preservation Office
White Oak Forestry Corporation
The Absentee Shawnee Tribe of Indians in Oklahoma
The Cherokee Nation
The Eastern Shawnee Tribe of Oklahoma
The Muskogee (Creek) Nation
The Shawnee Tribe
The United Keetoowah Band of Cherokee Indians in Oklahoma
United State Army Corps of Engineers

Appendix D -Post Review Discovery Contact Information

Please post a copy of this contact list in view of the staff on site during construction activities.

CEPC-

Law Enforcement- Berkeley County
Law Enforcement- Charleston County

Medical Examiner -Berkeley County
Medical Examiner -Charleston County

RUS National Office
Federal Preservation Officer
Archeologist

USFS Francis Marion Forest
Forest Supervisor
Archaeologist

SHPO
State Historic Preservation Officer

APPENDIX J
DRAFT PROGRAMMATIC AGREEMENT FOR SECTION 106
COMPLIANCE

**PROGRAMMATIC AGREEMENT
AMONG
THE USDA RURAL UTILITIES SERVICE, THE U.S. FOREST SERVICE, THE SOUTH
CAROLINA STATE HISTORIC PRESERVATION OFFICE, AND CENTRAL ELECTRIC
POWER COOPERATIVE
REGARDING
THE MCCLELLANVILLE 115kV TRANSMISSION LINE PROJECT
IN BERKELEY AND CHARLESTON COUNTIES, SOUTH CAROLINA**

WHEREAS, the United States Department of Agriculture's (USDA) Rural Development (RD) programs offer low interest loans, grants, and loan guarantees to support essential services; and promote economic development by supporting loans to businesses through banks, credit unions, and community-managed lending pools; and

WHEREAS, RD's Rural Utilities Service (RUS) may fund the proposed McClellanville 115kV Transmission Line project (Project) consisting of the construction of a new 24-mile 115 kV transmission line with a 75-foot right-of-way (ROW) encompassing approximately 212 acres. The proposed Project would begin at the Jamestown Substation, travel southwest, and cross SC Highway 45. It would then turn west and follow the CSX railroad to Tiger Corner Road, then angle southeast and remain on the USFS Francis Marion National Forest (USFS) as it follows Tiger Corner Road exiting USFS lands near Shulerville. The alignment would then turn east and cross private lands until it intersects and follows the existing Winyah-Charity 230-kV transmission line northeast towards the community of Honey Hill. The route would then turn east before the community and turn southeast following SC Highway 45 to the McClellanville Substation near U.S. Highway 17. RUS funding would make the proposed Project an undertaking ("the undertaking") subject to review under 54 USC § 306108 (previously codified at 16 U.S.C. 470f), and its implementing regulations, 36 CFR Part 800, which require federal agencies to take into account the effects of their undertakings on Historic Properties and to afford the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment (36 CFR 800.1(a)); and

WHEREAS, the USFS may issue a special use permit for the Project to cross easements held by that federal agency, thereby making the Project an undertaking subject to review under 36 CFR Part 800; and

WHEREAS, the USFS has management responsibilities for their land, RUS will consult with the USFS on determinations of eligibility, resolutions of adverse effects, mitigation measures, and on an as needed basis. Central Electric Power Cooperative (CEPC) or their contractor will consult the USFS as stipulated in any permits issued.

WHEREAS, pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344) and/or Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), CEPC expects to submit to the U. S. Army Corps of Engineers, Charleston District (USACE) a future Department of the Army (DA) permit application proposing to discharge dredged or fill material into waters of the United States associated with the Project; and

WHEREAS, in accordance with 36 CFR § 800.2(a)(2), the RUS is serving as the lead federal agency for purposes of Section 106 of the National Historic Preservation Act (54 U.S.C. 306108) to fulfill the collective NHPA Section 106 responsibilities of the RUS, the USFS, and the USACE.

WHEREAS, the Central Electric Power Cooperative (CEPC) intends to implement the undertaking (Appendix A: Project Map); and

WHEREAS, pursuant to 36 CFR § 800.2(c)(4), and 7 CFR § 1970.5(b)(2) of the regulations, "Environmental Policies and Procedures" (7 CFR Part 1970), the RUS has issued a blanket delegation for

its applicants, including CEPC, to initiate and proceed through Section 306108 review to the extent agreed to by the Signatories to this Agreement and described herein; and

WHEREAS, CEPC, as an applicant for RUS funding, has participated in consultation per 36 CFR 800.2(c)(4), and agrees to carry out the stipulations of this PA, being responsible for all costs including, but not limited to, fieldwork, post-field analyses, preparation of all research, interim, summary, treatment, and mitigation reports, both draft and final, curation of all documentation and artifact collections in a SHPO-approved curation facility and repatriation of materials eligible for repatriation, under the oversight of the RUS, and is an Invited Signatory to this PA; and

WHEREAS, the RUS has determined that the undertaking may have an adverse effect on historic properties, defined as properties listed in or eligible for listing in the National Register of Historic Places (NRHP), and has consulted with the South Carolina State Historic Preservation Officer (SHPO); and

WHEREAS, the RUS, in consultation with the SHPO, has determined that execution of a Programmatic Agreement (PA) in accordance with 36 CFR 800.14(b)(1)(ii) is appropriate because effects on historic properties cannot be fully determined prior to the approval of the undertaking; and

WHEREAS, the RUS has determined that the undertaking's area of potential effects (APE) for direct physical, visual, audible, or atmospheric effects consists of a 100-foot corridor centered on the 25.8-mile preferred alternative that will contain the 70-foot wide ROW as well as all Project related access roads, temporary work spaces, construction areas, and appurtenant facilities that may be located outside of the ROW and may not be contiguous (Appendix A); and

WHEREAS, on November 21st, 2023, RUS invited the SC SHPO, National Park Service, Gullah Geechee Cultural Heritage Corridor Commission, Lowcountry Rice Project, Fairfield Plantation, SC Dept of Parks, Recreation and Tourism, White Oak Forestry Corporation, Oaks Plantation, Lowcountry Open Land Trust, Hopsewee Plantation, Historic Charleston Foundation, to participate in Section 306108 consultation and/or consultation on the development of this PA; and

WHEREAS, on November 21st, 2023, RUS invited the Catawba Indian Nation, the Cherokee Nation, the Eastern Shawnee Tribe of Oklahoma, the Muskogee (Creek) Nation, the Absentee Shawnee Tribe of Indians in Oklahoma, the Shawnee Tribe, and the United Keetoowah Band of Cherokee Indians in Oklahoma to participate in Section 306108 consultation and/or consultation on the development of this PA; and

WHEREAS, RUS has issued notices to the local governments, interested organizations and notified the public under the National Environmental Policy Act (NEPA) with language included pertaining to the NHPA (Section 306108) inviting input regarding Historic Properties (Federal Register Vol 84. No 169 2019).

