COMMUNICATIONS PROTOCOL

FINAL

FOR THE RELICENSING OF THE
ROCKY REACH HYDROELECTRIC PROJECT
FERC Project No. 2145

July 7, 1999

Public Utility District No. 1 of Chelan County
Wenatchee, Washington
1. **Introduction**

The following protocol is intended to provide a framework for coordinating communications and documenting consultation among all interested parties, and the Federal Energy Regulatory Commission (FERC) staff, in the relicensing of the Rocky Reach Hydroelectric Project, FERC No. 2145, located in Wenatchee, 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. Interested parties are defined as anyone that is included on the distribution list for this Project as specified in Section 2(b) of this document.

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 June 1998, Chelan County PUD conducted a survey of all interested parties concerning contacts for the relicensing process and the form in which they would like to receive information. In addition, Chelan County PUD customer/owners were given an opportunity to be included on the mailing list by filling out a January/February bill stuffer. 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.
Unless otherwise specified, the following procedures will be used:

<table>
<thead>
<tr>
<th>Documentation</th>
<th>Primary</th>
<th>Backup</th>
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</thead>
<tbody>
<tr>
<td>Meeting notices:</td>
<td>Web, e-mail, Hard-copy</td>
<td>Hard copy</td>
</tr>
<tr>
<td>Meeting minutes:</td>
<td>Web with e-mail notice</td>
<td>Hard copy (by request)</td>
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<tr>
<td>Major documents:</td>
<td>Web and/or CD-ROM</td>
<td>Hard copy (by request)</td>
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<tr>
<td>Correspondence:</td>
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<tr>
<td>From PUD</td>
<td>Web and e-mail</td>
<td>Hard copy (by request)</td>
</tr>
<tr>
<td>From interested parties to FERC or PUD</td>
<td>E-mail or disk</td>
<td>Hard copy</td>
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<tr>
<td>Written contact logs:</td>
<td>Web and e-mail</td>
<td>Hard copy (by request)</td>
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<tr>
<td>Status reports:</td>
<td>Web with e-mail</td>
<td>Hard copy (by request)</td>
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If possible, Chelan County PUD requests that all correspondence be sent 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) **Interested Parties in the Relicensing Process** – The relicensing process for the project, including 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, American Indian tribes, non-governmental organizations and individuals.

A distribution list, compiled by Chelan County PUD, will be maintained to identify all interested parties to the proceedings. The distribution list will include the address, phone number, fax number and e-mail address. Interested parties include those agencies, organizations, individuals or groups requesting to be added through written communication with FERC, Chelan County PUD, or through sign-in sheets at public meetings or written comment letters sent to the applicant regarding the project. The distribution list will be used to identify interested parties about any public meetings that will be held, as well as notice of the availability of information for public review. Interested parties will receive all information as specified in Section 2(a).

(c) **Public Reference File** – The public reference file constitutes a formal written record of the prefiling consultation process. All documents entered into the public reference file will also be filed with FERC and entered into the administrative record. Complete public reference files will be available at Chelan County PUD, 327 North Wenatchee Avenue, Wenatchee, Washington 98801, on the Chelan PUD Web site (www.chelanpud.org), and at the FERC Public Reference Room in Washington, D.C. Materials will be available for review and copying by any member of the public at these three locations. The FERC will provide copies of all correspondence (from interested parties) to Chelan PUD on a monthly basis. This correspondence will be posted by Chelan PUD on its Web site and included in the public file.
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. 2145. Chelan PUD intends to update all reference files on a weekly basis.

(d) **Written Communications** – All written or electronic communications, including fax communications, meeting summaries, teleconference summaries regarding the relicensing of the Rocky Reach Hydro Project which any party intends to become part of the formal record should be sent to Gregg Carrington, Licensing Project Manager, Chelan County PUD, 327 North Wenatchee Avenue, Wenatchee, Washington 98801 (gregg@chelanpud.org). 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 Chelan County PUD, FERC and interested parties may occur on an “as-needed basis.” Chelan County PUD will be responsible for recording and distributing teleconference summaries, unless Chelan County PUD is not directly involved in the conversation. If other parties wish to have their communications included as part of the record, they will be responsible for summarizing and sending them to Chelan County PUD.

Within 15 days of the call, teleconference summaries will be distributed to all participants on the call for review and comment. Comments must be submitted within 30 days upon receipt of the summaries. Any comments received, together with final versions of such minutes, will be included in the public reference file.

