

COMMUNICATIONS PROTOCOL
LAKE CHELAN HYDROELECTRIC PROJECT
FERC NO. 637

REVIEW - COPY

Revised January 18, 1998

Chelan County Public Utility District
Wenatchee, Washington

PROTOCOL CONCERNING CONSULTATION DOCUMENTATION
AND COMMUNICATIONS WITH THE
FEDERAL ENERGY REGULATORY COMMISSION
IN THE MATTER OF
PUBLIC UTILITY DISTRICT NO. 1 OF CHELAN COUNTY, WASHINGTON
OWNER/OPERATOR OF THE
LAKE CHELAN HYDROELECTRIC PROJECT,
FERC NO. 637

1. INTRODUCTION

The following protocol is intended to provide a framework for documenting consultation among parties, and communication with the Federal Energy Regulatory Commission (FERC) staff, in the relicensing of the Lake Chelan Hydroelectric Project, FERC No. 637, located in Chelan, Washington. The project is currently owned and operated by Public Utility No. 1 of Chelan County (Chelan County PUD), Wenatchee, Washington under an existing license issued by the FERC.

2. COMMUNICATION MECHANISMS AND GUIDELINES

In the course of preparing the new license application and a Preliminary Draft Environmental Assessment (PDEA), there will be meetings open to the general public. It is recognized that ample notice of such meetings is needed, and that the transactions of such meetings require adequate documentation, especially since various constraints may prevent interested parties from attending all meetings. In addition, mechanisms are needed to establish the formal consultation record, and, to the extent that the FERC staff is involved, ensure that such consultation complies with the FERC’s regulations on *ex parte* conflicts and is properly documented.

- (a) **General Communication Mechanisms** – In November and December 1997, Chelan County PUD conducted a survey of all interested parties concerning contacts for the relicensing process and the format that they would like to receive information in. Consistent with federal and state paper-reduction policies, a majority of organizations agreed to receive written relicensing materials in electronic format and for Chelan County PUD to publish this material on its internet WEB site. Chelan County PUD’s WEB site is located at <http://www.chelanpud.org>.

In most instances, the following procedures will be used:

	<u>Primary</u>	<u>Backup</u>
Meeting notices	WEB and E-mail	Hard-copy
Meeting minutes	WEB with E-mail notice	Hard-copy(by request)
Major Documents	WEB and/or CD-ROM	Hard-copy (by request)
Correspondence		
From PUD	WEB and E-mail	Hard-copy (by request)
From Others	E-mail or disk	Hard-copy
Status Reports	WEB with E-mail notice	Hard-copy (by request)

If possible, Chelan County PUD requests that all correspondence be sent via E-mail or disk so that the document can be posted on the WEB. Hard copies will be scanned by Chelan County PUD and posted on the WEB.

- (b) **Participants in the Relicensing Process** – The relicensing process for the project, especially the scoping and review of the PDEA, is open to the general public and their participation is encouraged. The regulations envision the active involvement of Chelan County PUD, the FERC and its staff, state and federal resource agencies, Indian tribes, and non-governmental organizations.

A mailing list, compiled by Chelan County PUD, will be maintained to identify all interested parties to the proceedings. The service list will include the address, phone number, fax number and E-mail address. Interested parties include those agencies, organizations or individuals or groups requesting to be added through written communication with FERC, Chelan County PUD, cooperating agencies, or through sign-in sheets at public meetings or written comment letters sent to the

applicant regarding the project. The service list will be used to provide notice of any public meetings that will be held, as well as notice of the availability of information for public review. Individuals on the service list will receive all communications via E-mail, Chelan County PUD's WEB site or hard copies if requested.

- (c) **Public Reference File** – Chelan County PUD will maintain a complete public reference file at its office in Wenatchee, Washington. Copies of all written correspondence, meeting minutes, study plans, study reports and telephone discussion notes relating to relicensing of the Lake Chelan Hydro Project (FERC Project No. 637) will be kept on file at Chelan County Public Utility District, 327 North Wenatchee Avenue, Wenatchee, Washington 98801, on the Chelan County PUD WEB site, and at the FERC Public Reference Room in Washington DC. Materials will be available for review and copying by any member of the public at these three locations. Paper copies in addition to those distributed as part of the consultation process will be available for a reproduction cost of \$0.15 per page. All requests for additional hard copies should clearly indicate the document name, date, and FERC Project No. 637.
- (d) **Written Communications** – All written communications, including fax communications, meeting summaries, teleconference summaries regarding the relicensing of the Lake Chelan Hydro Project which any party intends to become part of the formal record should be addressed to Gregg Carrington, Licensing Project Manager, Chelan County PUD, 327 North Wenatchee Avenue, Wenatchee, Washington 98801. If possible, all correspondence should be sent in electronic format so that it can be posted on the WEB site.
- (e) **Teleconference Communications** – Periodic teleconference calls between those involved in the PDEA may occur on an “as-needed basis.” The party initiating the call will summarize the call and include it in the public record.
- (f) **Contact Logs** – Contact log sheets (electronic format) will be utilized to document all verbal communications. Contact log sheets will include all information pertinent to the communication, i.e., individual(s) involved, title(s), date of communication, subject of communication, issues discussed, action to be taken. A sample contact log sheet used by Chelan County PUD is provided as an attachment to this document. Contact log sheets will be utilized to track communications between the EA participants (FERC and Chelan County PUD), the cooperating agency and any other agency, the public or group.
- (g) **Public Meetings and Notice** – Meetings which are held specifically to obtain comments from the general public will be held at various points in the relicensing process. Two primary meetings will be scheduled: 1) an initial consultation/scoping meeting and site visit and 2) a meeting to obtain comments on the PDEA. Notice of each meeting will be published in newspapers of regional or state circulation at

