



PUBLIC UTILITY DISTRICT NO. 1 of CHELAN COUNTY

P.O. Box 1231, Wenatchee, WA 98807-1231 • 327 N. Wenatchee Ave., Wenatchee, WA 98801
(509) 663-8121 • Toll free 1-888-663-8121 • www.chelanpud.org

November 8, 2010

VIA ELECTRONIC FILING

Honorable Kimberly D. Bose, Secretary and
Nathaniel J. Davis, Sr., Deputy Secretary
FEDERAL ENERGY REGULATORY COMMISSION
888 First Street, NE
Washington, DC 20426

**Re: Lake Chelan Hydroelectric Project No. 637-022
License Article 401(a) and Appendix A, Agreement Article 10(f) – Traditional
Cultural Properties Management Plan
Request for Third Extension of Time**

Dear Secretary Bose:

On September 14, 2007, and October 2, 2008, respectively, the Federal Energy Regulatory Commission (Commission) issued an “Order Granting Extension of Time for Article 401 and Appendix A, Article 10(f)” for the Lake Chelan Hydroelectric Project (Project). Ordering Paragraph (A) granted the Public Utility District No. 1 of Chelan County, Washington (Chelan PUD or Licensee) to file a Traditional Cultural Property (TCP) Management Plan by the extended deadline of November 1, 2008, and November 1, 2010 to comply with Article 401 and Appendix A, Article 10(f) of the license.¹

For the reasons described below, Chelan PUD respectfully requests a third extension of time for completing the plan until November 1, 2011.

Reason for Request

The eligibility requirements of a traditional cultural property (TCP) may have far-reaching implications for the Lake Chelan Cultural Forum (LCCF), and therefore, should not be ascertained without due diligence. Chelan PUD has worked cooperatively with the LCCF to come to agreement on the process to determine eligibility and, subsequently, craft a TCP Management Plan that complies with the requirements of Article 401(a), the intent of the Settlement Agreement, and federal regulations.

¹ See “Order on Offer of Settlement and Issuing New License,” (117 FERC ¶62,129 (2006)) and “Order on Rehearing,” (119 FERC ¶61,055 (2007)).

To date, much work has been accomplished to develop the TCP Management Plan for Lake Chelan. Previous reports include Camas Consulting (2001)² and Archaeological Frontiers (2002)³. In November 2007, Chelan PUD contracted with the Confederated Tribes of the Colville Reservation (Colville Tribes) to develop a quantification database of TCPs with associated maps. In December 2009 and April 2010, Chelan PUD received a proposal for Project Area of Potential Effect (APE) recommendations and TCP significance for the TCP Management Plan. In August and September of 2010, the Colville Tribes contracted with Willamette CRA to complete a draft TCP Management Plan (Draft Plan) for Lake Chelan.

Chelan PUD's review of the Draft Plan resulted in a decision to request additional time to complete a final TCP Management Plan. Chelan PUD must continue to work toward reaching agreement with the LCCF.

Currently, Chelan PUD staff are reviewing the Draft Plan and preparing comment for submittal to the Colville Tribes. Based on the sensitive nature of the document, we anticipate needing the additional time for LCCF members to reach consensus on the final plan and for submittal to the Commission. The anticipated schedule for completing the final TCP Plan is attached as Appendix A.

Comments from the Affected Resource Agencies

Chelan PUD has discussed our intent to request a time extension with Hank Ecton, Commission, and John Eddins, state Archaeology & Historic Preservation office, in October and November 2010.

The LCCF was consulted regarding the need for an additional one-year extension to complete the TCP Management Plan on October 22, 2010. A copy of the consultation completed is attached as Appendix B. Chelan PUD has verbal agreement from the U.S. Bureau of Indian Affairs. No comment was received from the Yakama Nation.

Anticipated Environmental Impacts on the Surrounding Areas

In consultation with the LCCF, Chelan PUD does not anticipate any impacts that may occur while the TCP Management Plan is being developed.

