

Appendix E – Programmatic Agreement

**PROGRAMMATIC AGREEMENT
AMONG
THE US DEPARTMENT OF AGRICULTURE, RURAL UTILITIES SERVICE,
GEORGIA TRANSMISSION CORPORATION,
AND THE GEORGIA STATE HISTORIC PRESERVATION OFFICER,
REGARDING COMPLIANCE WITH 54 U.S.C. 300101 *et seq.*
FOR GEORGIA TRANSMISSION CORPORATION**

WHEREAS, the Rural Utilities Service (RUS), a division of the United States Department of Agriculture's (USDA) Rural Development (RD), provides financial assistance to rural communities for utility infrastructure development; and

WHEREAS, the RUS has determined that actions of its applicant Georgia Transmission Corporation (GTC) involving the construction, modification, or relocation of electrical transmission lines, substations, and linear telecommunication utilities may have an effect on historic properties, properties included in or eligible for inclusion in the National Register of Historic Places (NRHP), making such undertakings subject to review under 54 U.S.C. § 306108, the National Historic Preservation Act (NHPA) or "Section 106" and its implementing regulations, "Protection of Historic Properties" (36 CFR § 800); and

WHEREAS, the RUS acknowledges that even with reasonable planning to avoid or minimize adverse effects from electrical and telecommunications facilities, adverse effects that are similar in nature or repetitive on historic properties may be unavoidable, and adequate mitigation may be achieved offsite as well as programmatically; and

WHEREAS, in 2001, the RUS developed and executed a Programmatic Agreement (Agreement) with the Georgia Historic Preservation Division (GHPD), which is the office of the Georgia State Historic Preservation Officer (SHPO), and the Advisory Council on Historic Preservation (ACHP) pursuant to 36 CFR § 800.14(b) in order to comply programmatically with its obligations under Section 106; and

WHEREAS, RUS and the original signatories amended the Agreement in 2011, 2012, 2014, 2016, and 2020 in order to extend its duration; and

WHEREAS, this new Agreement shall supersede the aforementioned programmatic agreement and amendments that were valid from July 2001 to October 2024; and

WHEREAS, this Agreement shall, unless otherwise noted, rely on the terminology, roles, and processes defined in 36 CFR § 800; and

WHEREAS, this Agreement presents the following appendices: Appendix A: Definitions; Appendix B: Mitigation and Minimization Strategies; and Appendix C: Exempted Activities; and

WHEREAS, this Agreement clearly defines roles and responsibilities in terms of coordination with federally recognized Indian tribes and delegates this interaction to GTC; and

WHEREAS, the RUS has determined that undertakings subject to this Agreement have the potential to affect historic properties having religious and cultural significance to Indian tribes and therefore have invited the following federally recognized Indian tribes that maintain ancestral and cultural connections to the land now recognized as the State of Georgia to participate in the consultation to help develop and to be consulting parties to this Agreement: the Absentee-Shawnee Tribe of Indians of Oklahoma (ASTIC), Alabama-Coushatta Tribe of Texas (ACTT), Alabama-Quassarte Tribal Town (AQTT), Catawba Indian Nation (CIN), Cherokee Nation (CN), Chickasaw Nation (CHN), Coushatta Tribe of Louisiana (CTL), Eastern Band of Cherokee Indians (EBCI), Eastern Shawnee Tribe of Oklahoma (EST), Jena Band of Choctaw Indians (JBCI), Kialegee Tribal Town (KTT), Miccosukee Tribe of Indians (MTI), Mississippi Band of Choctaw Indians (MBCI), Muscogee (Creek) Nation (MCN), Poarch Band of Creek Indians (PBCI), Seminole Nation of Oklahoma (SNO), Seminole Tribe of Florida (STF), Shawnee Tribe (ST), Thlopthlocco Tribal Town (TTT), United Keetoowah Band of Cherokee Indians in Oklahoma (UKB) and the Sac & Fox Tribe of the Mississippi in Iowa (SFMI), and as of the date of this Agreement, none of the Indian tribes have agreed to enter this Agreement as concurring parties; and

WHEREAS, RUS has elected to consult, as appropriate, with non-tribal consulting parties on a project-by-project basis rather than programmatically in this Agreement; and

WHEREAS, the RUS has invited GTC, the proponent for the undertakings covered by this Agreement and who has responsibilities under the terms of this Agreement to sign this Agreement as an invited signatory; and

WHEREAS, in accordance with 36 CFR § 800.6(a)(1), the RUS has notified the ACHP of its intent to execute this Agreement, and the ACHP elected not to participate pursuant to 36 CFR § 800.6(a)(1)(iii);

NOW, THEREFORE, the RUS, the SHPO, and GTC agree that the undertakings covered by this Agreement shall be implemented in accordance with the following stipulations to take into account the effect of those undertakings on historic properties.

