

January 30, 2004

Big Creek Collaborative Participants

Subject:: Response to Formal Communications Regarding the Cultural Resources
Working Group Meeting Schedule

This e-mail is in response to Formal Communications, as defined in the Big Creek Collaborative Communications Protocol (approved September 11, 2000) for the Big Creek Alternative Licensing Process (ALP), received by Southern California Edison (SCE) from Cindy Whelan of the Sierra National Forest (USFS) on November 14, 2003, Laughing Coyote of the Native Earth Foundation on November 19, 2003, and Van Button of the Federal Energy Regulatory Commission (FERC) on December 4, 2003. In those communications, the three writers express disappointment at the cancellation of the November 2003 Cultural Resources Working Group (CRWG) meeting, seek a resumption of regular meetings, and request an explanation for the lapse in meetings.

SCE shares the commitment expressed by Ms. Whelan, Mr. Coyote, and Mr. Button that cultural resources in the Big Creek Project area be managed in accordance with applicable State and Federal law. SCE intends to continue developing a Historic Properties Management Plan (HPMP) through consultation and collaboration with the Native American community, historical organizations, interested resource agencies, and members of the general public. This HPMP is an important element of SCE's Big Creek ALP, however, the utility of the HPMP is based on obtaining accurate and appropriate information about the cultural resources associated with the hydroelectric projects being re-licensed under the ALP.

The CRWG and its members have been treated the same as the Plenary and other Working Groups. Working groups were formed by the Plenary to "address particular issues or accomplish discrete tasks" (Big Creek Collaborative Communications Protocol, Pg. 12). If there is no discrete task to accomplish or issue of relevance to the relicensing, or a situation exists that may prevent the accomplishment of useful work, then a Working Group should not meet. For example, the Land Management Working Group held only four meetings in 2003 and the Terrestrial Working Group held six. Similarly, the CRWG held five meetings in 2003.

Progress toward completing the Draft Technical Study Reports by the CRWG (specifically CUL-1 and CUL-2) hinged on issuance of a Special Use Permit (SUP) to SCE from the Sierra National Forest (SNF). SCE's application for the permit had been under review by the SNF and SCE was uncertain whether or not this permit would be issued in a timeframe that would allow studies to be conducted in 2003. Furthermore, until the SUP was issued, the proposed scope of work to be conducted was unclear. As

long as this matter remained unresolved, SCE would not be able to complete its technical studies for CRWG review and comment.

The CRWG did not meet in May, June, July, August, September, and November of 2003 because fieldwork on CUL-1 and CUL-2 was incomplete and could not continue until the USFS approved SCE's SUP application. Analyzing detailed information obtained through these two studies is vital for the CRWG to craft an effective HPMP because project impacts on archaeological resources is one of the most significant issues to be addressed by the CRWG. SCE recognized that holding CRWG meetings would have been inappropriate and an inefficient use of CRWG time because (i) no fieldwork results were available for review, (ii) no finalized Study Reports could be completed for public comment, and (iii) the need to work throughout that intervening period in an effort to obtain the SUP was a priority for SCE. Thus, SCE focused on obtaining the SUP to conduct the studies.

The USFS has now issued the SUP (PIN 131) to allow for investigation work to continue consistent with the Archaeological Resources Protection Act (ARPA). CUL-1 and CUL-2 field studies were briefly resumed in 2003. These are now suspended due to winter weather conditions that preclude work at Florence, Huntington and Shaver lakes, but limited work at lower elevation locations can and will proceed as feasible. SCE anticipates completing the necessary ALP-related archaeological studies during 2004.

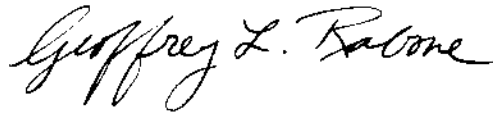
Mr. Coyote has submitted a Formal Communication that SCE believes is inconsistent in content and spirit with the Big Creek Collaborative Communications Protocol. SCE is not obligated to respond to that communication, however we feel compelled to respond to certain statements and to categorically deny each of the accusations made in Mr. Coyote's communication. In particular, Mr. Coyote has made serious charges that SCE has acted dishonestly and unethically, and is in violation of permits issued by the USFS. SCE maintains that it has acted in a forthright and ethical manner and takes strong exception to Mr. Coyote's allegations. Furthermore, the USFS has never given SCE any notice of a violation of any cultural resource related permit. The SUP recently issued by the SNF is the only permit that was required to be issued to SCE pursuant to ARPA. SCE has and will continue to operate in a manner consistent with all terms and conditions of permits issued to it by the USFS.

Mr. Coyote's third paragraph represents his comments as those of the Native American community in general. The Mono Nation, North Fork Rancheria, and Big Sandy Rancheria have issued written correspondence in response to prior statements by Mr. Coyote stating that they speak for themselves. SCE has informal statements from other local tribal groups also indicating that Mr. Coyote also does not speak for them. We therefore hold the view that Mr. Coyote's statements and opinions represent only himself or the Native Earth Foundation.

SCE will schedule CRWG meetings in accordance with the Communications Protocol when such meetings would be productive toward reaching the goals set forth by the ALP Plenary and CRWG. Meetings are currently scheduled monthly. SCE looks forward to working with the members of the CRWG through the remainder of the re-

licensing to collaboratively develop future management practices for the resources that we all value.

Sincerely,

A handwritten signature in black ink that reads "Geoffrey L. Rabone". The signature is written in a cursive style with a large, sweeping initial 'G'.

Geoffrey L. Rabone
Senior Project Manager
Big Creek Relicensing

cc: Big Creek ALP Plenary
Big Creek Relicensing Website (www.scehydro.com)