For the reasons discussed above and in accordance with the schedule attached as Appendix A, Chelan PUD respectfully requests that the Commission grant an extension of time until November 1, 2011, to file the TCP Management Plan required by Article 401(a) and Appendix A, Agreement Article 10(f).


² See Traditional Culture Property Studies for the Lake Chelan Hydroelectric Relicensing Project, Camas Consulting, August 31, 2001.

³ See Traditional Cultural Property Study Lake Chelan and Rocky Reach, Archaeological Frontiers, June 11, 2002.

*Ms. Kimberly D. Bose, Secretary
Mr. Nathaniel J. Davis, Sr., Deputy Secretary
Federal Energy Regulatory Commission*

Please contact Jennifer Burns (509-661-4474) of my office regarding any questions or comments regarding this request.

Sincerely,



Michelle Smith
License and Compliance Manager
michelle.smith@chelanpud.org
(509) 661-4180

Attachments: Attachment A – Schedule
Attachment B - Consultation

cc: Erich Gaedeke, FERC-PRO
Lake Chelan Cultural Forum

ATTACHMENT A - SCHEDULE

04-Nov-2010

(c) Primavera Systems, Inc

ATTACHMENT B - CONSULTATION

Burns, Jennifer

From: Burns, Jennifer
Sent: Friday, October 22, 2010 9:43 AM
To: 'Camille Pleasants'; 'Guy Moura'; 'Bob_Mierendorf@nps.gov'; 'Powys Gadd'; 'Johnson Meninick'
Cc: Smith, Michelle; 'Lyn Wiltse'; Sokolowski, Rosana
Subject: DRAFT TCP Extension Letter to FERC
Attachments: TCP Extension 100710.docx

Hello,

Currently, Chelan PUD is in the process of reviewing the Draft TCP Management Plan for Lake Chelan and we are preparing comment. However, it is unlikely we will meet our deadline for submittal to FERC this year. Attached is a request for a one year extension on development of the plan. Please review this letter and if everything looks ok, have the appropriate individual sign the signature page and fax back to me @ 509.661.8203. In addition, please send the original signature page to me @ PO Box 1231, Wenatchee, WA 98807-1231. Also, please feel free to call me or Michelle Smith (661-4180) with questions.

Thank you,

Jennifer Burns | Environmental Coordinator | Chelan County PUD | 509.661.4474

VIA ELECTRONIC FILING

Honorable Kimberly D. Bose, Secretary and
Nathaniel J. Davis, Sr., Deputy Secretary
FEDERAL ENERGY REGULATORY COMMISSION
888 First Street, NE
Washington, DC 20426

Re: **Lake Chelan Hydroelectric Project No. 637-022**
License Article 401(a) and Appendix A, Agreement Article 10(f) – Traditional
Cultural Properties Management Plan
Request for Third Extension of Time

Dear Secretary Bose:

On September 14, 2007, and October 2, 2008, respectively, the Federal Energy Regulatory Commission (Commission) issued an “Order Granting Extension of Time for Article 401 and Appendix A, Article 10(f)” for the Lake Chelan Hydroelectric Project (Project). Ordering Paragraph (A) granted the Public Utility District No. 1 of Chelan County, Washington (Chelan PUD or Licensee) to file a Traditional Cultural Property (TCP) Management Plan by the extended deadline of November 1, 2008, and November 1, 2010 to comply with Article 401 and Appendix A, article 10(f) of the license¹.

However, on behalf of the Lake Chelan Cultural Forum (LCCF), for the reasons described below, the Licensee respectfully requests a third extension of time for completing the plan until November 1, 2011.

Reason for Request

In April 2010, Chelan PUD contracted with the Colville Confederated Tribes to develop the TCP Management Plan for Lake Chelan. The draft plan was completed by CCT’s subcontractor Willamette CRA and submitted to Chelan PUD for review in September 2010. Currently, PUD staff are reviewing the plan and preparing comment for submittal to the CCT. Based on the sensitive nature of the document, we anticipate needing the additional time for forum members to reach consensus on the plan and additional time for submittal to the Commission.