WHEREAS, pursuant to 800.6(a)(1)(C), the RUS notified the ACHP on November 21st, 2023 of the development of this PA and invited the ACHP to sign the PA as a signatory; and the ACHP chose not to participate on December 6, 2023.

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

DEFINITIONS

Terms used in this PA are defined in Appendix B. All other terms not defined have the same meaning as set forth in ACHP's regulations at 36 CFR § 800.16, Section 300301 of the NHPA.

STIPULATIONS

The CEPC in consultation with RUS, the lead federal agency and Signatories to the agreement will ensure that the following stipulations are met and carried out.

I. PROFESSIONAL QUALIFICATIONS STANDARDS

- A. CEPC will ensure that all work undertaken to satisfy the terms of this PA meets the Secretary of the Interior's (SOI) Standards and Guidelines for Archeology and Historic Preservation (48 FR 44716) (Federal Register, September 29, 1983), hereinafter referred to as SOI Standards, and is consistent with the [ACHP's guidance on archaeology](#) (2009) and all applicable state and federal guidance for evaluating the eligibility of properties for listing in the NRHP.
- B. CEPC will ensure that all identification and inventory is carried out by or under the direct supervision of a person or persons meeting, at a minimum, the applicable professional qualifications standards set forth in the SOI Standards and the permitting requirements of appropriate states, tribal, and federal agencies.

II. IDENTIFICATION, EVALUATION, AND DETERMINATION OF EFFECTS

A. Area of Potential Effects

The RUS in consultation with the USFS and SHPO has determined the Project APE. The APE will apply to federal, state, tribal, and private lands that may be affected by the transmission line, staging areas, borrow areas, helicopter landing pads, vegetation clearance areas, new or improved access roads, and other related infrastructure for this undertaking. The RUS may modify the APE in accordance with Stipulation II.A.5 of this PA.

1. Direct Physical Effects:

- a. The APE for the transmission line is a 100-foot corridor centered on the proposed line.
- b. The APE for staging areas, borrow areas, helicopter landing pads, and any other areas of vegetation clearance or ground disturbance is the area footprint plus 100 feet in all directions.
- c. The APE for any new or improved access roads is 50 feet to either side of the proposed route centerline.

2. Direct Visual, Auditory, or Atmospheric Effects:

- a. The APE for visual, auditory, and atmospheric effects considers those effects that could diminish the integrity of historic properties for which setting, feeling, and/or association are qualifying characteristics of NRHP eligibility. The APE for these effects extends to the visual horizon or for one half-mile radius around the project, whichever is closer.
- b. Where the APE for visual, audible, or atmospheric effects includes traditional cultural

properties (TCPs), properties of traditional religious and cultural importance, National Historic Landmarks (NHL), National Historic Trails (NHTs), and other classes of historic properties for which setting, feeling and/or association contributes to eligibility, additional analysis may be required, and the APE may be modified according to the procedures in Stipulation II.A.5 below.

3. Indirect Effects:

Indirect effects are those caused by the undertaking that are later in time or are farther removed in distance but are still reasonably foreseeable. The APE for indirect effects is the same as those listed above for physical, visual, auditory, or atmospheric effects.

4. Cumulative Effects:

Cumulative effects are the impact on the environment that results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes other actions. For the purposes of this PA, the APE for cumulative effects is the same as those listed above for physical, visual, auditory, and atmospheric effects.

5. Modifying the APE:

The RUS may modify the APE at the request of CEPC or any consulting party to the PA who provides written justification. The RUS will forward the modification proposal to all consulting parties to the PA and consult with them for fifteen (15) calendar days. If all parties cannot agree or do not respond to the proposal, then the RUS will render a final decision. Any remaining impasse will refer to Stipulation XIII of this document. Any agreement to modify the APE will not require amendment of this PA.

B. Phased Historic Properties Survey and Reporting

1. CEPC, with written approval from the RUS, may adopt a phased identification survey plan for the Project allowing an approval to be given for one segment of construction where Section 306108 review is complete, while implementation of Section 306108 and meeting of terms for other segments is ongoing.
 - a. CEPC may define up to three (3) segments of the overall project for which the requirements of Section 306108 may be satisfied independently. This definition must be approved by the RUS.
 - b. If segments are established, each Section 306108 identification survey and associated report(s) shall correspond to a specific segment.
 - c. Non-completion of Section 306108 on any segment of the project will not preclude the beginning of construction on another segment for which Section 306108 review is complete.
 - d. Construction shall not begin on any segment until the RUS has issued a Section 306108 Conclusion Memo for that segment.

C. Identification

1. CEPC, at its sole expense, using an SOI-qualified professional, will conduct a professional historic property and/or cultural resources survey and or inventory that will include systematic

subsurface testing over the entire direct physical APE to identify and evaluate potential historic properties. This will be accompanied by an above-ground historic and architectural resources survey of the direct visual, auditory, and atmospheric APE and assessment of visual, auditory, and atmospheric effects for the entire APE regardless of land ownership. CEPC is responsible for obtaining right-of-entry permits for any applicable lands within the entire APE. The assessment of visual, auditory, and atmospheric effects will entail identification of cultural resources that are or will be 50 years of age or older by the estimated construction start date.

2. CEPC shall ensure that all work will be carried out in accordance with the [South Carolina Standards and Guidelines for Archaeological Investigations](#) and the [South Carolina Statewide Survey of Historic Properties Survey Manual](#).
3. Subsurface testing will not be required in locations where bedrock is exposed on the surface or where there is excessive slope. Excessive slope is defined as greater than 15 percent. Surface inspection of these areas via pedestrian survey is still required except where dangers may exist such as steep drop-offs or other hazardous landforms.
4. Determination of archaeological site boundaries within the physical APE is required. Identified resources exceeding the physical APE that are either linear or extremely large, must be inventoried and recorded to the same extent as those sites that are fully within the physical APE. The applicant's consultant shall record such resources up to 100 meters beyond the boundary of the physical APE, provided access is authorized, or to the boundary of the resource beyond the physical APE, whichever is closer.
5. The applicant may use existing resources to the extent available to identify historic properties that fall within the visual APE that may be affected by the undertaking. Such resources may include existing aerial photography, archival and historic documents such as Government Land Office (GLO) maps, other early maps, local histories, ethnographic information, current existing studies, geographic information systems (GIS) data, the South Carolina SHPO database, and any other available means.

