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135 FERC ¶ 62,102
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Central Vermont Public Service Corporation Project No. 11475-011

ORDER APPROVING HISTORIC PROPERTIES MANAGEMENT PLAN

(Issued May 3, 2011)

1. On February 25, 2010, Central Vermont Public Service Corporation (licensee), licensee for the Carver Falls Hydroelectric Project, filed an Historic Properties Management Plan (HPMP), as required by article 406 of the license, [1] and a Programmatic Agreement (PA).[2] The project is located on Poultney River in Washington County, New York, and Rutland County, Vermont.

DISCUSSION

2. The PA directs the licensee to file an HPMP for mitigating the project's effects on Historic Properties. The HPMP is to provide for: (1) protection and preservation of Historic Properties threatened by ground-disturbing activities, project-induced shoreline erosion, vandalism, or other potential adverse effects caused by implementing the license; (2) the delineation of the project's area of potential effects, sufficient to allow for good planning and treatment of Historic Properties; (3) consideration and, where appropriate, adoption of prudent and feasible project or management alternatives that would avoid adverse effects on historic properties; (4) consultation with the SHPO regarding identification and evaluation of historic properties, determination of effects, and ways to avoid, minimize or mitigate adverse effects; (5) treatment and disposition of any human remains discovered, taking into account state laws and policies of the Advisory Council on Historic Preservation, as well as requirements of the Native American Graves Protection and Repatriation Act (NAGPRA); (6) an action plan for discovery of previously unidentified Historic Properties during project construction and operation; (7) public interpretation of the historic and archaeological values of the project; (8) identification of activities and routine maintenance not requiring consultation with the

[1] *See* Order on Offer of Settlement and Issuing Original License, issued on February 25, 2009 (126 FERC ¶ 62,144).

[2] The PA was executed among the Commission, the Advisory Council on Historic Preservation (Advisory Council), and the New York Historic Preservation Officer (NYSHPO) and the Vermont State Historic Preservation Officer (VTSHPO) on August 8, 1997. The licensee was invited to concur in the PA.

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SHPO; and (9) coordination with the SHPO and interested persons during implementation of the HPMP.

DISCUSSION

3. The proposed HPMP incorporates the stipulations set forth in the PA, and establishes a process for identifying the nature and significance of Historic Properties, and impacts to archaeological properties that may be affected by project maintenance and operation. The proposed HPMP establishes a process for identifying the nature and significance of Historic Properties that may be affected by project maintenance and operation. It establishes guidelines for routine maintenance, operation activities, proposed improvements to project facilities, and/or public access. The HPMP also defines goals for preserving Historic Properties, establishing a decision-making process and outlining procedures for consulting with the SHPO and the concurring parties, concerning the potential effects of the project on Historic Properties.

CONSULTATION

4. The licensee sent a draft HPMP to the NYSHPO and VTSHPO on January 8, 2010, for review, and requested written or verbal comments within 30 days. The NYSHPO provided comments on February 25, 2010, which have been incorporated into the HPMP. No comments have been received from the VTSHPO. The HPMP was sent to the Advisory Council for review and comment on March 25, 2011. No comments have been received from the Advisory Council.

CONCLUSION

5. The proposed HPMP takes into account the effects of project activities on historic properties and archaeological sites within the project area of potential effect. It ensures 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 HPMP is consistent with the requirements of article 406 of the license and the PA, and should be approved. Upon issuance of this order, the licensee should implement the HPMP.

The Director orders:

(A) The Historic Properties Management Plan for the Carvers Falls Hydroelectric Project, filed on February 25, 2010, 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 its issuance, as provided in section 313(a) of the FPA, 16 U.S.C. § 8251(2006), and the Commission's regulations at

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18 C.F.R. § 385.713 (2010). 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.

Charles K. Cover, P.E.
Chief, Project Review Branch
Division of Hydropower Administration
and Compliance

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