

S.F.  
80



ROUTING SLIP

SF 80 F

DATE

TO

David Mudd

ADDRESS

MAIL STOP

FROM

Curt Leigh

MAIL STOP

PHONE

FAX

Information

Per Your Request

Per Our Conversation

For Approval

Read and Return

Read & Route to Files

For Signature

For Your Information

For Your Comments

Re: 9 mile license Amendment  
to construct sediment bypass Tunnel

Attached - 2 copies of FERC order  
Approving Amendment. ~~Para~~ Para (c)  
covers mit offer in attached letter  
signed by Rod Pharness.

Additional mit identified in attached  
letter signed by Sandy Mack is not  
yet implemented.



UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

The Washington Water Power Co.            )            Project No. 2545-059

ORDER APPROVING PROJECT FEATURES  
(Issued August 12, 1997)

In a letter dated March 5, 1997, the Washington Water Power Company, licensee for the Spokane River Project, FERC No. 2545, requested the Commission's approval to construct a sediment by-pass tunnel. The project is located on the Spokane River in Spokane, Stevens, and Lincoln Counties, Washington, and Kootenai and Benewah Counties, Idaho.

BACKGROUND

The Commission issued a license for the Spokane River Project on August 17, 1972. 1/ The licensee requested Commission approval to construct the sediment by-pass tunnel pursuant to license article 3. Article 3 requires prior Commission approval for any "...substantial alteration or addition not in conformity with the approved plans to any dam or other project works..."

The licensee proposes to construct a sediment by-pass tunnel at the Nine Mile Hydroelectric Development. In the last few years, excessive sediment build-up in front of the intakes has impacted the operation of the plant. The purpose of the by-pass tunnel is to decrease loading on the trash racks and pass sediment through the by-pass rather than the turbines. On July 7, 1997, the licensee filed a report that evaluates several options for controlling sedimentation at the power intakes. Construction of a low level by-pass tunnel on the left side of the Nine Mile Development powerhouse was determined to be the most effective option.

ENVIRONMENTAL REVIEW

Staff prepared an Environmental Assessment 2/ for the proposal to construct a sediment by-pass tunnel. The Environmental Assessment is attached to this order. A public notice regarding the proposed changes was issued on June 17, 1997. In response, two motions to intervene were filed. The State of Washington Department of Ecology filed, on July 7, 1997, a petition to intervene and motion for an extension of time to

- 1/ 48 FPC 339, Order Issuing License (Major), August 17, 1972.
- 2/ Environmental Assessment for the Application to Construct a Sediment By-pass Tunnel, Spokane River Project, Nine Mile Development, FERC Project No. 2545-059, Washington.

DC-A-23

Project No. 2545-059

-2-

review the impacts of the proposed construction on water quality, fishery resources, flooding and other environmental issues. In a letter filed July 28, 1997, the Washington State Department of Ecology stated no water quality certification is needed for the proposed construction. The Washington State Department of Fish and Wildlife (WDFW) expressed concern for fish entrainment occurring at the entrance of the low level by-pass tunnel. The WDFW's concerns were addressed in discussions with the licensee as described below and in the EA. Our EA found that approval of construction of the proposed by-pass tunnel would not constitute a major federal action significantly affecting the quality of the human environment.

ENVIRONMENTAL ISSUES

The licensee consulted with the WDFW regarding their concerns for fishery resources. The licensee, to mitigate for the loss of fish entrained into the low level by-pass tunnel during operation, has agreed to contribute to fish habitat restoration efforts in the Latah Creek Basin. Latah Creek, located upstream of the project dam, has been identified as the major contributor of sediments to the Spokane River and the Nine Mile Development Reservoir. Reducing the sediment load from Latah Creek is expected to enhance, in the long term, the fish habitat and the trout fishery in the reservoir and upstream. Given the limited impact on the fishery resources expected during operation of the low level by-pass tunnel, this mitigation proposal is appropriate and should be implemented. Paragraph (C) of this order requires the licensee to file documentation that the one time contribution of \$10,000 has been made to the restoration fund for the Latah Creek Basin.

Construction and operation of the low level sediment by-pass tunnel would result in minor environmental impacts. The licensee's plans to control sedimentation, monitor water quality during construction, implement protective measures, and participate in a restoration effort that would result in fish habitat improvement would adequately mitigate any impacts.

This order approves construction of the proposed by-pass tunnel on the left side of the Nine Mile Hydroelectric Development powerhouse. This order also requires the licensee to submit revised exhibits showing the as-built project features after completing construction

The Director orders

(A) The licensee's request to modify the project features as described in the March 5, 1997 letter to the Commission and report filed July 7, 1997, is approved



Washington Water Power  
1411 East Mission  
P.O. Box 3727  
Spokane, Washington 99220-3727  
1 800-727-9170  
509 489-0500 Telephone



Washington Water Power

July 18, 1997

Mr. John Whalen  
Washington Department of Fish and Wildlife  
North 8702 Division  
Spokane, WA 99218

**Subject: Mitigation for Proposed Sediment By-Pass at the Nine Mile Hydroelectric Development**

Dear John:

This letter is to confirm WWP's agreement with the WDFW that Washington Water Power's one-time payment of \$10,000 to a fund for the restoration of the Latah Creek basin is appropriate mitigation for the potential impacts from the construction and operation of the proposed sediment bypass tunnel at the Nine Mile Hydroelectric Development.

This one-time payment to the restoration fund will be contingent upon the issuance of a Hydraulics Permit to WWP for the by-pass project during the first week of August, 1997 and WDFW's concurrence before the FERC that this one-time payment is adequate mitigation for the concerns attached to its intervention which was filed with the Commission on July 7, 1997. Under separate cover, WWP will notify the FERC of WWP's commitment to this mitigation payment.

If you have any questions, please feel free to call me at 482-4486.

Sincerely,

Rod Pharness  
Hydro License Coordinator

cc: Curt Leigh (WDFW)  
John Andrews (WDFW)  
Ray Duff (WDFW)

RECEIVED  
JUL 22 1997  
WDFW HABITAT MGMT

Washington Water Power  
1411 East Mission  
P.O. Box 3727  
Spokane, Washington 99220-3727  
1 800-727-9170  
509 489-0500 Telephone



Washington Water Power

July 18, 1997

Mr. John Whalen  
Washington Department of Fish and Wildlife  
North 8702 Division  
Spokane, WA 99218

**Subject: Mitigation for Proposed Sediment By-Pass at the Nine Mile  
Hydroelectric Development**

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If you have any questions, please feel free to call me at 482-4486.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rod Pharness'.