To aid the signatories of this Agreement, the stipulations are organized in the following order:

- I. Applicability and Scope
- II. Cooperating with Other Federal Agencies
- III. Responsibilities
- IV. Coordination with Federal Recognized Tribes
- V. Professional Standards
- VI. Documentation Standards
- VII. Alternate Section 106 Process: Resolution of Adverse Effects
- VIII. Project Review
- IX. Confidentiality
- X. Duration of Agreement
- XI. Post-Review Discoveries
- XII. Identification and Treatment of Human Remains
- XIII. Monitoring and Reporting
- XIV. Dispute Resolution
- XV. Amendment
- XVI. Termination
- XVII. Execution in Counterpart

STIPULATIONS

RUS with assistance from GTC shall ensure that the following measures are carried out:

I. Applicability and Scope

- A. This Agreement shall supersede and replace the 2001 programmatic agreement and amendments that were valid from July 2001 to October 2024.
- B. This Agreement applies to all GTC projects involving the construction, modification, and/or relocation of electric transmission lines and substations as well as to linear telecommunication (i.e., fiber optic) facilities that RUS may elect to finance.
- C. This Agreement sets forth the process by which RUS, with assistance from GTC, will meet its responsibilities pursuant to Section 106 of the NHPA (54 U.S.C. § 306108).
- D. In terms of Section 106 review, RUS is the Lead Federal Agency for projects defined as undertakings with GTC.
- E. At its discretion, RUS may allow GTC to assist with the Section 106 process by communicating and coordinating with SHPO, Indian tribes, and other consulting parties for purposes of compliance with Section 106 of the NHPA.
- F. Indian tribes, who have a unique relationship with the Federal Government, may prefer to work directly with RUS rather than with GTC, and Indian tribes may at any time in the process specifically request government-to-government consultation with RUS.
- G. RUS recognizes that Indian tribes have sites and lands of religious and cultural significance within the State of Georgia, and in meeting its Federal trust responsibility pursuant to 36 CFR 800.2(c)(2)(ii), RUS has invited Indian tribes to consult on and/or enter into this Agreement that specifies how RUS with assistance from GTC will carry out Section 106 responsibilities, including confidentiality of information.

II. Cooperating with Other Federal Agencies

Cooperating Federal Agencies as defined in 40 CFR 1508.5 that recognize RUS as the Lead Federal Agency may fulfill their obligations under Section 106 of the NHPA according to 36 CFR 800.2(a)(2), provided that the requirements of this Agreement are followed, and the Cooperating Federal Agency's undertaking does not differ from or have the potential to cause effects to historic properties beyond those considered by the RUS.

If another federal agency not initially a party to or subject to this Agreement receives an application for funding, license, or permit for an undertaking subject to this Agreement, that agency may fulfill its Section 106 responsibilities, so long as the undertaking does not differ from or have greater impact than the initial undertaking, by stating in writing that it concurs with the terms of this Agreement and/or recommended findings for the undertaking. Notification to all parties signing the Agreement is strongly encouraged.

III. Responsibilities

The following section identifies the responsibilities of the Federal and State agencies as well as with GTC in complying with the terms of this Agreement.

A. RUS Responsibility

1. Consistent with the requirements of 36 CFR 800.2 and 800.2(a)(1-4), RUS as the Lead Federal Agency remains legally responsible for ensuring that the terms of this Agreement are carried out and all findings and determinations made pursuant to this Agreement by GTC.
2. Where an Indian tribe has requested government-to-government consultation, RUS is responsible for consultation. At its discretion, RUS may ask GTC to assist in the consultation.
3. Pursuant to 36 CFR 800.10, RUS is responsible for consultation if the National Park Service, an agency of the Department of Interior, needs to participate in the Section 106 process. Again, GTC may assist at the discretion of the RUS.
4. Pursuant to 36 CFR 800.6(a)(1), RUS is responsible for notifying the ACHP of an adverse effect determination (that is not mitigated or resolved by the stipulations in this Agreement) and offering the ACHP the opportunity to participate. At its discretion, RUS may ask GTC to assist in the coordination and dissemination of information.
5. RUS is responsible for resolving disputes and objections pursuant to Stipulation XIV of this Agreement.

6. RUS is also involved when there is a potential for a termination of this Agreement or of consultation relating to a failure to resolve an adverse effect pursuant to 36 CFR 800.7.

B. GTC Responsibility

GTC will independently perform the work and coordination described in 36 CFR 800.3 through 36 CFR 800.6 (including any succeeding revisions to the regulations) on behalf of RUS using, where appropriate, staff and/or consultants meeting the Secretary of Interior's (SOIs) professional qualifications standards for the appropriate field. The assignment of these responsibilities is based on the adequate and appropriate performance of GTC as evaluated through monitoring by RUS pursuant to Stipulation XIII of this Agreement. These responsibilities include assisting RUS in carrying out the following requirements related to 36 CFR 800.3-6:

1. Initiate the process
2. Identify the area of potential effect (APE) and level of effort
3. Identify historic properties
4. Assess adverse effect(s)
5. Engage consulting parties
6. Resolve adverse effects
7. Provide RUS copies of all correspondence sent out on its behalf
8. Prepare annual reports that allow evaluation of performance per Stipulation XIII

C. SHPO Responsibility

1. Review for sufficiency findings noted in reports and surveys submitted by GTC.
2. Consult with GTC on projects that may have non-routine affects to historic properties as outlined in Stipulations VII and VIII.
3. Participate with RUS in monitoring per Stipulation XIII.

