

Department of Energy

Bonneville Power Administration P.O. Box 3621 Portland, Oregon 97208-3621

PUBLIC AFFAIRS

May 21, 2012

In reply refer to: DK-7

Yakama Nation Tribal Government Attn: R. Joseph Sexton PO Box 151 401 Fort Road Toppenish, WA 98948

FOIA BPA#2012-01121-F

Dear Mr. Sexton:

This is a final response to your request for information from the Bonneville Power Administration (BPA) under the Freedom of Information Act (FOIA), 5 U.S.C. 552.

You have requested the following:

All documents related to the 2008 Traditional Cultural Property Monitoring in the Lower Reaches of Nch'i-wa'na prepared for the U.S. Army Corps of Engineers and Bonneville Power Administration under COE Contract # W9127N-07-P-0392.

You withdrew your request for copies of the Traditional Cultural Property Monitoring in the Lower Reaches of Nch'i-wa'na reports and COE Contract # W9127N-07-P-0392 in an email today.

Response:

Enclosed are all remaining documents found in response to your request; they are released in their entirety on the enclosed CD.

Pursuant to 10 CFR 1004.8, if you are dissatisfied with this determination, or the adequacy of the search, you may appeal in writing within 30 calendar days of receipt of a final response letter. The appeal should be made to the Director, Office of Hearings and Appeals, HG-1, Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585-1615. The written appeal, including the envelope, must clearly indicate that a FOIA Appeal is being made.

I appreciate the opportunity to assist you. Please contact Kim Winn, Communications Specialist, at 503-230-5273 with any questions about this letter.

Sincerely,

/s/Christina J. Munro Christina J. Munro Freedom of Information Act/Privacy Act Officer

Enclosure: CD with responsive documents

From:	<u>Senters, Anne E (BPA) - LC-7</u>
To:	<u>Cannell,Kevin G (BPA) - KEC-4</u>
Cc:	<u>Grimm,Lydia T (BPA) - KEC-4</u>
Subject:	RE: Big Eddy-Knight - Yakama Nation TCP Contract and Safety Protocols for Survey Work
Date:	Thursday, April 12, 2012 4:38:20 PM

I made a couple of edits. It looks ok to me - but Lydia should weigh in on my suggestion that you include notification that we don't plan to contract with them for survey work. I don't know a better time to do it, but re-reading Joe's message about the financial hardship suffered by the tribe gives me pause.

From: Cannell,Kevin G (BPA) - KEC-4 Sent: Thursday, April 12, 2012 4:24 PM To: Senters,Anne E (BPA) - LC-7 Subject: FW: Big Eddy-Knight - Yakama Nation TCP Contract and Safety Protocols for Survey Work

Attempt 1.a.:

The previous TCP contract has been closed since August 1, 2010 and cannot be reopened. BPA will have to issue a new intergovernmental contract for the TCP work. I'm planning on drafting a new statement of work regarding the TCP study early next week for the Yakama Nation to provide a cost estimate for completing the work. Regarding the 2008 TCP report, BPA's funding was through the direct funding agreement between the Corps and BPA for projects related to the Federal Columbia River Power System. Funds were transferred from BPA to the Corps for the Corps to use for various purposes including contracting for cultural resource related tasks. The deliverable under that funding was provided to the Corps and, as we have acknowledged, was unfortunately not provided to BPA either in 2008 or in 2010. We would appreciate if you could send us a copy - thank you for the offer.

With regard to the survey areas, due to the ongoing concerns regarding safety, the probable lack of access to many of the unsurveyed areas in the last 14 miles of the project, and the imperative of moving forward on the TCP study as quickly as possible BPA believes that it would be better to pursue contracting for the remaining surveys with a private firm. However, BPA would encourage the contractor to subcontract with the YN for participation on the survey crew if agreeable to the YN. We will be willing to the the domast for subsurface testing of the sometime frear the access toad when the finds scater was discovered in mile 11 as well as conducting the damage assessment for placing the five poles of the site. <- thoughts on this? I had agreed to these in previous conversations. [I'm not sure of the implications of that, - sounds fine to me].