Rod Pharness  
Hydro License Coordinator

cc: Curt Leigh (WDFW)  
John Andrews (WDFW)  
Ray Duff (WDFW)

RECEIVED  
JUL 22 1997  
WDFW HABITAT MGMT

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Washington Water Power Company ) Project No. 2545-052

## ORDER APPROVING SUPPLEMENTAL FISHERIES ENHANCEMENT PLAN

(Issued May 21, 1996)

On January 30, 1996, Washington Water Power Company (licensee) filed a supplemental fisheries enhancement plan for the Spokane River Project (FERC No. 2545), located on the Spokane River in Spokane, Washington. The supplemental fisheries enhancement plan is filed under ordering paragraph (E) of the Commission's June 30, 1993, Order Approving As-Built Exhibits. <sup>1/</sup> Ordering paragraph (E) requires the licensee, after consultation with the Washington Department of Fish and Wildlife (DFW) and the U.S. Fish and Wildlife Service (FWS), to file a supplement to the fishery enhancement plan approved in license article 407. Article 407 specifies that the supplemental plan must include a proposal for additional fish stocking.

## BACKGROUND

The Commission noted in the June 30 order that the actual hydraulic capacity of the project is 11.5 percent greater than the licensed capacity. The Commission reasoned that the incremental increase in capacity may result in a corresponding increase in fish entrainment and mortality. To address these additional impacts, ordering paragraph (E) requires the licensee to file a plan to supplement the current fisheries enhancement plan approved under article 407. <sup>2/</sup>

## LICENSEE'S PROPOSAL

The licensee is proposing to provide funding for the DFW to stock an additional 1,000 trout in the downstream reach of the Spokane River. This would be in addition to the 1,000 trout the licensee is currently releasing (through the DFW) under article 407. The size of fish released will be consistent with the plan approved under article 407. The licensee voluntarily provided funding for the 1,000 additional trout in 1995, and is proposing to continue stocking at these levels for the term of the license.

<sup>1/</sup> 63 FERC ¶ 62,367<sup>2/</sup> Article 407 requires, in part, the licensee funding the stocking of 1,000 catchable-sized trout as mitigation for loss of trout associated with turbine mortality.

Project No. 2545-052

-2-

## AGENCY COMMENTS

By letters dated January 18, and 26, 1996, the FWS and DFW registered their concurrence with the licensee's proposal.

## CONCLUSION

The licensee reports, in its filing, that the current stocking program is highly successful. Creel census data indicates extremely high angler success rates, as well as some of the highest concentrations of anglers on the Spokane River. In their comment letter the DFW make similar pronouncements regarding the success of the current stocking program. The DFW add, that the existing level of angler participation and harvest would justify the increased level of stocking.

The licensee's proposal to supplement the current stocking program will help support the sport fishery and provide the funding necessary for the DFW to respond to increasing angler demand. Accordingly, the licensee's proposed supplemental fisheries enhancement plan should be approved.

The Director orders:

(A) The supplemental fisheries enhancement plan, filed January 30, 1996, is approved.

(B) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R. § 385.713.

*Joseph A. Metzger*  
J. Mark Robinson  
Director, Division of Project  
Compliance and Administration

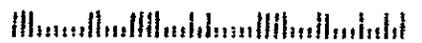
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FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, D.C. 20426

OFFICIAL BUSINESS  
PENALTY FOR PRIVATE USE: \$300

*David Mudd*

P-2545 101827  
ROBERT TURNER, DIRECTOR  
WASHINGTON DEPT. OF FISH & WILDLIFE  
600 CAPITOL WAY NORTH  
OLYMPIA, WA 98501-1091





# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Ecological Services  
517 South Buchanan  
P.O. Box 1157  
Moses Lake, Washington 98837  
(509)765-6125 Fax: (509)765-9043

May 25, 1995

David R. Mudd  
Major Projects Division Manager  
600 Capitol Way N  
Olympia, Washington 98501-1091

Dear Mr. Mudd;

Find enclosed, for your files, a signed original copy of interim agreement between the Fish and Wildlife Service, the Washington Department of Fish and Wildlife, and Washington Water Power (WWP) concerning the Spokane River Project. I am also forwarding a copy of the agreement to WWP.

Now that the agreement has been finalized we look forward to working with you to carry out the terms of the agreement.

Sincerely,

David J. Kaumheimer  
Field Supervisor

RECEIVED  
MAY 30 1995  
WDFW HABITAT PROGRAM

MEMORANDUM OF AGREEMENT

RELATING TO INTERIM FISH AND WILDLIFE MEASURES FOR  
WASHINGTON WATER POWER'S SPOKANE RIVER PROJECT  
(FERC NO. 2545)

Washington Water Power Company  
Washington Department of Fish and Wildlife  
United States Fish and Wildlife Service  
May, 1995

This Agreement is made and entered into this first week of May, 1995, by and between The Washington Water Power Company (hereinafter referred to as WWP), the State of Washington, Department of Fish and Wildlife (hereinafter referred to as the WDFW), and the United States Fish and Wildlife Service (hereinafter referred to as USFWS) (herein collectively referred to as the Parties).

RECITALS

- WWP is the licensee for Project No. 2545, issued by the Federal Energy Regulatory Commission (hereinafter referred to as FERC), effective August 17, 1972, for the operation and maintenance of the Spokane River Project, including of four individual hydroelectric developments within Washington State (hereinafter referred to as the Project).
- WWP's FERC license for the Project expires on July 31, 2007.
- The Parties hereto acknowledge that WWP owns or controls certain lands near Long Lake upon which habitat improvements can be made under the terms of this Agreement. This land base includes approximately 1,900 acres of non-Project land not subject to FERC jurisdiction and approximately 400 acres within the Project boundary. This land base is illustrated in Appendix A to this Agreement.

## GOALS

- The objectives of this Agreement are to foster collaboration among the Parties, to collect information needed to evaluate fish and wildlife resources and improve such resources on the lands associated with the Project along the Spokane River, and to create a funding mechanism and a management scheme to accomplish these improvements.
- This Agreement is interim and only a partial step which the Parties intend will set the foundation for future, comprehensive agreements related to FERC relicensing of the Project. WWP expects its investments as provided herein to be factored into any future agreements which are developed by the Parties.

