



United States Department of the Interior

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In Reply Refer to: FWS/IR09/IR12

18 December 2025

To: Leah Tai
Program: ES
Funding: Partners

From: Patrick Rennaker, Archaeologist

RE: Section 106 Compliance: **Highland Ditch Dam Removal and Irrigation Efficiency Project**, Douglas County, Oregon. SHPO Case No. 25-0513

Thank you for requesting our assistance meeting the responsibilities of the U.S. Fish and Wildlife (FWS) in complying with Section 106 of the National Historic Preservation Act (NHPA) for the subject undertaking in Douglas County, Oregon (T32S R5W S13, 14, 22, 23, Quines Creek, OR 7.5', USGS quad) (Figures 1-7).

Summary of Undertaking and Area of Potential Effects (APE): FWS is providing technical assistance and funding through the Partners for Fish and Wildlife program to support Oregon Department of Fish and Wildlife in a fish habitat restoration effort on Cow Creek. BOR is also providing funding support. The project consists of a dam removal, a transmission ditch capping, establishment of a new point of diversion, and installation of a piping system for water rights distribution to 13 different landowners (Figure 3-7). Activities include the following:

- A low-head concrete diversion dam/sill and concrete intake infrastructure will be removed from the active stream channel of Cow Creek at the head (north) end of the project.
- A new fish-friendly screened water intake approximately 1 mile downstream from the diversion dam in Cow Creek, near the project's mid-point.
- From that point, approximately 4 miles of pipeline will be installed in ground, below the frost line (ie at least 20" deep) for irrigation water delivery to individual irrigation users. Any soil that is excavated for the pipeline will be placed back on top of the piping once the project is fully functional. The new pipeline will be located along/within the former ditch alignment for approximately 3 miles, or along previously disturbed roadway embankments for approximately 1.5 miles. Where it does not occur in the previous ditch or along the roadway, the new alignment will run along existing fence lines of active agricultural fields.
- Additional access points to each of the project areas (i.e. dam removal, and new point of diversion) will utilize existing roads or driveways, and project staging areas will be situated in areas that are currently considered disturbed areas.

The area of potential effects (APE) includes the physical footprint where all activities will occur, a total area of approximately 7.9 acres.

Regulatory Context: The FWS and BOR contribution of funding constitutes an undertaking according to Section 106 of the National Historic Preservation Act (NHPA). FWS is responsible for a finding of effect under

Section 106. The FWS is also responsible for consultation with Indian Tribes for the undertaking.

Background and Setting: The APE is within the ancestral homeland of the Takelma people. It occurs adjacent to and within Cow Creek, bisecting multiple privately-owned parcels near the town of Azalea, in south Douglas County, Oregon, just off of Interstate-5.

The diversion ditch and original dam (Highland Ditch and Dam) was first built around 1920. Originally, one owner controlled the whole of the ditch, but it has subsequently been subdivided and is now owned by 13 different landowners who proportionally share the original water right. Prior to construction of the existing infrastructure, a 1910 contract between landowners described the original dam:

“It is hereby understood that a stationary log about 18 inches diameter may be placed in Cow Creek for a foundation of a dam. This dam to be put in about May 1st of each year and to be removed on or before the first day of October of the same year” (Agreement between Johns and Sons parties of the first part, and Gilbertson and Eakin parties of the second part, 25 October 1910).

The dam currently consists of a mixture of a metal culvert, capped with concrete and push up dam with earthen materials, modified each irrigation season with various wood stanchions, logs, tarps, etc to patch the gaps for water diversion.

Recent operation of the existing system has led to severe fish strandings/kills for the length of the ditch, and several ESA-listed fish species were found. It was agreed that if the project were to be upgraded to a more "fish-friendly and water efficient" delivery method that no penalty would be levied to the landowners by either ODFW, NMFS, or OR Water Resources. The land is currently being used for ranching and haying with most surface areas having been logged or plowed up for farming historically.

Historic Property Identification Effort: The project proponents contracted with Lithos Paleontology and Cultural Resource Consultants, LLC, to conduct a cultural resource investigation of the APE. Lithos conducted a pedestrian survey. A report was prepared (Kovalchik et al. 2025) and submitted to Oregon State Historic Preservation Office. No cultural resources were identified.

