

Priest Rapids Hydroelectric Project (P-2114)

# Procedures & Standards Manual for Shoreline Management



Approved 5/27/2014



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## List of Abbreviations

ADA	Americans with Disabilities Act
AHB	Area Habitat Biologist
DNS	Determination of Non-Significance
EA	Environmental Analysis
EIS	Environmental Impact Statement
EPA	Environmental Protection Agency
FERC	Federal Energy Regulatory Commission
GIS	Geographic Information System
Grant PUD	Public Utility District No. 2 of Grant County
HOA	Home Owners Association
HPMP	Historic Properties Management Plan
LUC	Land Use Classifications
JARPA	Joint Aquatic Resource Permit Application
OHW	Ordinary High Water
NEPA	National Environmental Policy Act, written and adopted in 1969
NMFS	National Oceanic and Atmospheric Administration, National Marine Fisheries Service
Project	Priest Rapids Project
PF	Project Facilities Land Use Classification
PRD	Public Recreation Development Land Use Classification
PRDP	Public Recreation Development Plan
RM	Resources Management Land Use Classification
RRMP	Recreation Resources Management Plan
SEPA	State Environmental Policy Act
SHPO	State Historic Preservation Office
SMA	Washington Shoreline Management Act
SMP	Shoreline Management Plan
USACE	United States Army Corps of Engineers
USFWS	United States Fish and Wildlife Service
WDOE	Washington Department of Ecology
WDFW	Washington Department of Fish and Wildlife

WDNR Washington Department of Natural Resources  
WHMP Wildlife Habitat Management Plan  
WHMIEP Wildlife Habitat Monitoring Information and Education Plan

## Standard Terms and Definitions

Agricultural Activity- land preparation for agricultural purposes, such as plowing, tilling, planting, cultivating, fertilizing, harvesting, processing, packing, irrigation ditches and systems; livestock management, such as breeding, birthing, feeding and care of animals, birds, honey bees; the repair and maintenance of machinery used to perform agricultural operations; the storage of machinery and agricultural products in, including but not limited to, farm related facilities, farm related onion and potato storage facilities, and farm related grain silos etc.

Allowable Non-Project Use- a use within the Project area that is either allowed outright in Table 1 Allowable Non-Project Uses and does not require a Project authorization from Grant PUD or which has been authorized by Grant PUD subject to authorization process.

Application- a written request in a form deemed appropriate by Grant PUD staff or a form provided by the Natural Resources department for a construction or land use action or authorization for any activity that would alter or modify the legal description, use and/or development of lands within the Project.

Area- the size of a parcel of land, as expressed in square feet or acres.

Authorization Instrument- an official document issued by Grant PUD, authorizing a proposed use and/or activity.

Boat Launches- an inclined slab, set of pads, rails, planks, or graded slope used for launching boats with trailers and/or by hand.

Boat Lift- a fixed apparatus used to lower or raise a watercraft into and out of the water.

Buoy - a floating object anchored in water to temporarily moor a boat or that serves as a channel marker.

Buffer- an area designed to separate incompatible uses or activities.

Camping Facilities- an area of recreational land developed and managed for temporary overnight use.

Community/Joint Use Dock - all platform structures or anchored devices in or floating upon water bodies that is less than 300 square feet in size that provide non-commercial moorage for pleasure craft and/or accommodates non-motorized recreational activities (swimming, fishing, kayaking/canoeing) for use in common by residents of a certain subdivision or community.

Commercial Dock - all platform structures or anchored devices in or floating upon water bodies that provide commercial moorage for watercraft usually as part of a marina facility and which may levy a fee for use.

Conveyances- the granting of rights for the use of Project Lands and waters under a given set of conditions. Grant PUD may use easements, rights-of-way, leases, or fee title transfers to grant these rights.

Designated Public Recreation Sites- formal recreation sites, designated boat ramp facilities, etc. Use of these sites is subject to rules posted at each site.

Easement- a perpetual grant by a property owner to specific persons or to the public to use land for a specific purpose or purposes.

Encroachments- an unauthorized use, structure, or occupancy on Grant PUD-owned and managed lands and waters.

Erosion- the transport and re-deposition (detachment and movement) of soil or rock by water, wind, ice or gravity.

Exempt Activities- activities within the Project Area that do not require formal Grant PUD authorization (see Table 1, Allowable Non-Project Uses).

Fee Title Property-absolute title to land in perpetuity and without limitation.

Fence- constructed or composed materials joined together in some definite manner in which the prime purpose is to separate, partition, enclose or screen.

