



Affiliated Tribes of Northwest Indians

July 23, 2008

RE: Comments on the Integrated Program Review

Stephen J. Wright, Administrator
Bonneville Power Administration
905 NE 11th Avenue
Portland, Oregon 97232

Dear Mr. Wright:

Thank you for the opportunity to provide these comments on behalf of the Affiliated Tribes of Northwest Indians (ATNI) on the Integrated Program Review (IPR) Forum process for Fiscal Year 2009 and other IPR Power costs, including Fiscal Years 2010-2011. We will likely provide additional comments on the Integrated Business Review.

Please allow this letter to comment on the Federal Columbia River Power System (FCRPS) Cultural Resources Program and BPA's Cultural Resources Program portion of the IPR information. As described below, funding levels must be increased to meet legal obligations and federal tribal trust obligations to protect important cultural resources impacted by FCRPS operations.

BPA's Power and Transmission services footprint covers a vast expanse of the region and many Northwest Tribal cultural resources are affected by the operation of the federal system. First, the FCRPS is located within the ancestral homeland to 13 federally recognized tribes. The FCRPS Cultural Resources program is a result of successful collaborative work between the tribes, federal agencies, and states to ensure statutory responsibilities to historic properties at the fourteen FCRPS reservoirs under Section 106 of the National Historic Preservation Act and other applicable statutes and obligations. We commend the willingness to make a 15-year funding commitment by BPA, U.S. Bureau of Reclamation (Reclamation), and the U.S. Army Corps of Engineers (Corps) for the FCRPS Cultural Resources Program. We strongly urge continued support of this program when this funding commitment is reassessed at the end of this initial 15-year funding period, which we understand should occur in 2012 or until the funds are expended. Since we have a shared interest in the resources most of the 13 tribes along the FCRPS actively participate in at least one or more of the 8 existing FCRPS Cultural Resources Cooperating Groups. Second, we would like to point out that BPA Transmission Services also has cultural resources responsibilities to tribes within the FCRPS and other parts of the Northwest region, including but not limited to tribes in the Willamette Valley, Oregon Coast and Puget Sound. For these reason mentioned above we submit the following comments:

Comment 1: As the end of the initial funding period expiration dates approaches, we asked (during the May 21, 2008 forum) when consultation/coordination with the effected tribes would begin. The response was consultation/coordination "needed to" and "would occur soon." We would like to reiterate that this consultation/coordination process should occur sooner rather than later in anticipation of the expiration of the initial funding period, which we understand will occur in 2012. The sooner this process begins the sooner the tribes can begin to plan and coordinate their resources to participate in this important consultation/coordination process.

Comment 2: Both Reclamation and the Corps provided general status updates on their progress and spending levels for the FCRPS Cultural Resources Program. As we understand, Reclamation and the Corps are at different stages in their work to prioritize, identify and evaluate cultural resources and historic properties, and mitigate and provide treatment for adverse effects. This comment primarily addresses Reclamation's update.

- Reclamation is near completion of its necessary program work at its projects and will likely expend its portion of initial funding commitment by 2012.
- So, if Reclamation is set to complete its work and expends its portion of the initial program commitments, we should be preparing for consultation/coordination to reassess the program and future funding commitments for the FCRPS Cultural Resources program in anticipation of the end of the 15-year funding commitment in 2012.

Comment 3: On the other hand, the Corps will likely not complete its work nor will it expend its portion of the initial funding commitment within the 15-year period or by 2012. This programmatic timing variance between Reclamation and the Corps is cause for concern and for confusion in terms of when we will begin and how we will execute an effective consultation/coordination process regarding the future of the FCRPS Cultural Resources program.

- We hope to refrain from going through two separate consultation and coordination process and different points in time, i.e. (1) for Reclamation in preparation for 2012 and (2) for the Corps at a time to be determined.

Comment 4: We understand the Corps has agreed to extend the initial 15-year period to allow for it to complete its work at Corps projects. Overall, we support the extension however the Corps is required to complete its cultural resources program responsibilities. We have great concern for why the Corps will not be able to complete its work within the 15-year period. If there are challenges we'd like to work through those and see the Corps fulfill its commitment and cultural resources responsibilities.

Comment 4: Finally, we would like to address the cultural resource compliance responsibilities for BPA Transmission Services projects and BPA Fish and Wildlife Mitigation Program projects, which were not discussed during the IPR forum. As we have already mentioned, a larger number of tribes in the region are affected BPA Transmission Services projects and BPA Fish and Wildlife Mitigation Program projects. Can BPA provide more

information on the cost components for how these cultural resources responsibilities will be met for FY09 and elaborate on the tribal consultation/coordination components related to these costs?

Comment 5: Many important cultural resources are impacted daily by river operations and by transmission related activities. Once these resources are damaged, they often can not be repaired. The gradual degradation of tribal cultural resources has direct impact on tribal religions and on our people's important ties to our history. A program that does the minimum to meet statute is not consistent with the tribal trust responsibility to actively protect resources that may be threatened by federal actions. These activities require funds and partnerships with tribes to be successful. The federal agencies should be prepared to increase budgets to assure that any long term plan for cultural resources protection is adequate.

Thank you for your assistance in working through these matters. Please contact Direlle Calica at (971) 255-1404 or Direlle@scdprofessionals.com if there are any questions.

Sincerely,

Direlle Calica
Energy Program

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