## ELEMENTS OF AGREEMENT

- This interim Agreement is effective for a three year term, commencing on the date it is executed by all Parties and continuing through 1997. Funding for the first year of this Agreement is already authorized by WWP. However, this Agreement must be re-approved by WWP's successor corporation, Resources West Energy Corporation, upon the completion of the proposed merger between WWP and Sierra Pacific Resources, expected to be completed by October 1995.
- During the initial three year term of this interim Agreement, the Parties may reevaluate the possibilities of initiating comprehensive agreement discussions and/or the potential to extend this interim program. This Agreement, however, in no way restricts the Parties from conducting formal or informal consultation over fish and wildlife issues associated with the Project which may arise in the future.
- This Agreement shall not be assigned without prior written agreement of all the signatory Parties hereto. Due to the proposed merger between WWP and Sierra Pacific Resources, WWP or its successor Resources West Energy Corporation, WDFW, or USFWS shall have the right to terminate this Agreement by giving written notice of termination to the other Parties at

least one month prior to the end of the anniversary date of the first and/or second year of the Agreement. Except as provided herein, this Agreement is fully binding on the signatory Parties, and their respective successors and assigns.

- The Parties may modify provisions of this Agreement by mutual approval of any such modifications.
- The Parties agree to establish a Management Team comprised of the appropriate officials from, WWP, WDFW, and USFWS. The Management Team will oversee the Trust Fund agreed to be established in this Agreement. The Management Team will allocate program funding by unanimous consent.
- The Management Team will work with key constituent groups and work cooperatively to seek public input both as to implementation of this interim Agreement, and to develop constituent input opportunities for future agreements.
- The Management Team may also investigate operational changes that can be made to the Project which could improve conditions for aquatic life in the Spokane River.
- For the term of this Agreement, WWP will designate the land base described in Appendix A as a "Wildlife Recreation Area", as defined in WWP's Draft Natural Resource Land Use Classification for Washington Water Power Lands.
- WWP agrees to establish a Trust Fund. Funds will be allocated for projects or activities that are mutually agreed upon, in writing, by the Management Team. It is expected that a major portion of the funds in the first year will be allocated to WDFW to support technical assistance to assess fish and wildlife, habitat improvements, and management opportunities within the Project area. Some funds, in the second and third years, may be allocated for this purpose as well. The information to be gathered and developed shall be tailored to provide the data necessary to the Management Team which will be helpful in developing effective long-term fish and wildlife programs.

- Trust fund dollars may also be utilized for habitat improvement projects on WWP lands, operation and maintenance of fish and wildlife improvements on those lands, other habitat improvement projects along the Spokane River, easements or options on properties, or such other projects as approved by the Management Team.

- As stated, the Parties anticipate that the duration of the Trust Fund will be the three year term of the Agreement. WWP agrees to commence funding of the Trust Fund with a guaranteed \$75,000 contribution in 1995. WWP will fund the Trust Fund with a minimum \$75,000 contribution each year for the subsequent two years, 1996 and 1997, subject to the re-approval of this Agreement by Resources West Energy Corporation, WWP's successor corporation. Also for 1996 and 1997, the Management Team will evaluate whether or not to recommend that the minimum \$75,000 annual funding be increased for inflation and/or for new initiatives identified by the Management Team.

- WWP also agrees to contribute no less than \$25,000 in in-kind WWP labor value and in-kind services through its existing staff resources for each year of the three years of this Agreement to assist with the administration of this Agreement and programs along the Spokane River. Activities that could be supported by this \$25,000 in labor value include, but are not limited to, program coordination, data collection, fish and wildlife habitat improvements, and management activities like fencing, planting, and thinning on WWP lands. Emphasis will be placed on on-the-ground activities and data needed to support these efforts.

- The Trust Fund shall be administered as an escrow-type account. Money not used in the year deposited shall be carried forward to the subsequent year and added to the \$75,000 anticipated to be deposited into the Trust Fund account by WWP during the subsequent year. Accordingly, funds shall be carried over to 1996 or 1997, respectively, if funds deposited into the Trust Fund account are not fully utilized in 1995 or 1996.

• At the close of each year of this interim Agreement, the Parties agree to work together to identify investment strategies for remaining Trust Fund dollars. These mutually agreed strategies might include, but are not limited to, habitat improvement projects on existing WWP property, acquisition of additional properties, conservation easements, and additional biological studies.

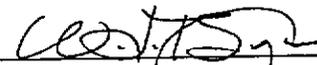
• The Management Team will also be briefed regularly by WWP and offer advice regarding implementation of the recently enacted settlement of issues associated with WWP's hydro facilities on the Spokane River between WWP and the Spokane Tribe of Indians.

**AUTHORITY**

• Each Party to this Agreement hereby represents and acknowledges that it has full legal authority to execute this Agreement and shall be fully bound by the terms hereof. The undersigned representatives of each Party certifies that he or she is fully authorized by the Party whom he or she represents to enter into the terms and conditions of this Agreement and to legally bind such Party to it.

