

90 FERC ¶ 62,141

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Central Vermont Public Service Corporation) Project No. 2396-022,
) 2397-019, 2399-023, and
) 2400-018

ORDER APPROVING CULTURAL RESOURCES MANAGEMENT PLANS

(February 28, 2000)

On September 24, 1999, Central Vermont Public Service Corp. (licensee) filed revised Cultural Resources Management Plans (CRMP) for the Pierce Mills Project, FERC No. 2396, Arnold Falls Project, FERC No. 2399, Gage Project, FERC No. 2397 and Passumpsic Project, FERC No. 2400.¹ The projects are located on the Passumpsic River in Caledonia County, Vermont. The CRMPs are required by articles 408 (P-2396), 408 (P-2399), 410 (P-2397) and 408 (P-2400) of the project licenses issued December 8, 1994.

The above-listed articles require the licensee to implement the Programmatic Agreement (PA) executed on November 4, 1994,² and file a CRMP for mitigating the projects' effects on historic properties. The licensee's CRMPs identify the projects' powerhouses, dams, and other components as eligible for inclusion in the National Register of Historic Places (National Register).

PROPOSED CRMPs

The CRMPs include a description of the historic and archeological resources at the project. The licensee states it proposes to operate the projects under the "Continuity of Use" concept which is critical given the properties' historic values are based on their continued operation. The CRMPs also include guidelines for dealing with project modifications not requiring an amendment to the project license. The licensee will

¹The licensee filed CRMPs for the projects in September 1998. After extensive consultation with the Vermont State Historic Preservation Officer, the licensee revised the plans and refiled them on September 24, 1999.

²The PA was executed among the Commission, the Vermont State Historic Preservation Officer, and the Advisory Council On Historic Preservation (Council). The licensee was a concurring party.

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activity may alter the characteristics of the property that qualify the property for inclusion in the National Register. In the event that there is no feasible alternative to the activity except removal or replacement, the licensee will follow the National Park Service's and SHPO's requirements concerning documentation and consultation. The licensee proposes to monitor all structures on a five-year schedule. The SHPO will be contacted if the licensee identifies impacts to these structures or features.

In the event of ground-disturbing activities, the licensee will research past studies and consult with the SHPO to determine if there is a potential to affect unknown cultural resources. The projects, including the shorelines, will be monitored annually and if the licensee discovers any new properties during routine project operation and maintenance, they will be documented by a qualified archaeologist and a report will be submitted to the SHPO.

The CRMPs contain procedures for public interpretation, data recovery, annual reports, and meetings with the SHPO. The licensee proposes to follow relevant state and Federal laws and guidelines for the treatment and disposition of human remains. The CRMPs were developed according to the requirements set forth in *Archaeology and Historic Preservation: Secretary of The Interior's Standards and Guidelines* and addresses the professional qualification standards. The licensee proposes to budget \$3,000 annually, adjusted annually according to the Consumer Price Index, to perform the actions described in the CRMPs.

AGENCY CONSULTATION

The licensee consulted with the SHPO during the development of the CRMPs and adequately incorporated all of its comments into the final plans. The Commission staff forwarded the proposed CRMPs to the Advisory Council on Historic Preservation (Council) for comment pursuant to section II, B of the PA. In a letter filed with the Commission on January 6, 1999, the Council had no objection to the CRMPs' implementation but provided some comments on the plans. The licensee adequately addressed their comments in the final CRMPs.

DISCUSSION AND CONCLUSION

The Commission staff believes the final CRMPs set the appropriate standards and guidelines to protect cultural resources at the projects and are consistent with the requirements of the licenses and the approved PA. Upon approval of this order, the licensee should implement the CRMPs.

Project No. 2396-022 et al.

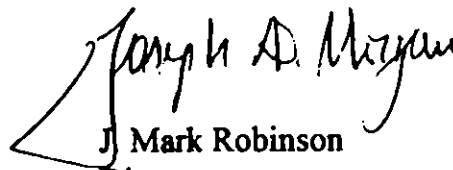
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The licensee is reminded of the requirement in section II, D. of the PA that on every anniversary of the issuance of the licenses, the licensee is required to file a report with the Commission and the SHPO of activities conducted under the implemented CRMPs. The first report is due December 8, 2000. The CRMPs will be made a part of the licenses and should be considered in the implementation of all other approved plans (i.e., in coordination with the project's recreation plan).

The Director orders:

(A) The Cultural Resources Management Plans for the Pierce Mills Project, FERC No. 2396, Arnold Falls Project, FERC No. 2399, Gage Project, FERC No. 2397 and Passumpsic Project, FERC No. 2400 filed on the September 24, 1999, are approved and made part of the licenses.

(B) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R. § 385.713.



J. Mark Robinson
Director

Division of Licensing and Compliance