

SHORELINE MANAGEMENT MANUAL

*A guide to Chelan PUD's program for
managing shorelines within the
Rocky Reach Hydroelectric Project Boundary*

ROCKY REACH HYDROELECTRIC PROJECT
FERC Project No. 2145



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

December 2023



EXECUTIVE SUMMARY	1	WASHINGTON STATE PERMITTING PROCESS.....	24
ACRONYMS	3	4.1 Joint Aquatic Resource Permit Application (JARPA)	24
STANDARD TERMS LIST.....	4	4.1.1 Local Government.....	24
INTRODUCTION	6	4.1.2 State Government.....	25
1.1 Project Structures, Operation, and Boundary	6	4.2 JARPA Guidelines	27
1.2 Project Licensing History.....	8	4.3 Best Management Practices.....	29
1.3 FERC Regulatory Setting, Requirements, and Authorizations	8	4.3.1 BMP – Shoreline Buffer Zones.....	29
1.4 Other Regulatory Jurisdictions and Management Initiatives.....	9	4.3.2 BMP – Vegetation Management	30
		4.3.3 BMP – Erosion Control.....	30
PURPOSE, GOALS AND OBJECTIVES.....	12	COMPLIANCE AND ENFORCEMENT.....	32
2.1 Chelan PUD’s Program Goals and Objectives.....	12	5.1 Program Update Process	32
2.2 Program Scope	12	5.2 Program Monitoring and Review	32
2.3 Chelan’s Responsibilities and Rights to Authorize Non-Project Uses.....	13	5.2.1 Minor Modifications.....	35
2.4 Public Outreach and Agency Consultation.....	13	5.2.2 Potential Program Amendments	35
		5.2.3 Amendment Process	36
CHELAN PUD’S PROGRAM FOR MANAGEMENT OF PROJECT SHORELINES.....	14	RESOURCES WITHIN THE PROJECT BOUNDARY	38
3.1 Steps for Seeking Chelan PUD Approval Within the Permitting Process	14	LIST OF TABLES	
3.2 Projects that Require Chelan PUD and/or FERC Approval....	16	Table 3-1: Steps for seeking Chelan PUD approval for a proposed project.....	15
3.3 Chelan PUD Review Process.....	18	Table 3-2: Shoreline use approvals (Use and Occupancy Article 410)	17
3.3.1 Application for a Non-Project Use of Project Lands and FERC Approval.....	18	Table 3-3: Shoreline Management Designation Summary.....	19
3.3.2 Shoreline Management Designations.....	18	Table 5-1: Examples of shoreline uses, alterations and water quality issues	34
3.3.3 Prior Existing Use Review.....	21		
3.3.4 Temporary Activity Permits	22		
3.3.5 FERC License Implementation Measures and Project Operations.....	22		

LIST OF FIGURES

Figure 1: Project location and project boundary10

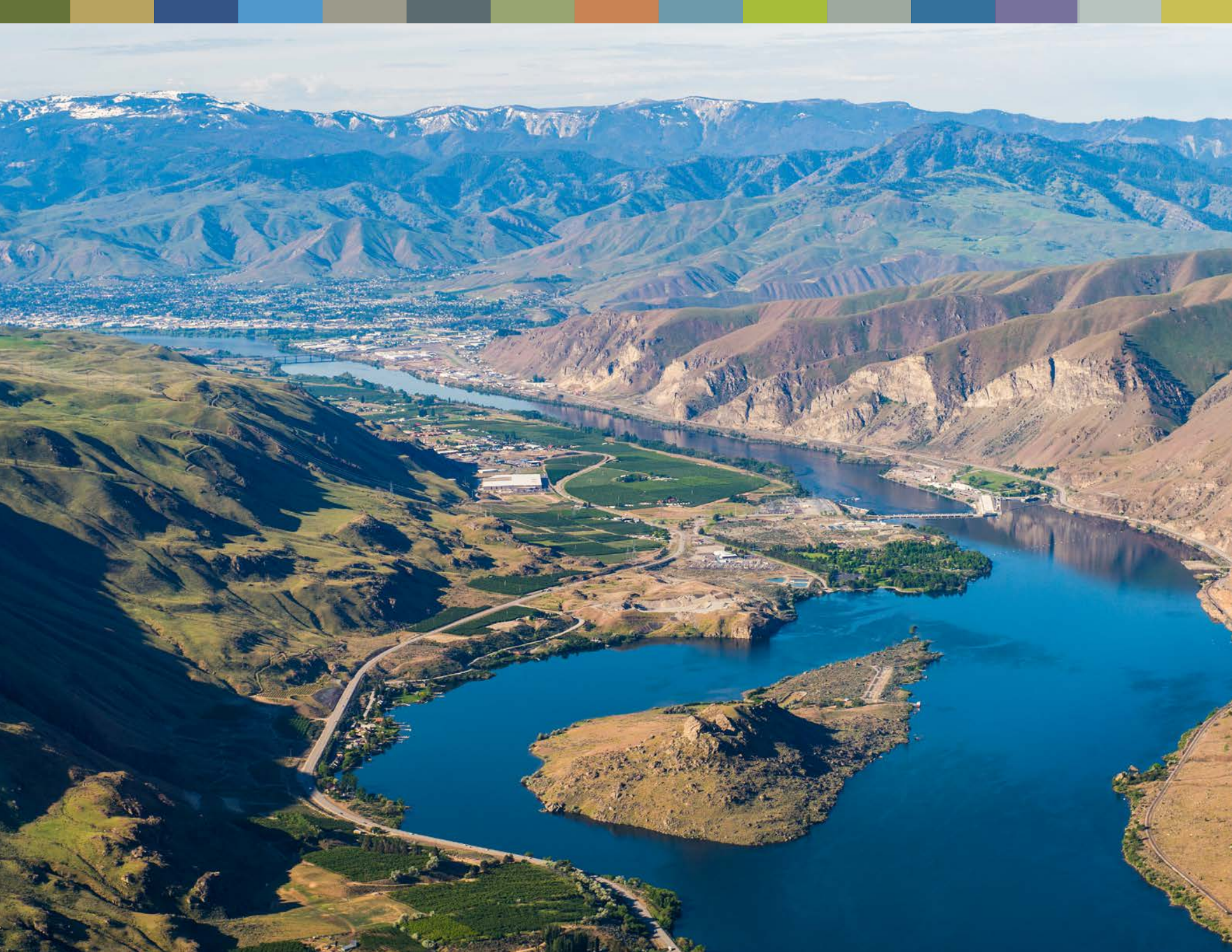
LIST OF APPENDICES

Appendix A: Resource maps40

Appendix B: Use and Occupancy Article 410 and Article 5,
Rocky Reach Hydroelectric Project License #2145 41

Appendix C: Public outreach and agency consultation 45

Appendix D: Chelan PUD contacts.....51



EXECUTIVE SUMMARY

The shorelines along the Columbia River are a critical resource that supports our region's environment, economy, and recreational activities. Managing the balance between environmental, economic, and social pressures is a responsibility we all share.

The Rocky Reach Hydroelectric Project (Project) Federal Energy Regulatory Commission (FERC) License (FERC License) contains numerous protection, mitigation, and enhancement requirements and responsibilities. In relation to the shorelines within the reservoir, our FERC License requires that we understand and are attentive to the many demands placed on Project shorelines.

The Public Utility District No. 1 of Chelan County (Chelan PUD) has developed this Shoreline Management Manual (Manual) to help clarify our program for managing Project shorelines (Program) and its role in the authorization of shoreline uses within the Project Boundary. This document is arranged in the following manner:

SECTIONS 1 AND 2

Introduction, purpose, and objectives of the Program: In Sections 1 and 2, you will find information on operations of the project/dam, the Project Boundary, and FERC requirements. In addition, there is further explanation of why this Manual was developed and the goals and objectives of the Program. The standard Use and Occupancy Article is important to Chelan PUD as it evaluates requests for shoreline use within the Project Boundary. The complete Use and Occupancy Article as outlined in the FERC License can be found in Appendix B. Public, Tribal, and agency involvement during the development of this document is summarized in Section 2.4 and in Appendix C.

SECTION 3

Chelan PUD's Program: This section provides the steps an Applicant will typically use when permitting a project or use within the Project Boundary and provides a table summarizing the types of projects that may be approved by Chelan PUD, and those that will require approval from FERC. Also, to help identify shoreline areas that may require greater resource protection, Chelan PUD has developed shoreline designations: Integrated Use, Resource Management, and Project Operations. Maps depicting the shoreline designations can be found in Appendix A.

SECTION 4

Washington State's Joint Aquatic Resource Permit Application

process: Most proposed uses along the shorelines in Washington State waterways require coordination, review, and approval by multiple local, state, and federal agencies. To balance and protect the many, often competing resources and land uses, local, state, and federal regulators require permits for shoreline uses. The Joint Aquatic Resources Permit Application (JARPA) form that helps streamline the environmental permitting process into one application is discussed in this Section.

Additionally, Section 4.3 outlines Best Management Practices that may be implemented to lessen the potential effects of a project or use on a resource. Using Best Management Practices is encouraged by Chelan PUD.

SECTION 5

Compliance and Enforcement: The standard Use and Occupancy Article (Appendix B) directs Chelan PUD to oversee non-project uses of land along the shorelines and to take action to prevent those uses that are unauthorized. Monitoring and inspection activities are discussed here.

SECTION 6

Resources within the Project Boundary: A general description of the environmental and recreational resources found within the Project Boundary is discussed in this section.

SECTION 7

Literature Cited: This section provides a list of all literature and citations used in this document.



ACRONYMS

ACOE	U. S. Army Corps of Engineers
Chelan PUD	Public Utility District No. 1 of Chelan County
ESA	Endangered Species Act
FERC or Commission	Federal Energy Regulatory Commission
JARPA	Joint Aquatic Resource Permit Application
HCP	Habitat Conservation Plan
NMFS	National Marine Fisheries Service or NOAA Fisheries
OHW	Ordinary High Water
Project	Rocky Reach Hydroelectric Project (FERC No. 2145)
SEPA	Washington's State Environmental Policy Act
SHPO	State Historic Preservation Officer
USFWS	U.S. Fish & Wildlife Service
WDFW	Washington Department of Fish & Wildlife
WDOE	Washington Department of Ecology
WDNR	Washington Department of Natural Resources

STANDARD TERMS LIST

- Applicant** A proponent of a Non-Project use applying for approval from Chelan PUD.
- Chelan PUD** Public Utility District No. 1 of Chelan County, the Licensee for the Rocky Reach Hydroelectric Project (FERC No. 2145)
- Chelan PUD Permit/License** Written approvals conditionally granted by Chelan PUD for Non-Project use approvals within the Project Boundary.
- Federal Energy Regulatory Commission/FERC** Federal regulatory agency responsible for issuing hydroelectric generation license(s) and mandating/conditioning such licenses to accommodate Project operations, environmental and cultural resource protection, and public access (aka the Commission).
- Federal Power Act** Passed by Congress in 1920, vesting authority in the Federal Power Commission (now FERC) to regulate the development and operation of nonfederal hydroelectric projects.
- FERC License** The License issued by FERC for a Project, setting forth the rights, privileges, and responsibilities of Licensees and others using lands and shorelines within the Project Boundary.
- Jurisdictional Agency** Local, state, and federal agencies having regulatory jurisdiction with respect to Lands and Waters within the Project Boundary and/or with respect to proposed uses.
- Licensee** Holder of a FERC License (i.e. Chelan PUD)
- Non-Project Use** Uses of lands and shorelines within the Project Boundary other than for Project operations. Any activity or structure(s) within the Project Boundary not related to Project operations.
- Ordinary High Water** A designated elevation intended to correspond to the actual high water line around a Project reservoir during normal operation (aka “normal high water line”).

- Program** A program describing how Chelan PUD will manage and regulate Non-Project uses of Lands and Waters within the reservoirs at the Project.
- Project** The Rocky Reach Hydroelectric Project (FERC No. 2145) as defined in its FERC License.
- Project Boundary** As recognized by FERC, an administrative marker to clearly delineate those lands necessary for operation and maintenance of the project and for other project purposes, such as recreation, shoreline control, or protection of environmental resources. The Project Boundary includes all Lands and Waters as identified on Exhibit G maps of the FERC License.
- Project Lands and Waters** Lands and shorelines located within the Project Boundary.
- Project Operations** Any use of lands and shorelines within the Project Boundary (including operation of the reservoir, maintenance, studies, and other actions) by Chelan PUD or its agent undertaken pursuant to, or in conformance with, the Project License.
- Settlement Agreement** The collaborative agreement filed with FERC (and incorporated into the Project License on February 19, 2009) to resolve the relicensing of the Project.
- Shoreline** The area of interface between a river, stream or reservoir and uplands.
- Shoreline Management** An area the Program designates within the Project Boundary that depicts License conditions and management objective considerations.

Stakeholders The public, tribes, federal, state, and local agencies, non-governmental organizations, and other parties interested in the operations of the Project.

