

**UPPER KLAMATH LAKE AND THE SECTION 106 PROCESS:
UNDERTAKINGS, AREAS OF POTENTIAL EFFECT, AND FEDERAL
RESPONSIBILITY**

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I. INTRODUCTION

Upper Klamath Lake¹ has long sustained a population deeply intertwined with the natural rhythm of this rich resource. The lake and its surrounding environment provided food, raw materials, and spiritual sites for the people of the Klamath Tribes. Numerous villages, campsites, and burial areas once rimmed the shores of Upper Klamath Lake² prior to the removal of the Klamath Tribes from the majority of these locations by the Treaty of 1864.³

4

Site stabilization measures, such as the placement of soil-stabilizing riprap,⁵ has somewhat decreased the loss to this site.⁶ Yet the fluctuating lake level, one of the major factors that

l o c a t i o n

Bureau of Reclamation (BOR),¹⁰ the federal agency responsible for managing the Klamath Reclamation Project, Link River Dam is operated under contract by Pacificorp, a private corporation federally licensed to manage the Klamath River Hydroelectric Project.¹¹ Pursuant to a modification in its operation contract, Pacificorp's operation of the dam must provide water for both irrigation and power generation, as well as provide for flood control and habitat protection for fish.¹²

Presently, neither the BOR nor Pacificorp has formally considered the impacts of its actions and operations on the historic properties surrounding Upper Klamath Lake. In accordance with the National Historic Preservation Act of 1966, the BOR and Pacificorp, which operates under license from the Federal Energy Regulatory Commission, must consider the impact of their actions on historic properties.¹³

This Note discusses the responsibilities of the BOR and Pacificorp to address the negative impacts resulting from their actions that affect historic properties along Upper Klamath Lake. The Note provides a brief background of the history of Upper Klamath Lake, discusses the purpose and process of the National Historic Preservation Act of 1966,¹⁴