least 15 days in advance of the meeting date. In addition, it is anticipated that the FERC will publish notice in the Federal Register announcing the availability of the PDEA and the date for meeting(s) to obtain public comments.

If any other public meetings are held, they will be scheduled and noticed as described in the preceding paragraph. Chelan County PUD will prepare minutes of all meetings and circulate them among attendees for approval. Formal written comments will be solicited from all interested parties to comply with the FERC's regulations regarding consultation (e.g., during the Initial Stage Consultation (18 CFR 16.8(b)(4) and Second Stage Consultation (18 CFR 16.8(c)(5)). Additional written comments may be solicited for study plans, study reports, and other applicable documents during the consultation process. Verbal comments, if any, will be reflected in the approved meeting minutes.

- (h) **Communications with FERC Staff** – The FERC has determined that its *ex parte* rules (18 CFR 385.2201, copy attached) will apply to all communications. Any person may communicate verbally with FERC staff during the relicensing process concerning the process or the merits of the process, including preparation of the PDEA, and may take place without prior notice to other parties. All written communications, with the FERC or its staff from any party, must be filed with the Secretary of the FERC with copies to Chelan County PUD, c/o Gregg Carrington, Licensing Project Manager.

With respect to any verbal communication with the FERC staff, the communication must be summarized in written memorandum prepared by the staff member participating in the call, or by another participant in the call designated by the FERC. The applicant will document communications between them and FERC staff and FERC staff will document communications with all other entities. The memorandum shall be promptly filed in the FERC's official docket for these proceedings, which shall be available to all parties. A copy of the discussion memorandum shall be forwarded to Gregg Carrington, Chelan County PUD for inclusion in the Public Reference File maintained by the Licensee.

3. ADOPTION OF COMMUNICATIONS PROTOCOL

A draft copy of this Communications Protocol is being provided for stakeholder review and comment. Comments must be received by Chelan County PUD on or before April 1, 1998. Comments should be directed to Licensing Project Manager, Gregg Carrington at Chelan County PUD, 327 North Wenatchee Avenue, Wenatchee, Washington 98801.

ATTACHMENT NO. 1

The original 50-year license for the Lake Chelan Hydro Project was issued by the FERC (formerly the Federal Power Commission) on May 8, 1926 and post-dated back to April 1, 1924. A new 30-year license was issued in May 12, 1981 and post-dated back to March 31, 1974 (the original license expiration date). The current license will expire on March 31, 2004.

A new license application for the project must be filed with the FERC by March 31, 2002. Chelan County PUD will file its intention to seek a new license with the FERC on or about October 2, 1998. In May, 1998, Chelan County PUD intends to submit a request to use the Alternative Relicensing Process (ARP) as defined by FERC's Final Rule issued October 29, 1997 (Docket No. RM95-16-000; Order No. 596).

The ARP is intended to simplify and expedite the licensing process by combining the pre-filing consultation and environmental review processes into a single process and by improving communications among the participants in the licensing process.

PART 4 -- LICENSES, PERMITS, EXEMPTIONS, AND DETERMINATION OF PROJECT COSTS

1. The authority citation for Part 4 continues to read as follows:
Authority: 16 U.S.C. 791a-825r, 2601-2645; 42 U.S.C. 7101-7352.
2. In § 4.34, the title is revised and a new paragraph (i) is added to read as follows:
§ 4.34 Hearings on applications; consultation on terms and conditions; motions to intervene; alternative procedures.
 - (i) Alternative procedures.
 - (1) An applicant may submit to the Commission a request to approve the use of alternative procedures for pre-filing consultation and the filing and processing of an application for an original, new or subsequent hydropower license or exemption that is subject to § 4.38 or § 16.8 of this chapter, or for the amendment of a license that is subject to the provisions of § 4.38.
 - (2) The goal of such alternative procedures shall be to:
 - i) Combine into a single process the pre-filing consultation process, the environmental review process under the National Environmental Policy Act and administrative processes associated with the Clean Water Act and other statutes;
 - ii) facilitate greater participation by and improve communication among the potential applicant, resource agencies, Indian tribes, the public and Commission staff in a flexible pre-filing consultation process tailored to the circumstances of each