Tailrace Area immediately downstream of a dam through which water is discharged from the powerhouse turbines.

1 INTRODUCTION

The Rocky Reach Hydroelectric Project (FERC No. 2145) (Project) is owned and operated by the Public Utility District No. 1 of Chelan County (Chelan PUD) and licensed by the Federal Energy Regulatory Commission (FERC)¹. The Rocky Reach Hydroelectric Project FERC License (FERC License), FERC License Article 5 and more specifically the Use and Occupancy Article 410² directs Chelan PUD to oversee activities within the Project Boundary and take action to prevent unauthorized uses of lands and shorelines within the Project Boundary. The FERC License defines Project lands and waters necessary to operate the hydroelectric facility, including those necessary for all of the beneficial uses, as the Project Boundary. Chelan PUD manages the Project Boundary in accordance with its FERC License.

Chelan PUD's Program addresses competing demands for access to Project shorelines while supplementing ongoing resource management protection and enhancement efforts and providing guidance on current and future Non-Project uses. Further, it provides defined and consistent management strategies for the Project's shorelines, is consistent with the conditions contained within the FERC License (and subsequent amendments), and addresses resource concerns and demands at the Project. This Manual serves as a reference document for the public and includes the following:

1. *Relicensed by FERC Order on Offer of Settlement and Issuing New License (126FERC ¶61,138; February 19, 2009)*
2. *The Use and Occupancy Article is an article found in most licenses with a provision for licensees to have authority to grant permissions for certain types of uses and occupancies of the project lands and waters and to convey certain interests without prior Commission approval.*

- A description of Project operations and the Project Boundary.
- A discussion of Chelan PUD's regulatory and management responsibilities.
- A discussion of Chelan PUD's shoreline management goals and objectives.
- Descriptions of resources relevant to shoreline management planning.
- A discussion of Chelan PUD's agency, Tribal, and stakeholder consultation and outreach.
- Management guidelines for shorelines within the Project Boundary.
- Definitions of Shoreline Management Designation and maps.
- A description of evaluation processes for Non-Project uses and Chelan PUD's role in that evaluation process.
- Program monitoring/enforcement and amendment processes.

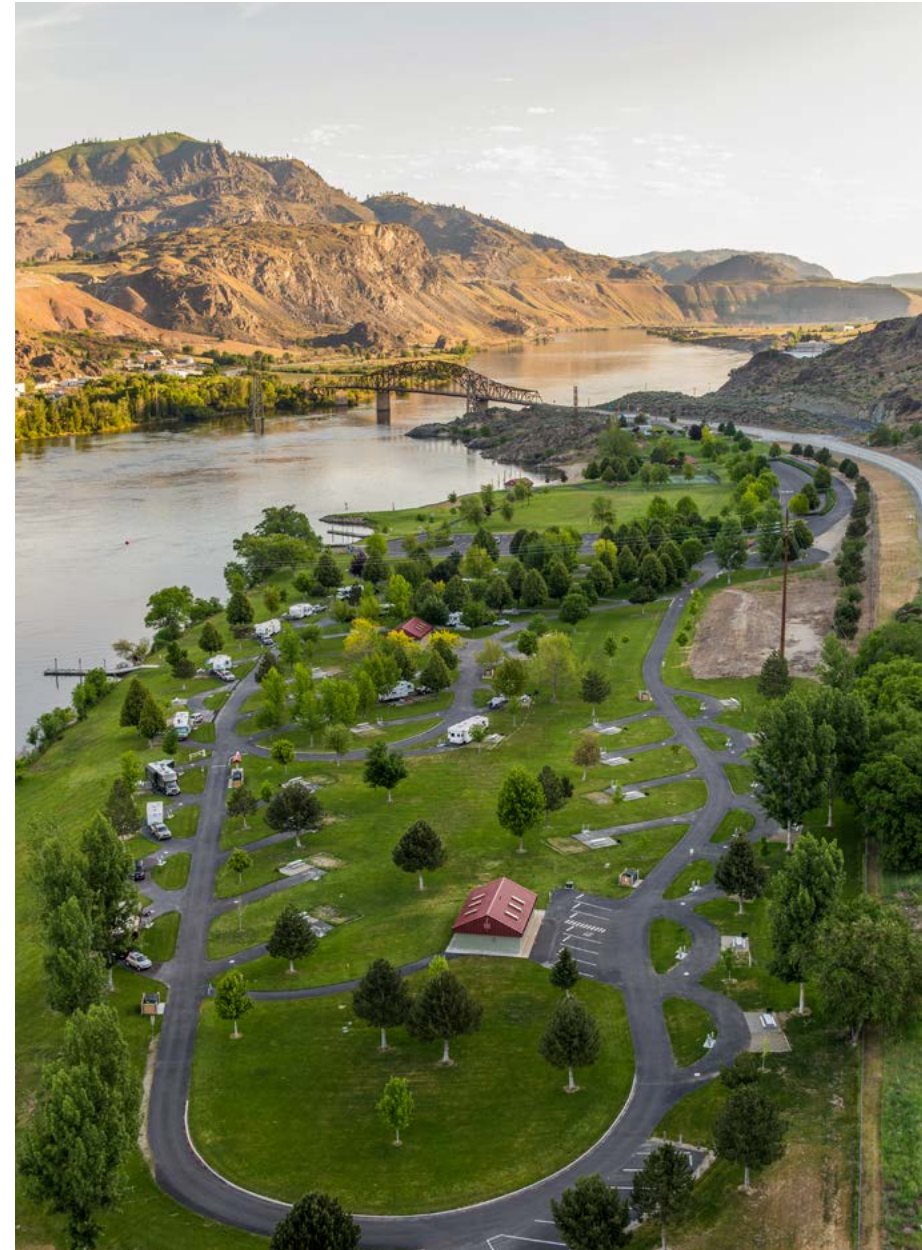
1.1 PROJECT STRUCTURES, OPERATION, AND BOUNDARY

The Project is located on the Columbia River in Chelan and Douglas Counties, about seven miles upstream from the city of Wenatchee, WA. The mid-line of the reservoir forms the boundary between Douglas County to the east and Chelan County to the west. FERC issued the initial FERC License for the Rocky Reach Project in 1957 and issued a new License on February 19, 2009, for a period of 43 years.

The Project consists of a concrete gravity dam, which incorporates a spillway, powerhouse and non-overflow structures, as well as power transmission, fish passage and visitor facilities. The Project reservoir extends about 43 miles upstream to the Public Utility District No. 1 of Douglas County's (Douglas PUD) Wells Dam. The Project reservoir has a surface area of 19,050 acres at the normal maximum headwater elevation of 707 feet National Geodetic Vertical Datum (NGVD) at the forebay.

Rocky Reach is a run-of-river Project, which means that the average daily inflow is equal to the average daily outflow. As a result, the water level is not constant throughout the reservoir, but increases measurably from Rocky Reach dam to Wells dam. Chelan PUD operates the Project reservoir with a normal maximum headwater elevation of 707 feet NGVD and minimum headwater elevation of 703 feet NGVD. Additionally, Chelan PUD has a License requirement to provide for storage space and passage of flood flows when ordered by the U.S. Army Corps of Engineers to an elevation of 710 feet NGVD.

The Project reservoir extends approximately 43 miles upstream from the Rocky Reach Dam to Douglas PUD’s Wells Project (FERC No. 2149). The Project Boundary encloses the reservoir and the tailrace below the Rocky Reach dam and includes designated recreational sites. The Project Boundary is an administrative marker to clearly delineate those lands necessary for operation and maintenance of the project and other project purposes, such as recreation, shoreline control, or protection of environmental resources. The Rocky Reach Project Boundary contains approximately 1,500 acres of land. Approximately 135 acres within the Project Boundary are owned by federal agencies. Chelan PUD owns approximately 724 acres within the Project Boundary and has flowage easements for the remainder of the lands. There are no tribal lands within the Project Boundary. All Project facilities including the dam, the powerhouse, the reservoir, fish passage and rearing facilities, and the seven Project recreation facilities, are located within the Project Boundary.



1.2 PROJECT LICENSING HISTORY

The Project is currently operated under the existing FERC License, issued on February 19, 2009. The new License incorporates a Settlement Agreement submitted to FERC on March 17, 2006 between Chelan PUD and stakeholders that include local, state and federal agencies, Tribes, and environmental groups.

In developing its Settlement Agreement, Chelan PUD identified and detailed requirements for the following management plans that are now conditions of the Project License:

- Shoreline Erosion Management Plan
- Water Quality Management Plan
- Aquatic Invasive Species Monitoring and Control Plan
- White Sturgeon Management Plan
- Bull Trout Management Plan
- Pacific Lamprey Management Plan
- Resident Fish Management Plan
- Rocky Reach Wildlife Management Plan
- Ute Ladies Tresses (*Spiranthes diluvialis*) Management Plan
- Rocky Reach Historic Properties and Cultural Resources Management Plan
- Recreation Resources Management Plan
- Anadromous Fish Agreement and Habitat Conservation Plan (HCP Agreement)³

Recently, Chelan PUD determined that developing a Program specific to use of shorelines within the Project Boundary provides a way to document and communicate its processes for reviewing Non-Project uses to ensure they are appropriate relative to environmental resources and Project operational requirements.

3. *The HCP is a collaborative approach Chelan PUD, fisheries agencies, and Tribes developed to reduce Project effects on salmon and steelhead*

1.3 FERC REGULATORY SETTING, REQUIREMENTS, AND AUTHORIZATIONS

FERC, under the authority of the Federal Power Act, issues licenses for the construction, operation, and maintenance of non-federal hydroelectric developments. In granting a license to construct and/or operate a hydroelectric facility, FERC is required to make a determination that the hydroelectric project is best adapted to a comprehensive plan for improving or developing a waterway on behalf of beneficial public uses. The FERC License, with any subsequent approved amendments, governs all future License related activities (of the Licensee and third parties) within the Project Boundary. Chelan PUD is responsible for operating and maintaining its Project in accordance with FERC License requirements and Project purposes (i.e., public recreation, environmental protection, etc.). Consistent with these FERC License responsibilities, Chelan PUD may authorize specific uses and occupancies of lands and shorelines within the Project Boundary unrelated to hydroelectric power production or other Project purposes (Non-Project uses)⁴.

There are two articles included in the FERC License that relate directly to land management planning, Standard Article 5 and the Use and Occupancy Article 410 (see Appendix B). Standard Article 5 requires Chelan PUD to acquire and retain fee title or hold the rights to use in perpetuity all property necessary or appropriate to construct, maintain, and operate the Project. Use and Occupancy Article 410, referenced more often throughout this Manual, gives Chelan PUD the authority to grant permission to Applicants for specific Non-Project uses (subject to specific License and operating conditions), and provides guidelines for Non-Project uses that require FERC approval.

4. *FERC Guidance for Shoreline Management Planning at Hydropower Projects, July 2012.*

In general, Use and Occupancy Article 410 directs Chelan PUD to oversee land use activities and take action to prevent unauthorized uses of lands and shorelines within the Project Boundary. The Article authorizes Chelan PUD to administer and enforce a permit system for regulating Non-Project uses within the Project Boundary. The article further allows Chelan PUD to grant easements, rights of way, leases, and fee interests in lands and shorelines within the Project Boundary in limited situations.

The Use and Occupancy Article 410 also requires Chelan PUD to monitor and remedy any unauthorized use of lands and shorelines within the Project Boundary. Unauthorized use of lands and shorelines within the Project Boundary may be considered an encroachment and a Licensee may need to take legal or regulatory action to correct the violation.

This may include revocation of permission to use lands and shorelines within the Project Boundary and removal of non-complying structures and facilities at the owner's expense. While generally not mandated by FERC, the Commission also encourages Licensees to develop a permitting program to support and enforce its Project shoreline management. Chelan PUD's failure to comply with its License can result in FERC issuing License violations and, in some cases fines.

Some proposed uses or activities within the Project Boundary that are outside Chelan PUD's authority to grant permission will require review and approval from FERC.