Cc: Julio Carranza; Phil Rigdon; Johnson Meninick; Jessica Lally; Noah Oliver **Subject:** Big Eddy-Knight - Yakama Nation TCP Contract and Safety Protocols for Survey Work

Good Morning,

I'm following up on a couple of outstanding matters that I think can be resolved relatively quickly.

First, I understand from our conversations over the past couple of days that BPA is willing to re-open the TCP Contract with the Yakama Nation concerning the Bid Eddy-Knight Project provided that the Yakama Nation staff agree to expedite their work on updating the Yakama Nation's TCP Report. So everyone is on the same page, on February 1, 2012 Mr. Meninick requested this contract be re-opened to permit supplementation. We also made numerous verbal requests in that regard to Mr. Kevin Cannell; requests which were never formally granted or denied. In order to prevent further delay and additional time constraints on our staff, I think it's imperative that we resolve this issue as soon as possible. Towards that end, please let us know what time frame BPA would like in order to complete supplementation of the TCP Report for this project. Also, regarding the 2008 Yakama Nation TCP Report that was partially funded by the BPA, I was first notified during yesterday's conversation that BPA contends it never received this report. I find it odd that BPA would fund the 2008 TCP study in this area (along with the Army Corps of Engineers) and no one from BPA has ever received the TCP Report when it was finalized several years ago. Nevertheless, if you maintain that your agency has never received this, I will work to get you a copy of that report now.

Second, we've spoken over the past several weeks about the safety protocols that BPA is working with us to implement to ensure that landowners don't open fire again on our Cultural Resources Program ("CRP") personnel while they're performing contract work for the BPA on this Project. I understand that the protocols are near finalization. Ms. Grimm also told me that not all of the suggested edits made by our CRP staff were accepted by BPA. While the next draft protocols are being finalized by BPA, would you be willing to share with us the edits you made to the draft provided by CRP personnel? This will help expedite my work in seeking to get the Chairman's moratorium lifted. If for whatever reason, the Chairman finds the protocols are still inadequate, I would like to work sooner rather than later to get mutually acceptable safety protocols in place so this aspect of the work on the Big Eddy-Knight Project can move forward. Our CRP has experienced significant problems stemming not only from the shooting incident, but also from having the necessary moratorium in place and not getting the safety protocols finalized so the CRP can continue with their work. They had allocated resources and time to get the work under the survey contract complete over the last couple of months, and not having the ability to do work on this has created financial hardship and other staffing problems for the CRP.

Finally, I look forward to receiving the action items list the ACHP requested from BPA at the conclusion of our phone conference yesterday. I believe getting the survey report and BPA's determination of eligibility for the archaeological site boundary expansion for the 45KL77 site pursuant to Stipulation I of the Programmatic Agreement, in addition to reopening the TCP Contract to supplement Gideon Cauffman's initial TCP Report are essential steps to moving forward with the ongoing government-to-government consultation process required under federal law, and to ensure that the Programmatic Agreement relative to this project is honored. If you have any questions at all regarding any of the matters we've discussed recently or any part of this e-mail, please don't hesitate to e-mail or call me. If you are not the intended recipient, or believe that you have received this communication in error, please do not print, copy, retransmit, disseminate, or otherwise use the information. Also, please indicate to the sender that you have received this communication in error, and destroy the copy you received.**

From:	<u>Cannell, Kevin G (BPA) - KEC-4</u>
То:	Martine Coriell, Kristen D (BPA) - KEC-4; Day, Shelby M (CONTR) - KEC-4
Subject:	2008 YN TCP report
Date:	Thursday, April 12, 2012 12:38:26 PM

Hi Kristen and Shelby,

Would one of you mind contacting the Corps to see if we could get a copy of the Yakama Nation 2008 TCP report? I don't have a complete citation. The authors were Shane Scott and Greg Kiona and it dealt at least partially with The Dalles Reservoir.

Thanks,

From:	<u> Martine Coriell, Kristen D (BPA) - KEC-4</u>
То:	Cannell, Kevin G (BPA) - KEC-4; Day, Shelby M (CONTR) - KEC-4
Subject:	RE: 2008 YN TCP report
Date:	Thursday, April 12, 2012 1:36:00 PM

Hi Kevin. We'll look into this. I'll need to provide the Corps with a purpose. This is related to a records search you are doing, right?