Comments from the Affected Resource Agencies

Members of the cultural forum agree an additional one year extension is necessary to complete the TCP Management Plan (signature pages are attached).

Anticipated Environmental Impacts on the Surrounding Areas

¹ See “Order on Offer of Settlement and Issuing New License,” (117 FERC ¶62,129 (2006)) and “Order on Rehearing,” (119 FERC ¶61,055 (2007)).

The LCCF does not anticipate any impacts that may occur while the TCP Management Plan is being developed.

For the reasons discussed above, Chelan PUD respectfully requests that the Commission grant an extension of time until November 1, 2011, to file the TCP Management Plan required by Article 401(a) and Appendix A, Agreement Article 10(f).

Please contact Jennifer Burns (509-661-4474) of my office regarding any questions or comments regarding this request.

Sincerely,

Michelle Smith
License and Compliance Manager
michelle.smith@chelanpud.org
(509) 661-4180

Attachments: Signature pages

cc: Erich Gaedeke, FERC-PRO
Lake Chelan Cultural Forum

For the U.S. National Park Service:

Robert R. Mendenhall, Archeologist
(Signature, Title)

Oct. 22, 2010
(Date)

For the Confederated Tribes of the Colville Reservation:

Michael O. Fung, chairman
(Signature, Title)

10-25-10
(Date)

*Secretary Bose and Deputy Secretary Davis
Federal Energy Regulatory Commission*

For the USDA Forest Service:

Robert M. M. District Ranger
(Signature) (Title)

11/4/10
(Date)



STATE OF WASHINGTON

DEPARTMENT OF ARCHAEOLOGY & HISTORIC PRESERVATION

*1063 S. Capitol Way, Suite 106 • Olympia, Washington 98501
Mailing address: PO Box 48343 • Olympia, Washington 98504-8343
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November 1, 2010

The Honorable Kimberly D. Bose
FERC
888 First Street NE
Washington, D.C., 20426

RE: 3rd Request for Time Extension
Lake Chelan Hydroelectric Project No. 637-022
Log No: 051007-02-FERC

Dear Ms. Bose;

We are contacting you regarding Chelan County Public Utility District's third request for a Time Extension for License Article 401(a) and Appendix A, Agreement Article 10(f) – Traditional Cultural Properties Management Plan.

We are concerned this is third extension the Licensee has requested while not providing any substantive details nor a comprehensive plan to meet the goal of this License Article.

We are supportive of this goal, and have written our letters of support for the past two extension requests for the last three years. However, as noted in our letter for the second time extension we requested additional details, a timeline and plan on how to reach this goal. With this third request for another time extension we reaffirm those requests.

We also believe that the Licensee must commit to having a professional staff on board that is experienced in professional cultural resource consultation and creating a Traditional Cultural Properties Document that is acceptable to the consulting parties.

We request that if the third extension is granted the Licensee be required to develop a timeline, schedule, identify the cultural resource professional staff responsible for attaining this goal, and an outline of the proposed report within six months.

We would appreciate receiving any correspondence or comments from concerned tribes or other parties that you receive as you consult under the requirements of 36CFR800.4(a)(4).

For your information we have attached our past correspondence for the prior two extension requests. The copies are digital pdfs of the letters for which you should have the signed originals on file.



The Honorable Kimberly D. Bose
FERC
888 First Street NE
Washington, D.C., 20426
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These comments are based on the information available at the time of this review and on the behalf of the State Historic Preservation Officer in conformance with Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations 36CFR800. Should additional information become available, our assessment may be revised. Thank you for the opportunity to comment and a copy of these comments should be included in subsequent environmental documents and we look forward to your review.

Sincerely,



Robert G. Whitlam, Ph.D.
State Archaeologist
(360) 586-3080
email: rob.whitlam@dahp.wa.gov

cc: J. Meunick
C. Plesantis
H. Edon
J. Eddins

Enclosures