

FEDERAL ENERGY REGULATORY COMMISSION

WASHINGTON, D.C. 20426

September 24, 2009

OFFICE OF ENERGY PROJECTS

Project No. 2242-078 – Oregon
Carmen-Smith Hydroelectric Project
Eugene Water & Electric Board

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9615 Grand Ronde Road
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John Fowler, Executive Director
Advisory Council on Historic Preservation
1100 Penn. Ave., NW, Suite 809
Washington, DC 20004

**RE: Draft Programmatic Agreement and Associated Historic Properties
Management Plan**

Dear Addressee:

Enclosed is the draft Programmatic Agreement (PA) and associated Historic
Properties Management Plan (HPMP) for the Carmen-Smith Hydroelectric Project,

operated by Eugene Water & Electric Board. The project is located in Lane and Linn Counties, Oregon, and involves federal land managed by the U.S. Forest Service.

We propose to execute this PA with the Oregon State Historic Preservation Officer, but without the participation of the Advisory Council on Historic Preservation (Council), in accordance with the Council's regulations at 36 C.F.R. Part 800. Although the Council may, at its discretion, participate in the execution of this PA, we have determined that the issues as they pertain to historic properties do not warrant the Council's participation. We request that the Council concur in this determination simply by not objecting to this procedure.

Please review the enclosed draft PA and associated HPMP and send us your comments within 30 days from the date of this letter.

Please send your comments to:

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, D.C. 20426

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

Sincerely,

Jennifer Hill
Branch Chief
West Branch 1

Enclosures: draft PA and HPMP

Cc: Mailing list
Public Files

PROGRAMMATIC AGREEMENT
BETWEEN
THE FEDERAL ENERGY REGULATORY COMMISSION
AND THE
OREGON STATE HISTORIC PRESERVATION OFFICER
FOR
MANAGING HISTORIC PROPERTIES THAT MAY BE AFFECTED
BY ISSUING A LICENSE TO
EUGENE WATER & ELECTRIC BOARD
FOR THE OPERATION OF THE
CARMEN-SMITH HYDROELECTRIC PROJECT
IN LINN AND LANE COUNTIES, OREGON
(FERC No. 2242-078)

WHEREAS, the Federal Energy Regulatory Commission or its staff (hereinafter, "Commission") proposes to issue a new license to the Eugene Water & Electric Board (hereinafter, "Licensee") for the continued operation of the Carmen-Smith Hydroelectric Project (hereinafter, "Project") as authorized by Part I of the Federal Power Act, 16 U.S.C. Sections 791(a) through 825(r) *as amended*; and

WHEREAS, The Commission has determined that issuing such a license may affect properties included in or eligible for inclusion in the National Register of Historic Places (hereinafter, "historic properties"); and

WHEREAS the associated *Carmen-Smith Hydroelectric Project (FERC No. 2242) Historic Properties Management Plan*, dated October 2008, provides a description of the Project's area of potential effects, historic properties, and anticipated effects identified as of the date of this Programmatic Agreement; and

WHEREAS, the U.S.D.A. Forest Service, Willamette National Forest (hereinafter, "National Forest") manages lands within the Project, and has responsibilities for the issuance of permits under the Archeological Resources Protection Act (16 U.S.C.

470aa to 470ll; hereinafter, "ARPA") to the Licensee for archeological work on their lands;

WHEREAS, the Commission has consulted with the Oregon Historic Preservation Officer (hereinafter, "SHPO") pursuant to 36 C.F.R. Section 800.14(b) of the Advisory Council on Historic Preservation's (Hereinafter, "Council") regulations (36 C.F.R. Part 800), implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f; hereinafter, "Section 106"); and

WHEREAS, the Licensee has participated in the consultation and has been invited to concur in this Programmatic Agreement; and

WHEREAS, the National Forest participated in the consultation and has been invited to concur in this Programmatic Agreement; and

WHEREAS, the Project may affect lands important to the Confederated Tribes of Warm Springs Reservation, the Confederated Tribes of Grand Ronde, and the Confederated Tribes of Siletz Indians (hereinafter, "Tribes"), and the Tribes have participated in the consultation and have been invited to concur in this Programmatic Agreement; and

WHEREAS, the Commission will require the Licensee to implement the provisions of this Programmatic Agreement as a condition of issuing a new license for the Project;

NOW THEREFORE, the Commission and the SHPO agree that the Project will be administered in accordance with the following stipulations in order to satisfy the Commission's Section 106 responsibilities during the term of the Project's license.

S T I P U L A T I O N S

The Commission will ensure that upon issuing a license for this Project, the Licensee implement the following stipulations. All stipulations that apply to the Licensee will similarly apply to any and all of the Licensee's successors. Compliance with any of the

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