IV. Coordination with Federally Recognized Indian Tribes

- A. At its discretion, RUS may allow GTC to assist with the Section 106 process by communicating and coordinating with Indian tribes for purposes of compliance with Section 106 of the NHPA.
- B. Indian tribes are encouraged to communicate with GTC as RUS believes this interaction will support and promote the consideration of impacts to historic properties of importance to Indian tribes earlier in the project planning.
- C. At its discretion, RUS allows GTC to communicate (but not consult) with Indian tribes as RUS recognizes that tribes have a unique relationship with the Federal Government.
- D. RUS recognizes that Indian tribes may prefer to work directly with RUS rather than GTC, and Indian tribes may specifically ask for government-to-government consultation with RUS.
- E. RUS with the assistance of GTC will identify Indian tribes who may ascribe significance to the area of potential effect on a project-by-project basis using the U.S. Department of Housing and Urban Development (HUD) Tribal Directory Assessment Tool (TDAT) along with other reliable sources to inform coordination efforts with tribes.
- F. This Agreement does not prohibit or limit RUS and Indian tribes from entering into or continuing existing arrangements or agreements governing their communications relating to GTC undertakings, provided such arrangements or agreements are otherwise consistent with Federal law and no modification is made in the roles of the other parties to the Section 106 process or the process set forth in this Agreement without consent of the other parties. Documentation of such alternative arrangements or agreements should be filed with RUS.

V. Professional Standards

- A. Actions prescribed by this Agreement that involve the identification, evaluation, recording, treatment, monitoring or disposition of historic properties, shall be carried out by or under the direct supervision of a person or persons who meet the Secretary of Interior (SOI) Professional Qualifications Standards (published in 48 FR 44738-44739). However, nothing in this stipulation may be interpreted to preclude agencies, GTC, or any agent or contractor thereof from using the services of persons who do not meet these qualifications standards,

including tribal representatives, providing their activities are conducted under the direct supervision of a person who does meet the qualification standards.

- B. RUS acknowledges that Indian tribes have special expertise in assessing the eligibility of historic properties that may possess religious and cultural significance for them (36 CFR § 800.4(c)(1)). Thus, tribal representatives may comment on or participate in the identification and evaluation of historic properties of religious and cultural significance as appropriate.

VI. Documentation Standards

- A. Per Section 508 of the Rehabilitation Act of 1973, as amended in 1998 (29 U.S.C. § 794 (d)) (508 conformant), GTC shall submit Section 106 documentation based on the preference of the receiving party.
- B. Findings reports shall conform to the substantive standards in 36 CFR § 800.4–5 and 800.11.
 - 1. Documents shall include a summary of investigations conducted, specify Federal involvement, as well as have a map and photographs showing the area of potential effect and the proposed undertaking along with the location of historic properties.
 - 2. Documents shall also include evaluations and recommendations of eligibility for the NRHP for identified historic properties; identification of those properties for which additional study may be needed; and if necessary, make property management recommendations, including measures for avoidance, mitigation, or treatment of potential adverse effects from the undertaking on historic properties.
- C. As a standard practice, GTC will document resources 50 years of age or older as measured from an undertaking's scheduled end-of-construction date. If a historic property possesses exceptional importance (i.e., it is under 50 years old but has significance and integrity), it may also be considered eligible for the NRHP.

VII. Alternate Section 106 Process: Resolution of Adverse Effects

- A. Signatories acknowledge that adverse effects to historic properties are not always avoidable and, in terms of GTC undertakings, are often similar or repetitive in nature.
- B. As such, adequate mitigation for routine adverse effects can and will occur at a programmatic level instead of for each individual undertaking. The programmatic or statewide strategy is detailed in Appendix B, Mitigation and Minimization Strategies.

- C. As adverse effect to historic properties that are similar and routine in nature are mitigated or resolved utilizing the products and procedures in Appendix B or avoided for archeological sites using preservation in place as defined in Appendix A, the following is NOT required on a project-by-project basis:
1. A memorandum of agreement to resolve routine adverse effects.
 2. A review from SHPO on a project-by-project basis.
 3. Notification to ACHP of routine adverse effects that have been resolved programmatically.
- D. Adverse Effects to historic properties (as well as other findings) will be itemized as part of the annual reporting identified in Stipulation XIII.
- E. For all undertakings, provided that coordination with Indian tribes and other consulting parties, as appropriate, is concluded as determined by RUS, the undertaking may proceed to construction prior to SHPO review.
- F. If an undertaking may affect a) a National Landmark, b) a NRHP-listed historic property, c) a traditional cultural property/place, or d) an eligible historic district, with the exception of residential subdivisions constructed after 1970¹, GTC will initiate consultation regarding the property with SHPO and inform RUS prior to any land disturbing activities.

VIII. Project Review

GTC will implement the following review and consultation process for each finding under Section 106 for federally funded projects, using, where appropriate, staff and/or consultants meeting the SOIs professional qualifications standards.