- (iii) allow for the preparation of a preliminary draft environmental assessment by an applicant or its contractor or consultant, or of a preliminary draft environmental impact statement by a contractor or consultant chosen by the Commission and funded by the applicant;
 - (iv) promote cooperative efforts by the potential applicant and interested entities and encourage them to share information about resource impacts and mitigation and enhancement proposals and to narrow any areas of disagreement and reach agreement or settlement of the issues raised by the hydropower proposal; and
 - (v) facilitate an orderly and expeditious review of an agreement or offer of settlement of an application for a hydropower license, exemption or amendment to a license.
- (3) A potential hydropower applicant requesting the use of alternative procedures must:
- (i) demonstrate that a reasonable effort has been made to contact all resource agencies, Indian tribes, citizens' groups, and others affected by the applicant's proposal, and that a consensus exists that the use of alternative procedures is appropriate under the circumstances;
 - (ii) submit a communications protocol, supported by interested entities, governing how the applicant and other participants in the pre-filing consultation process, including the Commission staff, may communicate with each other regarding the merits of the applicant's proposal and proposals and recommendations of interested entities; and
 - (iii) serve a copy of the request on all affected resource agencies and Indian tribes and on all entities contacted by the applicant that have expressed an interest in the alternative pre-filing consultation process.
- (4) As appropriate under the circumstances of the case, the alternative procedures should include provisions for:
- (i) distribution of an initial information package and conduct of an initial information meeting open to the public;
 - (ii) the cooperative scoping of environmental issues (including necessary scientific studies), the analysis of completed studies and any further scoping; and
 - (iii) the preparation of a preliminary draft environmental assessment or preliminary draft environmental impact statement and related application.
- (5) The Commission will give public notice in the Federal Register inviting comment on the applicant's request to use alternative procedures. The Commission will consider any such comments in determining whether to grant or deny the applicant's request to use alternative procedures. Such a decision will not be subject to interlocutory rehearing or appeal.

As required by the ARP, Chelan County PUD will contact stakeholders, including resource agencies, Indian tribes, citizens' groups, and others affected by the applicant's proposal, and determine if the majority are in favor of using the alternative approach. In doing so, Chelan County PUD will conduct informal meetings with stakeholders to discuss the ARP, communications protocol, timeline, existing project information, and preliminary issues. If a majority of stakeholders are in favor, Chelan County PUD will request the FERC's approval to use the alternative relicensing procedure. At that time, Chelan County PUD will show that consensus exists, file a copy of the communications protocol, and serve a copy of the request on all interested parties. After these conditions are met, the FERC will publish a notice of the request to use the alternative relicensing process and solicit comments on the proposal.

PUBLIC REPORTING REQUIREMENTS

As part of the relicensing process, Chelan PUD will do the following:

- (a) In their request for alternative procedures, demonstrate that a reasonable effort has been made to contact all resource agencies, Indian tribes, citizens' groups, and others affected by the applicant's proposal, and that a consensus exists that the use of alternative procedures is appropriate under the circumstances.
- (b) Prepare and submit request to use the ARP to the FERC and serve a copy of this request to all affected parties contacted by the applicant that have expressed an interest in the alternative process; (The core of this request will present the final communications protocol, supported by interested entities, that will govern how the participants in the pre-filing consultation process may communicate with each other regarding the merits of the applicant's proposal and the proposals and recommendations of interested parties.)
- (c) Submit a mailing list of participants for the alternative process to the FERC for approval;
- (d) Prepare and distribute scoping of environmental issues and hold related meetings;
- (e) Develop and distribute agendas and other documents, including minutes, for all meetings (except those not attended by Chelan PUD);
- (f) Prepare and publish public notices;
- (g) Prepare and submit semi-annual progress reports and make other required FERC filings; and
- (h) Maintain a complete public file of the pre-filing consultation proceedings.

Chelan County PUD will also issue public notice of the availability of the study reports on or about October 1999 and will solicit requests for additional studies on or about January 2000. Results from the 2000 field season will be incorporated into the review-copy of the draft license application.

CHELAN COUNTY PUD

Telephone Log
For Relicensing Core Team

Date:	
Contact Person:	
Organization:	
Phone Number:	

Brief Details of Discussion:

Follow-Up Actions:

<input type="checkbox"/> Notify _____ <input type="checkbox"/> Contact Core Team ASAP <input type="checkbox"/> Tickle for _____ <input type="checkbox"/> Return Call <input type="checkbox"/> Other (See Notes) <input type="checkbox"/> Enter in Soft Solutions	NOTES <div style="border: 1px solid black; height: 100px;"></div>
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Employee's Name

Core Member	
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(Please forward a copy of all telephone logs to Rosana Sokolowski)