

**ColumbiaGrid Protocol for Inclusion of Indian Tribes
During Planning Activities Under the Planning and Expansion
Functional Agreement
And
Regarding ColumbiaGrid Activities with a Potential Impact on Indian
Tribes**

Background:

ColumbiaGrid is a non-profit membership Washington corporation, formed in 2006 to improve the operational efficiency, reliability, and planned expansion of the Northwest high voltage electric transmission grid. ColumbiaGrid has substantive responsibilities pursuant to a series of Functional Agreements with Members and other Qualified Non-Member Parties. These agreements relate to planning, reliability, OASIS, and other development services. The agreements have been and will continue to be developed in a public process with broad participation, which has included the Affiliated Tribes of Northwest Indians Economic Development Corporation. The current Members of ColumbiaGrid are Avista Corp., Bonneville Power Administration, Chelan County PUD, Grant County PUD, Puget Sound Energy, Seattle City Light and Tacoma Power. All Northwest control area operators are welcome to join ColumbiaGrid as a Member. More information on ColumbiaGrid is available at <http://www.columbiagrid.org/>

ColumbiaGrid is required to develop and review a Draft Biennial Plan regarding the region's high voltage electric transmission needs, and to adopt, by majority vote of the Board, the Biennial Plan. The Plan will be created through ColumbiaGrid staff, member participation, and participation of interested parties through an open process. Once the plan is created, ColumbiaGrid is required to assemble Study Teams as the primary tool for participation by Planning Parties, Affected Persons, and Interested Persons in the development of Projects defined and included in the Plan. Study Team participants are required to bear their own costs of participation.

The Members of ColumbiaGrid, and entities participating with ColumbiaGrid retain all their existing obligations to tribes and resource management. ColumbiaGrid provides a forum for coordination of their activities. For example, Bonneville Power retains its federal trust obligations, and other utilities retain all obligations under law. Any proposed transmission project will require the same environmental reviews and approvals. ColumbiaGrid provides an earlier opportunity for tribal participation in high voltage electrical planning.

Section 4 of the Planning and Expansion Functional Agreement, signed by ColumbiaGrid and each of the members of ColumbiaGrid and Snohomish County PUD, contains:

- A duty of all the parties to cooperate with the other parties to the agreement.
- A duty to implement the planning processes under this Agreement in a coordinated, open, transparent, and participatory manner, subject to ColumbiaGrid's obligation to protect Confidential Information.

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May, 2007

- A duty to endeavor to notify the following Persons of the formation and scope of activities of Study Teams with respect to a Project:
 - (i) all Affected Persons with respect to such Project,
 - (ii) all Persons potentially interested in such Study Team, and
 - (iii) the Interested Persons list, including Pacific Northwest transmission owners and operators
 - State and Tribal representatives on the Interested Persons list.
- A duty to develop a protocol regarding procedures designed to identify and notify Tribes and others that are potentially impacted by transmission needs or solutions.

Section 4.3 of the Planning and Expansion Functional Agreement specifically states: “For example, the protocol should include a provision stating that at such time as it becomes apparent to a Study Team that Tribal resources or lands may be impacted, the Study Team should make a reasonable attempt to notify potentially impacted Tribes of its work. ColumbiaGrid may work with the Planning Parties and Pacific Northwest Tribes to compile a database of Tribal lands and culturally significant areas for use under such a protocol.”

Proposed Protocol for Tribal Coordination

ATNI-EDC suggests that the following Protocol for Tribal Coordination be adopted by ColumbiaGrid:

ColumbiaGrid Protocol for Coordination of Information With Indian Tribes

ColumbiaGrid acknowledges that decisions made by ColumbiaGrid or work performed pursuant to Functional Agreements may impact tribal lands or resources. Such resources include resources within Indian Reservations, off-reservation resources that are subject to treaties and federal executive orders, and off-reservation resources protected by law such as cultural resources within tribes' traditional lands.

ColumbiaGrid acknowledges that early coordination with Indian tribes impacted by activities of ColumbiaGrid in order to solicit tribal input and participation in decision processes will further the ability of ColumbiaGrid and its members to create better plans and to implement those plans with tribal cooperation.

ColumbiaGrid, in its decision making process, will consider whether their decisions will have an impact on any of these resources or on tribal lands, and if so, will make reasonable efforts to notify potentially impacted Tribes of its decision or its work.

ColumbiaGrid will consider the retained legal duties and obligations of the

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(ATNI-EDC)

May, 2007

ColumbiaGrid members and signators to ColumbiaGrid agreements to consult with, coordinate with, and to exercise any trust responsibilities to Indian Tribes. ColumbiaGrid acknowledges that the Protocol established here is meant to effectively coordinate with Indian Tribes and does not replace any entity's existing legal duties with regard to tribal resources.