Tribal Consultation: On 12 May 2025, the FWS initiated consultation with the cultural resources staff of the tribes that express interest in this area of Douglas County, the Cow Creek Band of Umpqua Tribe of Indians, Confederated Tribes of the Grand Ronde Community of Oregon, and Confederated Tribes of Siletz Indians. No responses have been received.

SHPO Consultation: FWS submitted a letter to the Oregon State Historic Preservation Office (SHPO) documenting the project Undertaking and APE dated 15 May 2025 via email. SHPO responded with a letter dated 19 May 2025 concurring with the APE as described and assigning the project #25-0513. On 19 November 2025, FWS transmitted a letter presenting FWS’ finding of effect. SHPO sent a letter via email dated 17 December 2025, noting the following:

We concur with the determination that the Highland Ditch Dam and Highland Ditch are not eligible for listing in the National Register of Historic Places. We concur that there will be no historic properties affected for this undertaking.

Determination of Effect: The APE has been surveyed and the Highland Ditch and Dam structures along with two buried automobiles associated with the dam were recorded and evaluated for listing on the National Register of Historic Places (NRHP). The FWS has reviewed the contractor’s report and concurs with the findings that the Highland Ditch Dam, the associated buried automobiles, and the Highland Ditch are not eligible for the NRHP. Based on a review of the scope of activities, the land use history, and the results of the field investigation, the FWS is recommending that the project be considered a “*no historic properties affected*” outcome under 36CFR800.4.d.1, the implementing regulations of the NHPA Section 106. This recommendation

is subject to change if issues or concerns arise during the consultation process.

In order to protect cultural resources, the FWS recommends:

- Inadvertent Discovery –The presence or absence of cultural resources can never be predicted with certainty. An Inadvertent Discovery Plan is attached to this letter, detailing the procedures should human remains or significant cultural resources be uncovered during implementation of the project. Project staff and contractors will be advised to review the IDP and be prepared to implement it as necessary during project implementation.

This determination of effect applies only to the activities described above. Plans for future federally-funded ground disturbing activities within the same location may require a separate determination of effect, and may require additional consultation and inventory efforts to ensure Section 106 compliance. Thank you for considering cultural resources.

Attachments:

Figures 1-7: Site maps and photographs

Inadvertent Discovery Plan, Highland Ditch Dam Removal Project. Prepared by U.S. Fish and Wildlife Service.

Reference:

Kovalchik, Jacob, Kim Johnson, and Alex Curtman

2025 Cultural Resource Survey for the Highland Ditch Dam Removal Project, Douglas County, Oregon.

Prepared by Lithos Paleontology and Cultural Resource Consultants, LLC. Submitted to the Oregon Department of Fish and Wildlife.