A. No Potential to Cause Adverse Effect

¹GTC will continue to document historic districts, including those constructed after 1970, identified during phased historic resource surveys at a reconnaissance (windshield) level. GTC will consult with SHPO when a proposed action may have an effect on a listed or eligible district with one exception for effects to eligible, non-listed residential historic districts constructed after 1970. This is due to the sheer volume of large-scale residential construction that occurred throughout Georgia during the late-20th century. With the implementation of one or more treatments, any impacts will be minimized as well as similar in nature to the repetitive changes in setting or feeling experienced by other resources covered by the programmatic mitigation described in this Agreement. Treatment options are listed in Appendix B.

Certain GTC activities may constitute an undertaking, as defined by 36 CFR 800.16(y), but do not have the potential to affect historic properties included in or considered eligible for the NRHP as agreed upon by the signatory parties and enumerated in Appendix C.

1. Each project will be reviewed by SOI-qualified RUS staff for applicability.
2. Each project fitting the activities in Appendix C will be documented, Section 106 considered complete, and itemized as part of the reporting identified in Stipulation XIII.

B. No Historic Properties Affected

1. Pursuant to 36 CFR 800.4(b)(2), GTC will use a phased identification and evaluation process for undertakings that involve large land areas and/or have restricted access to properties.
2. For those undertakings in which there are a) no previously recorded properties within the APE and b) no newly identified historic properties within the APE resulting from the phased survey, SOI qualified professionals will issue a finding of “no historic properties affected”, Section 106 will be considered complete, and findings will be itemized as part of the reporting identified in Stipulation XIII.
3. If there are potential properties identified within the APE, the NRHP Evaluation Criteria 36 CFR Part 63 will be applied to assess the need for any additional investigation and to determine the NRHP eligibility in accordance with 36 CFR 800.4 and 36 CFR 60.4.
4. If no potential properties identified within the APE are determined to be eligible for listing in the NRHP by a SOI qualified professional, Section 106 will be considered complete, and findings will be itemized as part of the reporting identified in Stipulation XIII.
5. For those properties determined to be eligible within the APE, Part B of this stipulation may still be applicable if the undertaking is designed to avoid effects to historic properties identified. Otherwise, GTC will proceed with Part C or Part D of this stipulation.
6. The evaluation criteria will be applied for each project in coordination with Indian tribes and other consulting parties, as appropriate.

C. No Adverse Effect

1. For those undertakings where historic properties may be affected, the criteria of adverse effect will be applied in accordance with 36 CFR 800.5. After avoidance and minimization efforts, if the effect of the undertaking will not be adverse, including if the undertaking does not affect the character-defining features or integrity of a historic property identified, a finding of “No Adverse Effect” will be proposed and documented, Section 106 will be considered complete, and the finding will be itemized as part of the reporting identified in Stipulation XIII.
2. The criteria will be applied for each project in coordination with Indian tribes and other consulting parties, as appropriate.

D. Adverse Effect

1. GTC will make every reasonable effort to avoid or minimize impacts to historic properties in consultation with Indian tribes, RUS, and other consulting parties as appropriate.
2. After avoidance and minimization efforts, if it is determined that an undertaking will have an adverse effect on historic properties in consultation with Indian tribes and other consulting parties, as appropriate, a finding of “Adverse Effect” will be proposed and documented.
3. If the adverse effect is similar or routine in nature or is to a residential subdivision constructed after 1970, the adverse effect will be considered resolved through the programmatic mitigation strategy described in Appendix B, Mitigation and Minimization Strategies.

GTC will document the finding; Section 106 will be considered complete; and the finding will be itemized as part of the reporting identified in Stipulation XIII. Provided that coordination with Indian tribes and other consulting parties, as appropriate, is concluded as determined by the RUS, the undertaking may proceed to construction.

4. If the adverse effect is to a) a National Landmark, b) a NRHP-listed historic property, c) a traditional cultural property/place, or d) an eligible historic district with the exception of residential subdivisions constructed after 1970, it might or might not be covered by the

programmatic mitigation strategy described in Appendix B; and RUS, SHPO, and GTC will consult so as to agree upon a plan of resolution.

- a. The process for the plan of resolution is as follows: a) GTC will initiate consultation with RUS and SHPO, b) RUS with input from SHPO, and as needed from other parties as well, will make an effect determination, c) if a project has adverse effects that are deemed not similar or non-routine, i.e., not covered by the programmatic mitigation described in Appendix B, RUS will follow the policies and procedures of 36 CFR 800.6, regulations relating to resolving adverse effects. The resolution will be documented in a memorandum of agreement. Otherwise, if the effect is deemed similar in nature or routine, GTC will refer to Part D.3 of this stipulation.
 - b. If a plan of resolution is not agreed upon by all parties, RUS will follow the dispute resolution procedures in Stipulation XIV.
 - c. If it is determined that the project could have an adverse effect on a National Historic Landmark, RUS will notify the NPS and the ACHP in accordance with 36 CFR 800.5 through 800.7 and 800.10.
- E. To avoid an adverse effect to archeological resources, GTC will use preservation in place as defined in Appendix A. By following these processes and procedures, the undertaking will not be considered to have an adverse effect on an archaeological site.
1. GTC is responsible for the preservation in place of all eligible and listed archeological sites on GTC fee properties and easements.
 - a. GTC will use existing best management practices and new technology to maintain a stable vegetative cover over each site.
 - b. Any erosion caused by natural occurrences or unintentionally by the operation and maintenance of the GTC facilities will be repaired as soon as possible. Unintentional erosion caused by the operation and maintenance of the GTC facilities will utilize the procedures in Stipulation XI if potential effects have occurred.
 - c. If, during site monitoring inspections, it is determined that a stable vegetative cover cannot be maintained, GTC will consult with RUS, SHPO, relevant tribes

and other consulting parties, as appropriate, to determine suitable mitigation measures.