Dated 5/1/95, 1995

WASHINGTON WATER POWER,

By:   
Typed Name: W. Lester Bryan  
Title: Senior Vice President

Dated 5/25, 1995

U. S. FISH AND WILDLIFE SERVICE

By:   
Typed Name David J. Kaunheimer  
Title: Field Supervisor

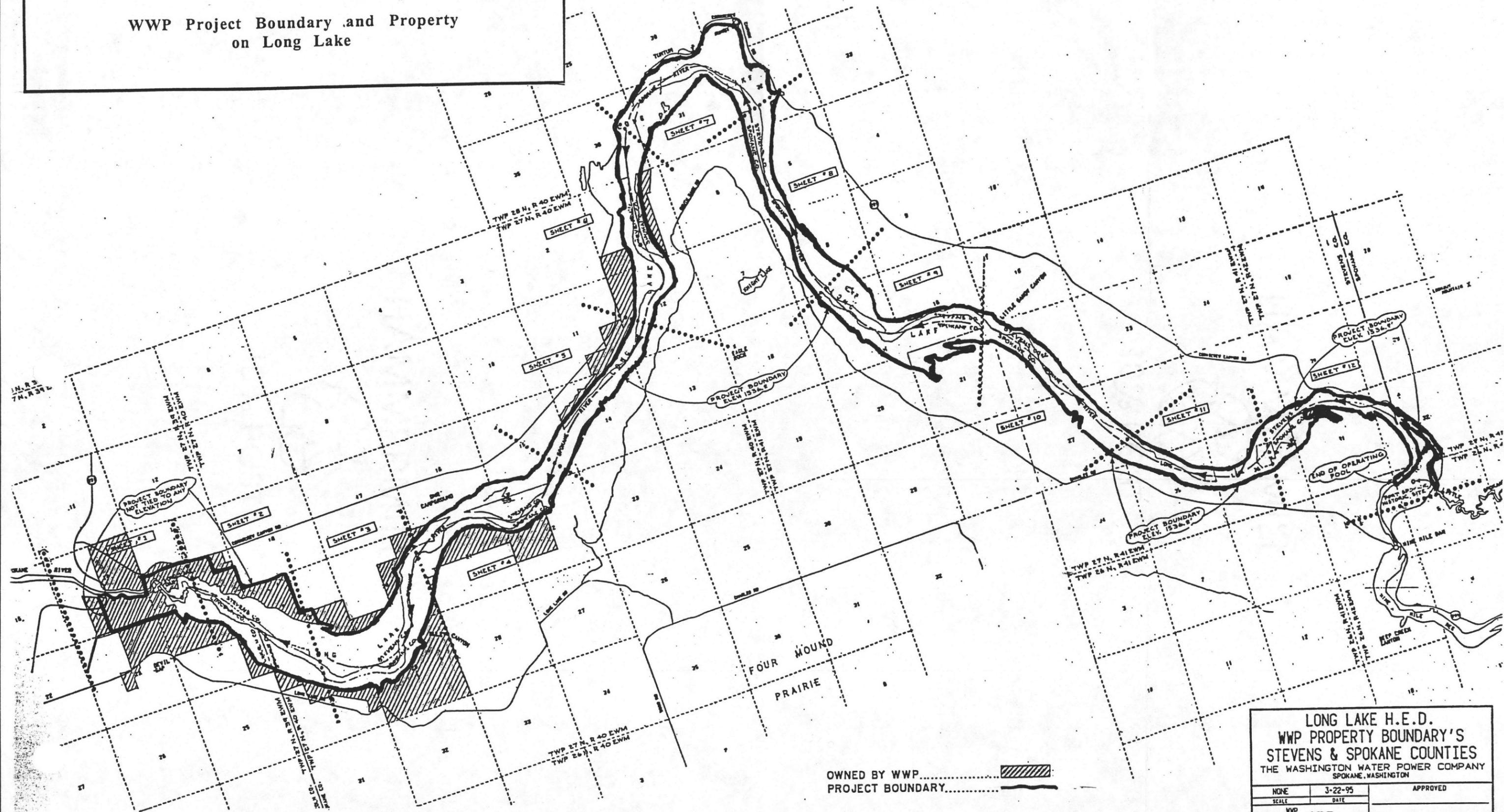
Dated \_\_\_\_\_, 1995

WASHINGTON DEPARTMENT OF FISH AND WILDLIFE

By:   
Typed Name: Robert Turner  
Title: Director

# APPENDIX A

## WWP Project Boundary and Property on Long Lake



OWNED BY WWP.....  
 PROJECT BOUNDARY.....

**LONG LAKE H.E.D.**  
**WWP PROPERTY BOUNDARY'S**  
**STEVENS & SPOKANE COUNTIES**  
 THE WASHINGTON WATER POWER COMPANY  
 SPOKANE, WASHINGTON

SCALE	NONE	DATE	3-22-95	APPROVED
DESIGN	WWP	CHECKED		
DRAWN	HALL	NOTED		DATE
CHECKED		NOTED		SHT. OF E-35184

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UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Washington Water Power Company

Project No. 2545-015  
Washington

ORDER AMENDING LICENSE  
(MAJOR)  
(Issued June 28, 1990)

Washington Water Power Company (WWP), licensee of the Spokane River Project, filed an application under Part I of the Federal Power Act (Act) to amend its license to modify the Monroe Street Hydroelectric Development (MSHD) of the project.

The Spokane River Project is located on the Spokane River, in Spokane, Stevens, and Lincoln Counties, Washington.

WWP proposes to modify the MSHD by (1) replacing 75 feet of exposed steel penstock with a 100-foot-long, 14-foot-diameter underground steel penstock, (2) replacing the existing powerhouse with an underground powerhouse with the roof at ground level, (3) installing a 25-foot-diameter, 8-foot-high removable generator cap on the powerhouse roof, (4) replacing the five generating units with a single generating unit having an installed capacity of 14,800 kilowatts (kW), (5) constructing a tailrace channel, and (6) installing 13.8-kilovolt (kV) generator leads.

WWP's changes would increase the MSHD's total installed capacity from 7,200 to 14,800 kW and the estimated average annual energy generation from 45 million to 117 million kilowatthours.

WWP's license for the Spokane River Project, issued by the Commission on August 17, 1972, expires on July 7, 2007. 1/

The Commission published a public notice of the application.

In determining whether to issue this amendment of license, we (the staff) fully considered comments from the Spokane Central Business Association, the Washington Department of Ecology (WDOE), the Washington Department of Wildlife (WDW), the Washington Parks and Recreation Commission, Spokane County, the Spokane Regional Convention and Visitors Bureau, the Spokane City Council, the Centennial Trail Steering Committee, and the Spokane Area Economic Development Council.

WDW filed a timely motion to intervene. WDW says the MSHD's current operation does not directly affect anadromous fish, but has adversely affected both resident game fish and wildlife. WDW says (1) spawning and rearing areas have been flooded, reducing

total production of resident fish, (2) stream fishing areas have been lost, and (3) the reservoir has flooded terrestrial wildlife habitat, eliminating animals dependent on flooded lands. WDW, however, did not provide any specific recommendations.

The concerns of WDW are related to the original construction of the MSHD, and do not relate to this amendment of license. WDW has not provided any evidence that fish and wildlife measures, beyond what is required in this order, are needed.

WWP however, is working with the WDW and other agencies to identify pertinent needs for the development of specific recommendations to better manage these resources of the Spokane River Project, as a whole. When specific recommendations are developed and filed with the Commission, we will evaluate the merits of those recommendations.

WDOE's late motion to intervene was granted. WDOE mentions the need for water quality certification and for an application for state water rights.

A water quality certificate was issued for the modifications to MSHD on June 15, 1990. On the water rights issue, WWP has five years from the date of issuance of this order to apply for and obtain the necessary water rights through negotiations or by utilizing the condemnation proceeding under section 21 of the Act.