Float- a detached, anchored structure that is free to rise and fall with water levels including any floating, anchored platform or similar structure, used for boat mooring, swimming or similar recreational activities that is not anchored or accessed directly from the shoreline.

Land Use Agreement- an agreement between Grant PUD and an outside entity, whether a public agency or a private individual, for the cooperative management of Grant PUD-affiliated public recreation developments.

Land Use Classification- a specific designation assigned to a particular area within the Project Boundary based on Project operation requirements, existing resources and uses, and future potential uses.

Land Use Authorization- a written legal document (permit) issued by Grant PUD to a particular individual or entity authorizing a Non-Project use or activity. The authorization will generally include applicable terms and conditions for use and/or occupancy of Project Lands or waters, as developed through the permit application review process.

Lease- a contract between the owner and lessee giving the right to use the land.

Livestock Grazing- utilization of property as a food source for domesticated animals.

Long-term Non-Project Use or Activity- Non-Project uses or activities within the Project Boundary intended to remain in place or occur for longer than 180 days.

Marina- a water-dependent boat moorage facility larger than 300 square feet in size , which includes one or more of the following: docking, fueling, repair and storage of boats; boat/equipment rental; and/or sell bait/food.

Mitigation- the process of or measures prescribed and implemented for avoiding, reducing, or compensating for negative impact(s) of a proposed activity or use, including, but not limited to, restoration, creation or enhancement.

Non-authorized Use- a use, facility, or activity undertaken without prior Grant PUD review and approval that is not considered an exempt activity (see Table 1, Allowable Non-Project Uses).

Non-Project Use(s)- a third-party use and occupancy of Project Lands and waters authorized by the licensee through the conveyance of a specific interest in Project Lands and waters.

Ordinary High Water (OHW) – the mark on the shores of all water which will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation; provided that, in any area where the ordinary high-water mark cannot be found, the ordinary high-water mark adjoining saltwater shall be the line of mean highest high tide and the ordinary high-water mark adjoining freshwater shall be the line of mean high-water.

Park- a specific area planned to provide public outdoor recreation opportunities.

Passive Recreation Activities- non-commercial recreation activities that do not interfere with other persons' legitimate use and enjoyment of Project Lands or operations; and do not impact the natural environment or



cultural resources. Examples of such activities include swimming, fishing, non-motorized boating, hiking, and picnicking.

Path- a low-impact, unconstructed passage or access route.

Personal Property- any non-permanent items that may temporarily occupy Project Lands or waters including portable furniture such as lawn chairs and portable barbecues. Personal property does not include such property as boats, sheds, etc., regulated under Section 4.3.

Pier- fixed platform above the water, perpendicular to the shoreline.

Public Dock- all platform structures or anchored devices in or floating upon water bodies constructed and utilized for use by the general public, typically owned and managed by a public agency and may include a boat ramp.

Project- the Priest Rapids Hydroelectric Project (FERC No. 2114).

Project Area - the lands and waters contained within the Project Boundary.

Project Boundary- the Boundary line defined in the Project license issued by FERC that surrounds those areas (lands and waters) needed for operation of the Project.

Project Facilities- the hydroelectric Project structures including the dam and powerhouse and all ancillary related structures including, but not limited to, fish hatcheries and related waterways, maintenance and office facilities, education and/or interpretation facilities, public recreation facilities, and Project-related residences within close proximity to generation facilities.

Project Facilities Land Use Classification – areas within the Project Boundary that are occupied by Project Facilities or have the potential to be used for power generation and transmission; fish hatcheries; public recreation, education or interpretive facilities; Project-related residences, and Project-related infrastructure.

Project Lands and Waters- all land and submerged and aquatic areas located within the Project Boundary. The phrase “on Project Lands” includes activities or uses on water overlying submerged Project Lands.

Project Operations- any use of Project Lands (including operation of the reservoirs, maintenance, studies, and other actions) by Grant PUD or its agent undertaken pursuant to, or in conformance with, the Project license.

Project Proponent - the applicant for a Grant PUD Land Use Authorization for temporary or long-term Non-Project uses.

Project Purpose- any activity mandated by the Project license and/or necessary to comply with the Project license, license compliance plans and Project operation and safety requirements undertaken by Grant PUD or other parties to the licensing (e.g. state or federal agencies).

Project Recreation Area - areas open to the general public and managed and operated by Grant PUD providing access to Project waters or constructed on Project Lands for recreational purposes.