2. At the completion of each project that has a site preserved in place within an easement, GTC will notify those owners of such properties within the easement to make owner(s) aware of the eligible site(s).
3. GTC will not be responsible for the disturbance of an archeological site within an easement when the disturbance is caused by the owner of the property or another third party. To encourage remediation, GTC will do the following:
 - a. GTC will contact the owner(s) of the property to remind them of the archeological site(s) and to advise of them of site's condition.
 - b. GTC will also notify RUS and SHPO of the disturbance and include as a problem encountered in the monitoring and reporting identified in Stipulation XIII.

IX. Confidentiality

All parties to this Agreement acknowledge that information about historic properties, potential historic properties, or properties considered historic for the purposes of this Agreement are or may be subject to the provisions of Section 304 of NHPA. Section 304 allows RUS to withhold from disclosure to the public information about the location, character, or ownership of a historic property if any party determines that disclosure may 1) cause significant invasion of privacy, 2) risk harm to the historic property, or 3) impede the use of a traditional religious site by practitioners. Having so acknowledged, all parties to this Agreement will ensure that all actions and documentation prescribed by this Agreement are, where necessary, consistent with the requirements of Section 304 of the NHPA (54 U.S.C. 307103).

X. Duration of Agreement

This Agreement will be in effect for 10 years from the date of execution (the date the last party signs) unless it is terminated prior to that time. One (1) year prior to the conclusion of the ten-year period, GTC will notify all parties in writing of the pending expiration. If there is no objection from consulting parties, the term of the Agreement will automatically be extended for an additional five (5) years. This extension process may occur on a rolling 5-year basis until there is an objection or proposed amendment. If any party objects to extending the Agreement

or proposes amendments in accordance with Stipulation XV, GTC will consult with the parties to consider amendments or other actions to avoid termination. As detailed in Stipulation XV, signatory parties shall consult to consider such amendments for no more than 90 days.

XI. Post-Review Discoveries

A. Planning for Subsequent Discoveries

When identification efforts indicate that historic properties are likely to be discovered during implementation of an undertaking, GTC shall include in any construction document, contract, and technical specifications a plan for discovery of such properties.

Implementation of the plan as originally proposed or modification as necessary owing to the nature and extent of the properties discovered, will be in accordance with 36 CFR § 800.13.

B. Discoveries on Private and State Land

1. When previously unidentified cultural materials are encountered during construction, all work, including vehicular traffic will cease immediately, within a 50 ft. radius and in the surrounding area where further subsurface archaeological resources can reasonably be expected to occur.
2. If the inadvertent discovery appears to be a consequence of illegal activity such as looting, the appropriate legal authorities will be contacted by onsite workers, if the landowner has not already done so.
3. Within 24-hours, GTC will notify RUS. Within that same timeframe, an appropriate authority from GTC will inspect the work site to ensure that all work, including vehicular traffic, has ceased and to protect the area of discovery from looting and vandalism.
4. Within 48-hours, GTC and RUS will notify SHPO and Indian tribes that may attach cultural and religious significance to the discovered property. GTC will further coordinate with RUS, SHPO, Indian tribes, and other consulting parties as appropriate to record, document, and evaluate the eligibility of the property (if it has not already been previously determined). If it is determined that the discovered property is eligible, GTC will assess the project's effects on the property, in consultation with RUS, SHPO, and other appropriate parties, and design a plan for avoiding, minimizing, or mitigating adverse effects, submitted for approval to RUS, SHPO, and, as needed, other appropriate consulting parties.

5. If neither SHPO nor an Indian tribe file an objection within 72-hours of receipt of the final determinations and plan developed by GTC and RUS for addressing the discovery, GTC may carry out the plan and the requirements of 36 CFR 800.13 on behalf of RUS, and the ACHP does not need to be notified. GTC must clearly outline within the submittal to the SHPO and other parties that there is a 72-hour turn around.
6. Discoveries on Federal land will follow the policies and procedures required by the managing federal agency.

C. Project Changes

Should project plans change that were not accounted for in the initial planning and discovery phases of the project, Section 106 will be reopened, and processes identified in Stipulations VII through VIII will be followed to determine if additional eligible properties are now within the revised APE and additional effects taken into account in accordance with this Agreement.