D. Determinations of National Register Eligibility and Assessment of Effects

1. For every historic property and/or cultural resource within the undertaking's APE, CEPC, through their SOI qualified professional(s), will provide recommendations for eligibility and effect to the RUS, pursuant to 36 CFR 800.4(c)(1), and following National Register Bulletin 15: "How to Apply the National Register Criteria for Evaluation".
2. The RUS will consult with any Indian Tribe that may attach religious and cultural significance to any identified resource to assist in determinations of NRHP eligibility. This will be done by means of a standard RUS finding letter. The finding letter will describe the results of the survey in detail thereby giving the tribes an opportunity to help provide input into determinations of resource significance and NRHP eligibility.
3. If the parties cannot reach agreement on a determination of NRHP eligibility, the documentation will be forwarded to the Keeper of the National Register (Keeper) for a formal determination.
4. The RUS, in consultation with the Signatories and Invited Signatories, has final authority and responsibility for all determinations of effect on non-federally managed lands. CEPC, through its SOI qualified professional(s), is responsible for providing recommendations of effect.
5. The USFS, in consultation with the applicable consulting parties, has final authority and responsibility for all determinations of effect on USFS managed lands. CEPC, through its SOI

qualified professional(s), is responsible for providing recommendations of effect.

6. Determinations of effect may be subject to change due to re-design or other alterations in the undertaking and APE. The RUS will consult with all consulting parties to this PA on any re-design or other changes in the undertaking or APE that may require changes in the agency's determinations of effect.
 - a. If a redesigned or relocated portion of the project is located outside the original APE, the SOI qualified professional(s) will conduct additional identification and evaluation of historic properties in accordance with Stipulation II.C and II.D.
 - b. If a redesigned or relocated portion of the project is located within a previously surveyed area, where historic properties are present, the SOI qualified professional(s) will submit an amendment to the inventory report to the RUS describing the proposed changes and reevaluating the effect of the redesigned or relocated facility on historic properties. The USFS will be included for land managed by the USFS.
 - c. If a redesigned or relocated portion of the project is located within a previously surveyed area where no known historic properties are present, CEPC through its SOI qualified professional will submit an amendment to the inventory report to the RUS describing the changes to the design of the project.
 - d. Previous surveys shall only be considered valid if the work was done within the previous 15 years and in line with current professional standards. Consult local USFS staff for validity of surveys on land they manage.
 - e. Within fifteen (15) calendar days of receiving the amendment to the report, the RUS will review and make a determination and/or a Finding using the report's recommendations and submit its determination and/or Finding to the SHPO and consulting parties to the PA for review and concurrence.
 - f. Within thirty (30) calendar days of receiving the RUS determinations covered by the amendment to the report, the SHPO and consulting parties to the PA will review and concur or not concur with the RUS.
 - g. If the RUS and SHPO agree that the revisions to the proposed component or activity would result in a finding of no historic properties affected or no adverse effect to historic properties, the proposed activity may proceed, upon written authorization from the RUS, without further cultural resources work, unless monitoring as outlined in stipulation VI is a condition of the finding.
 - h. If the RUS and SHPO agree that the revisions to the proposed component or activity would have adverse effects to historic properties, consultation between the consulting parties to the PA will be undertaken to identify the appropriate mitigation as specified at Stipulation V.

E. Reporting

1. CEPC through its qualified professional will produce a professional report meeting SOI documentation standards, and that adheres to the [South Carolina Standards and Guidelines for Archaeological Investigations](#) and the *South Carolina Statewide Survey of Historic Properties Survey Manual*. The USFS will require one (1) 508 consistent pdf and three (3) bound hard copies of any final report involving lands we manage in addition to GIS shapefiles of the survey

area/resources, pdf copies of any resource site forms, and digital copies of resource photos. The USFS requires these deliverables for the issuance of permits.

2. At the time of report submission, the SOI qualified professional will provide GIS shapefiles to the appropriate parties. Shapefiles must be provided for the entire APE, and must include the APE itself, areas surveyed, areas excluded from survey, and all sites within two miles of the project. Shapefiles for sites must include both newly recorded and previously recorded sites. Site boundaries for newly recorded sites and previously recorded sites with updated boundaries must be defined by GPS data collected in the field.
3. CEPC will submit the draft report and copies of all site forms to the RUS for a maximum 15 calendar day review. The report will be submitted to USFS, if it involves land they manage. Once the federal agencies approve the report, the RUS will distribute the reports by means of a standardized RUS "Finding Letter", to all consulting parties to the PA. All consulting parties to the PA will have thirty (30) calendar days regardless of the type of finding. Any lack of response will be considered concurrence with NRHP eligibility evaluations and effect determinations.
 - a. If the SHPO concurs that the proposed component or activity would result in a finding of no historic properties affected or no adverse effect to historic properties, the proposed activity may proceed, upon written notice from the RUS that the requirements of Section 306108 have been met and/or a Notice to Proceed (NTP) from the USFS on lands they manage without further cultural resources work, unless monitoring as outlined in Stipulation VI is a condition of the finding.
 - b. If the SHPO concurs that the proposed component or activity would have adverse effects to historic properties, consultation between the RUS and the consulting parties with interest in the specific area will be undertaken to identify the appropriate mitigation as specified at Stipulation V.
4. If the time frames discussed above cannot be met, reviewing offices will notify the RUS by email requesting a review extension and providing a justification for the delay. The RUS will determine whether to grant an appropriate extension, not to exceed thirty (30) calendar days.
5. Once the consulting parties to the PA have concurred on the findings and determinations, the RUS will distribute a standardized Section 306108 Conclusion Memo to the consulting parties to the PA.
6. Construction will not commence until the expiration of the review period, and written notice from the RUS that the requirements have been met for the purposes of Section 306108, or an NTP has been issued by the USFS on lands they manage.
7. The 30-day review period may be foreshortened if ALL consulting parties to the PA reply sooner.

III. INITIATION OF CONSTRUCTION ACTIVITIES

- A. Surface disturbing construction activities will not commence on non-federally managed lands until CEPC receives written notice from the RUS that the requirements of Section 306108 have been met. Written notice may be provided on a phased-segment-basis. Construction segments on non-federally managed lands will be defined by the RUS in consultation with the consulting parties to this PA.
- B. Surface disturbing construction activities will not commence on USFS lands until issuance of a federal

ROW grant, issuance of a Special Use Permit, and/or written NTP from the USFS. NTPs may be issued on a phased-segment-basis. Construction segments on USFS lands will be defined by the USFS in consultation with the consulting parties to this PA.