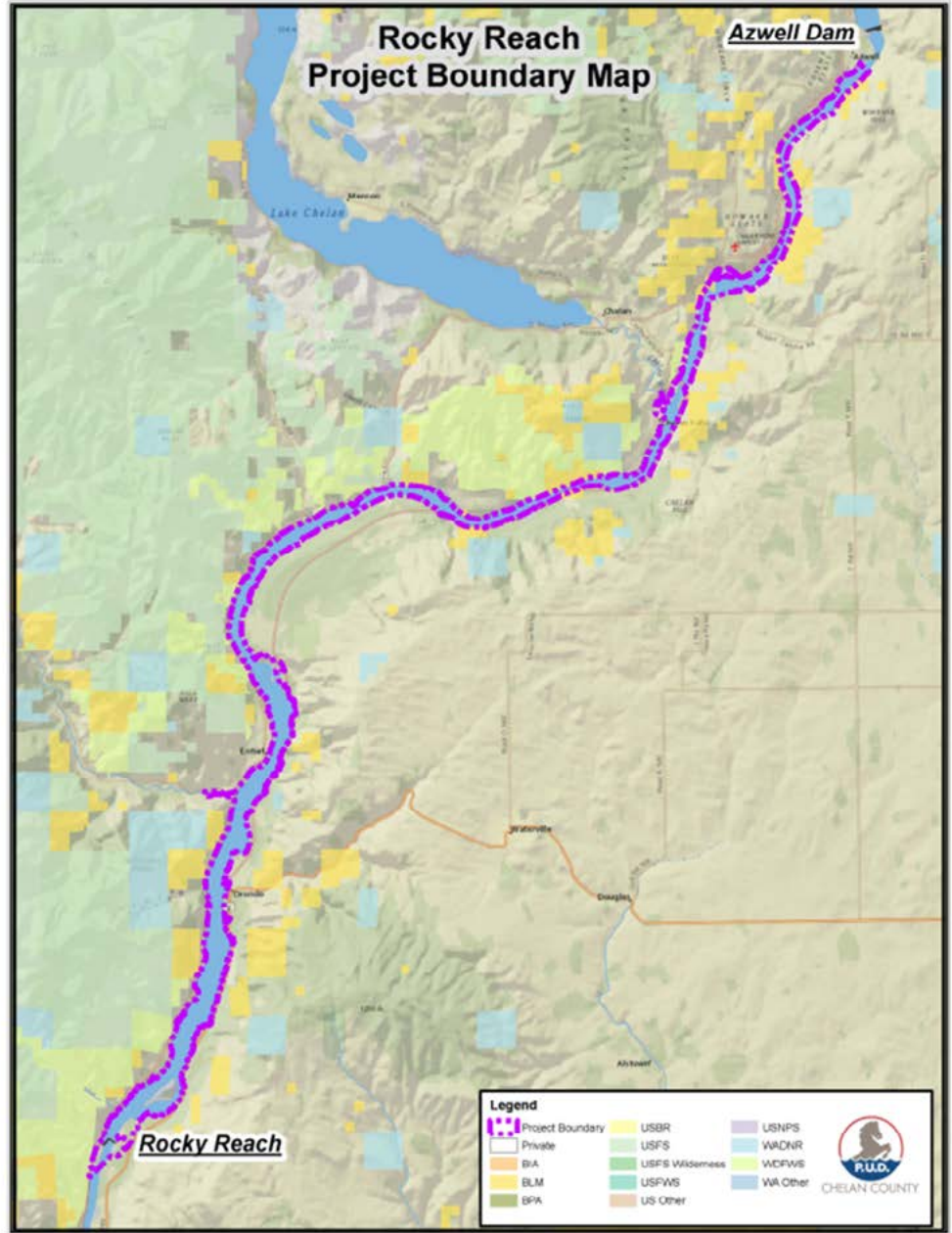
1.4 OTHER REGULATORY JURISDICTIONS AND MANAGEMENT INITIATIVES

There are a number of applicable local, state, and federal jurisdictions and regulations within the Project Boundary. Chelan PUD coordinates and contributes information in the review and approval process of the other regulatory jurisdictions associated with the Project Boundary.

Section 4.0 of this document discusses applicable local, state, and federal regulations in more detail. Chelan PUD's Program does not negate existing state and federal regulations. It outlines what resources, existing management responsibilities, and Project operation requirements Chelan PUD must consider when providing input to jurisdictional agencies regarding the review and authorization of uses and activities within the Project Boundary (Figure 1). In any instance where there are two or more regulations or FERC License requirements related to a particular use, the most stringent regulation will apply.

All municipalities, counties, towns, and Licensees near or within the Project Boundary have, or are developing, management plans that may be relevant to Chelan PUD's Program. These programs address shoreline development within a 200-foot buffer zone upland of the ordinary high water (OHW) line on non-federal lands. For more information and contacts associated with these jurisdictional agencies see Section 4.1.1 of this document. Chelan PUD implements this Program in a manner that compliments and is consistent with those plans. In some instances, the Program policies and requirements differ from other existing management plans because they are specific to shorelines within the Rocky Reach Project Boundary and must consider FERC License mandated activities and resource management goals.

FIGURE 1: PROJECT LOCATION AND PROJECT BOUNDARY





2 PURPOSE, GOALS AND OBJECTIVES

The intent of Chelan PUD's Program is to be consistent with FERC License requirements and to protect and enhance the scenic, recreational, and environmental values of the Project, while affording reasonable public access and use of lands and shorelines within the Project Boundary. Chelan PUD works to ensure these values are protected by reviewing and approving shoreline uses within the Project Boundary that consider FERC regulations and guidelines, FERC mandated License compliance actions, other relevant local, state, and federal plans, and the comments received from agencies, Tribes, stakeholders, and property owners. If there is a conflict between the Program, a Non-Project use request, and the FERC License, the FERC License will take priority. Chelan PUD's Program does not supersede or change the Standard Use and Occupancy Article or other FERC License requirements.

2.1 CHELAN PUD'S PROGRAM GOALS AND OBJECTIVES

The Program provides a mechanism for managing the multiple resources and uses of shorelines within the Project Boundary consistent with FERC License requirements while anticipating future land and water uses. In particular, Chelan PUD recognizes that future development within the Project Boundary has the potential to affect existing aquatic and near shore resources.

However, carefully balanced and consistently managed shoreline use activity is appropriate within the Project Boundary if it does not adversely affect protected or sensitive natural or cultural resources and/or public access. Additionally, existing or future shoreline use proposals must not adversely affect Chelan PUD's ability to operate the Project.

The Program serves as a tool to consolidate the numerous resource management responsibilities and locations Chelan PUD is required to implement and protect as part of the FERC License. It provides guidance to both Chelan PUD staff and Non-Project use Applicants regarding the environmental resources that could be impacted, permitting required to pursue land development activities, and the processes for gaining approvals. Objectives of the Program are:

- Comply with FERC License and Settlement Agreement requirements.
- Identify and clarify Chelan PUD's role in the permitting process.
- Comply with and/or complement other regulatory laws and regulations.
- Provide support and rationale for Chelan PUD's shoreline use authorizations and decisions.
- Acknowledge and support Hydroelectric Project operations.
- Protect environmental, cultural, recreation, and aesthetic resources.
- Provide safe and equitable access to and use of public lands and shorelines within the Project Boundary.

2.2 PROGRAM SCOPE

Policies and procedures set forth are applicable only to shorelines and lands within the Project Boundary. The Rocky Reach Project Boundary delineates those lands necessary for operation and maintenance of the project and for other project purposes, such as recreation, shoreline control, or protection of environmental and cultural resources. The Project Boundary includes all Project Lands and Waters as identified on maps that are approved by FERC and part of the FERC License.

2.3 CHELAN'S RESPONSIBILITIES AND RIGHTS TO AUTHORIZE NON-PROJECT USES

Chelan PUD has a responsibility to ensure that development activities that occur within the Project Boundary are consistent with FERC License requirements, purposes, and operations (Project Uses). As provided by Use and Occupancy Article 410, Chelan PUD may allow proposed uses that it deems appropriate and permissible if the proposed use is consistent with the Project's purposes and scenic, recreational, and environmental values. Chelan PUD must also ensure that its shoreline use review and approval is consistent with other, resource-specific management plans for the Project. Proposed uses that are outside the scope of Use and Occupancy Article 410 may require review and approval from FERC (refer to Use and Occupancy Article 410 in Appendix B).

2.4 PUBLIC OUTREACH AND AGENCY CONSULTATION

Public outreach and consultation with local, state, and federal jurisdictional agencies was an important component in developing this Manual. Ensuring the Manual serves as a forward-looking guidance document for Non-Project use of shorelines within the Project Boundary required seeking input from jurisdictional agencies, the public, and private landowners. Details associated with the public outreach and consultation completed during the development of this document is attached as Appendix C.



3 CHELAN PUD'S PROGRAM

This section provides information related to Chelan PUD's process for reviewing and approving shoreline uses and includes the following:

- Step-by-step guide for applicants seeking Chelan PUD approval through the permitting process.
- Description of the types of projects that require Chelan PUD and/or FERC approval.
- Description of the criteria used by Chelan PUD in reviewing a proposal, including the management designations.
- Criteria for determining if FERC approval is necessary.
- Explanation of grandfathering and prior existing uses.
- Discussion of temporary activity approvals.
- Description and definition of "project uses".

Chelan PUD will not provide a Chelan PUD permit/license for any land or shoreline use without proof of receipt of all other relevant permits. Chelan PUD recommends contacting Chelan PUD's Real Estate Services Department for pre-application consultation to assess the feasibility of a proposal before entering into the permitting process. Jurisdictional agencies and state permitting guidelines are discussed in Section 4.0 of this document.

Chelan PUD reviews and approves potential uses of shorelines on a case-by-case basis, taking into consideration Chelan PUD's land ownership and flowage easement rights. Some types of uses will require FERC review and approval prior to Chelan PUD issuing approval. In these instances, Chelan PUD is required to review the proposal and regulatory permits received, consult with other agencies as appropriate, and provide an application to FERC for final approval. In these cases, Chelan PUD will review the proposal, work with the project Applicant,

and prepare the FERC submittal to verify the proposed action complies with the FERC License and does not have the potential to adversely affect Chelan PUD's environmental and cultural resource management mandates.

With Tribes and regulatory agencies, Chelan PUD actively manages multiple protected and/or sensitive and/or protected species and resources on lands and shorelines within the Project Boundary as part of the FERC License. In some instances, multiple resources may occur in the same area. Some areas may have fewer protected or managed resources. In most cases, there are other applicable local, state, or federal regulations to protect these species and approve construction or use activities. Except for some temporary, passive uses of lands and shorelines within the Project Boundary, almost all activities that occur within 200 feet of a shoreline require some level of approval from local, state, and/or federal agencies.

3.1 STEPS FOR SEEKING CHELAN PUD APPROVAL WITHIN THE PERMITTING PROCESS

Applying for regulatory approvals to complete a shoreline project can be challenging. To help simplify the permitting process, the State of Washington has a single application form that is mutually accepted by the jurisdictional agencies, called the Joint Aquatic Resource Permit Application (JARPA). To begin the permitting process, Chelan PUD encourages Applicants to contact their local City or County office for pre-application consultation, as well as other potential jurisdictional agencies to assess the feasibility of their proposed project before beginning the permitting process. The JARPA process is outlined more fully in Section 4.0 of this document and is available on-line at www.epermitting.wa.gov/. Chelan PUD Real Estate Services staff is also available to discuss project-specific considerations. The steps listed in Table 3-1, below, outline how an applicant might move through the permitting process, including review and approvals by Chelan PUD.

TABLE 3-1: STEPS FOR SEEKING CHELAN PUD APPROVAL FOR A PROPOSED PROJECT

Step 1 <i>Applicant</i>	Applicant provides proposed project or use to jurisdictional County or City and completes application forms using the JARPA process (see Section 4 of this document). Forms can be obtained online or from the County or City.
Step 2 <i>City or County</i>	Chelan PUD is alerted and the application material is forwarded to Chelan PUD's Real Estate Services Department.
Step 3 <i>Chelan PUD</i>	Chelan PUD is notified of the proposed project or use by the City or County (and or the Applicant). Chelan PUD will then initiate review of the proposal. If it is determined the action will require FERC approval, Chelan PUD will work with the applicant to outline the documents needed and discuss the potential timelines associated with a FERC approval process. Chelan PUD will review the proposed action to determine if it is consistent with License requirements and does not have the potential to adversely affect environmental, recreation, or cultural resources (see Sections 3.2 and 3.3 below for more detail).
Step 4 <i>Chelan PUD and Jurisdictional Agencies</i>	Upon completion of its review, Chelan PUD will provide written comment to the County or City related to its review, including any findings of potential impacts or known resource areas of concern. Chelan PUD will also alert other local, state, and federal agencies of its findings, as appropriate. Under the JARPA process, the jurisdictional agencies will complete their processes to permit the proposed project.

Step 5 <i>Applicant</i>	The Applicant receives agency permits, including any related resource protection and mitigation requirements. The Applicant then provides proof of all permits obtained to Chelan PUD.
Step 6 <i>Chelan PUD and Applicant</i>	<p>If the proposed project or use does not require FERC approval and all permits from jurisdictional agencies have been received, Chelan PUD will issue its approval through a permit or license.</p> <p>If the proposed project or use requires FERC approval, Chelan PUD will work with the Applicant to prepare the documents necessary for a FERC submittal and discuss the potential timeline associated with this process. Completing the FERC submittal can be facilitated by initiating document preparation in Step 2, so that the documents are ready to be filed with FERC once the jurisdictional permits have been received. FERC will provide notification to Chelan PUD that the application has been received and assigned for review by FERC staff. In some cases, FERC staff may request additional information. The FERC review process generally takes from 3 to 6 months to complete, depending on the complexity of the submittal and thoroughness of the application.</p>



3.2 PROJECTS THAT REQUIRE CHELAN PUD AND/OR FERC APPROVAL

Shoreline uses within the Project Boundary other than for Rocky Reach Project operations (e.g. dam structures, Chelan PUD parks, hatchery facilities, wildlife reserves, etc.) are called “Non-Project uses”. FERC is ultimately responsible for regulating Non-Project uses. However, FERC has delegated primary regulatory responsibilities at the Rocky Reach Project to Chelan PUD. Chelan PUD fulfills this responsibility using the following mechanisms:

- Chelan PUD’s Program (granting permissions as allowed by FERC);
- Application to FERC for approval of Non-Project uses of project lands (within the Project Boundary), when required.