XII. Identification and Treatment of Human Remains

- A. If discoveries are made that contain burial sites or human remains, work including vehicular traffic shall immediately cease within a 100 ft. radius and in the surrounding area where further subsurface human remains can reasonably be expected to occur.
- B. GTC associates and contractors shall not take, distribute, or publish photographs of human remains or grave goods.
- C. The relevant law enforcement authorities will be immediately contacted by onsite personnel to reduce delay times, in accordance with tribal, state, or local laws.
 1. If the remains are determined by law enforcement to be part of a criminal investigation or a crime, GTC will notify SHPO about the stoppage of work.
 2. If the remains are determined by law enforcement to not be part of a criminal investigation or a crime scene, GTC will notify RUS within 24-hours. Within 48- hours, GTC will notify SHPO, Indian tribes, the Office of the State Archaeologist, and consulting parties as appropriate that may attach cultural and religious significance to the discovered property.

- D. Within 24 hours of the following business day of receipt of notification of an unanticipated discovery, an appropriate authority from GTC will inspect the work site to ensure that all work, including vehicular traffic, has ceased and to protect the area of discovery from looting and vandalism. If the unanticipated discovery is part of a criminal investigation or a crime scene, then the relevant law enforcement authority may take jurisdiction.
- E. If it is determined that the human remains, including funerary objects, are associated with an American Indian or Native American occupation (as defined in 25 U.S.C. 32 § 3001(9)), GTC and RUS, at the discretion of RUS, will consult with Indian tribes prior to the development or execution of a treatment plan in accordance with the provisions of the Native American Graves Protection and Repatriation Act (NAGPRA) (25 U.S.C. § 800.13; CFR Part 10, Subpart B; Official Code of Georgia (OCGA) § 36-72; OCGA 31-21-6).

The evaluation of human remains will be conducted at the site of discovery by an SOI qualified professional. Remains that have been removed from their primary context and where that context may be in question may be retained by the appropriate local authority in a secure location, pending further decisions on treatment and disposition. SOI-qualified professionals can document human remains or grave goods during the evaluation process which may include line drawings and photographs. The process for handling documentation from the evaluation will be included as part of the treatment plan based on consultation with Indian tribes.

- F. If human remains are found on Federal lands, the requirements of the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA) [25 U.S.C. 3001, et seq.] will also be followed.
- G. Work may not resume in the area of the discovery until a notice to proceed has been issued by RUS. RUS will not issue the notice to proceed until it has determined that the appropriate local protocols and consulting parties have been consulted.

XIII. Monitoring and Reporting

- A. Instead of individual reviews for projects, GTC will document the findings and submit associated reports to SHPO on an annual basis. The annual report will include a summary list of the projects reviewed and approved by RUS for loan/financial assistance that calendar

year. At a minimum, it will also include a brief project description, project location, effect determination, the SOI qualified reviewer, any protection measures, a copy of any associate survey reports, and specifically for eligible archeological resources whether a letter has been sent to the property owner as described in Stipulation VIII, Part E. An updated contact list for signatories will also be included, as well as any problems encountered, and any disputes and objections to the implementation of the Agreement or any individual project conducted under this Agreement. If an extension is needed to submit the annual report, GTC will request the extension and SHPO will acknowledge the extension in writing, if acceptable to all signing parties.

- B. Every five (5) years, GTC will contact signatories to evaluate the effectiveness of the Agreement, suggest revisions to its provisions, and to evaluate the quality of the resource identification and protection activities carried out under the Agreement.
 - 1. Prior to any meeting to discuss performance (i.e., the effectiveness of the Agreement), GTC shall submit to all parties to the Agreement a performance report summarizing the work carried out pursuant to its terms.
 - 2. The performance report, a 5-year compilation of annual reports, at a minimum shall include a summary of identification and protection activities, any problems encountered, and any disputes and objections. The report will serve as the basis for the review meeting;
 - 3. If, upon review of the list and recommendations, the parties to the Agreement agree that an in-person or virtual meeting is necessary, it will be arranged by GTC within a timeframe acceptable to all signing parties.
- C. If a party of the Agreement at any time concludes that performance under the Agreement is less than satisfactory, the parties shall request to consult at any time to improve performance and reconvene within six (6) months to evaluate performance.

XIV. Dispute Resolution

- A. Should any signatory or consulting party to this Agreement object at any time to any actions proposed or the manner in which the terms of this Agreement are implemented, the RUS

shall consult with such party to resolve the objection. If the RUS determines that such objection cannot be resolved, RUS will:

1. Forward all documentation relevant to the dispute, including the RUS' proposed resolution, to the ACHP. The ACHP shall provide RUS with its advice on the resolution of the objection within 30 days of receiving adequate documentation. Prior to reaching a final decision on the dispute, RUS shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, SHPO, Indian tribes, and other concurring parties and provide them with a copy of this written response. The RUS will then proceed according to its final decision.
 2. If the ACHP does not provide its advice regarding the dispute within the 30 day period, the RUS may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the RUS shall prepare a written response that takes into account any timely comments regarding the dispute from the SHPO and/or Indian tribes and consulting parties to the Agreement and provide them and the ACHP with a copy of such written response.
 3. The RUS responsibility to carry out all other actions subject to the terms of this Agreement that are not the subject of the dispute remain unchanged.
- B. If a member of the public files a dispute or objection for undertakings covered by this Agreement, RUS as the lead federal agency will be notified. RUS shall notify the other signatory parties in writing of the objection. Any signatory party may choose to comment on the objection to RUS. RUS shall establish a reasonable time frame for this comment period. RUS shall consider this objection, and in reaching its decision, RUS will take all comments from other parties into account. RUS will attempt to render a decision regarding the objection and respond to the objecting party within 15 days following closure of the comment period. RUS will then promptly notify the other parties of its decision in writing, including a copy of the response to the objecting party. RUS decision regarding the objection will be final. Following the issuance of its final decision, RUS may authorize the action subject to dispute hereunder to proceed in accordance with the terms of that decision.