Project Use(s)- use of Project Lands and waters for Project-related construction, operation and maintenance of the Project and associated facilities, and any facilities or activities required to meet the Project’s licensing requirements.

Public Access (land and water)- legal passage to any of the public lands or waters by way of designated, contiguous land owned or controlled by a public landowner, assuring that all members of the public shall have access to and use of the Project waters for recreational purposes. Public access also means that no barriers or other impediments shall exist in the roads and ways leading to Project waters.

Public Benefit – a defined part of a Non-Project use of Project Lands that meets one or more of the following criteria: conservation or enhancement of scenic resources (natural), enhancement of public recreation opportunities, promotion and/or preservation of wildlife or wildlife habitat, or providing a valuable public service.

Public Recreation Development Land Use Classification- areas within the Project Boundary that consist of FERC-approved recreation infrastructure and activities that are not managed by Grant PUD.

Public Recreation Development Plan- a development plan for non-Project uses within the Public Recreation Development land use classification required under the terms of the SMP.

Reasonable Use Authorizations- Grant PUD authorization, on a case by case basis, of Non-Project uses not typically allowed within specific land use classifications.

Recreational Activities- the pursuit of lawful public recreation activity at designated public access areas within the Project Boundary.

Resources Management Land Use Classification- areas within the Project Boundary designated for protection of historical or cultural resources, as well as wildlife restoration and/or enhancement activities.

Right of Way- right of access over the land of another, used for a road, ditch, electrical transmission line, pipeline, or public facilities such as utility or transportation corridors.

Salmon Agreement- Priest Rapids Project Salmon and Steelhead Settlement Agreement.

Scientific /Engineering Data Collection- scientific or engineering data collection activities (e.g., topographic surveys, environmental surveys, information/data collection) that generally do not require land disturbance or vegetation removal.

Sign- safety, directional, informational, interpretive and other signs or notices erected and maintained by Grant PUD or an authorized party or entity pursuant to and in accordance with Grant PUD standards as well as city, county, state or federal law for the purpose of carrying out an official duty or responsibility.

Special Events- groups totaling more than 35 persons holding or facilitating an event at a Project-related recreation area.

Standard Land Use Article - a FERC license article detailing a Licensee's authority and responsibilities to review, permit, and monitor Non-Project uses within the Project Boundary.

Structure- any combination of materials constructed, placed or erected permanently on the ground or attached to something having a permanent location on the ground, for the shelter, support or enclosure of persons, animals or property, or supporting any use, occupancy or function.

Temporary Non-Project Use or Activity- Non-Project uses or activities within the Project Boundary intended to remain in place or occur for less than 180 days.

Temporary Use Authorization- Grant PUD's authorization for a short-term use or activity lasting less than 180 days.

Trail- a permanent passage or access way that is an engineered, defined and constructed facility consisting of asphalt, gravel or similar materials.

Unauthorized Use – any use or activity on Grant PUD property that is inconsistent with Grant PUD policies or procedures and or that can be considered trespass.

Utilities- storm drains and water mains; sewers; telephone, gas, and electric utility distribution lines; overhead electric transmission lines submarine, overhead, or underground major telephone distribution cables or major electric distribution lines.

Water Intake or Pumping Facility- facilities that withdraw water from a Project impoundment.

Well – an excavation or structure created in the ground by digging, boring, or drilling to access groundwater in underground aquifers.

## 1.0 Introduction

Public Utility District No. 2 of Grant County, Washington (Grant PUD) owns and operates the Priest Rapids Hydroelectric Project (Project) under Federal Energy Regulatory Commission (FERC) license P-2114. FERC has jurisdiction over the Project under the authority of the Federal Power Act and issued a license for the continued operation of the Project on April 17, 2008 for a term of 44 years. The FERC license defines the Project and sets the terms and conditions under which the Project must be operated and establishes compliance activities that must be undertaken over the life of the license through both standard and Project-specific license articles. FERC is also responsible for the oversight of ongoing Project operation, dam safety inspections, and environmental monitoring.

FERC has delegated a portion of its regulatory responsibilities at the Project to Grant PUD through articles contained in the Project license. The license requires Grant PUD to ensure that regulatory compliance measures are met as a function of its primary purpose to generate and deliver power to its owner-customers. Articles within the license include specific and general resource management requirements and protection, mitigation and enhancement measures and identify the key stakeholders with whom Grant PUD is required to consult.