FERC has given Chelan PUD the authority to approve certain Non-Project uses of shoreline within the Project Boundary without FERC approval. Chelan PUD may review and allow other potential land or shoreline uses not listed on a case-by-case basis.

In general, Chelan PUD will review and allow Non-Project uses within the Project Boundary that are consistent with ownership and flowage easement rights, the requirements of the Project License and other relevant management plans, meet local, state or federal ordinances and/or regulations, and for which the owner/proponent has received all necessary permits from jurisdictional agencies. The shoreline uses Chelan PUD can approve are specified in Standard Land Use Article (see Appendix B) within the License and are summarized in Table 3-2 below.

**TABLE 3-2: SHORELINE USE APPROVALS
(LAND USE ARTICLE 410)**

CHELAN PUD HAS AUTHORITY TO APPROVE	REQUIRES ANNUAL REPORT TO FERC	REQUIRES PRIOR FERC APPROVAL
Boat docks or similar structures that can accommodate no more than 10 watercraft at a time and intended to serve a single family dwelling	Water intake or pumping facilities that do not extract more than one million gallons per day from the project impoundment	Private or public marinas that can accommodate no more than 10 watercraft at a time and are located at least one-half mile from any other private or public marina
Non-commercial piers	Sewers that do not discharge into Project waters	Sewer or effluent lines that discharge into Project waters
Landings	Storm drains and water mains	Other pipelines that cross project lands or waters but do not discharge into Project waters
Landscape plantings	Minor access roads, replacement, expansion, realignment, or maintenance of bridges and roads	Recreational development consistent with an approved report on recreational resources
Embankments, bulkheads, retaining walls, or similar structures for erosion control	Telephone, gas, and electric utility distribution lines	Construction of new bridges or roads
Food plots and other wildlife enhancements	Non-Project overhead electric transmission lines that do not require erection of support structures within the Project Boundary	Non-Project overhead electric transmission lines that require erection of support structures within the Project Boundary
	Submarine, overhead, or underground major telephone distribution cables or major electric distribution lines	Other uses if: the amount of land conveyed is 5 acres or less; are at least 75 feet from the water

3.3 CHELAN PUD REVIEW PROCESS

When Chelan PUD receives a completed application for a proposed shoreline use within the Project Boundary, Chelan PUD will review the proposal to identify if:

- The proposal will comply with the specific agreements contained in the Chelan PUD flowage easement for the property, and
- The proposal is consistent with the purpose of protecting and enhancing the cultural resources (as described in the Historic Properties Management Plan) of the Project,
- The proposal is consistent with the purpose of protecting and enhancing the scenic, recreational, and other environmental values of the Project and this Program,
- The proposal is consistent with applicable License management plans for the Project, such as the Recreation Resources Management Plan,
- The applicant has received all permits required by jurisdictional agencies (e.g. Clean Water Act 404 permit).

Chelan PUD may impose conditions upon the Permit in order to ensure that the use as permitted satisfies the above criteria. An applicant who accepts a Chelan PUD land use Permit agrees to abide by the terms and conditions contained in the Permit.

3.3.1 APPLICATION FOR A NON-PROJECT USE OF PROJECT LANDS AND FERC APPROVAL

Some shoreline uses fall outside of Chelan PUD's authority to issue a Land Use Permit. These are typically larger projects or those that would have greater environmental impact. Requests that fall outside of Chelan PUD's authority may only be authorized by FERC. Requests for permits for Non-Project uses require Chelan PUD to file a request

for a license amendment with FERC. If a shoreline use proponent requests Chelan PUD pursue a license amendment, the proponent must; 1) obtain Chelan PUD's agreement on the proposed use, 2) comply with all of FERC's rules regarding the content and process for the amendment, 3) be responsible for the costs of any analysis, studies, or other documentation, and 4) provide Chelan PUD with a copy of all required permits for the proposed use.

3.3.1.1 AGENCY CONSULTATION FOR PROPOSED USES REQUIRING FERC APPROVAL

Shoreline uses requiring FERC approval typically have the potential for greater environmental, cultural, and or recreational resource impacts. Chelan PUD will consult with local, state, and federal agencies (as appropriate), the SHPO, and other stakeholders as required in its License and consider the remarks when reviewing a proposed land or shoreline use and provide the comments to FERC in the Non-Project use license amendment. Applicants may be required to provide additional information requested by the consulted agencies or Chelan PUD.

3.3.2 SHORELINE MANAGEMENT DESIGNATIONS

To help differentiate between shoreline lands considered essential for Project operations, necessary for environmental protection, and those likely appropriate for most private and commercial uses, Chelan PUD has mapped lands within the Project Boundary using three classifications, Integrated Use, Resource Management, and Project Operations. These are defined below and summarized in Table 3-3. To protect resources, classification may change over time. Additional information and access to current Classification Maps is explained in Appendix A.

TABLE 3-3: SHORELINE MANAGEMENT DESIGNATIONS SUMMARY

INTEGRATED USE AREA	RESOURCE MANAGEMENT AREA	PROJECT OPERATIONS AREA
<p>No known significant environmental/ cultural resources or associated resource management goals that would preclude Chelan PUD's approval.</p> <p>Most appropriate for the widest range of private, non-residential, and commercial uses.</p> <p>Acknowledges existing uses.</p> <p>Includes some currently undeveloped areas that may be appropriate for future uses.</p>	<p>Has known significant environmental/ cultural resources or associated resource management goals, as identified in Settlement Agreement and subsequent resource management plans.</p> <p>Created to monitor and protect environmental and cultural resources.</p>	<p>Includes infrastructure essential to license mandated operations or those facilities, structures, and sites required by the FERC license.</p> <p>Includes dams, powerhouses and appurtenant structures.</p> <p>Includes areas restricted to public access due to safety, security, operational, or other constraints.</p> <p>Includes license related recreational sites.</p>

Designations are color coded for identification on map (see Appendix A, Resource Maps)

3.3.2.1 INTEGRATED USE AREA

Chelan PUD applies the Integrated Use Designation to areas within the Project Boundary with no known significant environmental/ cultural resources or associated resource management goals that would preclude Chelan PUD's approval of Non-Project uses as part of the JARPA process. While any development or use can incur unwanted or adverse effects on the environment, these Designation areas are those most appropriate for the widest range of private, non-residential, and commercial uses. The Integrated Use Designation acknowledges existing uses, and anticipates future Non-Project uses by including within this designation some currently undeveloped areas within the Project Boundary that may be appropriate for future uses.

Assignment of this Designation to particular areas does not ensure there are no protected or sensitive resources present, although the likelihood of them occurring is believed to be lower than other designations. As such, Chelan PUD strongly encourages proponents of Non-Project uses in the Integrated Designation to consult with County permitting and Chelan PUD Real Estate Services Department staff before moving forward with significant project planning. Additionally, Chelan PUD's Integrated Use Designation does not preclude the need for jurisdictional agency review and approval. Section 4.0 identifies these agencies and the regulations and laws they enforce.

3.3.2.2 RESOURCE MANAGEMENT AREA

Protection of aquatic and terrestrial plant and animal species and their associated habitat(s), and the preservation of cultural areas are ongoing objectives of the FERC License. Chelan PUD classifies Project land areas known to support or contain a variety of sensitive or protected resources or designated for specific resource management, species protection, and environmental purposes as Resource Management.

The primary objective for the Resource Management area is to protect environmental and cultural resources. This Designation includes areas within the Project Boundary identified in resource management plans as areas that merit special protection and/or ongoing monitoring. Some of Chelan PUD owned lands within the Project Boundary have also been set aside for terrestrial and aquatic habitat management.

A majority of Chelan PUD or publicly owned land within this designation is available for low impact day uses such as hiking or hunting (consistent with local or state ordinances). Other locations are available for public recreation facilities, such as parks. Chelan PUD's Rocky Reach Recreation Management Plan identifies the locations and management strategies for these areas.

Any proposed permanent Non-Project use in a Resource Management area is subject to consultation and approval processes involving local, state, and federal resource agencies that have jurisdiction to regulate the proposed use (see Section 4.0). Typically, Non-Project use in Resource Management areas require extensive environmental review, permitting, and mitigation and/or may be prohibited pursuant to local, state, or federal law. The permitting process may involve development of an Environmental Assessment or Environmental Impact Statement (EIS) by Non-Project use proponents as well as completion of other required state or federal environmental analyses, such as a Biological Evaluation or Biological Assessment and subsequent Biological Opinion for Endangered Species Act (ESA) consultation.

Chelan PUD will consider new Non-Project use(s) within the Resource Management areas if the proposed action has minimal effect on environmental/cultural resources, does not impede FERC License and resource management plan requirements, or if other jurisdictional agencies approve mitigation plans to offset resource impacts as part of the JARPA review process. Chelan PUD may require project-specific mitigation in some instances.

The Applicant of a Non-Project use is required to develop and submit appropriate materials and support the action throughout the review process. Chelan PUD will not issue its Chelan PUD permit/license unless JARPA applicants can provide proof of consultation, and where appropriate, receipt of permits from other jurisdictional agencies. Chelan PUD recommends that any proponent of a Non-Project use contact Chelan PUD's Real Estate Services Department for pre-application consultation. This will help Non-Project use Applicants assess the feasibility of their proposals before entering into the JARPA process.

3.3.2.3 PROJECT OPERATIONS AREA

The Project Operations Classification includes those infrastructures that are essential to License mandated operations or those facilities, structures, and sites required by the FERC License. These can include dams, powerhouses and appurtenant structures. Due to safety, security, operational, or other constraints, Chelan PUD must maintain strict control of these facilities and sites and may restrict public access to them. Chelan PUD includes License related public recreational sites within this Designation.

For facilities associated with hydroelectric power production or for other appurtenant operations (e.g. fish production and rearing facilities), uses are strictly limited to those necessary for operation and maintenance. Chelan PUD has established site-specific regulations for recreational facilities, public information and education sites.

3.3.3 PRIOR EXISTING USE REVIEW

Prior Existing Uses are Non-Project uses established before Chelan PUD's Program development. Chelan PUD will work cooperatively with Chelan and/or Douglas County or local government entity permitting staff to identify Non-Project uses that have not received approval through the JARPA process. Local, state, or federal jurisdictional authorities may take enforcement actions such as imposing fines and/or requiring removal of unauthorized structures or uses.

In some instances, Chelan PUD will both notify the local jurisdictional agency and contact Non-Project use owners if it determines that the proponent has not applied for and received appropriate authorization from Chelan PUD to occupy Project lands or waters. Once notified, proponents/owners of unpermitted structures should initiate consultation with the respective local jurisdictional agency to apply for required permits, which will also initiate Chelan PUD's review of the unpermitted Non-Project use. Chelan PUD may approve Prior Existing Uses under the JARPA review process if it determines the Non-Project use:

- will not interfere with Project purposes or operations,
- is adequately maintained and does not pose an undue hazard to persons or property,
- received the necessary permits from the applicable jurisdictional agencies, and
- is consistent with the intent of this Program.

Chelan PUD considers Prior Existing Use permitting or "grandfathering" on a case-by-case basis if otherwise approved/ permitted by city, county, or other jurisdictional agencies. It is not obligated to grandfather a Prior Existing Use and this Program does not require it to do so. Chelan PUD's ability to grandfather an existing use does not create, and is not intended to create, an opportunity to automatically allow or continue Prior Existing Uses. Chelan PUD recognizes that some Non-Project uses may have been installed or constructed before local, state or federal regulations applied to such. It also recognizes that owners of older structures and/ or those that have transferred ownership multiple times may have difficulty providing proof of construction authorization. Chelan PUD recommends that owners in this situation first contact the respective local authority to determine if permits or authorizations are on file. Chelan PUD will address these situations on a case-by-case basis.

A decision by Chelan PUD to grandfather an existing use is not intended to override or nullify the terms of existing lease agreements between Chelan PUD and other parties. Chelan PUD will not grandfather Non-Project uses that are in violation of the terms of existing leases or agreements with Chelan PUD or its authorized agents, except as those agreements may be replaced or otherwise changed, with Chelan PUD's consent, to allow for the existing use in question⁵.