XV. Amendments

Any signatory party to this Agreement may at any time propose amendments. All signatory parties shall consult to consider such amendments for no more than 90 days. This Agreement may be amended only upon written concurrence of all signatory parties. The amended Agreement, effective the date all parties have signed, will be filed with ACHP.

XVI. Termination

If any signatory to this Agreement determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation XV. If within 90 days (or another time agreed upon by all signatory parties) an amendment cannot be reached, any signatory may terminate the Agreement upon written notification to the other parties.

Once the Agreement is terminated, RUS shall ensure beginning with the date of termination that until and unless a new Agreement is executed for actions covered by this Agreement, such undertakings shall be reviewed individually in accordance with 36 CFR 800.4 through 36 CFR 800.6.

XVII. Execution in Counterpart

This Agreement may be executed in counterparts, with a separate page for each signatory. The RUS will ensure that each party is provided with a copy of the fully executed Agreement.

EXECUTION of this Agreement and the implementation of its terms is evidence that RUS has fulfilled its responsibilities under 54 U.S.C. 300101 *et seq.*

Signatory pages follow.

SIGNATORY PAGE

**PROGRAMMATIC AGREEMENT
AMONG
THE US DEPARTMENT OF AGRICULTURE, RURAL UTILITIES SERVICE,
GEORGIA TRANSMISSION CORPORATION,
AND THE GEORGIA STATE HISTORIC PRESERVATION OFFICER,
REGARDING COMPLIANCE WITH 54 U.S.C. 300101 *et seq.*
FOR GEORGIA TRANSMISSION CORPORATION**

SIGNATORIES:

U.S. Department of Agriculture Rural Utilities Service

Signature: _____ Date: _____

Director, Environmental and Historic Preservation Division

SIGNATORY PAGE

**PROGRAMMATIC AGREEMENT
AMONG
THE US DEPARTMENT OF AGRICULTURE, RURAL UTILITIES SERVICE,
GEORGIA TRANSMISSION CORPORATION,
AND THE GEORGIA STATE HISTORIC PRESERVATION OFFICER,
REGARDING COMPLIANCE WITH 54 U.S.C. 300101 *et seq.*
FOR GEORGIA TRANSMISSION CORPORATION**

SIGNATORIES:

Georgia Historic Preservation Division

Signature:  Date: Nov 7, 2024

Division Director & Deputy State Historic Preservation Officer

SIGNATORY PAGE

**PROGRAMMATIC AGREEMENT
AMONG
THE US DEPARTMENT OF AGRICULTURE, RURAL UTILITIES SERVICE,
GEORGIA TRANSMISSION CORPORATION,
AND THE GEORGIA STATE HISTORIC PRESERVATION OFFICER,
REGARDING COMPLIANCE WITH 54 U.S.C. 300101 *et seq.*
FOR GEORGIA TRANSMISSION CORPORATION**

INVITED SIGNATORIES:

Georgia Transmission Corporation

Signature: 

Senior Vice President, Project Services

Date: Nov 8, 2024

Appendix A: Definitions

The following terms are used in this Agreement as defined below:

- A. Coordination – the process by seeking, discussing, and considering views of other participants, and, where feasible, seeking agreement with matters arising from section 106 process. (This differs from consultation as the term consultation is typically reserved for government-to-government interactions.)
- B. Electrical and Telecommunication Facility – all assets associated with substations and transmission lines of various voltages as well as linear telecommunications, including but not limited to fee simple property, easement, equipment and materials.
- C. Historic District – a resource that possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development².
- D. Lead Federal Agency – the agency that collectively acts on the behalf of one or more other federal agencies and is responsible for fulfilling the requirements of Section 106 regulations.
- E. Preservation in Place – the process for avoiding adverse effects to historic properties, particularly archeological resources, by not excavating (or completing a phase III data recovery survey) but rather leaving the site undisturbed and protected with a stable vegetative cover and a sufficient buffer.
- F. Previously Disturbed or Developed Lands – Per 7 CFR 1970.6, land that has been changed such that its functioning ecological processes have been and remain altered by human activity. The phrase encompasses areas that have been transformed from natural cover to non-native species or a managed state, including, but not limited to, utility and electric power transmission corridors and rights-of-way, and other areas where active utilities and currently used roads are readily available. In some instances, intact cultural layers could exist below previous disturbances, such that identifying the specific area of disturbance, including depth, is important.