Comprehensive Development

Section 4(e) of the Act states that in deciding whether to issue a license, the Commission, in addition to considering the power and development purposes of the project, shall give equal consideration to the purposes of energy conservation, the protection, mitigation of damage to, and enhancement of fish and wildlife, the protection of recreational opportunities, and the preservation of other aspects of environmental quality.

We consider these purposes in the comprehensive development section of the environmental assessment (EA).

Section 10(a)(2) of the Act requires the Commission to consider the extent to which a project is consistent with federal or state comprehensive plans for improving, developing, or conserving a waterway or waterways affected by the project.

Under section 10(a)(2), federal and state agencies filed 59 plans that address various resources in Washington. Of these, we

1/48 FPC 339.

See article # 402 p. 7 - Wildlife  
# 407 p. 9 - Fish

identified 13 plans relevant to this project. 2/ No conflicts were found.

The proposed modifications would increase the generation of the MSHD from 7,200 kW to 14,800 kW. The mitigations required for the protection of the environmental resources, discussed in the EA, do not appreciably increase the cost of the project or decrease project generation.

Based on a review of agency and public comments filed in this proceeding and on our independent analysis, the Spokane River Project, as proposed to be modified by this order, is best adapted to a comprehensive plan for the water resources of the Spokane River.

#### Section 10 (a) (2) (C): Conservation Efforts

Staff has reviewed WWP's efforts to get their customers to conserve electricity and find that WWP is making a good-faith effort.

WWP has done much to promote conservation of electric energy and to reduce the peak demand for generating capacity.

2/ (1) Northwest conservation and electric power plan, 1986, Northwest Power Planning Council; (2) Columbia River Basin fish and wildlife program, 1987, Northwest Power Planning Council; (3) Protected areas amendments and response to comments, 1988, Northwest Power Planning Council; (4) Statute establishing the state scenic river system, 1977, State of Washington; (5) Settlement agreement pursuant to the September 1, 1983, order of the U.S. District Court for the District of Oregon in Case No. 68-513, Columbia fish management plan, 1983, State of Washington, State of Oregon, State of Idaho, Confederated Tribes of the Warm Springs Reservation of Oregon, Confederated Tribes of the Umatilla Indian Reservation, Nez Perce Tribe, and Confederated Tribes and Bands of the Yakima Indian Nation; (6) Washington wetlands priority plan, 1987, Washington Interagency Committee for Outdoor Recreation; (7) 1987 strategies for Washington's wildlife, 1986, Washington Department of Game; (8) Hydroelectric project assessment guidelines, 1987, Washington Department of Fisheries; (9) Scenic rivers program--report, 1988, Washington Parks and Recreation Commission; (10) Shorelands and coastal zone management program, 1986, Washington Department of Ecology; (11) Washington natural heritage plan, 1987, Washington Department of Natural Resources; (12) 1987-88 winter and summer steelhead forecasts and management recommendations, 1987, Washington Department of Wildlife; and (13) Point No Point Treaty Council, Washington scenic river assessment, 1988, Washington Parks and Recreation Commission.

The Washington Utilities and Transportation Commission (WUTC) requires WWP to submit a 20-year resource plan, every 2 years, showing conservation savings on the WWP's electric power system.

In the April 1989 conservation plan, WWP lists these features of their conservation program:

1. Conducting hydro resource redevelopment.
2. Using short-term acquisition programs of 2 or 3 years to get benefits from low-income customers.
3. Using efficient appliances and construction standards in new buildings in both residential and commercial parts of WWP's power system.
4. Conducting research and analysis programs to build future conservation capability and to develop a better understanding of conservation resources in their service area.

#### Recommendations of Federal and State Fish and Wildlife Agencies

Section 10(j) of the Act requires the Commission to include license conditions, based on recommendations of federal and state fish and wildlife agencies, for the protection, mitigation, and enhancement of fish and wildlife. Our EA addresses these recommendations and this order provides conditions consistent with these recommendations.

#### Exhibit G.

Exhibit G of WWP's amendment of license application, filed March 2, 1990, does not fully conform to the Commission's regulations. Article 304 states that within 90 days after the issuance date of this order, WWP must file a revised exhibit G conforming to section 4.51 of the regulations.

#### Summary of Findings

Our EA contains background information, analysis of impacts, support for related license articles, and the basis for a finding of no significant impact on the environment. Issuing this amendment is not a major federal action significantly affecting the quality of the human environment.

The design of this amended project is consistent with the engineering standards governing dam safety. The amended project will be safe if constructed, operated, and maintained in accordance with the requirements of this order. We analyze

related issues in the attached safety and design assessment (S&DA).

The Director of the Office of Hydropower Licensing concludes that the Spokane River Project, as amended by this order, does not conflict with any planned or authorized development and is best adapted to the comprehensive development of the waterway for beneficial public uses.

The Director orders:

(A) The license for the Spokane River Project No. 2545 is amended as provided by this order, effective the first day of the month in which this order is issued.

(B) Items 4 through 6 of the Monroe Street Plant description in ordering paragraph (B)(11) of the license for Project No. 2545 are replaced by the following:

... (4) a 14-foot-diameter, 445-foot-long penstock, where 100 feet would be underground; (5) an underground powerhouse, with the roof at ground level, containing a single generating unit with an installed capacity of 14,800 kW; (6) a 25-foot-diameter, 8-foot-high removable generator cap on the powerhouse roof; (7) a 15-foot-long, 8-foot-wide, 12-foot-high access structure; (8) a tailrace channel; (9) 13.8-kV generator leads; and (10) appurtenant facilities.

(C) Those sections of exhibits A and F recommended for approval in the S&DA are approved and made a part of the license.

(D) Article 36(a) is amended as follows.

For the purpose of reimbursing the United States for the cost of administration of Part I of the Act, a reasonable amount, as determined in accordance with the provisions of the Commission's regulations in effect from time to time. The authorized installed capacity for this purpose is 162,100 horsepower.

(E) This license is also subject to the following articles.

Article 301 The licensee shall begin the construction authorized by this order within 2 years from the issuance date of the order and shall complete the construction within 4 years from the issuance date of the order.

Article 302. At least 60 days before starting construction, the licensee shall submit one copy to the Commission's Regional Director and two copies to the Director of the Division of Inspections and Dam Safety of the final contract drawings and specifications for such pertinent features of the project as (1)

water-retention structures, (2) all necessary transmission facilities, (3) the powerhouse, and (4) water conveyance structures.

The Director of the Division of Inspections and Dam Safety may require changes in the plans and specifications.