5. *Changes in leases or other agreements may also require prior FERC notification and/or approval.*

3.3.4 TEMPORARY ACTIVITY PERMITS

Chelan PUD may permit a temporary, Non-Project use if it 1) does not interfere with Project operations; 2) does not require any form of construction; 3) does not establish a long-term use; and 4) does not result in any significant adverse effect on a sensitive or protected Project resource. Some examples of temporary activities that Chelan PUD may allow include one-time outdoor events, temporary infrastructure improvement activities, educational projects, and other non-commercial programs associated with schools, universities, service clubs, or youth organizations. Local, state, and/or federal review and permits, if required, may be necessary depending on the nature of the use or activity.

3.3.5 LICENSE IMPLEMENTATION MEASURES AND PROJECT OPERATIONS

Chelan PUD's use of lands and shorelines within the Project Boundary for operational purposes, including implementation of its FERC License, Settlement Agreement, and resource management plans (by Chelan PUD or third parties operating on behalf of Chelan PUD) are Project Uses. Those uses are subject to FERC requirements and permits from jurisdictional agencies may be required for such activities.





4 WASHINGTON STATE PERMITTING PROCESS

4.1 JOINT AQUATIC RESOURCE PERMIT APPLICATION (JARPA)

Most proposed uses within the shoreline environment in Washington State will require review and approval by city/county permitting staff, the WDOE, WDFW, and the ACOE. Any project involving work below the Ordinary High Water Lines will require ESA consultation, which may incur significant additional time and cost to the project. Chelan and Douglas counties and area municipalities participate in a program developed to reduce the number of forms needed for shoreline development permit applications and for complying with environmental laws that have redundant purpose and authority. The combined application form that is mutually accepted by the jurisdictional agencies is the JARPA. A complete guide to the JARPA process can be found at www.epermitting.wa.gov/.

The JARPA is used to process permits for:

- Shoreline Substantial Development, Variance, or Conditional Use Permit issued by local government. (Note that some local agencies require completion of their own forms.)
- Temporary Modification of Water Quality Criteria issued by the WDOE.
- Hydraulic Project Approval (HPA) issued by the WDFW.
- Section 401 Water Quality Certification issued by WDOE.
- Aquatic Use Authorization issued by Washington Department of Natural Resources (DNR)
- ACOE Section 404 and Section 10 Permits (which may include ESA consultation).

As discussed in Section 3.2 of this document, all Non-Project uses within the Project Boundary require review and approval by Chelan PUD, and in some instances FERC. Additionally, Chelan PUD requires that all Non-Project uses within the Project Boundary receive all necessary permits and authorizations from applicable jurisdictional agencies. Chelan PUD will not authorize Non-Project uses without proof of receipt of all required jurisdictional agencies' permits. The following Section describes the general jurisdictional agencies whose permit approvals are required for most shoreline activities and that accept the JARPA for application. Chelan PUD recommends contacting city/county permitting staff for pre-application consultation as well as the contacts listed below for local, state and federal jurisdictional agencies. This will assist Non-Project use proponents in assessing the feasibility of their proposals before entering into the permitting process. Chelan PUD Real Estate Services staff is also available to discuss Project specific considerations.

4.1.1 LOCAL GOVERNMENT

The Shoreline Management Act and associated city and county Shoreline Master Programs regulate development within 200 feet of the Ordinary High Water line, or within the 100-year floodplain, in most cases. Accordingly, any new proposed uses require review and approval by local and/or county regulatory staff with subsequent review by the WDOE. Typically, a county or city will review a proposed use to determine if the use qualifies as a Shoreline Substantial Development Permit, Conditional Use Permit, Variance Permit, or Exemption.

Local government also reviews shoreline uses in frequently flooded areas, geologically hazardous areas, wildlife habitats, aquifer recharge areas, and wetlands and may require application for Floodplain Management Permits and/or compliance with local critical areas ordinances.

Chelan County Department of Community Development

316 Washington Street, Suite 301
Wenatchee, WA 98801
(509) 667-6225

Douglas County Planning Commission

140 19th Street NW
East Wenatchee, WA 98802
(509) 884-7173

City of Entiat

Planning and Building Department

14070 Kinzel Street
PO Box 228
Entiat, WA 98822
(509) 784-1500

4.1.2 STATE GOVERNMENT

4.1.2.1 WASHINGTON STATE DEPARTMENT OF ECOLOGY (WDOE)

The WDOE exercises jurisdiction under several state and federal statutory authorities. WDOE is responsible for certifying that construction activities meet Section 401 of the Clean Water Act.

This “water quality certification” is required when a project requires federal approval (ACOE, FERC, etc.). WDOE also exercises jurisdiction under the Washington State Shoreline Management Act. The Shoreline Management Act establishes a cooperative program of shoreline management between local government and the state. Local government has the primary responsibility for initiating the planning required by this chapter and administering the regulatory program consistent with the policy and provisions of the Shoreline Management Act. All Non-Project use applicants will deal directly with the respective city or county planning staff and permitting agents. Specific to this

Program, applicants must coordinate with local government planning staff (see Local Government Section above).

For further information, Non-Project use proponents may contact the WDOE at:

Washington State Department of Ecology

Central Regional Office

1250 West Alder Street
Union Gap, WA 98903-0009
(509) 575-2490

WDOE also provides guidance regarding the Washington State Environmental Policy Act (SEPA) process. SEPA provides a means to identify potential environmental impacts that could result from government decisions regarding, among other things, issuance of permits for private projects. If a proposed Non-Project use requires SEPA review, an applicant must fill out a checklist regarding the proposed Non-Project use and its potential impacts to the environment. This checklist allows lead permitting agency staff to make decisions on the significance of the proposed Non-Project use and issue a determination of non-significance, mitigated determination of non-significance, or a determination of significance which will require the applicant to prepare an EIS evaluating alternatives and measures to eliminate or minimize the potential effects of the Non-Project use. SEPA gives agencies authority to condition a proposal if the EIS identifies specific adverse impacts. In some cases, an agency may deny a proposal based on the findings of the EIS.

4.1.2.2 WASHINGTON STATE DEPARTMENT OF FISH AND WILDLIFE (WDFW)

A Hydraulic Project Approval (HPA) from the WDFW is required if a proposed shoreline use includes construction or other work that will use, divert, obstruct, or change the natural flow or bed of any fresh or salt water of the state. This includes all construction or other work waterward and over the OHW line and may include uses landward of the OHW line, if the proposed use has the potential to affect fish, wildlife and habitat. In general, most construction, installation, and, often, maintenance of any structure in or over the water requires this permit.

For further information, Non-Project use proponents may contact WDFW at:

WDFW - Wenatchee District Office

3860 Chelan Hwy N
Wenatchee, WA 98801
(509) 662-0452

WDFW – Headquarters

Natural Resources Building

(physical address) 1111 Washington Street SE
Olympia, WA 98501
(360) 902-2534
(mailing address) PO Box 43200
Olympia, WA 98504-3200

WDFW – North Central - Region 2

1550 Alder Street NW
Ephrata, WA 98823-9699
(509) 754-4624

4.1.2.3 WASHINGTON STATE DEPARTMENT OF NATURAL RESOURCES (WDNR)

An Aquatic Resource Use Authorization (Aquatic lease) is required if a proposed shoreline use is on, crosses, or impacts the bedlands, tidelands, or shorelands of a navigable water.

For further information, Non-Project use proponents may contact WDNR at:

Washington State Department of Natural Resources

Southeast Region
713 Bowers Road
Ellensburg, WA 98926-9301
(509) 925-8510
southeast.region@dnr.wa.gov

4.1.2.4 WASHINGTON STATE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION/STATE HISTORIC PRESERVATION OFFICER (SHPO)

Proposed Non-Project uses within the Project Boundary may require review and comment from the SHPO through the JARPA review process discussed below. Additionally, Chelan PUD staff will review all proposed new uses consistent with procedures defined in the Historic Properties Management Plan, regardless of the Management Designation in which they occur, to determine whether the activity has the potential to affect cultural resources. Early identification of proposed Non-Project uses, as well as identification of activities requiring permit applications and those that do not, will be key to minimizing problems for Non-Project use proponents. Chelan PUD will review the permit application and supporting information to ensure that the permit applicant provides the appropriate information. Chelan PUD may assist permit applicants in determining whether the proposed action is subject to Washington state cultural resource laws and regulations and if consultation with the SHPO is required.

Chelan PUD may require proponents of ground-disturbing activities within the Project Boundary to undertake the appropriate level of cultural resource investigations, mitigation measures, and/or monitoring measures consistent with the level of resource protection measures outlined in the HPMP. Chelan PUD will determine the need for a cultural resource investigation based on the submitted application material. For proposed uses that require a cultural resource investigation, the Applicant is required to reimburse Chelan PUD for the cost of the investigation. Chelan PUD will notify Applicants when cultural resource investigations are required. The results of the cultural resource investigation will identify if there is a need for mitigation or monitoring.

For further information, Non-Project use proponents may contact:

State Historic Preservation Officer (SHPO)
Assistant State Archaeologist, Local Governments
Department of Archaeology and Historic Preservation
Olympia
Phone: (360) 586-3088
Cell: (360) 628-2755

4.1.2.5 FEDERAL GOVERNMENT - U.S. ARMY CORPS OF ENGINEERS (ACOE)

Under Section 404 of the Clean Water Act, the United States Congress directs the ACOE to regulate the discharge of dredged and fill material into all waters of the United States, including their adjacent wetlands. The intent of this law is to protect the nation's waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain the chemical, physical, and biological integrity of those waters. Typical activities requiring permits include, but are not limited to, boat ramps, docks, bulkheads/retaining walls, ditches, dams, dikes, weirs, dredging, filling, intake structures, outfall structures, rip-rap, and similar activities.

Additionally, Section 10 of the Rivers and Harbors Act of 1899 requires a permit prior to the accomplishment of any work in, over, or under navigable waters of the United States, or which affects the course, location, condition or capacity of such waters. Typical activities requiring Section 10 permits include, but are not limited to, construction or installation of piers, bulkheads, marinas, ramps, floats, overhanging decks, buoys, boat lifts, jet ski lifts, intake structures, outfall pipes, and dredging and excavation.

The ACOE solicits review from other federal agencies such as the NMFS, United States Fish and Wildlife Service (FWS), and the Environmental Protection Agency (EPA). Depending upon the scope of the proposed activities, consultation under the Endangered Species Act (ESA) with NMFS and USFWS may be required as part of the ACOE review process. They may also require an applicant provide proof that a proposed Non-Project use poses no adverse effect to historic and cultural resources. Penalties for violations can range from being required to remove the structures and material to substantial fines or even imprisonment. If a proposed use includes any of the above activities, or it is uncertain if an activity requires a permit, contact the ACOE Seattle District Office Regulatory Branch at:

U.S. Army Corps of Engineers, Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255
(206) 764-3495

4.2 JARPA GUIDELINES

Chelan PUD provides the following excerpt from the State of Washington's Environmental Permitting Information website⁶ regarding

6. www.epermitting.wa.gov/site/alias__resourcecenter/jarpa_process_overview/9979/process_overview.aspx#Before_You_Start_

the JARPA and permitting process. All Non-Project use proponents are encouraged to review the website for complete, detailed information, guidance, and additional resource links, and meet with city and county permitting staff for a more detailed explanation of permit application requirements.

Before you start:

- Make sure you have a clear plan in mind for your project. Just like when you apply for a building permit, you must know what you plan to do before you start to fill out the application. This may include drawings with dimensions, maps, pictures, etc.
- Always download the JARPA form from www.epermitting.wa.gov to make sure you have the most current version of the JARPA. It is important you have the most current version.
- Contact the local city or county government. Use the Summary of Questions to Ask Local Government link; it may save you from needing to make multiple phone calls to your local government.
- Contact your local planning department. Find out if your project falls under the jurisdiction of the Critical Areas Ordinances, the National Flood Insurance Program and Shoreline Master Program. If it does, you may be able to use a JARPA.
- The State Environmental Policy Act (SEPA) Checklist link may be required for your project. SEPA analyzes the environmental impacts of a project. SEPA must be completed before local and state permits can be issued.
- Contact each permitting agency. Agencies may require more information or materials not specifically required in JARPA.

Early coordination with all of the agencies may prevent delays in the processing of your application.

- Work with the local Fish and Wildlife Area Habitat Biologist early in the process. They will help you identify any special constraints, habitat guidelines, or issues that may crop up during fish habitat and aquatic permit projects.

When you fill in the JARPA:

- Make sure to check the box next to each permit you think you will need. You will need to send an original signed copy of the application to all the agencies associated with the boxes you checked.
- Be very detailed and specific; more information is better than less.
- Make sure your site maps and drawings are consistent with the written description you give on the application.
- Put N/A in any questions that do not apply to your project. Don't just leave it blank.