License Article 419 requires finalization of a Shoreline Management Plan (SMP) for the Project. An SMP is defined by FERC as "a comprehensive plan to manage the multiple resources and uses of the Project's shorelines in a manner that is consistent with license requirements and Project purposes, and addresses the needs of the public" (FERC, 2012). The SMP for the Project, which is subject to FERC approval, was finalized and filed with FERC in March 2010, approved by FERC on April 18, 2013, and an Order denying rehearing requests on the SMP was issued by FERC September 19, 2013.

The SMP details Grant PUD's shoreline management policies and processes and applies only to lands and waters within the Project Boundary. It guides the management of activities occurring on Project Lands with the goal of achieving compliance with all applicable laws, regulations, and Project license conditions. It contains general land use policies, management goals and objectives, Land Use Classifications (LUC), implementation measures, and definitions that apply to all Project Lands and waters. To ensure that the SMP remains relevant over the course of the FERC license, FERC requires Grant PUD to review and, if necessary, update the SMP every six years.

Grant PUD developed the SMP in accordance with Articles 419 (Shoreline Management Plan) and 420 (FERC Standard Land Use Article). Article 419 dictates the specific policies, classifications, and procedures that must be included in the SMP and includes requirements for agency consultation. Duties delegated to Grant PUD under Article 420 include granting Non-Project uses and occupancies of Project Lands and waters. With this responsibility comes the obligation that Grant PUD review, monitor, and control Non-Project uses within the Project Boundary for lands that it owns or retains restrictive easement. Specific to permitting, Grant PUD is empowered by FERC and the Project license, to issue, administer, and enforce permits for use of Project Lands and waters (Land Use Authorizations).<sup>1</sup>

The SMP states that a "Priest Rapids Project Procedures and Standards Manual" (Procedures and Standards Manual) will be developed and maintained by Grant PUD as a separate document that will be made available for use by Grant PUD staff. The purpose of this Procedures and Standards Manual is to provide detailed procedures and criteria to implement the SMP and regulate activities within the Project

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<sup>1</sup> Grant PUD's permitting authority described herein applies only to property owned, encumbered by easement, and or managed by Grant PUD within the Project Boundary.

Boundary. The Procedures and Standards Manual's goals are to ensure continued Project operation for power generation while meeting the following management goals and objectives:

- Comply with the FERC license and other laws and regulations
- Protect environmental resources
- Preserve and protect historic and cultural resources and the Wanapum culture
- Provide safe access to and use of Project Lands
- Provide opportunities for public recreation
- Protect scenic quality and aesthetic resources
- Coordinate with other agencies to manage cumulative effects

The Procedures and Standards Manual is comprised of the following eleven sections:

1. Introduction;
2. General Overview of Use and Occupancy of Project Lands and Waters;
3. Land Use Classifications;
4. Allowable Non-Project Uses;
5. Application, Renewal Fees and Insurance;
6. Land Use Authorizations Process (including Non-Project uses requiring FERC approval);
7. Other Regulatory Authorities and Requirements;
8. Non-Project Use Standards and Guidelines;
9. Special Events and Concessions;
10. Monitoring, Compliance, and Enforcement of Non-Project uses; and
11. Procedures and Standards Manual Update Criteria.

This document is intended to provide specific guidance for Grant PUD staff regarding how Grant PUD accepts, reviews, administers, and enforces Non-Project use authorizations. Appendices supplement the information contained within the sections of this manual with detailed information such as fee schedules, monitoring forms, and other documents.

General guidance documents and/or brochures will be developed for prospective applicants and will be available to the public via the Grant PUD website. Questions related to this Procedures and Standards Manual, the SMP or other resource management plans can be directed to the Grant PUD Lands and Recreation Resources Department:

Phone: (509) 754-0500; Toll Free in WA State (800) 422-3199  
Email: [lands@qcpud.org](mailto:lands@qcpud.org)  
Website: [www.grantpud.org](http://www.grantpud.org)  
Mail: Public Utility District No. 2 of Grant County  
P.O. Box 878  
Ephrata WA 98823

## 2.0 General Overview of Use and Occupancy of Project Lands and Waters

As a FERC licensee, it is Grant PUD's obligation to ensure its land management policies conform to Project license requirements, meet the Project's operating requirements, and are consistent with the purposes of protecting and enhancing the scenic, recreational, and environmental values of the Project while affording reasonable public access and use of Project Lands and waters. Grant PUD's authority is restricted to lands

it owns or lands on which it holds restrictive agreements or other rights within the Project Boundary. Grant PUD is required to ensure regulatory requirements are met within these areas as a function of its primary purpose to generate and deliver power to its owner-customers. Articles within the license include specific and general resource management requirements and identify the key stakeholders with whom Grant PUD is required to consult. With this responsibility comes the obligation that Grant PUD exercise review, supervision, and control of these Non-Project uses within the Project Boundary. Specific to permitting, Grant PUD is authorized by FERC and the Project license, and more specifically the Standard Land Use Article 420, to issue, administer, and enforce Land Use Authorizations for use of Project Lands and waters.

