

**Cultural Resource Group Summary of  
Consultation Meeting  
October 21, 2003**

**Attendees**

Mr. John Brumley, Ethos Consultants  
Mr. Steve Hocking, FERC  
Mr. Jon Jourdonnais, PPL Montana  
Ms. Halcyon LaPoint, Custer National Forest  
Mr. Ed Meeks, Eastern Shoshone Tribe  
Mr. James Shive, Legacy Consulting Services  
Mr. Gerrish Willis, Forest Service  
Mr. Frank Winchell, FERC (by telephone conference call)

**Meeting Summary**

On October 21, 2003 a consultation meeting for Cultural Resource Management (CRM) in relicensing of the Mystic Hydroelectric Project (FERC Project No. 2188, hereinafter as "Project") was held in Billings, Montana. The Project relicensing will be done under FERC's Integrated Licensing Process (ILP). The purpose of this meeting was to open consultations for CRM, consistent with FERC regulations implementing the ILP. Specifically, the goals of the meeting were:

1. Review the required categories of information on Cultural Resources that must be included in the Pre-Application Document (PAD).
2. Review the Draft Resource Inventory and Evaluation Plan.

The overall goal of consultation at this point in the relicensing process is to address the three categories of information required for inclusion in the PAD. To that end, PPL-Montana has proposed a Draft Resource Inventory and Evaluation Plan. That plan, addresses the identification of currently known Cultural Properties<sup>1</sup> on the project, along with proposing a plan to continue and expand cultural resource identification inventories and evaluation of those properties for listing in the National Register of Historic Places, which may be located with the Area of Potential Effect (APE).

---

<sup>1</sup> This would include Prehistoric and Historic Archaeological Properties (PAP and HAP) on Mystic and West Rosebud lakes; Historic Architectural and Engineering Properties (H-A&E) consisting of Project Operating Facilities, and Traditional Cultural Properties (TCP).

## **Goals Identified and Attendee Discussions**

The following goals were identified in the meeting, including review of the *Draft Resource Inventory and Evaluation Plan (RIEP)*. The discussion of these goals at the meeting is included hereinafter. The Montana State Historic Preservation Office had submitted written comments on the RIEP in advance of the meeting.

**GOAL: Expand participation in consultations for CRM to include the Montana State Historic Preservation Office (SHPO), and Indian Tribes with identified interests in the Project, including the participation of these parties in future consultation meetings as the need for such meetings may be needed.**

Mr. Hocking reviewed FERC's efforts to-date in contacting Indian Tribes to identify those tribes which wish to participate in relicensing, under the FERC's Tribal Relations Policy and process. Mr. Shive reviewed the efforts by PPL-Montana to accomplish the same goal. Mr. Meeks provided the names and contact information of the current Chairman and Vice-Chairman of the Northern Arapaho Tribe. He also recommended that tribes with potential interests in participating in consultation be contacted to determine first, if they have any interest in the Project in general. The attendees agreed that participation by the SHPO would be essential in various stages of consultation, throughout the ILP process.

**GOAL: Develop a protocol for communications among the parties consulting for CRM in Project relicensing.**

PPLM will draft this protocol and distribute it for review by parties consulting for CRM.

**GOAL: Continue efforts at the identification of the need for and extent of studies directed at the identification and evaluation of Cultural Properties on the Project.**

Mr. Winchell summarized the FERC process for development of a *Historic Properties Management Plan* (HPMP) and Mr. Hocking distributed outlines of the FERC Guidelines for Development of an HPMP and the steps recommended by FERC for consultation and the overall process for CRM in implementing FERC responsibilities for compliance with Section 106 of the National Historic Preservation Act.

The attendees agreed that PPLM should develop a plan for the identification and NRHP evaluation of TCP, consistent with the provisions of NRHP Bulletin 38 and include that as a section of the *Draft Resource Inventory and Evaluation Plan*.

The SHPO asked <sup>2</sup> the question:

*Is it possible during the life of the proposed licensing that reasonably foreseeable and ongoing erosion at the BZ/FZ<sup>3</sup> interface might effect BZ archaeological sites in the future, as the BZ/FZ interface moves away from the present FZ boundary and into BZ areas which would be inventoried as currently proposed - "where Cultural Properties are identified in the FZ and appear to continue into the BZ, or are identified in the bankline of the BZ/FZ interface."?*

*If so, how is it proposed that such impacts would be considered once identified at some point in the suture? How should those future impacts be discovered? Is there is a reason to believe that the BZ/FZ is stable at this facility please provide a brief summary why that seems to be the case.*

Ms. LaPoint recommended that the Area of Potential Effect (APE) be expanded to include the associated electric transmission lines. Mr. Shive noted that these lines were being added to the Project Facilities, under the FERC license and that the definition of the APE would be expanded to include them.