- C. Surface disturbing construction activities will not begin on any segment of the project until the RUS and if applicable, the USFS has determined that either:
 - 1. No historic properties are present within the APE for that construction segment; or
 - 2. Historic properties are present within the APE for that construction segment, but will not be adversely affected; or
 - 3. Historic properties are present and will be adversely affected, but mitigation measures identified in this document have been implemented according to Stipulation V.
- D. The construction of a given segment of the project will not preclude rerouting of other segments or affiliated ancillary feature locations.

IV. CHANGES IN CONSTRUCTION ACTIVITIES

- A. The RUS will make every effort to expedite review of any changes to construction plans after initiation of construction. If CEPC proposes changes in the construction ROW or any ancillary areas outside of the APE surveyed for the Undertaking, CEPC will conduct identification and evaluation of historic properties in accordance with Stipulations II.C and II.D. For issuing RUS Section 306108 conclusion memos and if applicable a USFS NTPs, the RUS will respectfully consider recommendations from Tribes regarding eligibility, effect, and treatment concerning sites of traditional religious and cultural significance and will ensure that all stipulations are in place to resolve adverse effects. Results of the inventory report will be handled as follows:
 - 1. If the inventory results in no cultural resources identified, CEPC will submit copies of the draft inventory report to the RUS for distribution to the consulting parties to the PA. The USFS if applicable, will provide any comments to the RUS within 10 business days of receipt of the document. If the RUS accepts the findings, the RUS may provide a written statement that the requirements of Section 306108 have been met without SHPO review. If the applicable federal agency does not accept the findings, CEPC will revise the report as necessary and resubmit it to the applicable federal agencies within 5 business days. The RUS will send the documentation to the SHPO who will have 10 business days to comment. If the SHPO does not respond within the stated timeframe, the RUS will assume SHPO has no objection to the report and concurs with the agency determination/s of eligibility and effect. The RUS may provide written authorization that the requirements of Section 306108 have been met, or the USFS may provide a NTP or other applicable authorization to proceed. The report data also will be included in any final report for the Undertaking.
 - 2. If the inventory results in no historic properties identified, CEPC will submit copies of the draft inventory report to the RUS for distribution to the consulting parties to the PA. Reviewers will provide any comments to the RUS within 10 business days of receipt of the document. Any necessary changes to the report will be made by CEPC and resubmitted to RUS within 5 business days. The RUS will send the report to the applicable federal agencies for 5 days. The RUS will then send the documentation to the SHPO who will have 15 business days to review and comment. The RUS will have 5 business days to respond to any SHPO comments. If the SHPO does not respond within the stated timeframe, the RUS will assume SHPO has no objection to the report and concurs with the agency determination/s of eligibility and effect. The RUS may provide a conclusion memo indicating that requirements of Section 306108 have been met, or the USFS may provide a NTP or other applicable authorization to proceed.

3. If the inventory results in historic properties identified, the CEPC will submit copies of the draft inventory report to the RUS to distribute the report, including the potential effects to any historic properties, to the consulting parties to the PA. Reviewers will provide comments to the RUS within 30 calendar days. The RUS will have 10 business days to respond to any comments. If the SHPO does not respond within the 30 days, the RUS will assume SHPO has no objection to the report and concurs with the agency determination/s of eligibility and finding of effect. The RUS may provide a conclusion memo indicating that requirements of Section 306108 have been met and/or the USFS may issue the NTP or other applicable authorization.

V. MITIGATION IN THE EVENT OF ADVERSE EFFECT

- A. If CEPC is not able to redesign or relocate the proposed project, and the RUS and SHPO concur on the adverse effect finding, the RUS, as the lead agency, will coordinate invitations to the consulting parties to the PA in order to provide input on the recommended mitigation. Consulting parties to the PA will have thirty (30) days to provide comments or input on mitigation options.
- B. Mitigation of any kind shall only commence upon written approval of the mitigation plan by the RUS and the SHPO. The mitigation plan will be drafted by CEPC's SOI qualified professional(s) and submitted to RUS. The mitigation plan will be reviewed by RUS and the consulting parties to the PA.
- C. Unless CEPC is directed otherwise through consultation with RUS and the SHPO, CEPC may implement one of the four standard mitigation actions listed below:

1. *Physical adverse effect to an archaeological site:*

Data recovery with research design, artifact analysis, artifact curation, and production of a professional report. Potential archaeological monitoring during construction. The data recovery plan shall only be implemented upon written approval of the RUS.

2. *Visual adverse effect to the historic built environment:*

Vegetative buffers of appropriate materials may be used to screen historic properties to mitigate visual effects.

HABS/HAER Level III Documentation as defined by the Secretary of Interior's Guidelines for Architectural and Engineering Documentation (as amended).

3. *Visual adverse effect to a historic district or landscape*

Document the historic district or landscape photographically before construction. Collect and curate historic photographs of the historic district or landscape. Produce a professional product presenting this information within its appropriate historic context. The product of this mitigation should be directed toward the public good and community oriented.

- D. In addition to the standard mitigation, the RUS, in consultation with consulting parties to the PA may determine that archaeological monitoring of ground-disturbing activities is necessary. In this case, CEPC will follow the guidelines for monitoring found in Stipulation VI.
- E. If the adverse effect is not covered by the standard mitigation actions listed above, CEPC will consult with the RUS in consultation with consulting parties to the PA to identify an appropriate mitigation action. In consultation with the RUS and consulting parties to the PA CEPC may identify non-

standard creative mitigation to address an adverse effect. The RUS and consulting parties to the PA will have thirty (30) days to concur or not concur with CEPC's creative mitigation proposals. Creative mitigation proposals must relate to the geographic area in and around the project. Examples of creative mitigation include:

- i. Production and distribution of interpretive or educational materials such as pamphlets, booklets, interpretive displays, waysides, state historical markers, websites, or GIS storymap.
 - ii. One-time grant in support of local or regional historic preservation programs;
 - iii. One-time grant to a certified local government;
 - iv. One-time grant to the property owner to pay for restoration or repair in order to preserve the historic character of a historic building or buildings;
 - v. Any other creative mitigation agreed to by the RUS, consulting parties to the PA, and CEPC.
- F. If through consultation it is determined that the mitigation does not require further documentation or cultural resources work in the area of the adverse effect, CEPC may proceed with construction of the project or other ground-disturbing activity before all elements of the specified mitigation are completed, upon written notification from the RUS that the requirements of Section 306108 have been met.
- G. Where the mitigation does require further documentation or cultural resource work in the area of the adverse effect, CEPC will submit a draft of the applicable mitigation product to the RUS and consulting parties to the PA for review.
- H. Within fifteen (15) days of receiving the draft mitigation product, the RUS and consulting parties to the PA will review the product to determine if all required mitigation actions have been completed.
- I. If the consulting parties to the PA agree that that mitigation is complete, the proposed activity may proceed without further cultural resources work, unless monitoring during construction is stipulated. CEPC may not proceed with construction until it receives the RUS' written notification that the requirements of Section 306108 have been met.
- J. If a consulting party determines that mitigation is not complete, CEPC will consult with RUS to determine what additional work is required to complete the required mitigation.