Use and occupancy of Project Lands and waters fall into two categories: Project uses and Non-Project uses. Project uses are those that are required to safely operate and maintain Project structures such as dams, powerhouses, or transmission lines, or that are required in order to comply with the FERC license (recreation facilities, fish hatcheries, wildlife enhancement, etc.). All other uses are considered Non-Project uses. Article 420 of Grant PUD's license is the Standard Land Use Article (Appendix A). Under Article 420, Grant PUD can allow certain Non-Project uses without FERC approval, while other Non-Project uses may require agency and tribal consultation and FERC review and/or approval.

All Non-Project uses or occupancies of Project Lands and waters within the Project Boundary, or on land owned by Grant PUD within or adjacent to the Project Boundary, may be prohibited unless otherwise authorized by Grant PUD in writing. The Lands and Recreation Resources Department monitors land use and recreation activities within the Project Boundary and strives to inform the public of the policies and procedures for implementation of the SMP in a clear and consistent fashion.

The following policies guide all use and activity authorizations on Project Lands, subject to all applicable local, state and federal regulations:

- Grant PUD maintains its rights to perform activities necessary to fulfill its license and other management objectives across all LUCs, as well as the right to deny, approve and condition Non-Project use requests.
- Particular properties may be managed by Grant PUD explicitly for resource protection and enhancement.
- Non-Project uses are generally not authorized within the Project Facilities (PF) LUC. Most Non-Project uses are prohibited or restricted within the Resources Management (RM) LUC.
- Uses and activities proposed within the Public Recreation Development (PRD) LUC must be in the broader public interest and allow for general public access within the context of approved elements of the Recreation Resources Management Plan (RRMP), an approved Public Recreation Development Plan (PRDP) (as defined in 3.2.1 below), and/or any associated use agreements.
- Grant PUD will evaluate and make determinations on proposed Non-Project uses and activities consistent with the intent of the SMP and other relevant management plans, along with other agency policies.
- A process to address special circumstances of prohibited or restricted uses and activities is available as an option within this Procedures and Standards Manual.

## 2.1 Standards and Guidelines for Non-Project uses allowed under the Shoreline Management Plan

Under the FERC-approved SMP, Grant PUD may authorize certain Non-Project uses of Grant PUD-owned property in areas classified as PRD. Additional policy guidance was necessary to ensure Grant PUD meets the goals included in the SMP when considering Non-Project use authorizations and developing PRDP for shoreline communities adjacent to the Project Boundary.

In order to meet the SMP goals, Non-Project uses authorized under a PRDP should conform with the following policies found in Resolution 8709, adopted by the Grant PUD Commission in January of 2014:

- Eliminate barriers to public access and use of District-owned properties; and
- Avoid the appearance of private property (e.g., storage of personal items, plantings that delineate perceived property lines, signage or vegetation management that deters community and public use and enjoyment); and
- Be designed, implemented, and managed to facilitate community and public use; and
- Be achieved through a joint use land use authorization, thereby minimizing to the greatest extent possible, individual use authorizations; and
- Avoid, or mitigate for, impacts to wetlands, riparian zones, cultural resource sites, or other critical habitat areas; and
- Not result in a net increase in irrigated lawns within a PRDP designated area, and
- Be subject to a net decrease in existing irrigated lawn if devoid of functional habitat, or if erosion, safety, liability, or other negative impacts are present; and
- Potentially be subject to other site specific conditions required by Grant PUD in consultation with FERC identified stakeholders and with input from regulatory agencies, community members, or the general public; and
- Be subject to application fees, annual fees, monitoring and inspections; and
- Be subject to penalties and revocation of the land use authorization if found to be out of compliance; and
- Be designed for simplicity in administration: application, and implementation; and
- Be subject to application fees and annual fees that cover the associated administrative costs and that are consistent with fees adopted by other hydro licensees.