- You need to have original signatures on the applications you submit to each agency. This means you must first make copies of the application then sign each copy with your original signature. Agencies will not accept applications with a copied signature.
- Understand that when you sign the application, you give permission to the agencies that you are applying for a permit from the right to enter the property where your project is located. This is to inspect the proposed, in-progress, or completed work. You also agree to start work **ONLY** after you get all of the necessary permits.

4.3 BEST MANAGEMENT PRACTICES

Best Management Practices (BMPs) are actions implemented to lessen the potential effects of the direct or indirect use of a resource. Some BMPs will be mandatory and if so, will be noted in the permits. Other BMPs are suggested to the owner/proponent to assist in conserving and protecting valuable land and shoreline resources and to help reduce potential adverse effects to environmental resources and water quality. For example, if property owners wish to cut or remove vegetation from their property to improve access or the view and have received all applicable regulatory approvals, they should consider conducting selective clearings and/or replanting low-lying vegetation that will help maintain soil stability rather than to remove all vegetation. Selective clearing and replanting are considered BMPs because they lessen the potential effects of the clearing.

Chelan PUD encourages adjacent property owners to adopt the BMPs suggested below voluntarily, as well as any other BMPs promoted by local, state, or federal agencies. Chelan PUD also recommends Non-Project use proponents follow established guidelines presented in the Integrated Streambank Protection Guidelines published by the Washington State Aquatic Habitat Guidelines Program (2003).

As discussed below, some activities and Non-Project uses within the Project Boundary may have additional requirements. Chelan PUD is dedicated to employing BMPs when managing its properties, both within and outside the Project Boundary. With assistance of interested parties, Chelan PUD supports public education efforts to encourage property owners to adopt the BMPs suggested below, as well as any other BMPs promoted by local, state, or federal agencies.

In some cases, specific BMPs may be a requirement of permits issued by Chelan PUD or other jurisdictional agencies and those BMPs shall be mandatory. Within the Project's Boundary, BMPs are required when implementing any land management measures on all Chelan PUD owned lands and generally within the Resource Management areas. Chelan PUD does not mandate the use of BMPs on non-Chelan PUD lands.

4.3.1 BMP - SHORELINE BUFFER ZONES

Vegetated shorelines are an important component of a healthy aquatic ecosystem. Naturally vegetated shorelines act as natural filters, facilitating the absorption and processing of runoff pollutants. This filtering ultimately reduces the amount of potentially harmful contaminants that enter a water body and that contribute to water quality degradation. In addition to filtering potentially harmful pollutants, the root systems of naturally vegetated shorelines provide a structure that helps maintain shoreline integrity and reduces excessive erosion that reduces water quality and in some cases adversely affects aquatic habitat. While limited planting of natural grasses can be an aspect of maintaining buffers, especially when used to stabilize disturbed soils, mowed lawns and non-native grass may not provide adequate contaminant filtering or long-term erosion control. Naturally vegetated shorelines improve the aesthetic integrity of the water body and provide preferred aquatic and terrestrial habitat. BMPs that promote naturally vegetated shorelines are an integral part of efforts to

maintain and improve water quality, shoreline stabilization, aesthetics, and wildlife habitat within the Project.

BMPs that support natural vegetation preservation or establishment along the shoreline include practices that:

- Minimize clearing of native trees and vegetation.
- Minimize the removal of large trees along shorelines or other steep and erodible areas.
- Provide temporary soil protection in disturbed areas through planting low maintenance, native grasses or other groundcovers recommended for site-specific conditions.
- Avoid dumping leaves or yard debris on or near the shoreline (no dumping of yard waste or debris is allowed within the Project Boundary including along any portion of the shoreline).

4.3.2 BMP - VEGETATION MANAGEMENT

Anyone considering removal of trees or other vegetation within 200 feet of OHW should be aware that other local, state, and federal regulatory approval may be required. Activities involving clearing, removing, or mowing vegetation or planning to plant or landscape with vegetation or other materials requires consultation with local governmental permitting staff and may involve consultation with Chelan PUD staff if the proposed activity occurs within the Project Boundary as such actions may interfere with local zoning and Project-specific resource management requirements. Special circumstances, such as the presence of wetlands, may result in a requirement for mitigation or alternative vegetation management practices through the permitting process. Chelan PUD will allow removal of vegetation if a jurisdictional agency or Project-related management plan prescribes the practice for habitat enhancement or if otherwise approved through

the JARPA process. It is a Douglas County requirement that a habitat management mitigation plan be acquired for riparian vegetation disturbance.

4.3.3 BMP - EROSION CONTROL

There are a variety of physical and biological control measures available to address erosion depending on the dynamics of each situation. Proposed erosion control measures will be evaluated on a case-by-case basis depending on shoreline characteristics and classification as part of the JARPA. In general, construction techniques and methods to minimize adverse effects to the riparian environment are the preferred methodology. While biotechnical stabilization methods are highly recommended, other erosion control measures will be considered, including riprap. Bulkheads are the least preferable method of shoreline stabilization. Certification from a geotechnical professional verifying the need for such structures is required prior to Chelan PUD approval.

Chelan PUD was required by the current license to “...select four sites at which to perform erosion control work with the intent of demonstrating a variety of appropriate, permissible techniques to the public” during the first 20 years of the license. The four demonstration sites are located at Entiat Park, Entiatqua Trail, Lincoln Rock State Park, and Walla Walla Park. The four sites are accessible easily by the public, which was important for selecting these sites. Erosion control work has been completed at all demonstration sites. At each location, information is provided on an interpretive sign that includes figures demonstrating bio-engineering erosion control techniques, causes of erosion, a brief description of bio-engineering erosion features and environmental benefits, and the Chelan PUD webpage address for public access to this document. Erosion control information is available on Chelan PUD’s website: www.chelanpud.org.



5 COMPLIANCE AND ENFORCEMENT

Land Use Article 410 directs Chelan PUD to oversee Non-Project uses and take action to prevent unauthorized, non-complying uses of lands and shorelines within the Project Boundary. As referenced in other portions of this document, all proposed Non-Project uses that affect lands and shorelines within the Project Boundary are subject to Chelan PUD's review and, in some instances, approval. Pursuant to the authority granted Chelan PUD under the Project License, Chelan PUD retains the right to review all proposed and existing uses and occupancies of lands and shorelines within the Project Boundary for consistency with its Project License and resource management requirements.

All Non-Project uses on Chelan PUD owned land and approved by Chelan PUD through its permitting process are subject to inspection by Chelan PUD staff. Should an inspection reveal that these uses deviate from the approved plans, Chelan PUD will require that the property owner correct the discrepancy and/or remove the encroachment from the lands and shorelines within the Project Boundary. Chelan PUD must approve any alterations, additions, relocation, or other physical changes to an existing, permitted use prior to such changes. Local, state, and federal review and approval is also required. In an effort to ensure the goals and objectives of the Program as well as all License requirements are met, Chelan PUD reserves the right to revoke a Permit/License as provided in the permit. Chelan PUD may take any legal measures necessary to prohibit unauthorized use of Chelan PUD owned lands and require removal of structures and the restoration of these lands or waters to their original condition, if permit conditions and Program requirements are not followed.

All Non-Project uses on non-PUD lands are subject to the conditions of the permits issued by and enforcement of jurisdictional agencies. Where appropriate Chelan PUD may make Project specific recommendations to these agencies to ensure the proposed Non-Project use does not affect Chelan PUD's ability to comply with the Project License and mandated resource management activities.

5.1 PROGRAM UPDATE PROCESS

Chelan PUD is committed to the long-term stewardship of the Project's lands, water, and environmental, recreational, and socioeconomic values. Chelan PUD recognizes that the region is a popular tourist destination and residential area, and that Non-Project uses change over time. Additionally, the Project area provides habitat to species that are naturally transient and for which Chelan PUD is actively implementing mitigation and protection measures. While changes in use may occur slowly, they may also result in patterns that necessitate reassessment of the Program.

5.2 PROGRAM MONITORING AND REVIEW

Chelan PUD will review the Program, Shoreline Management Designation mapping, and permitting activities as needed to ensure permitted activities continue to comply with licensing requirements.

In the event that a major modification is proposed to be made to the Program, Chelan PUD will publicly notice the proposed change and provide a public listening meeting. This will allow Chelan PUD to solicit feedback on, and advise the public of, the proposed change. It will also provide an opportunity for the public to meet with Chelan PUD staff and discuss issues of community interest.

Chelan PUD's primary means of tracking and monitoring Non-Project uses is through its permitting programs. Chelan PUD will track new Non-Project use applications and existing permits. With the data

already in place for the Management Designations, Chelan PUD will use the global positioning satellite (GPS) coordinates of any new permit application to determine the applicable Designation.

Chelan PUD performs periodic on-site reservoir monitoring. Chelan PUD Real Estate Services staff survey the Project reservoir by boat monthly (weather permitting) and note any new uses or facilities within the Project Boundary. Staff then confers with respective local jurisdictional agency permitting staff to confirm that the observed activities are in receipt of all valid permits.

Chelan PUD maintains regular contact with local government permitting staff to remain current on regional development adjacent to the reservoirs that may be relevant to the Program.

Table 5-1 provides examples of the various types of shoreline uses, alterations, and water quality issues monitored by Chelan PUD. Chelan PUD may coordinate with County or other enforcement agencies to determine if regulatory approvals were received or needed for the specific use, alteration, or water quality issue.



TABLE 5-1: EXAMPLES OF SHORELINE USES, ALTERATIONS AND WATER QUALITY ISSUES

SHORELINE ALTERATIONS	OVER/IN-WATER STRUCTURES	POLLUTION ISSUES
Extraction	Docks	Illegal dumping
Mining	Pumping infrastructure	Oil spills
Gravel pits	(Surface water intakes)	Wastewater effluent (public\private) - pharmaceuticals
Vegetation alterations	Boat ramps	Pesticides, herbicides, fertilizers and other nutrients
Noxious weed/vegetation control	Underwater utilities	Storm water runoff
Agricultural uses	Power, water, wastewater, telecom	Irrigation withdrawals and returns
Livestock grazing	Buoys	Boats & other water craft (fuel, oil and other spills and discharges)
Landscape plantings	Bridges	Invasive species
Riparian vegetation removal	Buildings (overwater houses and boat houses)	Total dissolved gas (TDG)
Large woody debris	Boat lifts	Temperature
Utilities	Pilings	Noise and vibrations
Electrical facilities (PUD and others)	Swim platforms	Legacy chemicals and other toxins
Water intakes	Discharge lines	
Pumping facilities	Net pens	
Outfalls (surface and seepage)	Fishing platforms	
Structures and facilities	Habitat enhancements / modifications	
Docks	Footings	
Marinas		
Retaining walls		
Bulkheads		
Roads		
Stairways and steps		
Foot bridges		
Fencing		
Signs		
Dredging		
Fueling stations and storage		
Fill		
Off site run-on		
Bank stabilization		
Erosion control		
Swim beaches		
Adjacent trails		
Illegal fill		

5.2.1 MINOR MODIFICATIONS

Chelan PUD anticipates the potential need to make site-specific changes in the location of Shoreline Management Designations to reflect on-the-ground conditions that were not anticipated or observed when it developed the designation mapping. This will most likely involve minor relocation of designation boundaries or site-specific waivers dependent on field observations. Unless a Management Designation is entirely removed or modified to an extent that requires remapping the entire location, Chelan PUD does not intend to amend the Program.

5.2.2 POTENTIAL PROGRAM AMENDMENTS

Major changes within the Project Boundary may change goals and assumptions presented in this Manual. Chelan PUD established the following criteria that may indicate the need to consider a Program amendment:

- **New Residential Uses, Pressures, or Development Opportunities:** These may include county-approved modifications to existing zoning, new housing developments, infrastructure improvements that could lead to new development, or socioeconomic changes affecting the influx, and out-migration of populations.
- **Major Commercial Upgrades or New Uses:** Land adjacent to the Project reservoir may experience commercial growth or development. This could change over the lifetime of the Program and may necessitate reconsideration of Chelan PUD's management policies.

- **Large Parcel Land Sales/Major Changes in Land Ownership:** In the event that major parcels of previously undeveloped land change ownership, with an identifiable purchaser and new intent for use, Chelan PUD may review the Shoreline Management Designation to determine if amendments to the Program are warranted.
- **Changes within the Management Designation:** The Shoreline Management Designation identified in this Manual are based on environmental, cultural, and aesthetic resources. Some of these designations are dynamic by nature. It is possible that within the review period new concerns such as nuisance aquatic vegetation or wetland habitat may change, therefore necessitating the re-evaluation and possible amendment of both management designations as well as the allowed uses within them. Chelan PUD also acknowledges the possibility that mapping of the designations may require site-specific modification.