² Definition per National Register Bulletin 15, “How to Apply the National Register Criteria for Evaluation”

Appendix B: Mitigation and Minimization Strategies

A. Statewide Mitigation Strategy

1. As part of this Agreement, GTC agrees to a statewide strategy for mitigating adverse effects to historic properties resulting from GTC's undertakings in the State of Georgia. The intent of this strategy is to mitigate the unavoidable and repetitive adverse effects to historic properties from activities associated with the construction, modification, and relocation of GTC's facilities. The strategy, implemented at the initiation of the Agreement, will extend through the duration of the Agreement.
2. As a mitigation strategy, GTC will fund the collection, storage, and/or management of data on historic properties (i.e., buildings, structures, districts, sites, and objects that are eligible for the NRHP in the State of Georgia). The research work could include, but not be limited to the following: context studies, field surveys, review and analysis of findings, identification of potential historic districts, incorporation of the data into appropriate inventories, incorporation of legacy data into appropriate inventories, and maintenance of the inventory platform. This mitigation strategy will be funded annually or semi-annually by GTC.
3. Any research will be undertaken by individuals selected by GTC with concurrence from SHPO and other interested parties.
4. Research projects (such as building, structure or district surveys, NRHP nominations, etc.) will be undertaken in a manner consistent with the Secretary of Interiors Standards and Guidelines for Archeology and Historic Preservation (48 Fed. Reg. 44716-44742).
5. GTC has recently commissioned a historic context study of the development of rural electricity in Georgia that focuses on the early days of the Electric Membership Corporations (EMCs) with the intent that this could serve as the beginning of a larger context study. The larger study is forthcoming will provide a statewide historic context regarding the potential significance of utility infrastructure.

B. Treatment to Minimize Adverse Effects

It may be possible to lessen or mitigate potential physical and visual impacts to historic properties by applying the following minimization strategies or treatments:

1. Routing to minimize the contrast between the transmission line structures/poles and the surrounding environment so that the electrical facility blends in rather than stands out by sharing corridors with existing facilities. The sharing or collocation of corridors may minimize impacts by reducing the amount of new right-of-way and clearing required; by concentrating linear land uses, by reducing the number of new corridors that fragment the landscape; and by creating an incremental, rather than a new impact. Some common examples may include the following:
 - a. Collocating GTC facilities with roads
 - b. Collocating GTC facilities with existing electrical utilities
 - c. Locating GTC facilities along land use boundaries
2. Making minor adjustments to pole locations to help the transmission line blend in rather than stand out. Some common examples may include the following:
 - a. Not placing structures directly in front of contributing/eligible properties.
 - b. Locating poles in ways that minimize right-of-way requirement and vegetation removal.
3. The form, color, or texture of a line can be modified to somewhat minimize aesthetic impacts. There are some choices available in transmission structure color and/or construction material. Structures constructed of wood, spun concrete that has been tinted brown with dye, or of rust brown oxidized steel may blend better with certain landscapes.
4. Using landscaping and fencing where feasible. *This is usually not an option that can be employed for transmission lines, due to height.*

Appendix C: Exempted Activities

RUS does not need to take into account the effects of the following components of undertakings on historic properties:

- A. Customer Choice Loads – Construction of transmission and linear telecommunication facilities on the property of an industrial or commercial facility that is not historic, as defined in Stipulation VI.C, where the property itself has been previously disturbed to a degree that a professional archaeologist determines that no intact or eligible archaeological sites exist and that a pedestrian survey would not be practical or necessary, and that a professional architectural historian determines that transmission or linear telecommunication facilities could not be seen outside the boundaries of the commercial or industrial park or property and so could not potentially effect historic properties external to the transmission or linear telecommunication property;
- B. Existing GTC Easements & Fee Properties – Construction and modification of transmission and linear telecommunication facilities within existing transmission line rights-of-way or substation properties (excluding moving poles), where no additional disturbance outside the existing rights-of-way, easements, or fee properties will be necessary, and where the effect, if any, on an historic property would be no greater than already exists, as determined by a SOI qualified professional archaeologist and professional historian;
- C. Properties Previously Surveyed – Construction and modification of transmission and linear telecommunication facilities where the APE has been surveyed within the last five years by a qualified archaeologist and architectural historian and where a determination has been made that the APE contains no sites listed or eligible for listing in the NRHP;
- D. Projects with No or Minimal New Land Disturbance: projects located on previously disturbed lands as defined by 7 CFR 1970.6 that have negligible or no new physical land disturbance will not require a survey for archaeological properties, as long as extraordinary circumstances as defined in 7 CFR 1970.53, are not present;
- E. Existing Electrical and Telecommunication Facilities: While a statewide historic context study regarding the potential significance of utility infrastructure is forthcoming but not at this time complete (see Appendix B.A.5), GTC will not evaluate existing electrical or telecommunication facilities that are 50 years of age or older for eligibility for inclusion in the NRHP. Nor will GTC be required to consider impacts resulting from the modification,

replacement, or demolition of these facilities or to their settings and view sheds. However, once a historic context is completed, in consultation with SHPO and other appropriate parties, GTC will follow the documentation guidance provided in said context. This exemption does not apply to any facility under the jurisdiction of the Tennessee Valley Authority (TVA). In the rare instance that a GTC project may involve a TVA facility, GTC will follow any documentation and evaluation guidelines set forth by that agency.