

143 FERC ¶ 62,059
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Public Utility District No. 1 of Chelan County

Project No. 637-022

ORDER APPROVING REVISED HISTORIC PROPERTIES MANAGEMENT PLAN

(Issued April 25, 2013)

1. On October 24, 2012, the Public Utility District No. 1 of Chelan County (licensee) filed a revised Historic Properties Management Plan (plan), for Commission approval, pursuant to article 410 of the license and appendix A, article 10 of the Settlement Agreement for the Lake Chelan Hydroelectric Project (FERC No. 637).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 U.S. Forest Service and National Park Service.²
2. Article 410 requires the licensee to implement the “Programmatic Agreement Among the Federal Energy Regulatory Commission, the Washington State Historic Preservation Officer, and the Confederated Tribes of the Colville Reservation Tribal Historic Preservation Officer for Managing Historic Properties that May be Affected by a License Issuing to Public Utility District No. 1 of Chelan County for the Continued Operation of the Lake Chelan Hydroelectric Project in Chelan County, Washington (FERC No. 637-022)” executed on September 28, 2005, and including but not limited to the Lake Chelan Historic Properties and Cultural Management Plan (Historic Properties Management Plan or the plan) for the project filed as part of the settlement agreement on October 8, 2003. Article 410 approves the plan and makes it part of the license.
3. Section 3.7 of the plan includes provisions for reviewing and revising the plan every 5 years with the agencies currently acting as members of the Lake Chelan Cultural Forum, to include the State Historic Preservation Officer and the U.S. Forest Service.

¹ See Order on Offer of Settlement and Issuing New License, issued November 6, 2006 (117 FERC ¶ 62,129). The original plan was included as part of the Settlement Agreement submitted to the Commission on October 17, 2003 and made part of the license.

² The federal lands are in Wenatchee National Forest and the Lake Chelan National Recreation Area of North Cascades National Park.

4. The revised plan includes provisions to protect historic properties and cultural resources within the area of potential effect in and around the project over the next 5 years of the 50-year license term. Specifically, the plan discusses 1) coordination and consultation with the appropriate agencies, including the Washington State Historic Preservation Officer; 2) employee education and public interpretation; 3) inadvertent discoveries and emergency situations; 4) management standards for monitoring and treatment of cultural resources, and categorical exclusions; 5) curation and data management; 6) periodic updates to accommodate for environmental and regulatory changes; and 7) a schedule for implementation. The licensee has appointed and trained a Cultural Resources Coordinator responsible for implementing the revised plan. The licensee would consult its approved Traditional Cultural Properties Management Plan if project activities would specifically impact Traditional Cultural Properties.³ The revised plan addresses identified cultural sites, National Register of Historic Places eligibility, and ongoing treatment plans. Finally, the revised plan provides documentation of consultation with the Lake Chelan Cultural Forum.

19. The licensee provided the members of the Lake Chelan Cultural Forum a copy of the revised plan on March 1, 2012, and additional revisions on September 6, 2012 for review and comment, including the U.S. Forest Service, National Park Service, Bureau of Land Management, Bureau of Indian Affairs, State Historic Preservation Officer, Confederated Tribes of the Colville Reservation, and the Yakama Nation. The licensee adequately addresses all comments and incorporates necessary changes to the revised plan, including formatting changes and specific language additions.

20. The licensee's proposed revised Historic Properties Management Plan addresses the stipulations in the Programmatic Agreement and fulfills the requirements of article 410. Implementation of the revised plan would ensure that any potential effects of the project on historic properties are adequately addressed. The revised plan should be approved. The plan would be reviewed for any possible needed revisions in 2017.

The Director orders:

(A) The revised Historic Properties Management Plan for the Lake Chelan Hydroelectric Project (FERC No. 637), filed on October 24, 2013 by the Public Utility District No. 1 of Chelan County, is approved.

³ See Order Approving Historic Properties Management Plan, issued December 8, 2011 (137 FERC ¶ 62,216).

(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 its issuance, as provided in section 313(a) of the FPA, 16 U.S.C. § 8251 (2006), and the Commission's regulations at 18 C.F.R. § 385.713 (2012). 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