VI. ARCHAEOLOGICAL MONITORING

- A. RUS in consultation with the SHPO may require monitoring of ground-disturbing activities. Consult SC SHPO's [Guidance for Archaeological Site Monitoring](#).
- B. There will be at least one supervisory archaeological monitor on site that meets the standards for an SOI qualified professional.
- C. CEPC shall ensure that an adequate number of archaeological monitors are present to effectively monitor the proposed actions.
- D. The archaeological monitor(s) shall conduct a daily archaeological site sensitivity briefing for the

contractors and/or personnel conducting the action to be monitored. This briefing will be informal and will be conducted as part of daily “tailgate safety briefings.” The briefing will cover the following topics:

1. Legal context for cultural resource protection.
 2. Applicable federal and state laws.
 3. Penalties for disturbing cultural resources/human remains.
 4. Cultural resources likely to be found in the project area.
 5. Monitoring procedures and safety around heavy equipment.
 6. Hand signals between monitors and equipment operators.
- E. At least one archaeological monitor will be present when/where ground disturbance is taking place.
- F. The archaeological monitor(s) have the authority to order a halt in the work to inspect and carry out an analysis of potential cultural resources. CEPC will inform all contractors and subcontractors performing work on the Project of their responsibilities under this PA.
- G. If cultural resources are discovered during monitoring, the SOI qualified professional will halt all construction within 100 feet of the resources and examine them. If the resource is not modern (>50 years), the monitor will notify the RUS within 24 hours. The RUS will then consult with the SHPO, and the USFS (if on FS lands), to determine if they are eligible for listing on the NRHP. The USFS and the SHPO will have three (3) business days to reply to the RUS. After that, the RUS will proceed with the consultation.
- H. If the RUS and the consulting parties to the PA conclude that the identified resources are not eligible for listing on the NRHP, or do not warrant further consideration, the RUS may determine that work can continue after the resource is documented. The RUS will make this determination within five (5) business days of the discovery and send written notification to CEPC that Section 306108 requirements have been met.
- I. If the RUS and the consulting parties to the PA conclude that the cultural resources are eligible for listing on the NRHP, RUS will consult with CEPC to determine if the proposed action can be redesigned or relocated to avoid an effect on the identified Historic Properties. The results of the consultation will be reported to the consulting parties to the PA by RUS within 48 business hours of a decision.
- J. If the RUS, in consultation with the consulting parties to the PA conclude that the redesign or relocation of the proposed action would result in a finding of no historic properties affected, or no adverse effect to historic properties, the RUS will notify CEPC in writing that Section 306108 requirements have been met within 5 business days.
- K. If it is not possible to redesign or relocate the proposed action to avoid an adverse effect to historic properties, CEPC will notify the RUS and the consulting parties to the PA and begin consultation to identify appropriate mitigation (Stipulation V).
- L. Human Remains discovered during archaeological monitoring will be treated in accordance with Stipulation VIII of this PA.

- M. All cultural material gathered during monitoring will be curated in accordance with Stipulation IX of this PA.

VII. POST REVIEW DISCOVERIES OF CULTURAL RESOURCES PLAN

Previously unidentified cultural resources may be encountered during the Project activities. Such resources may include historic or prehistoric materials and may be located above and/or below ground or under water due to ponding, stream changes, or erosion. If there is a post review discovery of cultural materials during any Project activities, the following plan will be implemented to ensure compliance with state and federal laws. This plan includes stopping work at the location of discovery, notifying officials and stakeholders, and evaluating and consulting on the discovery. This plan must be posted in an accessible location on the construction site and be available to all personnel.

The Post Review Discovery of Human Remains Plan must be implemented instead if the discovery involves human remains, funerary objects, sacred objects, or objects of cultural patrimony.

A. Step 1: Stop Work (Everyone's Responsibility)

1. The construction contractor shall immediately notify CEPC's on-site manager, or the supervisory cultural resource monitor.
2. Flag a 100-foot radius buffer around the discovery to minimize further disturbance/destruction. The buffer should be flagged with high visibility flagging/staking so that it is obvious to all personnel that the area must be avoided.
3. Use protective measures if the discovery is threatened by exposure to the elements. This could include covering the discovery with a tarp or shoring up cut banks or trench walls so that additional exposure does not occur.
4. Secure especially small or fragile items. In some cases, it may be necessary to place items in archival quality bags or containers, but those items and all others should be left in place at the discovery site (to the extent possible) until Step 2 can be completed.

B. Step 2: Notify Officials (Supervisor/Manager's Responsibility)

1. Within 24 hours, CEPC shall notify the RUS, SHPO, any applicable land managing agency. If they cannot be reached by phone, then written notification via email is required. Contact information is listed in Appendices C and D. The notification shall include the following information:
 - a. Information regarding the nature and extent of the discovery, including descriptions of the items found; and
 - b. Narrative description and GPS coordinates of the precise location of the discovery; and
 - c. When the discovery occurred and who documented it; and
 - d. When an SOI-qualified archaeologist will arrive on-site to assess the finds; or, if an SOI qualified archaeologist is on site already, an initial assessment of the significance and integrity of the discovery, and potential NRHP eligibility, or an estimate of how much time will be needed to complete an assessment.
2. The discovery shall be treated as eligible until a full assessment can be completed.

3. Project work will be stopped in the area of the discovery until conclusion of Step 4 below. The on-site manager or supervisory cultural resources monitor must ensure the discovery is kept secure and is not disturbed.

C. Step 3: Evaluate and Consult on Discovery

1. Within three (3) days of the notification in Step 2, the RUS will consult with CEPC, the SHPO, and any applicable land management agency, and/or the relevant tribes by phone or email on the nature of the discovery and its potential significance, to determine if additional investigation is necessary to make an eligibility assessment, or if other parties should be notified of the discovery. The CEPC on-site manager, the supervisory cultural resource monitor, or other persons knowledgeable of the discovery may be asked to participate in meetings or calls so they can provide additional information or context about the find. The consulting parties will have three (3) days after consultation to provide concurrence or non-concurrence.
2. If the discovery is determined to not be significant by the RUS, SHPO, an applicable land management agency and/or the applicable tribes, the RUS will provide CEPC with written notice that Section 306108 requirements have been met at the discovery site. The RUS will provide this within one (1) business day of SHPO's concurrence and will also notify any applicable land management agency, and any applicable tribes. Monitoring at the discovery site should continue (unless directed otherwise by the RUS).
3. If the RUS determines that additional investigations are needed to complete an NRHP eligibility assessment, the RUS will notify CEPC via phone or email. CEPC will then ensure that one (1) or more SOI-qualified archaeologists immediately go to the discovery site to complete any investigations necessary to make the assessment. CEPC must provide all necessary equipment, gear, and personnel for the work to be completed consistent with industry standard practices. The archaeologist(s) will have 15 business days from the date of the RUS' notification to complete the eligibility assessment and provide a preliminary report. The RUS may approve extensions on the 15-day timeframe to account for weather, transport, or other operational delays.