Article 303. Before starting construction, the licensee shall review and approve the design of contractor-designed cofferdams and deep excavations and shall ensure that construction of the cofferdams and deep excavations is consistent with the approved design.

At least 30 days before starting construction of the cofferdam, the licensee shall submit to the Commission's Regional Director and to the Director of the Division of Dam Safety and Inspections one copy each of the approved cofferdam construction drawings and specifications and the letters of approval.

Article 304. Within 90 days after completing the construction of the project, the licensee shall file for Commission approval revised exhibits A, F, and G (1) to describe and show the amended project (MSHD) as built and (2) to describe all facilities the Commission determines are necessary and convenient for transmitting all of the MSHD power to the interconnected system.

Exhibit G shall show the revised MSHD and shall conform to section 4.51 of the Commission's regulations.

Article 401. The erosion control plan in exhibit E, pages 32 to 34, and the erosion and sediment control plan drawings, sheet 3, 4, 5, in the appendix to exhibit E of the application for amendment of license, dated February 28, 1990, as well as the modifications to the cofferdam arrangement specified on page 3 in the additional information dated May 18, 1990, are approved and made part of this license. The licensee shall implement the plan and the modifications. The Commission may require changes to the plan to ensure adequate protection of the environmental, scenic, and cultural values of the project area.

In the event that changes to the location and configuration of project facilities are proposed, the licensee shall file for Commission approval an amendment to the erosion control plan. Any amendment must be filed with the Commission at least 90 days before starting any project-related land-clearing, land-distributing or spoil-producing activities. Upon Commission approval the licensee shall implement the plan. No project-related land-distributing, land-clearing, or spoil producing activities shall begin until the licensee is notified that the amended plan complies with the requirements of this article.

**Article 402.** The licensee shall implement the wildlife mitigative measures outlined on page 43 of the application for amendment of license, dated February 28, 1990, including: (1) the construction and annual maintenance of 12 nest boxes in Huntington Park; and (2) completing the peregrine falcon release program. After consulting with the Washington Department of Wildlife, the licensee shall modify the final landscaping plan to include shrub species that provide food and cover for wildlife.

If bald eagles are identified in the project area during the construction period, the licensee shall notify the Washington Department of Wildlife and the U.S. Fish and Wildlife Service to determine if mitigative measures are necessary.

**Article 403.** The licensee's report on recreational resources in the application for amendment of license, dated February 28, 1990, providing for improving day-use facilities at Huntington Park and sponsoring the construction of a portion of the Centennial Trail, is approved and made part of this license. Within 1 year after the date of this order the licensee shall file for Commission approval a revised report on recreational resources that includes: (1) final drawings of the design and alignment of the Centennial Trail segment that will be built within the project boundary and (2) a schedule for constructing the trail. Upon Commission approval, the licensee shall implement the improvements outlined in the report.

**Article 404.** The licensee, before removing the existing Monroe Street powerhouse, and after consulting the Washington State Historic Preservation Officer (SHPO) and the National Park Service (NPS), shall implement the cultural resources management plan described in the application for amendment of license, dated February 28, 1990. The licensee shall conduct the plan according to the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation. Within 2 years after the date of issuance of this order, the licensee shall file for Commission approval (1) a historical record and the results of other activities specified in the plan, and (2) letters from the SHPO and NPS on the adequacy of historical record and of the results of the other activities in the plan. If the licensee, the SHPO, and NPS disagree about the scope of the mitigative activities in the plan, the Commission reserves the right to direct the licensee at its own expense to do any work necessary. Upon Commission approval, the licensee shall implement the plan.

**Article 405.** The licensee, before starting any land-clearing, land-disturbing, or spoil-producing activities within the project boundaries, other than those specifically authorized in this license, shall (1) consult with the Washington State Historic Preservation Officer (SHPO) and the National Park Service (NPS), (2) conduct a cultural resources survey of these areas, and (3) file for Commission approval a cultural resources

management plan to avoid or mitigate impacts to any significant archeological or historic sites identified during the survey. The survey and the plan, which shall be based on the recommendations of the SHPO and NPS, shall be conducted by a qualified cultural resources specialist. Upon Commission approval, the licensee shall implement the plan. If the licensee discovers any previously unidentified archeological or historic sites while constructing or developing project works or other facilities at the project, the licensee shall (1) stop all land-clearing, land-disturbing, or spoil-producing activities near the sites, (2) again consult with the SHPO and NPS, and (3) file for Commission approval another cultural resources management plan, prepared by a qualified cultural resources specialist, to avoid or mitigate impacts to significant resources.

The survey and the plans shall be documented in a report containing: (1) a description of each discovered site, showing whether it is listed or eligible to be listed on the National Register of Historic Places, (2) a description of the potential effect on each discovered site, (3) proposed measures for avoiding or mitigating the effects, (4) documentation of the nature and extent of consultation, and (5) a schedule for mitigating effects and conducting additional studies. The Commission may require changes to the plans or the report.

The licensee shall not begin land-clearing, land-disturbing, or spoil-producing activities, other than those specifically authorized in this license, or resume such activities near a site discovered during construction, until informed by the Commission that the requirements of this article have been fulfilled. Upon Commission approval the licensee shall implement the plan.

**Article 406.** The licensee shall implement the monitoring plan and schedule described in the additional information dated May 18, 1990, for the collection of data for temperature, dissolved oxygen, pH, and conductivity. The schedule shall be modified to include turbidity and total suspended solids and to check parameters daily after construction activities begin, for the period of cofferdam construction and site excavation to coincide with work schedules and construction activities.

The licensee shall immediately report violations of state standards to the Washington Department of Ecology (WDOE) to identify the source of violation and to determine necessary corrective action.

If the licensee finds violations during the first year of project operation, and the WDOE recommends corrective action that would change project facilities or operations, the licensee shall file a request for Commission approval of the changes. Daily averages shall be recorded, summarized weekly, and compiled in

monthly reports for the WDOE and the Washington Department of Wildlife.

Article 407. The licensee shall implement the proposed fishery enhancements, outlined on pages 43 to 46 of the application for amendment of license, dated February 28, 1990, including (1) placing spawning gravels and cover boulders and (2) funding the stocking of 1,000 trout. After consulting with the Washington Department of Wildlife and U.S. Fish and Wildlife Service, and within 6 months from the date of this order, the licensee shall file a final fish enhancement plan that identifies appropriate locations and sizes of cover boulders and spawning gravels for trout in the lower Spokane River, above and below the Monroe Street dam. A maintenance schedule for cleaning and replacement of cover boulders and spawning gravels impacted by streamflow, and Washington Department of Wildlife and U.S. Fish and Wildlife Service comments shall be included in the final fish enhancement plan. The Commission reserves the right to require changes to the final fish enhancement plan and maintenance schedule.