## 3.0 Land Use Classifications

LUCs allow Non-Project uses where appropriate and protect resources and Project operation integrity where required. Property owners within and adjacent to the Project should be aware that conducting certain land use activities within the Project Boundary is a privilege that can only be granted with written authorization from Grant PUD and may also require approvals from state and local agencies and FERC. Grant PUD supports the use of Project Lands and waters for a variety of activities, provided that the use meets the regulatory requirements of the License and protects and/or enhances the Project's scenic, recreational, cultural, and environmental values.

To ensure that activities on Project Lands and waters are comprehensively managed, the SMP includes three LUCs that apply to lands within the Project Boundary (Appendix B). The three LUCs are: 1) Project Facilities (PF), 2) Public Recreation Development (PRD), and 3) Resources Management (RM). This LUC system serves to clearly identify and describe the primary functions of each designation, and directs management and monitoring activities within those areas. Additionally, the LUCs determine what uses are allowed in different areas (see Section 4.0) and, if so, under what terms and conditions. Non-Project uses that Grant PUD can allow without FERC approval are identified for each of the LUCs and are discussed below. Exempt activities, those allowed without prior Grant PUD approval, are likewise discussed in Section 4.0.

### 3.1 Project Facilities Land Use Classifications

The PF LUC applies to lands with higher intensity uses that are primarily related to electrical power generation and transmission as well as to lands with the potential for such uses in the future. Lands that include other Project-related facilities such as fish hatcheries and related waterways, maintenance and office facilities, education and/or interpretation facilities, public recreation facilities, and Project-related residences within close proximity to generation facilities are also included in the PF LUC.

The PF LUC does not fully exclude public use of Project Lands, particularly those available to the public for recreation and/or education, but rather controls the use and access to protect public health and safety and to provide for Project security. Project-related cultural resource protection and wildlife restoration and/or enhancement activities may also occur in this land use classification.

The primary criteria used to identify and designate lands in the PF LUC are as follows:

- Land with existing Project-related facilities, including those for power generation, transmission, etc.;
- Land anticipated and/or acquired for future development of Project-related facilities;
- Land needed for providing security or maintenance access for Project facilities; and
- Land in other uses but within or immediately adjacent to Project facilities.

Public access and use of lands within the PF LUC outside those specifically designated for public recreation and/or education may require prior arrangements with Grant PUD personnel to access these lands. People desiring to access and use these properties should contact the Lands and Recreation Resources Department to discuss the type of activity and/or use and determine if it can be allowed with Grant PUD permission and if additional security measures are needed.

### 3.2 Public Recreation Development Land Use Classifications

The PRD LUC allows for recreation-oriented development. This LUC includes shorelines adjacent to existing communities such as Crescent Bar, Sunland Estates, Vantage and Desert Aire, as well as recreational areas required by the license to be developed for future public recreation purposes. Historical or cultural resources, as identified for protection in the Historic Properties Management Plan (HPMP), and wildlife restoration and/or enhancement activities may also occur in this land use classification. Grant PUD will ensure sensitive environmental and cultural resources are protected and managed within lands of this classification.

Primary uses in the PRD LUC consist of FERC-approved recreation infrastructure and activities identified in the RRMP, which may also include habitat restoration and/or enhancements. Other Non-Project uses allowed within the PRD LUC will be evaluated by Grant PUD to determine consistency with the license and



goals set forth in the SMP. The primary criteria used to identify and designate lands in the PRD LUC are as follows:

- Presence of adjacent shoreline development with recreation-related infrastructure;
- Existing developed, public recreation areas; and
- Recreation projects required and approved by the license within the Project Boundary.

A PRDP will be developed to implement Non-Project uses and activities in this LUC (Section 3.2.1). Appendix F of the SMP and Appendix C of this document contains the steps involved in developing a PRDP.

### 3.2.1 Public Recreation Development Plans

Land Use Authorizations located on Grant PUD property adjacent to Sunland, Crescent Bar, Desert Aire, and Vantage will be addressed through a Public Recreation Development planning process. On these properties, a comprehensive public recreation and land use planning process will be implemented with property owners and homeowner associations adjacent to Project Lands. These plans will serve to identify and manage all existing and future Non-Project uses. Grant PUD expects to have PRDPs developed for the public recreation use areas listed above by the end of 2014. Grant PUD will determine whether other areas will require a PRDP during future updates to the SMP and as land use patterns change over time.