(f) **Contact Logs** – Contact log sheets (electronic format) will be utilized to document all verbal communications. In cases involving conversations with the FERC, the party initiating the call will summarize the call and submit it to Chelan County PUD to be included in the public record. 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 FERC, Chelan County PUD and other interested parties.

(g) **Meetings**

**Formal Public Meetings and Notice** – Formal public meetings will be held specifically to obtain comments from the general public 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. In addition to written notification to all parties in the distribution list, 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 formal public meetings are held, they will be scheduled and noticed as described in the preceding paragraph. Within 30 days of the meeting, Chelan County PUD will prepare draft minutes of meetings and circulate them among attendees for review and comments. Comments must be submitted within 30 days of distribution. Any comments received, together with final versions of such minutes, will be included in the public reference file. 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.

FERC staff may participate in meetings without prior notice, so long as minutes are kept and placed in the public file.

Full Relicensing Team Meetings – Chelan PUD will hold monthly meetings for the full relicensing team on the day after the fourth Wednesday (Thursday) of each month. All full relicensing team meetings are open to the public. The purpose of these monthly (coordination) meetings is to summarize activities associated with all resource areas (fisheries, water quality, recreation, etc.). Draft agendas will be provided to all interested parties at least 15 days prior to scheduled meetings, except under exceptional circumstances. Parties may submit proposed changes in writing within one week of receipt of the draft. Written materials that need to be reviewed prior to the meetings will be provided to interested parties at least seven days prior to scheduled meetings, except under exceptional circumstances. Chelan PUD will provide a facilitator during certain meetings or if requested by a majority of participating members. The full relicensing team is described in more detail in the Consultation Guidelines and Procedures dated July 7, 1999.

Working Group Meetings – Chelan PUD will hold meetings on an as-needed basis to coordinate activities (study plan development, field work, etc.) associated with specific resource areas. All working group meetings are open to the public. These working groups include, but are not limited to: water quality, fisheries, wildlife and riparian, recreation and aesthetics, historical and cultural, land use and socioeconomics and engineering (operations and erosion). The purpose of the working group meetings is to discuss details associated with each of the resource areas described above. Unless agreed to by working group members, draft agendas will be provided to all interested parties at least 15 days prior to scheduled meetings. Interested parties may submit proposed changes in writing within one week of receipt of the draft. Written materials that need to be reviewed prior to
the meetings will be provided to interested parties at least seven days prior to scheduled meetings, except under exceptional circumstances. Chelan PUD will provide a facilitator during certain meetings or if requested by a majority of working group members. Working groups are described in more detail in the Consultation Guidelines and Procedures dated July 7, 1999.

(h) **Six-Month Progress Reports** – Chelan PUD will provide the FERC with a complete set of communications every six months. These progress reports will be provided in electronic format (CD-ROM). Copies of the reports will be available to other parties on Chelan PUD’s Web site or on CD-ROM, if requested.

(i) **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 orally 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 by the licensee or interested parties will become part of the public information file.

With respect to any oral communication with the FERC staff (communications which involve substantive issues, as opposed to procedural matters), 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.

(j) **Duration and Termination** – The Communications Protocol shall remain in effect until a new FERC license is issued or until interested parties decide that the Communications Protocol is no longer necessary or appropriate.
ATTACHMENT NO. 1

The original 50-year license to build the Rocky Reach Hydro Project was issued by the FERC (formerly the Federal Power Commission) on July 12, 1956. The current license will expire on June 30, 2006.

A new license application for the project must be filed with the FERC by June 30, 2004. Chelan County PUD will file its intention to seek a new license with the FERC on or about January 2000. In 1999, 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:

2. In Section 4.34, the title is revised and a new paragraph (i) is added to read as follows:
   Section 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 Section 4.38 or Section 16.8 of this chapter, or for the amendment of a license that is subject to the provisions of Section 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, American 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, American 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 semiannual 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 November 2001 and will solicit requests for additional studies on or about December 2001. Results from the 2002 field season will be incorporated into the review-copy of the draft license application.
# Contact Log

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<thead>
<tr>
<th>Date:</th>
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<tbody>
<tr>
<td>Contact Person:</td>
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<tr>
<td>Organization:</td>
<td></td>
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<td>Phone Number:</td>
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**Brief Details of Discussion:**

**Follow-Up Actions:**

- [ ] Notify _______________
- [ ] Tickle for _______________
- [ ] Other (See Notes)

**Employee’s Name**

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<th>NOTES</th>
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