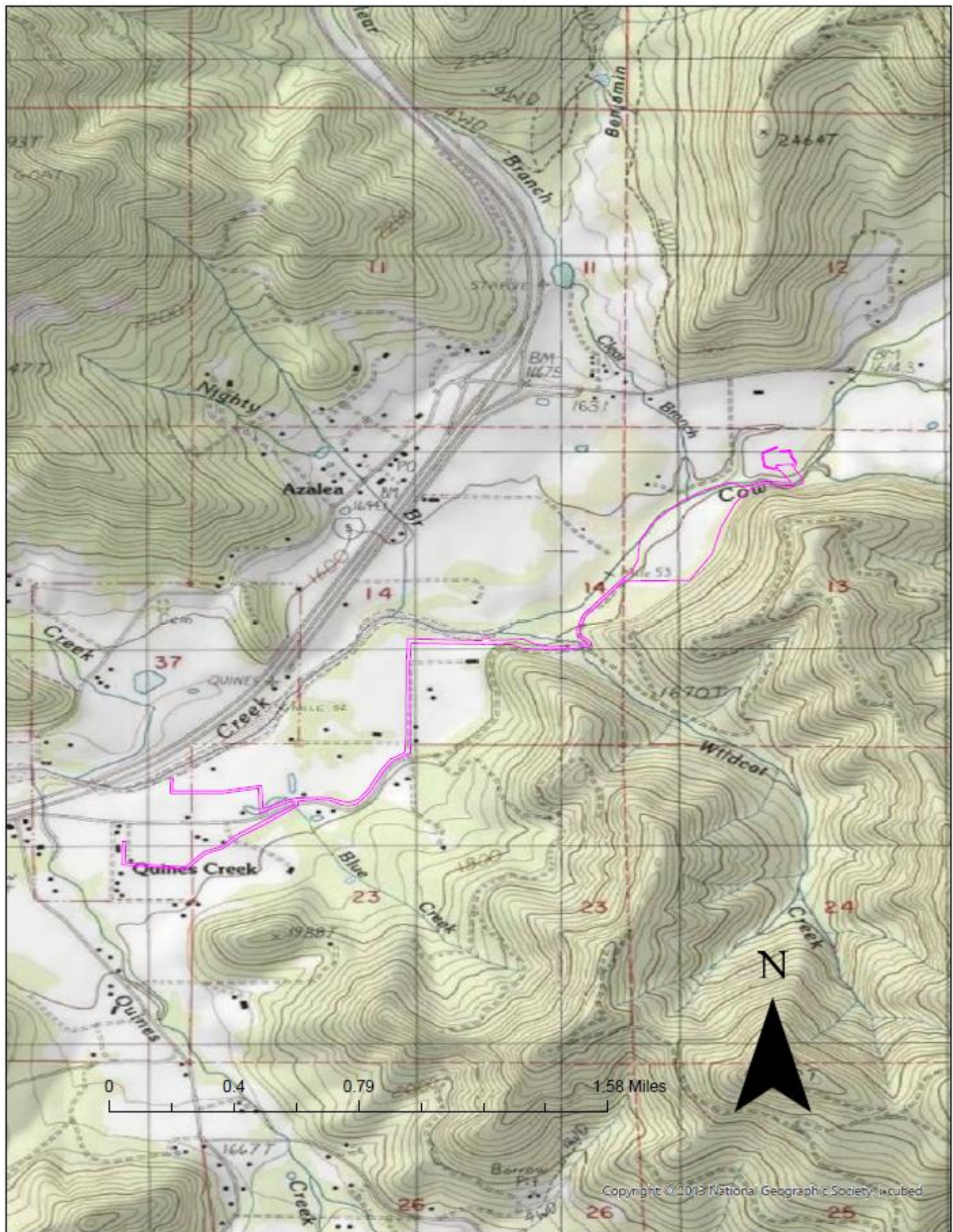


Figure 1. APE on Quines Creek OR 7.5' USGS quad.