The licensee shall install the cover boulders and spawning gravels after all project related construction has been completed and disturbed soils have been stabilized. The licensee shall provide additional stocking as necessary to meet state fishery management objectives for the project vicinity. The cover boulders and spawning gravels shall be shown on the as-built drawings filed under article 303.

Article 408. The licensee shall operate the Monroe Street Hydroelectric Development in a run-of-river mode to ensure that discharges from the Monroe Street dam and powerhouse, as measured immediately downstream of the project tailrace, equal inflow to the project reservoir. The licensee shall spill all flows not needed for producing hydroelectric power at the Monroe Street Hydroelectric Development over the Monroe Street dam to reduce the impacts to aquatic habitat in the quarter-mile-long bypass reach. Run-of-river operation may be temporarily modified if required by operating emergencies beyond the control of the licensee and for short periods on mutual agreement between the licensee and the Washington Department of Wildlife.

Article 409 The Commission, on its own motion or on the recommendation of federal or state fish and wildlife agencies or affected Indian Tribes, reserves the right to order the licensee to alter project structures and operations so as to take into account, to the fullest extent practicable at each stage of the decision-making process, the Columbia River Basin Fish and Wildlife Program, developed and amended in accordance with the Pacific Northwest Electric Power Planning and Conservation Act.

(F) The licensee shall serve copies of any Commission filing required by this order on any entity the order requires the licensee to consult on the filing. Proof of service on these entities must accompany the filing with the Commission.

(G) This order is issued under authority delegated to the Director and is final unless appealed to the Commission by any party within 30 days from the issuance date of this order. Filing an appeal does not stay the effective date of this order or any date specified in this order. The licensee's failure to appeal this order shall constitute acceptance of the order.



Fred E. Springer  
Director, Office of  
Hydropower Licensing



## Washington Water Power

December 23 , 1991

Mr. Curt Leigh  
Department of Wildlife  
600 North Capitol  
Olympia, WA 98501

**Subject: Monroe Street Hydroelectric Redevelopment Project  
Transmittal of Fishery Enhancement Drawing**

Dear Mr. Leigh:

As a follow up to our telephone conversation today, attached is a drawing entitled "Appendix Two, Monroe Street Project Area, Fish Habitat Locations." This drawing is part of the Washington Water Power's fishery enhancement plan as submitted to the Federal Energy Regulatory Commission, the Washington Department of Wildlife, and the U.S. Fish and Wildlife Service. The boulders and spawning gravel were installed in the Spokane River during September and October of 1991, respectively.

Please stop by and see the project whenever you are in the area. If you have any questions or comments, please contact me at (509) 489-0500 extension 2090 or Dan Pfeiffer at (509) 482-4416.

Sincerely,

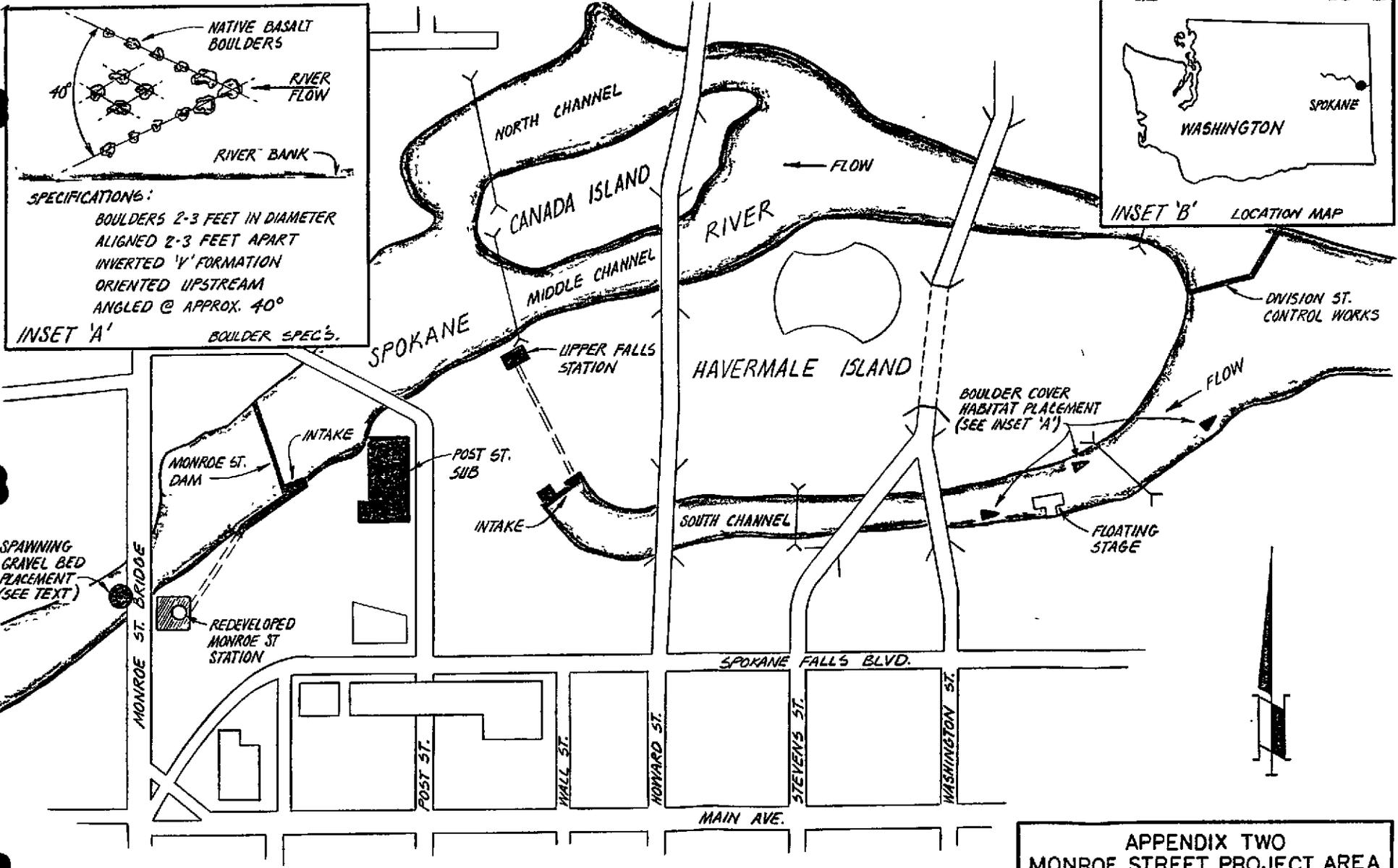
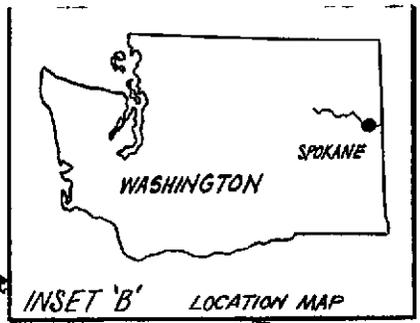
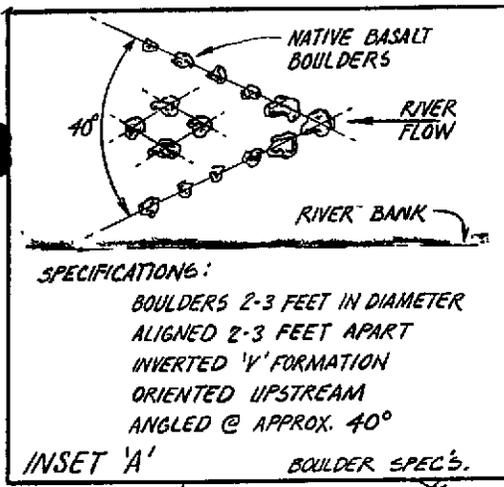
A handwritten signature in cursive script that reads "S G Silkworth".