5.2.3 AMENDMENT PROCESS

Chelan PUD will update Project and resource maps as appropriate. As long as Program-established resource and use criteria do not change, Chelan PUD will not seek additional review or consultation with the public or jurisdictional agencies. If it appears there may be major impacts on the Program's effectiveness, Chelan PUD will initiate agency and public review of Program language and/or assessment of the overall document. Chelan PUD will invite stakeholder reviewers (who may include representatives from various coordinating committees, county planning staff, and other interested stakeholders) to assess if any changes need to be made to the Program. If, after this consultation, Chelan PUD determines that an amendment to the Manual is necessary, Chelan PUD will develop and provide draft language to interested parties, and implement such changes, as approved. These changes may include revising Shoreline Management Designation definitions, or permitting process changes. Chelan PUD will continue to coordinate and consult with jurisdictional agencies, tribal representatives, stakeholders, and local government planning staff throughout the Program revision or redrafting process and will supply a final revised document to these entities as well as on its Project website.





6 RESOURCES WITHIN THE PROJECT BOUNDARY

A wide range of plants and animals use the habitat within the Project Boundary. This includes sensitive and endangered species. Further, the lands within the Project Boundary contain cultural and historic resources. There are other relevant aspects, including habitat, water quality, and geology, within the Project Boundary. As previously mentioned, the FERC license and associated Recreation Plan (as amended through the years) includes five recreation sites, each with specific amenities and facilities.

The Project resource management plans and FERC license describe the protection, mitigation, and enhancement measures required of Chelan PUD. Various agencies have further responsibilities with respect to the environmental resources in the Project Boundary.

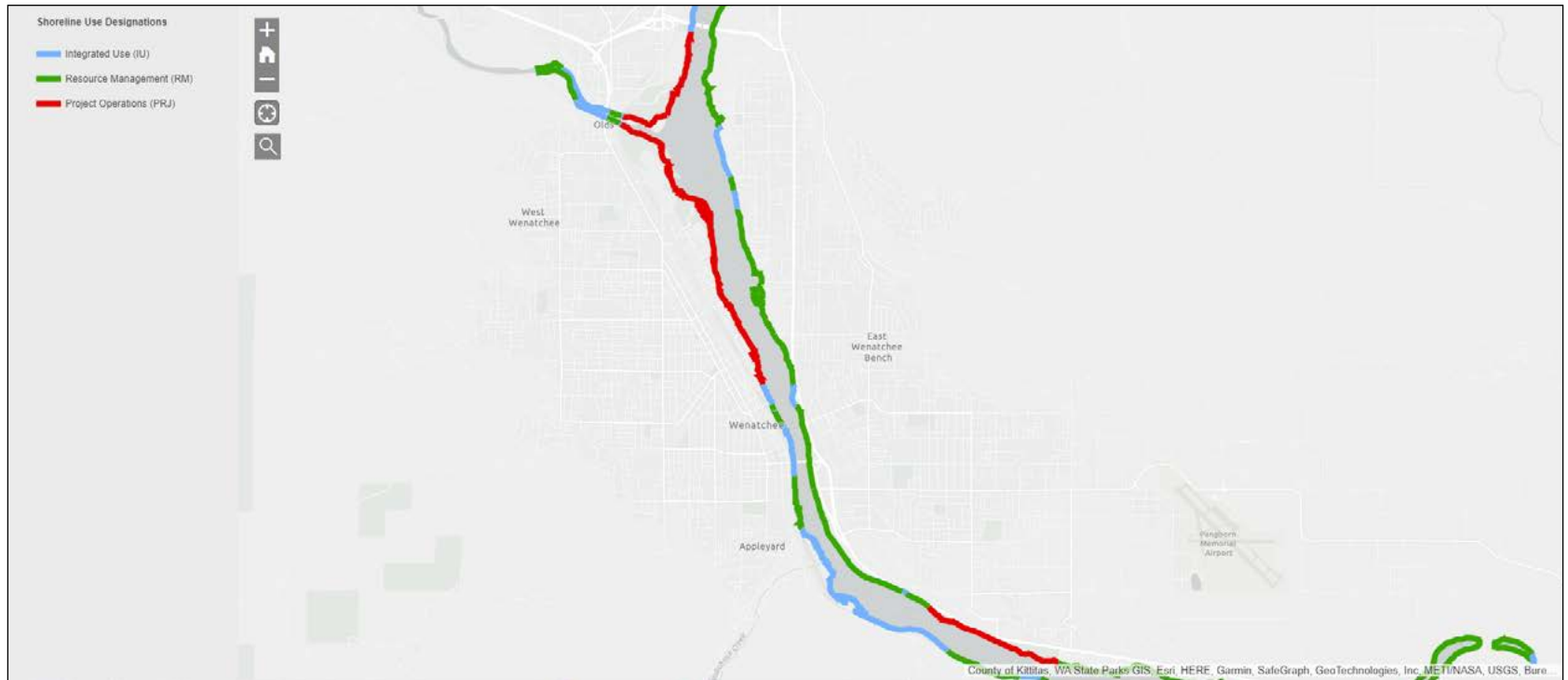


APPENDIX A: RESOURCE MAPS

A link to maps of both the Rocky Reach and Rock Island Reservoirs is available on Chelan PUD's Program website: <http://www.chelanpud.org/10962.html>.

When you click on the link, you will see a map; you can zoom in to focus on the property of interest.

The maps show the shoreline designations, which are defined in Section 3.3.2 of this document.



**APPENDIX B: LAND USE ARTICLE 410 AND ARTICLE 5,
ROCKY REACH HYDROELECTRIC PROJECT LICENSE #2145**

LAND USE ARTICLE 410

Use and Occupancy. (a) In accordance with the provisions of this article, the licensee shall have the authority to grant permission for certain types of use and occupancy of project lands and waters and to convey certain interests in project lands and waters for certain types of use and occupancy, without prior Commission approval. The licensee may exercise the authority only if the proposed use and occupancy is consistent with the purposes of protecting and enhancing the scenic, recreational, and other environmental values of the project. For those purposes, the licensee shall also have continuing responsibility to supervise and control the use and occupancy, for which it grants permission, and to monitor the use of, and ensure compliance with the covenants of the instrument of conveyance for, any interests that it has conveyed, under this article. If a permitted use and occupancy violates any condition of this article or any other condition imposed by the licensee for protection and enhancement of the project's scenic, recreational, or other environmental values, or if a covenant of a conveyance made under the authority of this article is violated, the licensee shall take any lawful action necessary to correct the violation. For a permitted use or occupancy, that action includes, if necessary, canceling the permission to use and occupy the project lands and waters and requiring the removal of any non-complying structures and facilities.

(b) The type of use and occupancy of project lands and waters for which the licensee may grant permission without prior Commission approval are: (1) landscape plantings; (2) non-commercial piers, landings, boat docks, or similar structures and facilities that can accommodate no more than 10 water craft at a time and where said facility is intended to serve single-family type dwellings; (3)

embankments, bulkheads, retaining walls, or similar structures for erosion control to protect the existing shoreline and (4) food plots and other wildlife enhancement. To the extent feasible and desirable to protect and enhance the project's scenic, recreational, and other environmental values, the licensee shall require multiple use and occupancy of facilities for access to project lands or waters. The licensee shall also ensure, to the satisfaction of the Commission's authorized representative, that the use and occupancies for which it grants permission are maintained in good repair and comply with applicable state and local health and safety requirements. Before granting permission for construction of bulkheads or retaining walls, the licensee shall: (1) inspect the site of the proposed construction, (2) consider whether the planting of vegetation or the use of riprap would be adequate to control erosion at the site, and (3) determine that the proposed construction is needed and would not change the basic contour of the reservoir shoreline. To implement this paragraph (b), the licensee may, among other things, establish a program for issuing permits for the specified types of use and occupancy of project lands and waters, which may be subject to the payment of a reasonable fee to cover the licensee's costs of administering the permit program. The Commission reserves the right to require the licensee to file a description of its standards, guidelines, and procedures for implementing this paragraph (b) and to require modification of those standards, guidelines, or procedures.

(c) The licensee may convey easements or rights-of-way across, or leases of project lands for: (1) replacement, expansion, realignment, or maintenance of bridges and roads for which all necessary state and federal approvals have been contained; (2) storm drains and water mains; (3) sewers that do not discharge into project waters; (4) minor access roads; (5) telephone, gas, and electric utility distribution lines; (6) non-project overhead electric transmission lines that do not require erection of support structures within the project boundary; (7) submarine, overhead,

or underground major telephone distribution cables or major electric distribution lines (69-kV or less); and (8) water intake or pumping facilities that do not extract more than one million gallons per day from a project reservoir. Not later than January 31 or each year, the licensee shall file three copies of a report briefly describing for each conveyance made under this paragraph (c) during the prior calendar year, the type of interest conveyed, the location of the lands subject to the conveyance, and the nature of the use for which the interest was conveyed. If no conveyance was made during the prior calendar year, the licensee shall so inform the Commission in writing no later than January 31 of each year.

(d) The licensee may convey fee title to, easements or rights-of-way across, or leases of project lands for: (1) construction of new bridges or roads for which all necessary state and federal approvals have been obtained; (2) sewer or effluent lines that discharge into project waters, for which all necessary federal and state water quality certification or permits have been obtained; (3) other pipelines that cross project lands or waters but do not discharge into project waters; (4) non-project overhead electric transmission lines that require erection of support structures within the project boundary, for which all necessary federal and state approvals have been obtained; (5) private or public marinas that can accommodate no more than 10 water craft at a time and are located at least one-half mile (measured over project waters) from any other private or public marina; (6) recreational development consistent with an approved report on recreational resources of an Exhibit E; and (7) other uses, if: (i) the amount of land conveyed for a particular use is five acres or less; (ii) all of the land conveyed is located at least 75 feet, measured horizontally, from project waters at normal surface elevation; and (iii) no more than 50 total acres of project lands for each project development are conveyed under this clause (d)(7) in any calendar year. At least 60 days before 20090219-4009 FERC PDF (Unofficial) 02/19/2009 Project No. 2145-060 60 conveying any interest in project lands under this paragraph (d), the licensee must submit a letter to

the Director, Office of Energy Projects, stating its intent to convey the interest and briefly describing the type of interest and location of the lands to be conveyed (a marked Exhibit G map may be used), the nature of the proposed use, the identity of any federal or state agency official consulted, and any federal or state approvals required for the proposed use. Unless the Director, within 45 days from the filing date, requires the licensee to file an application for prior approval, the licensee may convey the intended interest at the end of that period

(e) The following additional conditions apply to any intended conveyance under paragraphs (c) or (d) of this article:

1. Before conveying the interest, the licensee shall consult with federal and state fish and wildlife or recreation agencies, as appropriate, and the State Historical Preservation Officer.
2. Before conveying the interest, the licensee shall determine that the proposed use of the lands to be conveyed is not inconsistent with any approved Exhibit R or approved report on recreational resources of an Exhibit E; or, if the project does not have an approved Exhibit R or approved report on recreational resources, that the lands to be conveyed do not have recreational value.
3. The instrument of conveyance must include the following covenants running with the land: (i) the use of the lands conveyed shall not endanger health, create a nuisance, or otherwise be incompatible with overall project recreational use; and (ii) the grantee shall take all reasonable precautions to ensure that the construction, operation, and maintenance of structures or facilities on the conveyed lands will occur in a manner that will protect the scenic, recreational, and environmental values of the project.
4. The Commission reserves the right to require the licensee to take reasonable remedial action to correct any violation of the terms and conditions of this article, for the protection and enhancement of the project's scenic, recreational, and other environmental values.

(f) The conveyance of an interest in project lands under this article does not in itself change the project boundaries. The project boundaries may be changed to exclude land conveyed under this article only upon approval of revised Exhibit G drawings (project boundary maps) reflecting exclusion of that land. Lands conveyed under this article will be excluded from the project only upon a determination that the lands are not necessary for project purposes, such as operation and maintenance, flowage, recreation, public access, protection of environmental resources, and shoreline control, including shoreline aesthetic values. Absent extraordinary circumstances, proposals to exclude lands conveyed under this article from the project shall be consolidated for consideration when revised Exhibit G drawings would be filed for approval for other purposes.

(g) The authority granted to the licensee under this article shall not apply to any part of the public lands and reservations of the United States included within the project boundary.

(j) The licensee shall serve copies of any Commission filing required by this order on any entity specified in this order to be consulted on matters related to that filing. Proof of service on these entities must accompany the filing with the Commission.

(k) This order is final unless a request for rehearing is filed within 30 days from the date of its issuance, as provided in section 313(a) of the Federal Power Act. The filing of a request for rehearing does not operate as a stay of the effective date of this license or of any other date specified in this order, except as specifically ordered by the Commission. The licensee's failure to file a request for rehearing shall constitute acceptance of this license.

ARTICLE 5

The Licensee, within five years from the date of issuance of the license, shall acquire title in fee or the right to use in perpetuity all lands, other than lands of the United States, necessary or appropriate for the construction maintenance, and operation of the project. The Licensee or its successors and assigns shall, during the period of the license, retain the possession of all project property covered by the license as issued or as later amended, including the project area, the project works, and all franchises, easements, water rights, and rights or occupancy and use; and none of such properties shall be voluntarily sold, leased, transferred, abandoned, or otherwise disposed of without the prior written approval of the Commission, except that the Licensee may lease or otherwise dispose of interests in project lands or property without specific written approval of the Commission pursuant to the then current regulations of the Commission.