Once a PRDP is completed, specific uses and activities identified within the PRDP may be approved under a single authorization for the area or a limited number of single or joint use agreements, as opposed to multiple individual authorizations. This authorization will include allowed uses and activities on Grant PUD property, specific to the adjacent community. When issuing the authorization, Grant PUD will consider the input received during community/home owners' association (HOA) meetings, outreach campaigns, and the agency/tribal stakeholder consultation process.

The authorization will be detailed and may cover uses such as: allowable types of plantings, allowable structures (in-water and land based), setbacks/buffers, building materials and methods, as well as activities and uses that are not allowed, such as burning, digging, clearing, etc. (see Section 8.0 for Non-Project use Standards and Guidelines). Any activity or use of Grant PUD property must demonstrate a public benefit and be non-exclusive in nature. The application and annual fee schedule applies to all Non-Project authorizations within this LUC, along with compliance of all relevant terms and conditions of the authorization(s). The PRDP will be updated every six years and will be monitored by Grant PUD staff to assess consistency with resource management goals.

### 3.3 Resources Management Land Use Classifications

Lands in the RM LUC will be managed to conserve and protect fish, wildlife, scenic, historic, archaeological and cultural resources. Protection of historical or cultural resources, as well as wildlife restoration and/or enhancement activities is the primary function of this land use classification. This LUC will generally include those areas that do not currently have plans for specific FERC-approved Project facilities and/or public recreation improvements.

The primary criteria used to identify and designate lands in the RM LUC are as follows:

- Land important for fish or wildlife habitat protection, restoration, and enhancement;
- Land intended for restoration or mitigation for Project Area actions;
- Land with specific development restrictions not suitable for other LUCs; and

- Land in Grant PUD ownership with very limited access or that is highly susceptible to environmental degradation.

There are limited opportunities for Non-Project uses in the RM LUC.

### 3.4 Crescent Bar/Crescent Bar Island

Article 419 is a unique aspect of the Project license. It directs Grant PUD to develop a plan to protect and enhance Crescent Bar Island and states that no further development can occur outside the existing disturbed footprint except for a trail. Grant PUD filed a plan and schedule in October of 2010 and aims to implement the plan as soon as leasehold tenants vacate the island under the terms of a prior lease agreement.

## 4.0 Allowable Non-Project Uses

Non-Project uses, defined as the third-party use and occupancy of Project Lands and waters, require Grant PUD review and approval through a Land Use Authorization or other agreement (see Section 5.0) unless otherwise classified as exempt. All Non-Project uses and activities must also comply with applicable local, state, or federal regulations and some may require FERC approval (see Table 1 and Section 6.1).

Any Non-Project use of Grant PUD owned lands must meet Grant PUD standards, or have alternative standards approved by Grant PUD to qualify as an "Allowable Use" under the SMP. Table 1 describes the types of Non-Project uses Grant PUD may allow within the respective LUCs. Grant PUD review and approval of these Non-Project uses applies only to uses that occur within the Project Boundary on Grant PUD owned, managed or easement encumbered lands.

It is important to note that Grant PUD's final approval of a Non-Project use is contingent on a proponent providing written documentation that all other applicable permits and requirements of local, state and federal agencies have been obtained (see Section 6.0). Grant PUD's Non-Project use standards are generally consistent with other regulatory requirements however, due to specific license requirements, FERC mandated management responsibilities, or SMP policies, Grant PUD may require additional information, mitigation, or attach additional terms or conditions to a Non-Project use authorization.

Table 1 provides information on specific Non-Project uses and activities for which Grant PUD may grant authorization within the three LUCs or which may be exempted from Grant PUD authorization. For Non-Project uses or activities not included in this table, the prospective applicant can contact Grant PUD Lands & Recreation staff for more information. Any activity mandated by the Project license and/or necessary to comply with Project operation and safety requirements undertaken by Grant PUD or other parties to the licensing (e.g. state or federal agencies) is allowed in any LUC. Table 1 identifies these as "Project purposes". It is also important to note that not all uses are appropriate in all LUCs. Grant PUD will consider activities identified as "Restricted" in Table 1 on a case-by-case basis