Ms. LaPoint recommended, that given the potential for erosion, the inventory for PAP and HAP on Mystic Lake include a zone, beginning at the BZ/FZ interface and extending 150' into the BZ. She also recommended the same inventory area for West Rosebud Lake.

**GOAL: Change the name of the Resource Inventory and Evaluation Plan to the Cultural Resources Study Plan, so as to be consistent with FERC terminology applicable to the ILP process.**

This will be done in revisions of the plan, to address comments gathered at this meeting.

A summary of the written comments received on the RIEP is attached.

---

<sup>2</sup> Letter from Mr. Stan Wilmoth, State Archaeologist and Deputy SHPO, in a letter to Legacy Consulting Services, dated October 15, 2003

<sup>3</sup> BZ = Backshore Zone, FZ = Fluctuation Zone - of Mystic Lake, as proposed in the *Draft Resource Inventory and Evaluation Plan*.

ATTACHMENT A

Written Comments on the DRAFT RIEP, received either before or after the meeting of October 21, 2003

COMMENTOR	COMMENT(S)
State Historic Preservation Office (SHPO)	<i>Is it possible during the life of the proposed licensing that reasonably foreseeable and ongoing erosion at the BZ/FZ<sup>4</sup> interface might effect BZ archaeological sites in the future, as the BZ/FZ interface moves away from the present FZ boundary and into BZ areas which would be inventoried as currently proposed" If so, how is it proposed that such impacts would be considered once identified at some point in the suture? How should those future impacts be discovered? Is there is a reason to believe that the BZ/FZ is stable at this facility please provide a brief summary why that seems to be the case.</i>
Custer Nation Forest-Archaeologist (CNFA)	<i>Need more complete background reports, including the most recent one for the Transmission Lines</i>
CNFA	<i>Mystic Lake facility was determined eligible for nomination to the NRHP and transmission line A were considered eligible by their contribution to the facility. (This comment is made in several places).</i>
CNFA	<i>See ethnographic overview conducted by the Custer National Forest for information on these properties.</i>
CNFA	<i>Add West Rosebud Lake APE</i>
CNFA	<i>Step 1. Scoping. Include contact with interested Tribal cultural representatives. Also broaden the inventory areas to 150 ft from maximum drawdown for both West Rosebud Lake and Mystic Lake. Include archaeological inventory of the REIP.</i>

<sup>4</sup> BZ = Backshore Zone, FZ = Fluctuation Zone - of Mystic Lake, as proposed in the *Draft Resource Inventory and Evaluation Plan*.

CNFA	<i>Need to clarify that the inventory and evaluation is to be conducted to determine which of the POF facilities have retained integrity and still contribute to the Mystic Lake facility that has been determined eligible for nomination to the NRHP</i>
Eastern Shoshone Tribe	<i>As stated in the meeting that occurred in Billings, Montana (...) the inventory of studies listed in the Draft Plan is incomplete. Additional work must be completed by the Applicant to confirm that all relevant studies have been identified and have been fully reviewed.</i>
Eastern Shoshone Tribe	<i>(...) ethnographical research should be conducted with Tribal elders and religious leaders to identify as many cultural and natural resources as possible as a means of determining the cultural and socioeconomic impacts the Project has had on them, and to ensure that adequate steps are taken to protect locations that are important to these resources.</i>
Eastern Shoshone Tribe	<p><i>Further, studies should be undertaken to address the following objectives:</i></p> <ol style="list-style-type: none"> <li>1) Identify knowledgeable Tribal elders to assist in a comprehensive ethnographic and ethno-historic research Project.</li> <li>2) Conduct a review and critical evaluation of all prior ethnographic and ethno-historic information sources.</li> <li>3) Determine which tribes were in the Project area, and their activities there.</li> <li>4) Identify and location sensitive sites and resources within and adjacent to the Project area to include information on their use, function, and meaning for the Tribes.</li> </ol>

	<p>5) Consideration of the possible nomination of culturally sensitive sites and sources to the National Register of Historic Places.</p> <p>6) Utilization of this information to minimize risk to cultural sites and resources in Project administration.</p> <p>7) Development of procedures and a plan implementation to communicate the results of the standard in-depth ethnographic and ethno-historic research methods, to:</p> <p>preserve Tribal oral resources,</p> <p>access culturally sensitive sites, and</p> <p>monitor compliance with other cultural resource management obligations</p> <p>Periodic studies should also be undertaken for a ten-year period to assess the impact of the improved management and mitigation practices that would be the product of the requested studies.</p>
--	---