

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426
February 5, 2007

OFFICE OF ENERGY PROJECTS

Project No. 2114-116 -- Washington
Priest Rapids Hydroelectric Project
Grant County PUD

Michael E. Marchand
Chairman, Colville Business Council
Confederated Tribes of the Colville Reservation
P.O. Box 150
Nespelem, WA 99155

RE: Response to Comments on Final Programmatic Agreement

Dear Mr. Marchand:

We received your December 21, 2006, letter pertaining to the final Programmatic Agreement (PA) for the Priest Rapids Project. The project is operated and maintained by the Public Utility District No. 2 of Grant County, Washington (Grant PUD). In your letter you: (1) request an extension of time to consider whether to sign the PA; (2) request a revised signature page containing your name for the Confederated Tribes of the Colville Reservation; (3) request that we consider making revisions to the PA because you find that we deferred addressing issues and related treatment measures until after license issuances based on changes we made in our final Environmental Impact Statement (EIS) from our original analysis in the draft EIS; (4) state that section III.A.3 of the PA does not acknowledge that the existence of the project dams contributes to effects on cultural resources; and (5) request copies of all site records and determination of eligibility forms identified in Task 1 of Attachment 1 of the final PA and all associated databases.

On points one and two, although you did not specify a timeframe for an extension of time, we will grant you 15 days from the date of this letter to consider and sign the final PA. We have enclosed a revised signature page with your name as the signatory. If you choose not to sign the final PA, the Confederated Tribes of the Colville Reservation's role as a concurring party in the PA would remain as it is stated in the PA.

On point three, you find it problematic that in our analysis in the final EIS we have generalized many of the technical issues raised by you and others in the Cultural Resources Work Group (CRWG) into a few broad management measures that are to be

carried out by Grant PUD after license issuance. You also expressed concern that the timeframe (spanning a period from three months to three years) for the additional six tasks in our Attachment 1 to the PA may possibly delay implementing protective management measures, and you recommend that the final HPMP and other associated goals be first approved by the CRWG prior to signing and executing the PA. In both the draft and final EIS, Commission staff recommended finalization of the HPMP within one year after license issuance. Based on comments received on the draft EIS, we outlined six additional tasks that Grant PUD needed to do, along with finalization of the HPMP.¹ By attaching the six tasks directly to the final PA, we insure that Grant PUD would carry them out under Commission oversight. Thus, we have not delayed the timing of the HPMP. Further, we have not modified the timing for Grant PUD to begin the process for protection and mitigation of cultural resources associated with the HPMP. Specifically, we require them to implement protection/mitigation measures to the 20 high-priority archeological sites within one year after license issuance. To help facilitate consultation, we also recommend that Grant PUD consult with the CRWG (which includes the Coleville Tribes), to formulate a short list of professionals, from which to select one to craft a final HPMP, and for Grant PUD and the CRWG to develop an informal peer review process during development of the final HPMP. All of these conclusions were made in our final EIS and are reflected in the final PA. As a result, we do not find a need to revise the final PA any further.

On point four regarding section III.A.3 of the PA and our analysis in final EIS, we conclude that in some circumstances, shoreline erosion may not always be attributable to current project operation; specifically, erosion may be caused by upstream releases from projects on the Columbia River above Priest Rapids or from floods, along with other natural phenomena. However, we certainly acknowledge that archeological sites along the shoreline within the project boundary are being adversely affected by the Priest Rapids Project as stated in our final EIS in section 3.8, Cultural Resources; section 3.9, Recreation and Land Use; and in section 5.0, Staff's Conclusions. Consistent with our analysis in the final EIS, we recognize that shoreline erosion occurring at the present reservoir levels within the project boundary is due to the existence of the two project dams.

On point five, you request copies of all site records and determination of eligibility forms as identified in Task 1 of Attachment 1 to the final PA and all associated databases. We modified Task 1 of Attachment 1 to accommodate your request (see enclosed modified Attachment 1). By copy of this letter, we are notifying the other participating parties involved in this PA that we will attach this modified Attachment 1 to the final PA.

¹ In the draft EIS, we had suggested that these tasks be incorporated into the final HPMP.

If you have any questions, please contact Dr. Frank Winchell at (202) 502-6104.

Sincerely,

Ann F. Miles, Director
Division of Hydropower Licensing

Enclosures: Signature page for the PA, Chairman of the Colville Business Council and modified Attachment 1.

Cc: with enclosures:

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Public Files
Service List

CONCUR: CONFEDERATED TRIBES OF THE COLVILLE RESERVATION

By: _____ Date: _____

Michael E. Marchand
Chairman, Colville Business Council

Attachment 1 to:

PROGRAMMATIC AGREEMENT AMONG THE FEDERAL ENERGY REGULATORY COMMISSION ADVISORY COUNCIL ON HISTORIC PRESERVATION AND THE WASHINGTON STATE HISTORIC PRESERVATION OFFICE FOR MANAGING HISTORIC PROPERTIES THAT MAY BE AFFECTED BY ISSUING A LICENSE TO PUBLIC UTILITY DISTRICT NO. 2 OF GRANT COUNTY, WASHINGTON FOR THE CONTINUED OPERATION OF THE PRIEST RAPIDS PROJECT IN GRANT, YAKIMA, KITTITAS, DOUGLAS, BENTON, AND CHELAN COUNTIES, WASHINGTON (FERC No. 2114-116).

ADDITIONAL TASKS ASSOCIATED WITH THE HISTORIC PROPERTIES MANAGEMENT PLAN

1. Within three months of issuing a license for this Project, the Licensee will submit to the SHPO, Colville, and any other member of the CRWG upon written request, all missing and incomplete information associated with submitted site record and determination of eligibility forms.²
2. Within six months of issuing a license for this Project, the Licensee, in consultation with the SHPO and other consulting parties, will develop specific protection/mitigation measures for the 20 archeological sites listed in Table 1 on the following page, and any other archeological site that contains human remains being affected by the Project.
3. Within one year of issuing a license for this Project, the Licensee will execute the specific protection/mitigation measure on the affected archeological sites stated above in Task 2.
4. Within two years of issuing a license for this Project, the Licensee, in consultation with the SHPO and other consulting parties, will determine National Register eligibility for all remaining inventoried archeological sites and other cultural resources located within the APE.
5. Within two-and-a-half years of issuing a license for this Project, the Licensee will identify all site-specific project-related effects to all National Register-eligible cultural resource within the APE.
6. Within three years of issuing a license for this Project, the Licensee, in consultation with the SHPO and other consulting parties, will develop long-term treatment plans and associated schedule for carrying out remaining site-specific protection/mitigation measures on all National Register-eligible archeological sites within the APE.

² Including any associated databases.

Table 1. 20 High-Priority Archeological Sites in the Priest Rapids Project Boundary.
(Adopted after Grant PUD, Washington, 2005).

Site	Potential Project Associated Effects
1. 45KT1096	Erosion
2. 45GR65	Erosion
3. 45GR685	Recreation
4. 45GR131	Recreation
5. 45DO532	Erosion
6. 45DO2	Recreation
7. 45CH4	Erosion
8. 45CH1	Recreation
9. 45KT382	Recreation
10. 45KT1	Erosion, Recreation
11. 45KT6	Erosion, Recreation
12. 45GR688	Recreation
13. 45KT44	Erosion, Recreation
14. 45KT377	Erosion, Recreation
15. 45GR50	Recreation
16. 45KT20	Recreation
17. 45GR686	Recreation
18. 45KT12	Recreation
19. 45KT372	Erosion, Recreation
20. 45KT48	Recreation