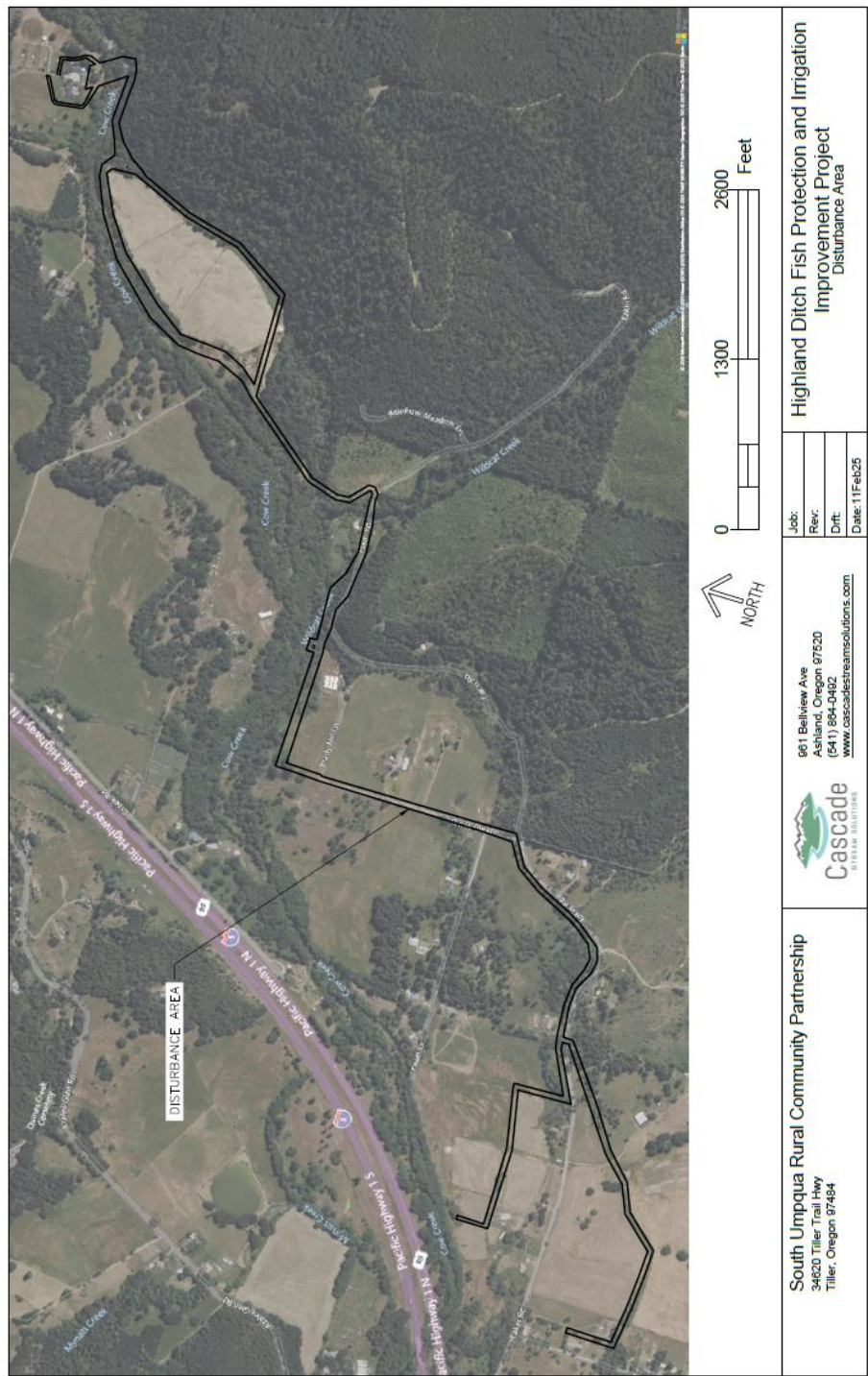


Figure 2.APE on aerial photograph.

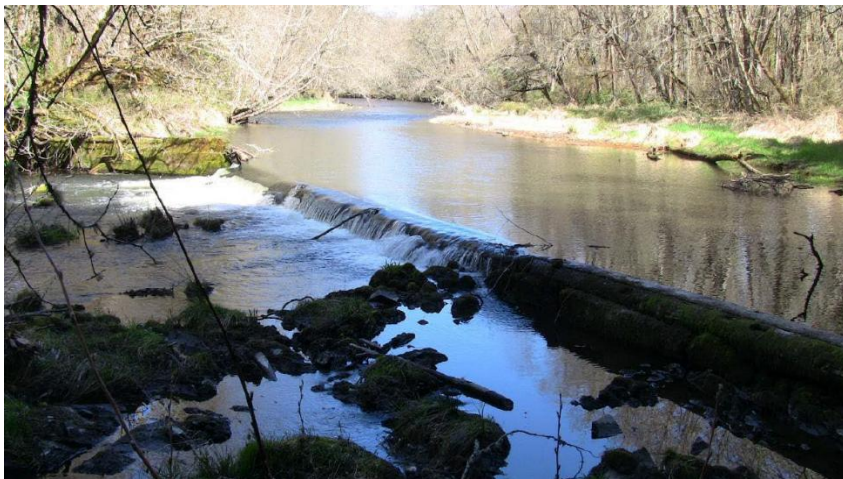


Figure 3. Photographs of the existing dam.



Figure 4. Existing ditch and perennial plastic water management debris.



image 13



Figure 5.Ditch irrigation water release sites.



Figure 6. Current fish screen and related equipment.



image 1



image
10

Figure 7. Main flume for fish release if they are entrapped in the ditch. Plastic sheet indicates release hole opening.