Steven G. Silkworth, P.E.  
Project Manager

cb

Enclosure

c: Dan Pfeiffer  
File MS 9.3.4



APPENDIX TWO  
 MONROE STREET PROJECT AREA  
 FISH HABITAT LOCATIONS

CURT SMITH  
Director



STATE OF WASHINGTON  
DEPARTMENT OF WILDLIFE

600 Capitol Way North • Olympia Washington 98501-1091 • (206) 753-5700

December 18, 1990

Mr. Roger D. Woodworth  
License Administrator  
The Washington Water Power Company  
P.O. Box 3727  
Spokane, WA 99220

RE: Spokane River Project No. 2545-015,  
Monroe Street Powerhouse Redevelopment.

Dear Roger:

Enclosed is an original, signed copy of the "Memorandum of Agreement Providing for Annual Stocking of Trout into the Spokane River." I've talked to the Regional Fish Biologist in Spokane and he assures me that we can start providing the fish identified in the agreement, this summer. We should discuss opportunities for publicity when it is time to stock the fish.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Curt Leigh".

Curt Leigh  
Mitigation Program

cc:  
Bruce Smith WDW  
David Mudd WDW  
John Andrews WDW  
John Hisata WDW  
Mike O'Malley WDW  
Bob Peck WDW

**Memorandum of Agreement  
Providing For  
Annual Stocking of Trout to the Spokane River**

This agreement is made between The Washington Water Power Company (hereafter "WWP") and the State of Washington Department of Wildlife (hereafter "WDW") for the purpose of assuring annual stocking of trout to the Spokane River. Term of the agreement and commitments of the parties are as follows:

1. The term of this agreement shall extend through November 1, 2007. Renewal, extension, or modification of this agreement must be mutually agreed to in writing by WWP and WDW.
2. WDW shall stock 1,000 trout in the Spokane River each year on behalf of WWP. The trout shall be:
  - a. Of an appropriate genetic stock for the Spokane River, as decided upon by WDW;
  - b. Raised at WDW's Spokane Hatchery (or other agreed to facility near Spokane, Washington) to a catchable size between two and five fish per pound and at least seven inches in length; and
  - c. Released to the Spokane River after July 1 and before September 1 of each year between the Division Street Bridge (about river mile 75) and Monroe Street Bridge (about river mile 74), with specific location of and number in each release group agreed to in advance by both parties.
3. Within thirty calendar days after the final release of fish each year, WDW regional fisheries staff shall prepare and process, and the headquarters accounts receivable staff shall subsequently submit, a bill to WWP for WDW's direct and reasonable costs to rear and release the fish provided for under this agreement.
  - a. Number and size of fish stocked and dates and location of stocking shall be itemized on the invoice.
  - b. Reasonable charges shall be calculated using average production cost per pound of trout for the hatchery supplying the fish plus the per mile charge for the stocking truck and operator.
  - c. The invoice shall be mailed to:

License Administrator  
The Washington Water Power Company  
P. O Box 3727  
Spokane, Washington 99220
4. WWP shall reimburse WDW's direct costs to rear and release the fish, as specified by this agreement.

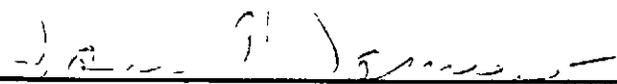
a. WWP shall pay, in full, each year's invoice within thirty calendar days of receipt.

b. Payment shall be made by check to the "Washington Department of Wildlife" and mailed to:

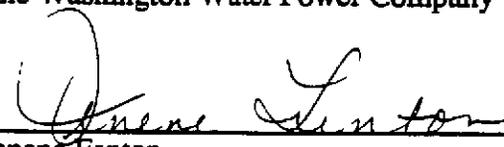
Accounts Receivable  
Washington Department of Wildlife  
600 Capital Way North  
Olympia, Washington 98501-1091

c. A copy of the bill described in Item 3 above shall be included with WWP's payment to WDW.

In witness of the foregoing, the parties hereto have caused this agreement to be executed as endorsed by the authorized official on the day and year set forth opposite his or her signature.

  
\_\_\_\_\_  
David A. Damiano  
Vice President of Engineering and Construction  
The Washington Water Power Company

*12/11/90*  
Date

  
\_\_\_\_\_  
Jenene Fenton  
Assistant Director  
Washington Department of Wildlife

*12/11/90*  
Date

**Memorandum of Agreement  
Providing For  
Annual Stocking of Trout to the Spokane River**

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License Administrator  
The Washington Water Power Company  
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Spokane, Washington 99220

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\_\_\_\_\_  
David A. Damiano  
Vice President of Engineering and Construction  
The Washington Water Power Company

12-5-90  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Jenene Fenton  
Assistant Director  
Washington Department of Wildlife

12/11/90  
\_\_\_\_\_  
Date