The report must be submitted to the RUS within 15 business days and include:

- Detailed descriptions of the nature of the discovery;
 - Detailed descriptions of the investigations and results of the investigations;
 - Maps, drawings, soil profiles, photographs, artifact logs (as applicable);
 - NRHP eligibility assessment and recommendation; and
 - If recommended as eligible, an assessment of effects.
4. Within three (3) business days of receiving the report, the RUS will consult with the SHPO (and other parties as appropriate), on the assessment and make an eligibility determination for the discovery. The SHPO may provide their response at the time of the consultation or may take up to five (5) business days from the date of consultation to provide a response. If no response is received within the five (5) business days, the RUS will move forward with their determination and notify the SHPO, CEPC, and any applicable land management agency and tribes. If the relevant site is within the National Forest, the Forest Archaeologist will have final authority on determination of eligibility and effect.
 5. If the discovery is determined to not be eligible, the RUS will provide CEPC with written notice that Section 306108 requirements have been met at the discovery site. The RUS will provide this within one (1) business day following SHPO's 5 business day review and will also

notify any land management agency and/or tribes of the determination. Monitoring at the discovery site should continue (unless directed otherwise by the RUS).

D. Step 4: Resolution of Effects

1. If the discovery is determined eligible (i.e., is a historic property), the RUS will notify CEPC and the consulting parties within one (1) business day of the determination. CEPC will then ensure a Treatment Plan is prepared by an SOI qualified archaeologist that lists specific measures to be implemented that will resolve any adverse effects to the historic property. The Treatment Plan may include project re-design or mitigation in accordance with Stipulation V. The archaeologist shall prepare and provide a Treatment Plan within five (5) business days.
2. The RUS will then distribute the plan to the consulting parties for a 5-business day review. The RUS will consider any comments received during the review period, and require any changes to be incorporated, before approving of the Treatment Plan. The RUS will then notify CEPC that the Treatment Plan has been approved and that it must be implemented.
3. CEPC is responsible for implementing the Treatment Plan and must provide a Final Implementation Report to the RUS that describes how and when the measures were implemented. The RUS must approve of the Final Implementation Report before it can be considered finalized. RUS will notify CEPC in writing that Section 306108 requirements have been met.

VIII. POST REVIEW DISCOVERIES OF HUMAN REMAINS PLAN

Multiple state laws govern the treatment of human remains, sacred objects, and objects of cultural patrimony following inadvertent discovery on non-federal lands: [South Carolina \(SC\) Code 16-17-600 and SC Code 16-11-780 and other applicable laws](#). Native American Graves Protection and Repatriation Act (NAGPRA) regulations (43 CFR § 10) govern the treatment of human remains found on federal lands. The following steps shall be taken if human remains, or suspected human remains, are discovered:

1. Should human burials be encountered, work shall be stopped at once within a 100-foot radius of the discovery and the RUS and the local law enforcement, the local medical examiner, and the applicable land manager/landowner shall be contacted immediately. CEPC will remain onsite after discovery and accompany local law enforcement during all field investigations. Contact information is included in Appendix D. Human remains shall be treated with dignity and respect at all times during the course of discovery and investigation. The appropriate law enforcement agency and or medical examiner for [Charleston County](#) and or [Berkeley County](#) will be contacted immediately.
2. If law enforcement/medical examiner determines the remains are not of a forensic nature and/or subject to criminal investigation then CEPC shall engage an SOI-qualified professional who is qualified as a biological/physical anthropologist or archaeologist, with training in osteological analysis and experience in the evaluation of human remains to inspect the construction site to assess the extent and age of the discovery, ensure that the construction activities are halted, clearly mark the area of the discovery, and implement any additional measures, as appropriate, to protect the discovery from looting and vandalism.
3. If the local police department or medical examiner, in consultation with the SOI qualified professional, determines the remains to be non-modern (greater than 50 years old), CEPC will engage, for no more than thirty (30) days, a Qualified Forensic Specialist experienced in the analysis of human remains to evaluate and document the discovery, and analyze the remains with non destructive or invasive techniques in order to make an independent assessment of cultural affiliation.

4. If the human remains are determined to be of Native American origin, the RUS will consult with the affiliated federally recognized Tribe regarding respectful treatment of the remains. If the human remains are not Native American, and a determination has been made by the local police department and medical examiner that a death investigation is not warranted, then local law enforcement and or SHPO will follow state or local protocols regarding the identification and informing relatives or descendants of the deceased.
5. The project shall avoid and minimize the movement of any discovered human remains. Consultation with the aforementioned parties will be conducted following discovery, with all parties having the opportunity to discuss concerns with impacts and potential relocation. If relocation is the only option. CEPC shall obtain the required permits from the South Carolina Bureau of Vital Statistics and any [appropriate local governing body](#) and reinter the remains in a designated area as agreed upon during consultation.
6. CEPC may not resume construction until they have received written notice from the RUS that the requirements of Section 306108 have been met. CEPC shall ensure that the requirements of this PA are incorporated into all construction contracts.

IX. CURATION

- A. The RUS shall ensure that curation of the material remains and all associated records resulting from identification and data recovery efforts is completed in accordance with 36 CFR Part 79 and the provisions of NAGPRA (25 U.S.C. § 3001). CEPC will bear all costs of curation and repatriation. Documentation of the curation of these materials will be provided to the RUS and to any applicable land managing agencies, as appropriate, within sixty (60) days of acceptance of the applicable report. Materials found on federal lands will remain federal property when curated (unless otherwise repatriated in accordance with federal law).
- B. Archaeological materials collected from private lands pursuant to the implementation of this PA shall be maintained in accordance with 36 CFR Part 79 until all analysis is complete. If artifacts are recovered from private property, the RUS, and CEPC will consult with the landowner to provide recommendations regarding the appropriate method for curation. CEPC will return all artifacts and archaeological materials recovered from private lands to the landowner, unless consultation with the landowner results in an authorization to curate some or all of the recovered artifacts at a museum or other curation facility. CEPC will pay any curation fees at its sole expense.
- C. The South Carolina Institute of Archaeology and Anthropology is the approved repository for artifacts collected from federal and state lands under this PA. Unless the consultation determines otherwise, artifacts and archaeological materials collected from privately owned land shall also be curated at the South Carolina Institute of Archaeology and Anthropology pursuant to CEPC's curation agreement.