Thanks,

-Kristen 503-230-3607

From: Cannell,Kevin G (BPA) - KEC-4 Sent: Thursday, April 12, 2012 12:38 PM To: Martine Coriell,Kristen D (BPA) - KEC-4; Day,Shelby M (CONTR) - KEC-4 Subject: 2008 YN TCP report

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То:	Martine Coriell, Kristen D (BPA) - KEC-4; Day, Shelby M (CONTR) - KEC-4
Subject:	RE: 2008 YN TCP report
Date:	Thursday, April 12, 2012 1:54:49 PM

We're going to be funding the YN to conduct another TCP assessment for BE-K and I'm hoping it would shed some light on resource types that they might be addressing and hopefully locations.

Thanks,

Kevin

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Thanks,

Got it. Thanks. I'll work on it.

-Kristen 503-230-3607

From: Cannell, Kevin G (BPA) - KEC-4 Sent: Thursday, April 12, 2012 1:55 PM To: Martine Coriell, Kristen D (BPA) - KEC-4; Day, Shelby M (CONTR) - KEC-4 Subject: RE: 2008 YN TCP report

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Thanks,

Cannell, Kevin G (BPA) - KEC-4

From: Sent: To: Subject: Cannell,Kevin G (BPA) - KEC-4 Thursday, April 12, 2012 2:05 PM Martine Coriell,Kristen D (BPA) - KEC-4; Day,Shelby M (CONTR) - KEC-4 RE: 2008 YN TCP report

Thanks!

From: Martine Coriell,Kristen D (BPA) - KEC-4 Sent: Thursday, April 12, 2012 2:02 PM To: Cannell,Kevin G (BPA) - KEC-4; Day,Shelby M (CONTR) - KEC-4 Subject: RE: 2008 YN TCP report

Got it. Thanks. I'll work on it.

-Kristen 503-230-3607

From: Cannell,Kevin G (BPA) - KEC-4 Sent: Thursday, April 12, 2012 1:55 PM To: Martine Coriell,Kristen D (BPA) - KEC-4; Day,Shelby M (CONTR) - KEC-4 Subject: RE: 2008 YN TCP report

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Thanks,

Hi Amy,

As part of the post discovery work related to the Big Eddy-Knight project, BPA plans to contract additional TCP identification and evaluation work to the Yakama Nation. Kevin Cannell here at BPA is the lead archaeologist for this project (you met him during our meeting on this subject at your office not long ago). Kevin is doing a little background research to determine what types of resources have been previously documented in the Wishram area before developing the contract statement of work. He ran across a reference to a 2008 TCP report generated by Shane Scott and Gregg Kiona, and would like to review it. We don't have a copy of this document here at BPA. I'm wondering if you have this document, and whether we could acquire a copy.

Unfortunately, I don't have a complete reference for you (no title, I'm afraid, just authors and a report date).

Please let me know if this is something you can assist with.

Thanks!

Kristen

Kristen Martine

FCRPS Cultural Resource Program Manager Bonneville Power Administration 905 NE 11th Ave. Portland, OR 97232-4169

503-230-3607 (office) 503-230-5699 (fax) kdmartine@bpa.gov

From:	Holmes, Amy M NWP
To:	Martine Coriell, Kristen D (BPA) - KEC-4
Cc:	Day, Shelby M (CONTR) - KEC-4
Subject:	RE: 2008 Yakama TCP Report (UNCLASSIFIED)
Date:	Thursday, April 12, 2012 3:07:57 PM

Classification: UNCLASSIFIED Caveats: NONE

Kristen,

No Problem.

I'll talk to our student aid who has all of our reports organized. I'll get back to you probably tomorrow.

Amy

-----Original Message-----From: Martine Coriell,Kristen D (BPA) - KEC-4 [mailto:kdmartine@bpa.gov] Sent: Thursday, April 12, 2012 14:11 To: Holmes, Amy M NWP Cc: Day,Shelby M (CONTR) - KEC-4 Subject: 2008 Yakama TCP Report

Hi Amy,

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To:	"Holmes, Amy M NWP"
Cc:	Day, Shelby M (CONTR) - KEC-4
Subject:	RE: 2008 Yakama TCP Report (UNCLASSIFIED)
Date:	Thursday, April 12, 2012 3:35:00 PM

Awesome! Thank you Amy!

