

137 FERC ¶ 62,216
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Public Utility District No. 1 of Chelan County

Project No. 637-083

ORDER APPROVING HISTORIC PROPERTIES MANAGEMENT PLAN

(December 8, 2011)

1. On October 11, 2011, Public Utility District No. 1 of Chelan County (Chelan PUD or licensee) licensee for the Lake Chelan Hydroelectric Project (FERC No. 637), filed a Traditional Cultural Property Management Plan (TCPMP or plan) pursuant to article 401 and Appendix A, article 10(f) of the license.¹ The project is located on the Chelan River, near the City of Chelan, in Chelan County, Washington. The project occupies 465.5 acres of federal lands administered by the US Forest Service (USFS) and the US Department of the Interior, National Park Service (NPS).
2. Chelan PUD reached a final agreement with other participants in the relicensing process for the project in October 2003. The terms of this agreement are presented in the Lake Chelan comprehensive settlement agreement (SA) which includes an historic properties and cultural resources management plan (HPCRMP). The HPCRMP commits the licensee to initiating and implementing a TCPMP. SA participants included: USFS, NPS, US Fish and Wildlife Service (USFWS), National Oceanic and Atmospheric Administration Fisheries, Washington State Departments of Ecology and Fish and Wildlife, Colville Confederated Tribes (Tribes), City of Chelan, and the American Whitewater Affiliation.
3. License article 401 requires the licensee to file, for commission approval, a TCPMP pursuant to Appendix A, article 10(f). Article 10(f) requires the licensee to initiate development and implementation of the TCPMP as described in section 4.2 of chapter 10 of the SA. Section 4.2 notes that traditional cultural properties found within the area of probable effect (APE) shall be subject to the approval of the land management agency responsible for the property on which the traditional cultural property (TCP) may be found.

¹ See Order on Offer of Settlement and Issuing New License, issued November 6, 2006, 117 FERC ¶ 62,129 (2006).

4. Article 401 also requires the licensee's TCPMP to include: 1) documentation of its agency consultation; 2) allowance of a minimum of 30 days for the consulted entities to comment before filing the plan with the Commission; and 3) copies of agency comments and recommendations made in connection with the plan.
5. Since 1999, Chelan PUD has contracted for a series of studies that provide cultural context and background relevant to TCPs. Two previous TCP inventory studies (focusing on the Chief Moses Tribes) and the more recent TCP Coleville Confederated Tribes (CCT) database identified TCPs within and surrounding the project APE. To date, 47 native American TCPs have been identified within the project's area APE. Chelan PUD has established a data sharing agreement with the CCT that allows the licensee to maintain tribally sensitive geographic information system locational data for the purpose of considering the effects of project operations.
6. The TCPMP incorporates the stipulations set forth in article 401 and appendix A, article 10(f). The plan, filed October 11, 2011, includes: 1) plan introduction and background; 2) description of the APE; 3) identification of traditional cultural properties (TCPs); 4) explanation of potential National Register of Historic Places eligibility; 5) project effects and treatment; 6) periodic plan updates; 7) summary and conclusions; 8) references; 9) three appendices, including project mapping and a comprehensive summary of known TCPs; and 10) a summary of agency consultation. The plan also reinforces the decision-making process and outlining of procedures for consulting with the State of Washington's Historic Preservation Officer (SHPO) and the concurring parties should an inadvertent TCP be discovered as noted within the previously approved HPCRMP.
7. The licensee consulted with the SHPO and other members of the Lake Chelan/Reach Cultural Forum (LCRCF), and on July 21, 2011, sent a second draft of the TCPMP to all consulting parties for review and comment. The LCRCF includes NPS, USFS, SHPO, Tribes and Yakama Nation, US Bureau of Indian Affairs, and the Bureau of Land Management. The NPS, Tribes, USFS, and SHPO responded with comments, each was addressed within the final TCPMP. No other comments were received.
8. The TCPMP takes into account the effects of project activities on TCPs and archeological sites within the project APE. The plan, and its provisions, helps ensure that no inadvertent alterations of National Register of Historic Places-qualifying characteristics would take place during routine operation and maintenance of the project or ground-disturbing construction activities. The proposed TCPMP is consistent with the requirements of article 401 and appendix A, article 10(f), and should be approved. Upon issuance of this order, the licensee should implement the TCPMP.

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The Director orders:

(A) Public Utility District No. 1 of Chelan County's Traditional Cultural Properties Management Plan, filed on October 11, 2011, for the Lake Chelan Hydroelectric Project, No. 637, is approved and made part of the license.

(B) This order constitutes final agency action. Any party may file a request for rehearing of this order within 30 days from the date of issuance, as provided in sections 313(a) of the FPA, 16 U.S.C. § 8251 (2006), and the Commission's regulations at 18 C.F.R. § 385.713 (2011). The filing of a request for rehearing does not operate as a stay of the effective date of this order, or of any other date specified in this order. The licensee's failure to file a request for rehearing shall constitute acceptance of this order.

Robert J. Fletcher
Chief, Land Resources Branch
Division of Hydropower
Administration and Compliance

Document Content(s)

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