X. PERMITS FOR CULTURAL RESOURCES INVESTIGATIONS

- A. All necessary permits for conducting cultural resources investigations on federal or State land will be obtained prior to their implementation. It is the responsibility of CEPC to ensure that all permits or permissions are obtained from the landowners.
- B. For the purposes of archaeological surveys and monitoring of the APE on state-owned land, CEPC is responsible for ensuring that the cultural resource management firm they hire has applied for and obtained any necessary permits. CEPC is responsible for allowing time for other agencies to process permits.

- C. For cultural resources fieldwork conducted under the terms of this PA on USFS lands, the USFS will issue a Permit for Archaeological Investigations (Organic Act or ARPA permit) to CEPC to cover all Cultural Resources Field Survey, Evaluations, and mitigation covered by this PA.
- D. When cultural resources field survey and evaluation are required for project components covered by this PA located on USFS lands, CEPC will submit a request to the appropriate USFS Ranger District Office to proceed with work authorization under the issued USFS Organic Act or ARPA permit. Field investigations may proceed when a response is received from the FS Ranger District authorizing the request.
- E. The cultural resource firm (or firms) hired by CEPC shall comply with all standard and special conditions specified in the USFS Organic Act or ARPA Permit.

XI. PROTECTION OF CONFIDENTIAL INFORMATION

All consulting parties to this PA agree that, to the extent consistent with Title 54 U.S.C. § 307103 (formerly Section 304 of the NHPA), and the Archaeological Resources Protection Act (ARPA) of 1979 (16 U.S.C. 470aa-mm) Section 9(a), cultural resource data from this project will be treated as confidential by all consulting parties to the PA and is not to be released to any person, organization, or agency not a consulting party to this PA. Duplication or distribution of cultural resource data from this undertaking by any consulting party requires written authorization from the RUS or any applicable land managing agency. Confidentiality concerns for properties that have traditional religious and cultural importance to the tribes will be respected and will remain confidential to the fullest extent permitted by law.

XII. DEOBLIGATION OF FUNDING

- A. It is imperative that CEPC who intends to receive funding from the RUS does not engage in activities that could be interpreted to be in violation of 54 U.S.C. 306113 formerly known as “Section 110(k)” of the NHPA. Violation of Section 306113 applies to any applicant who, with the intent to avoid the requirements of Section 306108, has intentionally, significantly adversely affected a historic property to which the grant or loan would relate, or having the legal power to prevent it, allowed such significant adverse effects to occur.
- B. Violation of Section 306113 includes anticipatory demolition. Anticipatory demolition occurs when the applicant intentionally destroys a historic property in order to avoid compliance with Section 306108 of NHPA. Section 306113 of the NHPA that was adopted in 1992 to discourage anticipatory demolition by prohibiting Federal agencies from providing grants, loans, permits, or other assistance to the applicant who intentionally destroys a historic property in order to avoid compliance with Section 306108 of NHPA, unless the agency consulted with the Council to determine whether such assistance was nevertheless justified. If the applicant is in violation of Section 306113 of the NHPA, their RUS funding may be revoked, and the applicant may be unable to receive RUS funds to reimburse them for Project activities that were done upfront.

XIII. MONITORING AND REPORTING

Each year following the execution of this PA until it expires or is terminated, RUS shall provide all parties to this PA 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 RUS’s efforts to carry out the terms of this PA.

CEPC and their SOI qualified professional(s) shall provide a draft of the annual report to RUS no later than December 1 each year during the term of the PA. RUS will provide the consulting parties to the

PA a final annual report no later than December 31 of each year during the term of the PA. Consulting parties to the PA have 15 business days to provide any corrections to the report. If any corrections are received RUS will issue a final annual report no later than January 31 each year of the term of the PA.

XIV. DISPUTE RESOLUTION

- A. Should any Signatory to this PA object to the manner in which the measures stipulated in this PA are implemented, they shall provide written notice to the RUS of the reason for, and a justification of, the objection. Upon acceptance of such notice, the RUS shall consult for up to thirty (30) days with the consulting parties to this PA to resolve the objection. If the RUS determines that the objection cannot be resolved, the RUS shall forward all documentation relevant to the dispute to the ACHP. Within thirty (30) days after receipt of all pertinent documentation, the ACHP shall either:
 - 1. Provide the RUS with recommendations, which the RUS shall take into account in reaching a final decision regarding the dispute; or notify the RUS that it will comment within an additional thirty (30) days, in accordance with 36 CFR 800.7(c)(4). Any ACHP comment provided in response to such a request will be taken into account, and responded to, by the RUS in accordance with 36 CFR 800.7(c)(4) with reference to the subject of the dispute.

XV. AMENDMENT

Any Signatory to this PA may request that the PA be amended by informing RUS in writing of the reason for the request and providing the proposed amendment language. The RUS shall notify all consulting parties to the PA of the proposed amendment, provide the proposed language and consult to reach agreement within thirty (30) days unless the Signatories agree to a longer period of consultation or the party proposing the amendment retracts its proposal. The amendment will be effective on the date a copy signed by all the Signatories and Invited Signatories is filed by the RUS with the ACHP.

XVI. TERMINATION

- A. Any of the Signatories may terminate the PA.
- B. The termination process starts when a Signatory provides written notice to the other Signatories of its intent to terminate. Termination shall take effect no less than thirty (30) days after this notification, during which time the signatories shall consult to seek agreement on amendments or any other actions that would address the issues and avoid termination. The notice must explain in detail the reasons for the proposed termination. The PA will be terminated at the end of the 30-day period unless the signatories and invited signatories agree to a longer period of consultation or the party proposing termination retracts its proposal.
- C. In the event this PA is terminated, the RUS shall comply with 36 CFR 800.6 (c)(8) and will take reasonable steps to avoid adverse effects to historic properties until another PA has been executed or will request, take into account, and respond to ACHP comments, in accordance with 36 CFR 800.7 (c)(4). The RUS will notify all consulting parties to this PA as to the course of action it will pursue.

XVII. DURATION

This PA will continue in full force and effect for five (5) years. At any time prior to this date, CEPC may request, in writing, that the RUS consider modification of this Agreement. No extension or modification will be effective unless all Signatories to the PA have agreed to such extension in writing. Six months prior to expiration of this agreement, CEPC shall notify RUS if an extension will be needed.