ColumbiaGrid agrees to make reasonable efforts to establish and maintain a Memorandum of Understanding with one or more regional organizations of Indian Tribes, such as the Affiliated Tribes of Northwest Indians, in order to formalize such organizations' assistance with coordinating and notifying Indian Tribes when tribal lands or resources may be impacted by ColumbiaGrid activities. ColumbiaGrid will look for and utilize reasonable opportunities to coordinate with tribal organizations that have functions related to or affected by ColumbiaGrid activities.

The Adoption of a Biennial Plan by the ColumbiaGrid Board of Directors is acknowledged to potentially impact tribal lands or resources and will invoke following the procedures below with regard to all Federally Recognized Indian Tribes located within or near the area of ColumbiaGrid activity, and any Canadian First Nation who, after reasonable research is likely to be impacted. United States' Federally Recognized Indian Tribes are listed in the Federal Register. The most recent Federal Register list of Federally Recognized Indian Tribes shall be kept in the ColumbiaGrid office as a reference.

The following procedures shall serve as a guideline for ColumbiaGrid when ColumbiaGrid has determined that any of its activities may impact tribal lands or resources:

Determining when to notify a tribe or tribes: ColumbiaGrid staff will conduct its own review, and ColumbiaGrid will coordinate with planning parties who are involved in activities of ColumbiaGrid or proposed projects in the ColumbiaGrid Biennial Plan, to make an initial determination whether any of the bulleted circumstances exist. If so, notice to all the potentially affected tribal governments in a manner that is consistent with this Protocol will be initiated in these situations as soon as practicable after a determination of any of the following is made:

- A proposed project included in a ColumbiaGrid Biennial Plan may impact lands, rights of ways, or existing facilities within an Indian Reservation, or may cross Indian Reservation lands.
- Any activity of ColumbiaGrid will likely directly impact tribal resources, such as water, fish or wildlife, or known tribal cultural resources.
- Any activity of ColumbiaGrid affects a publicly known generation, transmission or utility activity of a tribe or tribal government.
- A tribal regulatory body may have jurisdiction over activities of

Draft Affiliated Tribes of Northwest Indians Economic Development Corporation
(ATNI-EDC)

May, 2007

ColumbiaGrid or over proposed projects within the ColumbiaGrid Biennial Plan.

- ColumbiaGrid staff recommends that due to another circumstance, tribal notice would be beneficial to any entity.

In addition, for all proposed projects included in a ColumbiaGrid Plan, a review will be done, using internet research regarding tribal traditional lands, and using resources available under a Memorandum of Understanding with a tribal organization, to determine which tribes' traditional territories are involved in proposed project areas. Notice to affected tribal governments in a manner that is consistent with this Protocol will be initiated to the tribal government(s) representing the descendents of those traditional tribes.

Determining how to notify a tribe or tribes:

Once it is determined that a tribe or tribes should be notified pursuant to the process described above, a letter should be addressed to the Chairperson of that tribe, with a copy provided to the tribe's Cultural Resource Officer, as well as to any active point of contact listed on the ColumbiaGrid Interested Party list. Points of contact are generally available by reviewing tribal internet sites, or by calling tribal government offices and asking for correct names and addresses. In the event such information is not available, a letter should be sent to the Tribal offices, addressed to the "Tribal Chairperson" with a copy to the "Tribal Cultural Resources Officer".

Determining what information to put in a notice to a tribe or tribes:

Notice should be sufficient to inform tribal officials regarding:

- Who is ColumbiaGrid?
- What is the background regarding the project or activity?
- What other entities or parties are involved in the project or activity and what might they be doing to work with the tribe?
- What is the reason for the notice to the Tribe?
- How can the tribe respond to the notice, including a point of contact for questions, how to be included in the Interested Parties List, timing of meetings or activities related to the reason for the notice, and
- Any other information that will be helpful for the tribe to understand the notice.

Upon the expression of interest by any Indian Tribe in participation with a ColumbiaGrid activity, or notice from any Indian Tribe that activities of ColumbiaGrid have the potential to impact tribal resources, or tribal response to a notice sent by ColumbiaGrid, ColumbiaGrid will include such Indian Tribe's point(s) of contact as an interested party for notices of meetings or dissemination of related information, and shall continue other coordination of

Draft Affiliated Tribes of Northwest Indians Economic Development Corporation
(ATNI-EDC)

May, 2007

other related activities with regard to that matter or reasonably related matters which may also impact that Indian Tribe. ColumbiaGrid will also act in reasonable and business like ways to further the participation of those interested tribes in its activities. When requested by a tribe, ColumbiaGrid will provide the opportunity for direct discussions between the Board of Directors and representatives designated by any interested tribe or tribes. A record of any such discussions shall be made. Such discussions may result in actions or agreements between ColumbiaGrid and the tribe(s).