

## APPENDIX B - STANDARD CANAL LANGUAGE

### PROTECTION OF CULTURAL RESOURCES

Ground-disturbing activities of the proposed project may take place in an area that has at least a low potential to contain archaeological or historical resources. Buried archaeological deposits may be found relating to prehistoric or historic period uses of the area by native peoples, canal construction activities, or other development and uses adjacent or near the canal. Any cultural resources, both anticipated and unanticipated, should be protected by any proposed action.

Construction, inspection or other project personnel (excepting approved archaeologists) shall **not for personal observation or use collect**, move, or in any other way alter any prehistoric, historic-period or modern artifacts or features on federal property or on private property in the project vicinity.

#### A. Covered Resources

If during excavation or other construction activities any previously unidentified or unanticipated prehistoric or historic-period (i.e., 50 years or older) archaeological resources and/or human remains/burial(s) are discovered, all activities that may damage or alter such resources shall be temporarily suspended in the vicinity of the discovery. Resources covered by this paragraph include but are not limited to: any human skeletal remains or burials; *prehistoric* artifacts such as formed stone tools, for example projectile points (arrowheads of spear points), scrapers, and/or the debitage (flakes or chips) left over from forming tools; fire pits/rings; rock art, such as pictographics (rock paintings) or petroglyphs (pecked rock art and/or any other artifacts and/or features indicating other prehistoric human activities. Historic-period artifacts, such as concentrations of historic refuse (often called, “trash pit” “trash dump”) containing one or more items such as metal cans, ceramics, glass, etc.; material remains from buildings or structures, such as bricks, boards, construction hardware, etc.

Upon such discovery or find, the Contractor and/or responsible City staff member(s) shall immediately notify the City’s designated Cultural Resource Coordinator so that the appropriate authorities may be notified (including a professional archaeologist) and a determination made as to their significance and what, if any, special disposition of the finds should be made. The Contractor and/or responsible City staff member(s) shall cease all activities that may result in impact to or the destruction of these resources. The Contractor shall secure the area and prevent employees or other persons from trespassing on, removing, or otherwise disturbing such resources. All newly discovered “*in situ*” (i.e., in-place) cultural materials of functional, stylistic, or chronological significance will be preserved and protected to the greatest extent possible using the stipulations outlined below, as required by 36 CFR 800.13(a)(2).

#### B. Unanticipated Discovery

All work within the immediate vicinity of the discovery will cease and the area of the find will be secured from further damage until such time as a qualified professional Archaeologist with delegated responsibility can assess the significance of the discovery.

Once the discovery has been assessed by the professional archaeologist, the Oregon State Historical Preservation Office will be provided with summary information regarding the character, extent, and significance of the find and any additional information, determination of significance and/ or recommendations regarding protection of the resource(s).

If the discovery has the potential to be of cultural or religious significance to an affected Federally- or State-recognized Indian tribe, appropriate staff and governmental representatives of the tribe(s) will be notified and provided summary information regarding the character, extent and significance of the find and any additional information regarding potential resource protection measures. The “Consultation” level of review will be implemented.

The following protection measures are recommended for immediate implementation:

- Photograph, draw, and/or describe significant cultural or environmental data.
- Fence off the discovery area, construct protective shoring if necessary, and cover the discovery area with appropriate materials that do not further damage the artifacts or features to protect the find and mitigate any safety concerns.

### **C. Treatment of Human Remains**

For any human burial discovered on federal lands, provisions of the Native American Graves Protection and Repatriation Act of 1990 (PL 101-601; 25 USC 3001-3013) and its rules and regulations (43 CFR Part 10.4) will apply. For human remains discovered on non-federal public or private lands, provision of ORS97.740 will apply. Upon discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony, construction activities within 100 feet shall cease and the discovery site shall be secured. The City, in coordination with the FERC, and as appropriate the USACE (if the undertaking involves their jurisdictional authority) consulting as appropriate with Indian tribe(s) will then take the lead in fulfilling its responsibilities under 43 CFR Part 10.4, as well as with appropriate State laws.

## **CANAL WORK REQUIREMENTS**

The Santiam-Albany Canal is of critical importance to the cities of Albany and Lebanon. It is the sole water source for the city of Lebanon and one of two sources for the city of Albany. All work performed in and adjacent to the Canal must be designed and constructed to comply with the following:

- Ensure the operation and maintenance of the canal is not compromised
- Ensure the structural integrity of the Canal banks are not compromised
- Ensure the Canal flow capacity of 310 cubic feet per second is maintained or achieved
- Ensure the drinking water quality conveyed by the Canal is protected from drainage and potential contamination

## **MAINTAINING CANAL FLOWS**

The City will be responsible for adjusting the flow in the Santiam-Albany Canal during the construction period, to levels agreed upon during the Preconstruction Conference. The Contractor will provide the City a proposed schedule at the preconstruction conference. In addition, the Contractor will provide the City's representative 24 hours' notice of intent to begin in-channel work.

## **PROTECTING CANAL WATER QUALITY**

The Santiam-Albany Canal serves as the drinking water source for the City of Albany. Special care shall be taken to protect the Canal and ensure construction does not impact the water quality of the Canal. No debris shall be allowed to enter the Canal. No wet concrete shall be allowed to enter the Canal. No water shall be directed or pumped into the Canal. Turbidity shall not exceed 10 percent above natural Canal turbidities as a result of the project.

Contractor shall prevent oils, grease, fuel, or other petroleum products from entering the Canal flow, or from remaining in dewatered canal sediments. Large equipment needed for installation will operate from the Canal bank and not enter the Canal channel unless water has been diverted around the work area. The Contractor shall have a spill kit on site to allow rapid response should any material or pollutant enter the canal as a result of construction activities. In case of an emergency spill, the Contractor shall immediately notify the City of Albany Vine Street Water Treatment Plant 541-917-7601 or Operations Department 541-917-7600, after hours 541-967-2394.

The Contractor shall notify Jeff Kinney 541-981-1101 or Brian Kuehn 541-971-6557 and the operator on duty at the City of Albany Vine Street Water Treatment Plant 541-917-7601 each day the Contractor will be working along or in the Canal. Information shall include working hours and planned activities for the day.

No road drainage may be allowed to enter the Canal upon project completion. Drainage from private property adjacent to the Canal should not be increased as a result of this project. If possible, the edge of the bank within the project area should be contoured to direct drainage away from the Canal.

#### **WORKING WITHIN CANAL RIGHT-OF-WAY**

Within the Albany city limits and Linn County, the City of Albany has a maintenance easement of 25 feet on either side of the Santiam-Albany Canal centerline. Within the Lebanon city limits, the City of Albany has a maintenance easement of 30 feet on either side of the Canal centerline. Contractor, including staff and equipment, shall endeavor to remain within this easement for all work. The City will obtain Temporary Access Agreements with private property owners if design calls for Contractor to perform work outside the maintenance easement. Contractor shall abide by all terms of Temporary Access Agreements obtained for this project.