XVIII. EXECUTION IN COUNTERPART

This PA may be executed in counterparts, with a separate page for each Signatory. The RUS will provide each Signatory, Invited Signatory, and Concurring Party with a copy of the fully executed PA.

XIX. GENERAL PROVISIONS

- A. Entirety of Agreement. This PA represents the entire and integrated agreement among the parties and supersedes all prior negotiations, representations and agreements, whether written or oral, regarding compliance with NHPA Section 306108 for the undertaking.
- B. This PA is binding upon signature. Should CEPC abandon the Project, RUS will no longer consider the Project an “undertaking” under Section 306108 and will notify all consulting parties to the PA.
- C. Severability. Should any portion of this PA be judicially determined to be illegal or unenforceable, the remainder of the PA shall continue in full force and effect, and any party may renegotiate the terms affected by the severance.
- D. Sovereign Immunity. No state, SHPO, or tribal government waives their sovereign or governmental immunity by entering this PA and each fully retains all immunities and defenses provided by law with respect to any action based on or occurring as a result of the PA.
- E. Indemnification. Each Signatory to this PA shall assume the risk of any liability arising from its own conduct. Each Signatory agrees they are not obligated to insure, defend, or indemnify the other Signatories to this PA.
- F. Counterparts. This PA may be executed in two or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument. The RUS will distribute copies of all pages to all consulting parties to the PA once the PA is executed in full.
- G. All notices, requests, and other communications required or permitted hereunder between the consulting parties to the PA shall be in writing. All such notices, requests, and other communications shall be given (i) by delivery in person (ii) by a next day courier service, (iii) by first class, registered or certified mail, postage prepaid, or (iv) by electronic mail to the address of the consulting party as such party may specify in writing. All such notices, requests, and other communications shall be deemed to have occurred and be effective upon (i) receipt by the party to which notice is given, or (ii) the tenth (10th) day after having been sent, whichever occurs first.

EXECUTION of this PA and subsequent implementation of its terms shall evidence that the RUS and the USFS have taken into account the effects of the Undertaking on historic properties and afforded the ACHP an opportunity to comment.

Signatory Pages Follow

**PROGRAMMATIC AGREEMENT
AMONG
THE USDA RURAL UTILITIES SERVICE, THE U.S. FOREST SERVICE, THE SOUTH
CAROLINA STATE HISTORIC PRESERVATION OFFICE, AND CENTRAL ELECTRIC
POWER COOPERATIVE
REGARDING
THE MCCLELLANVILLE 115kV TRANSMISSION LINE PROJECT
IN BERKELEY AND CHARLESTON COUNTIES, SOUTH CAROLINA**

SIGNATORY:

US Department of Agriculture Rural Utilities Service

Signature: _____ Date: Month Day 2024

Name
Title
Organization

**PROGRAMMATIC AGREEMENT
AMONG
THE USDA RURAL UTILITIES SERVICE, THE U.S. FOREST SERVICE, THE SOUTH
CAROLINA STATE HISTORIC PRESERVATION OFFICE, AND CENTRAL ELECTRIC
POWER COOPERATIVE
REGARDING
THE MCCLELLANVILLE 115kV TRANSMISSION LINE PROJECT
IN BERKELEY AND CHARLESTON COUNTIES, SOUTH CAROLINA**

SIGNATORY:

US Department of Agriculture Forest Service

Signature: _____ Date: Month Day 2024

Name
Title

**PROGRAMMATIC AGREEMENT
AMONG
THE USDA RURAL UTILITIES SERVICE, THE U.S. FOREST SERVICE, THE SOUTH
CAROLINA STATE HISTORIC PRESERVATION OFFICE, AND CENTRAL ELECTRIC
POWER COOPERATIVE
REGARDING
THE MCCLELLANVILLE 115kV TRANSMISSION LINE PROJECT
IN BERKELEY AND CHARLESTON COUNTIES, SOUTH CAROLINA**

SIGNATORY:

South Carolina Historic Preservation Office

Signature: _____ Date: Month Day 2024

Name
South Carolina Historic Preservation Officer

**PROGRAMMATIC AGREEMENT
AMONG
THE USDA RURAL UTILITIES SERVICE, THE U.S. FOREST SERVICE, THE SOUTH
CAROLINA STATE HISTORIC PRESERVATION OFFICE, AND CENTRAL ELECTRIC
POWER COOPERATIVE
REGARDING
THE MCCLELLANVILLE 115kV TRANSMISSION LINE PROJECT
IN BERKELEY AND CHARLESTON COUNTIES, SOUTH CAROLINA**

CONCURRING PARTY:

Organization

Signature: _____ Date: Month Day 2024

Name

Title

APPENDICIES

Appendix A – Project Map Overview

Insert one 8.5 x 11 page.

Appendix B – Terms and Abbreviations

APE	Area of Potential Effect
ARPA	Archaeological Resource Protection Act
NAGPRA	Native American Graves Protection and Repatriation Act
NHL	National Historic Landmark
NHPA	National Historic preservation Act
NHT	National Historic Trail
NRHP	National Register of Historic Places
NTP	Notice to Proceed
ROW	Right-of-Way
SOI	Secretary of the Interior Qualifications
TCP	Traditional Cultural Place/Property

Appendix C – Consulting Parties

Entities who have been contacted regarding Consulting Party Status.

Catawba Indian Nation
Fairfield Plantation,
Francis Marion National Forest
Gullah Geechee Cultural Heritage Corridor Commission
Historic Charleston Foundation
Hopsewee Plantation
Lowcountry Open Land Trust
Lowcountry Rice Project
National Park Service
Oaks Plantation
South Carolina Dept of Parks, Recreation and Tourism
South Carolina State Historic Preservation Office
White Oak Forestry Corporation
The Absentee Shawnee Tribe of Indians in Oklahoma
The Cherokee Nation
The Eastern Shawnee Tribe of Oklahoma
The Muskogee (Creek) Nation
The Shawnee Tribe
The United Keetoowah Band of Cherokee Indians in Oklahoma
United State Army Corps of Engineers

Appendix D -Post Review Discovery Contact Information

Please post a copy of this contact list in view of the staff on site during construction activities.

CEPC-

Law Enforcement- Berkeley County
Law Enforcement- Charleston County

Medical Examiner -Berkeley County
Medical Examiner -Charleston County

RUS National Office
Federal Preservation Officer
Archeologist

USFS Francis Marion Forest
Forest Supervisor
Archaeologist

SHPO
State Historic Preservation Officer