-Kristen 503-230-3607

-----Original Message-----From: Holmes, Amy M NWP [mailto:Amy.M.Holmes@usace.army.mil] Sent: Thursday, April 12, 2012 3:08 PM To: Martine Coriell,Kristen D (BPA) - KEC-4 Cc: Day,Shelby M (CONTR) - KEC-4 Subject: RE: 2008 Yakama TCP Report (UNCLASSIFIED)

Classification: UNCLASSIFIED Caveats: NONE

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Cc:	Day, Shelby M (CONTR) - KEC-4
Subject:	RE: 2008 Yakama TCP Report (UNCLASSIFIED)
Date:	Friday, April 13, 2012 7:52:41 AM

Classification: UNCLASSIFIED Caveats: NONE

I just spoke with Vanessa (Intern). She's going to make a list of all the final reports we have. For now, I'll "dig" through my shelves for this one! Amy

-----Original Message-----From: Martine Coriell,Kristen D (BPA) - KEC-4 [<u>mailto:kdmartine@bpa.gov</u>] Sent: Thursday, April 12, 2012 15:35 To: Holmes, Amy M NWP Cc: Day,Shelby M (CONTR) - KEC-4 Subject: RE: 2008 Yakama TCP Report (UNCLASSIFIED)

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To:	"Holmes, Amy M NWP"
Cc:	Day, Shelby M (CONTR) - KEC-4
Subject:	RE: 2008 Yakama TCP Report (UNCLASSIFIED)
Date:	Friday, April 13, 2012 9:20:00 AM

Thanks Amy. Sorry to bother you with this. I'm hoping we can get our records up to date this year so we no longer have to impose on your time!

-Kristen 503-230-3607

-----Original Message-----From: Holmes, Amy M NWP [mailto:Amy.M.Holmes@usace.army.mil] Sent: Friday, April 13, 2012 7:53 AM To: Martine Coriell,Kristen D (BPA) - KEC-4 Cc: Day,Shelby M (CONTR) - KEC-4 Subject: RE: 2008 Yakama TCP Report (UNCLASSIFIED)

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Classification: UNCLASSIFIED Caveats: NONE

 From:
 Holmes. Amy M NWP

 To:
 Martine Coriell.Kristen D (BPA) - KEC-4

 Subject:
 FW: I found the report. I had but it on the staff drive (UNCLASSIFIED)

 Date:
 Friday, April 13, 2012 9:25:56 AM

 Attachments:
 bonneville dalles tcp_final.pdf

Classification: UNCLASSIFIED Caveats: NONE

-----Original Message-----From: Van Der Borg, Vanessa NWP Sent: Friday, April 13, 2012 07:59 To: Holmes, Amy M NWP Subject: I found the report. I had but it on the staff drive (UNCLASSIFIED)

Classification: UNCLASSIFIED Caveats: NONE

Thanks, Vanessa van der Borg CENWP-PM-E 503-808-4684

Classification: UNCLASSIFIED Caveats: NONE

From:	<u>Martine Coriell, Kristen D (BPA) - KEC-4</u>
То:	"Holmes, Amy M NWP"
Subject:	RE: I found the report. I had but it on the staff drive (UNCLASSIFIED)
Date:	Friday, April 13, 2012 9:46:00 AM

Thanks for doing this Amy. I'm guessing our "2008" reference to work by Shane Scott and Gregg Kiona is incorrect?

-Kristen 503-230-3607

-----Original Message-----From: Holmes, Amy M NWP [mailto:Amy.M.Holmes@usace.army.mil] Sent: Friday, April 13, 2012 9:25 AM To: Martine Coriell,Kristen D (BPA) - KEC-4 Subject: FW: I found the report. I had but it on the staff drive (UNCLASSIFIED)

Classification: UNCLASSIFIED Caveats: NONE

-----Original Message-----From: Van Der Borg, Vanessa NWP Sent: Friday, April 13, 2012 07:59 To: Holmes, Amy M NWP Subject: I found the report. I had but it on the staff drive (UNCLASSIFIED)