The provisions of this article are not intended to prevent the abandonment or the retirement from service of structures, equipment, or other project works in connection with replacements thereof when they become obsolete, inadequate, or inefficient for further service due to wear and tear; and mortgage or trust deeds or judicial sales made there under, or tax sales, shall not be deemed voluntary transfers within the meaning of this article.



APPENDIX C: PUBLIC OUTREACH AND AGENCY CONSULTATION

December, 2023

Revisions for readability, clarity, and to accurately reflect the document's purpose of managing Project shorelines, the title was revised from Land Management Plan to Shoreline Management Manual..

November 2019

Made minor revisions and sent to stakeholder list.

July 9, 2013

Land Management Public Meeting — 30 people in attendance

An open house to provide the public an opportunity to pick up a printed copy of the draft Land Management Plans for the Rocky Reach and Rock Island reservoirs, view classification maps and provide comments to the Chelan PUD staff regarding the Plans.

June 20, 2013

Land Management Meeting — Communication and outreach meeting with Grant County PUD to share Chelan PUD's Land Management Plans, discuss Grant County's plan and talk about ways we can continue to work together. We also talked about lessons learned through the planning process and asked for comments.

May 16, 2013

Land Management Meeting — Communication and outreach meeting with the National Marine Fisheries Service (NOAA), U.S. Army Corp of Engineers and Washington State Department of Ecology to explain Chelan PUD's role in land management and permitting, reasons for developing land management plans, and a request for their comments.

May 9, 2013

Land Management Meeting — Communication and outreach meeting with U.S. Fish And Wildlife Service to explain Chelan PUD's role in land management and permitting, reasons for developing land management plans, and a request for their comments.

May 7, 2013

Land Management Meeting — Communication and outreach meeting with Washington State Department of Fish and Wildlife to explain Chelan PUD's role in land management and permitting, reasons for developing land management plans, and a request for their comments.

April 17, 2013

Land Management Meeting — Communication and outreach meeting with the Chelan County and City of East Wenatchee to explain Chelan PUD's role in land management and permitting, reasons for developing land management plans, and a request for their comments.

April 9, 2013

Land Management Meeting — Communication and outreach meeting with the City of Wenatchee, Entiat, and Rock Island, and Douglas County to explain Chelan PUD's role in land management and permitting, reasons for developing land management plans, and a request for their comments.

December 11, 2012

Land Management Public Meeting — 80 people in attendance
To explain Chelan PUD's role in land management and permitting, reasons for developing land management plans, and provide opportunity for the public to ask questions and provide input.

Comments received:

Comments were received Dec, 2012 through Aug, 2013 from the City of Entiat, US Fish and Wildlife Service, Chelan County, Douglas County, Washington Department of Fish and Wildlife Service and National Marine Fisheries Service (NOAA).

- Comments centered on clarification/correction to the process outlined in the plan, Chelan PUD's responsibilities under its FERC licenses, shoreline classifications and Chelan PUD's role under the JARPA process.
- All comments were reviewed and incorporated as appropriate and complete answers are outlined in the Frequently Asked Questions that follow.

FREQUENTLY ASKED QUESTIONS

What is a Shoreline Management Manual?

In general, Shoreline Management Manuals (SMMs) acknowledge where important and/or protected natural and cultural resources exist, denote where facilities and uses occur, and identify the process for considering new facilities and uses. Specific to hydroelectric projects, SMMs apply to land within project boundaries, which are lands a licensee and the Federal Energy Regulatory Commission (FERC) have identified as necessary to protect natural/cultural resources, provide public access and operate the project. SMMs for the Rocky Reach and Rock Island hydro projects will ensure Chelan PUD manages lands within the project boundaries to meet FERC license requirements and project operational needs. The SMMs will help the public understand the application/review process for new facilities and uses and explain what Chelan PUD must consider in order to meet its FERC license and operational requirements. The intent of the manuals is to provide the best balance for public and private access while protecting the river's natural resources.

What is Chelan PUD's responsibility for shoreline and land management under its FERC licenses?

Chelan PUD is responsible for reviewing uses of project lands and waters, in cooperation with local, federal and state agencies, to assure compatibility with Federal Energy Regulatory Commission (FERC) license terms and conditions and other relevant regulations. Chelan PUD's role in the permitting process is to ensure consistency with project purposes (e.g. dam operations and implementation of various natural resource and cultural plans required by the FERC License), including safety, environmental concerns and aesthetics. Chelan PUD also encourages consistency with local and county management

plans and zoning. Chelan PUD administers a Shoreline Development Tracking System as a means of ensuring that structures built within project lands and waters have minimal environmental or visual effects.

Did FERC require development of a manual, and what is their role in this?

Federal Energy Regulatory Commission (FERC) did not require development of this manual as part of the Rocky Reach or Rock Island project licenses. Chelan PUD is developing the SMMs voluntarily to provide consistent, coordinated and long-term management and stewardship of the Rocky Reach and Rock Island reservoirs and to provide more comprehensive and clear guidance to the public when they want to use project shorelines. As part of the relicensing process for the Rocky Reach Project, Chelan PUD submitted a Land Management Study report to the FERC on May 30, 2003. Chelan PUD has updated the Manual to include current land use review processes and practices. FERC may choose to use the Manual during review of certain land use applications that require FERC approval and/or to ensure Chelan PUD has sufficient shoreline management processes in place to assure consistency with license requirements.

Who will use the Rocky Reach or Rock Island Shoreline Management Manuals?

The Manuals can be used by the public, by permitting agencies, by other regulatory agencies, by Chelan PUD and by Federal Energy Regulatory Commission (FERC) as a guide to evaluating land use activities within the boundaries of the Rocky Reach and Rock Island hydro projects and to explain Chelan PUD's review process for all land use applications.

Does this change how Chelan PUD reviews applications?

Two important additions will streamline and improve the process. A shoreline designation tool has been added to provide consistent review and approval of various shoreline development proposals. The tool has a set of maps showing various types and uses of shorelines within the project boundaries, including areas with greater protection requirements for environmental or habitat values, areas containing project works (e.g. dams, parks, hatcheries, etc.) and areas of existing development. In addition, the final Manuals will be publicly available with valuable links and contact information to help landowners make sure all activities within the project reservoirs will be consistent with Chelan PUD license requirements.

How often will Chelan PUD update the manuals?

Chelan PUD will review and, if necessary, update every five years. Changes that do not effect the Program, e.g., improving readability and clarity, will be published on the PUD's website. Should local, state or federal regulations change, the Manuals will be updated (for example, new endangered species or new critical habitat that warrants protection). Changes of this magnitude will be highlighted on Chelan PUD's website and through other means such as newspaper notices and direct mailings to a stakeholder list.

Will the updates to the Manual affect recreational opportunities on the Rocky Reach and Rock Island reservoirs?

The Manuals proactively consider public recreation needs and access to the river, resource conservation and protection, and the interests of property owners adjacent to the shoreline. They will not change the recreational opportunities now provided by Chelan PUD on either the Rocky Reach or Rock Island reservoirs.

What is the project boundary?

The project boundary is an administrative marker to clearly delineate those lands necessary for operations and maintenance of the hydroelectric project and for other project purposes such as recreation, shoreline control or protection of environmental resources. The project boundary depends on the topography of the land and includes some upland property such as campgrounds, parks, hatcheries and wildlife lands.

Does Chelan PUD own all of the land within the project boundary?

No. For additional information on a specific shoreline area, contact the Real Estate Department at Chelan County PUD (509) 661-4240.

What are shoreline designations, and are they different from those used by Chelan County and Douglas County?

Chelan PUD is ultimately responsible for managing project shorelines consistent with project purposes and license obligations. The Manuals identify shoreline management designations along the Rocky Reach and Rock Island shorelines that reflect Chelan PUD's resource and operational obligations under its licenses for both the Rocky Reach and Rock Island hydroelectric projects. The classifications are specific to the lands within Chelan PUD's project boundaries. The designations are independent of any adjacent state or county land use designations

or zoning; however, they are generally consistent with these. Chelan PUD uses this land use classification system to evaluate land use requests within the project boundaries. The system acknowledges where sensitive natural resources exist and where project facilities and uses occur. The system alerts Chelan PUD staff and the public to considerations and potential resource protection that might be needed if permits for construction activities are to be issued.

What are Chelan PUD's Shoreline Management designations?

The designations provide the public with important information that can be used in making development, purchase and/ or construction decisions on shoreline lands. Chelan PUD's three land use designations that have been assigned to lands within the project boundary are explained below:

- **Project operations:** Denote areas within the project boundary occupied by project works such as dams, powerhouses and other structures, as well as any areas necessary to meet any requirements of the Federal Energy Regulatory Commission (FERC) license such as recreational and fish production facilities. Land use requests within these areas are generally prohibited.
- **Resource management:** Denotes areas within the project boundary with specific resource management, species protection and environmental or cultural purposes. Typically these areas require extensive environmental review, permitting and mitigation and activities may be prohibited.
- **Integrated use:** Denotes areas within the project boundary where shorelines have no known significant environmental or cultural resources or associated resource management goals that would preclude existing or future shoreline uses.

For more detailed information refer to Section 3.0.

Will maps be available?

Maps showing the shoreline classification areas along the Rocky Reach and Rock Island reservoirs are available on Chelan PUD's website.

What is the JARPA process?

JARPA stands for Joint Aquatic Resource Permit Application. The JARPA consolidates federal, state and local permit forms into one convenient application. The process begins when a property owner or project proponent completes the JARPA, which includes describing the proposed project, its potential effects on regulated resources (e.g. wetlands, waterways, shorelines) and proposed construction methods. The JARPA is then submitted to local jurisdictional offices. The county then distributes the JARPA to the following agencies for review under specific regulations:

- Hydraulic Project Approval (HPA) from the Washington Department of Fish and Wildlife (WDFW)
- Water Quality Certifications from the Washington Department of Ecology (DOE)
- Aquatic Resources Use Authorizations from the Washington Department of Natural Resources (DNR)
- Shoreline Management Act permits from participating city or county agencies
- The U.S. Army Corps of Engineers (Corps)

How does Chelan PUD work with Chelan County and Douglas County on permit applications?

Chelan PUD is part of the Joint Aquatic Resource Permit Application (JARPA) process. The respective county distributes the JARPA to Chelan PUD when construction or uses within the Rocky Reach or Rock Island project boundaries are proposed. Chelan PUD then reviews the proposed action within the project boundaries for consistency with Federal Energy Regulatory Commission (FERC) license requirements and resource management plans and provides input to the county. In some instances, Chelan PUD will consult with other permitting agencies. Depending on the nature, size and location of the proposed project, Chelan PUD may also be required to seek FERC approval of the proposed activity.

After all JARPA reviews are completed and permits received, including FERC approval if required, Chelan PUD will issue a “license/permit to occupy” project lands.

Where do I get information on the steps to take to build a dock or a shoreline structure?

Contacting either Chelan County or Douglas County is a good place to start.

Is it still possible to apply for a dock permit?

Yes. Contact either Chelan County or Douglas County, who will initiate the Joint Aquatic Resource Permit Application (JARPA) process. The JARPA consolidates application forms for federal, state and local permits.

Who sets the dock design criteria?

The U.S. Army Corps of Engineers has design criteria, based on guidance from the federal agencies who implement the Endangered Species Act (ESA).

What if a dock owner has no proof that his/her dock was built before permits were required? Is there a grandfather clause?

This is a permitting question to discuss with either Chelan County or Douglas County. If the dock was installed on Chelan PUD-owned land, generally, Chelan PUD would issue a land-use permit (or license) as long as all other agency permits are in order.

Will updates to the Manual jeopardize existing docks or shoreline structures?

Updates will not change currently approved structures or uses.

Does Chelan PUD monitor the shoreline?

In partnership with Chelan County and Douglas County, Chelan PUD does monitor the shoreline along both Rocky Reach and Rock Island reservoirs approximately 12 times per year. If a violation is observed, it is reported to the appropriate county office and/or agency.

As a shoreline property owner, will this program limit my existing property rights?

No. Chelan PUD’s rights are limited to those rights granted in the flowage easement associated with the Project Boundary.

APPENDIX D: CHELAN PUD CONTACTS

Real Estate Services Department

Hydro Licensing and Compliance Department

203 Olds Station Road

Wenatchee, WA 98801

(509) 663-8121

Chelan PUD Web Site

www.chelanpud.org





SHORELINE MANAGEMENT MANUAL

*A guide to Chelan PUD's program for
managing the shorelines within the Rocky
Reach Hydroelectric Project Boundary*

**ROCKY REACH HYDROELECTRIC PROJECT
FERC Project No. 2145**



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

December 2023