Classification: UNCLASSIFIED Caveats: NONE

Thanks, Vanessa van der Borg CENWP-PM-E 503-808-4684

Classification: UNCLASSIFIED Caveats: NONE

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-----Original Message-----From: Martine Coriell,Kristen D (BPA) - KEC-4 [<u>mailto:kdmartine@bpa.gov</u>] Sent: Friday, April 13, 2012 09:46 To: Holmes, Amy M NWP Subject: RE: I found the report. I had but it on the staff drive (UNCLASSIFIED)

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-Kristen 503-230-3607

-----Original Message-----From: Holmes, Amy M NWP [<u>mailto:Amy.M.Holmes@usace.army.mil</u>] Sent: Friday, April 13, 2012 9:25 AM To: Martine Coriell,Kristen D (BPA) - KEC-4 Subject: FW: I found the report. I had but it on the staff drive (UNCLASSIFIED)

Classification: UNCLASSIFIED Caveats: NONE

-----Original Message-----From: Van Der Borg, Vanessa NWP Sent: Friday, April 13, 2012 07:59 To: Holmes, Amy M NWP Subject: I found the report. I had but it on the staff drive (UNCLASSIFIED)

Classification: UNCLASSIFIED Caveats: NONE

Thanks, Vanessa van der Borg CENWP-PM-E 503-808-4684

Classification: UNCLASSIFIED Caveats: NONE

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Okay. Thank you!

-Kristen 503-230-3607

-----Original Message-----From: Holmes, Amy M NWP [<u>mailto:Amy.M.Holmes@usace.army.mil</u>] Sent: Friday, April 13, 2012 9:52 AM To: Martine Coriell,Kristen D (BPA) - KEC-4 Subject: RE: I found the report. I had but it on the staff drive (UNCLASSIFIED)

Classification: UNCLASSIFIED Caveats: NONE

Kristen, I just got back from my mtg with Shelby. Let me take a look at my hard copies and I'll let you know. Amy

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-----Original Message-----From: Martine Coriell,Kristen D (BPA) - KEC-4 [<u>mailto:kdmartine@bpa.gov</u>] Sent: Friday, April 13, 2012 09:46 To: Holmes, Amy M NWP Subject: RE: I found the report. I had but it on the staff drive (UNCLASSIFIED)

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Classification: UNCLASSIFIED Caveats: NONE

Classification: UNCLASSIFIED Caveats: NONE

From:	Holmes, Amy M NWP
То:	Martine Coriell, Kristen D (BPA) - KEC-4
Subject:	RE: I found the report. I had but it on the staff drive (UNCLASSIFIED)
Date:	Friday, April 13, 2012 10:53:45 AM
Attachments:	TCP Report.pdf
	Appendix A Maps.pdf
	Appendix B ilillquit.pdf
	<u>Tcp_Text.pdf</u>
	Tcp Title Pages pdf

Classification: UNCLASSIFIED Caveats: NONE

I found it! I have an extra hard copy I will give to Shelby next time I see her.

Amy

-----Original Message-----From: Martine Coriell,Kristen D (BPA) - KEC-4 [<u>mailto:kdmartine@bpa.gov</u>] Sent: Friday, April 13, 2012 10:42 To: Holmes, Amy M NWP Subject: RE: I found the report. I had but it on the staff drive (UNCLASSIFIED)

Okay. Thank you!

-Kristen 503-230-3607

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From:	<u>Martine Coriell, Kristen D (BPA) - KEC-4</u>
То:	"Holmes, Amy M NWP"
Subject:	RE: I found the report. I had but it on the staff drive (UNCLASSIFIED)
Date:	Friday, April 13, 2012 11:39:00 AM

That's the one! Thanks very much Amy. Hope you have a great weekend!

-Kristen 503-230-3607

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From:	Holmes, Amy M NWP
То:	Martine Coriell, Kristen D (BPA) - KEC-4
Subject:	RE: I found the report. I had but it on the staff drive (UNCLASSIFIED)
Date:	Friday, April 13, 2012 11:47:29 AM

Classification: UNCLASSIFIED Caveats: NONE

You too!

-----Original Message-----From: Martine Coriell,Kristen D (BPA) - KEC-4 [mailto:kdmartine@bpa.gov] Sent: Friday, April 13, 2012 11:40 To: Holmes, Amy M NWP Subject: RE: I found the report. I had but it on the staff drive (UNCLASSIFIED)

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