Table 1 Allowable Non-Project Uses

Restricted – Use limited by specific conditions and/or state/federal conditions.	Project Facilities	Public Recreation Development	Resource Management	Notes & Conditions
Use/Activity				
Public access (general)	Restricted	Allowed Outright	Allowed Outright	Access to Project Lands/waters through <b>designated access</b> points is allowed without prior Grant PUD approval. Temporary Use Authorizations for special events/activities may be required. Access to secure Project safety/operations zones requires special Grant PUD authorization.
Fishing <sup>2</sup>	Restricted	Allowed Outright	Allowed Outright	Fishing is allowed within the <b>Project Facilities LUC</b> (subject to state/federal regulations) where access is not otherwise restricted for Project security/operations.
Hunting <sup>3</sup>	Restricted	Prohibited	Allowed Outright	Hunting is allowed within the <b>Project Facilities LUC</b> (subject to state/federal regulations) where not restricted for Project security/operations. Hunting is prohibited within the <b>Public Recreation Development LUC</b> . Hunters must obey “no hunting zones” posted near other structures or facilities and obtain access permission from other landowners regardless of LUC.
Overnight Camping	Requires Grant PUD	Requires Grant PUD	Restricted	Overnight camping is allowed only in designated areas within the <b>Project</b>

	Authorization	Authorization		<b>Facilities and Public Recreation LUCs</b> or by Grant PUD Temporary Use Permit and landowner permission. Camping is generally not allowed in the <b>Resource Management LUC</b> .
Camp fires <sup>4</sup>	Restricted	Restricted	Prohibited	Camp fires are restricted to designated fire pits/areas within public recreation sites in the <b>Project Facilities and Public Recreation Development LUCs</b> unless otherwise authorized as part of a Temporary Use Permit. Fires are not allowed within the <b>Resource Management LUC</b> .
Refuse dumping/burning	Prohibited	Prohibited	Prohibited	Refuse dumping/burning is prohibited and subject to fines or other law enforcement actions.
Roads	Restricted	Requires Grant PUD Authorization	Requires Grant PUD Authorization	Roads may not access secure Project facilities and/or other environmentally sensitive areas other than for Project purposes. Roads outside these areas must have a public benefit and not restrict public access. All roads are subject to Grant PUD approval.
Motorized vehicles (land/water)	Restricted	Requires Grant PUD Authorization	Restricted	Generally, motorized vehicles are restricted to designated access and parking areas only. Use outside these areas may require temporary use authorization from Grant PUD. Boaters must observe regulations, signage, and other safety advisories in maintaining a safe distance from Project facilities and public recreation areas. Access to secure Project Areas or sensitive

				environmental areas is not allowed.
Utilities	Requires Grant PUD Authorization	Requires Grant PUD Authorization	Requires Grant PUD Authorization	Generally Grant PUD can only allow utility installation and/or removal under the terms of the Project's Standard Land Use Article. Activities outside this license requirement may require prior FERC approval.
Structures/facilities	Requires Grant PUD Authorization	Requires Grant PUD Authorization	Prohibited	Any structures or facilities other than those for Project purposes require review and approval from Grant PUD and may require additional review by local, state, and federal regulators including FERC. Non-Project structures must have a public benefit and avoid exclusive use. Non-Project uses within the Resource Management LUC are generally prohibited.
Water intake or pumping facilities < 1 million gal/day (includes wells)	Requires Grant PUD Authorization	Requires Grant PUD Authorization	Requires Grant PUD Authorization	Both existing and new water intake or pumping facilities that use <1 million gal/day may be subject to additional modifications and such as fencing for public safety, revised ingress/egress, and may be required to meet current fish screening criteria.
Marinas	Prohibited	Requires Grant PUD Authorization	Prohibited	These activities are generally prohibited with the <b>Project Facilities and Resource Management LUCs</b> for Non-Project uses.
Boat Launches	Prohibited	Requires Grant PUD Authorization	Prohibited	
Docks, piers, floats, and boat lifts	Prohibited	Requires Grant PUD	Prohibited	

		Authorization		
Buoys	Requires Grant PUD Authorization	Requires Grant PUD Authorization	Requires Grant PUD Authorization	Communities within a PRDP area will be encouraged to apply for a comprehensive community buoy plan. Individual buoys in the <b>Resource Management and Project Facilities LUCs</b> should be limited in number.
Agricultural use**	Prohibited	Prohibited	Restricted	Generally agricultural and livestock grazing activities are prohibited within the Project Boundary with the exception of established activities authorized by previous agreements.
Livestock grazing**	Prohibited	Prohibited	Prohibited	
Vegetation control and/or removal	Restricted	Requires Grant PUD Authorization	Requires Grant PUD Authorization	Any activities must meet the standards established in Grant PUD's Vegetation Management Plan as well as other local, state, or federal requirements and regulations. Generally Non-Project vegetation control and/or removal is limited within the <b>Resource Management LUC</b> .
Shoreline erosion protection/stabilization	Restricted	Requires Grant PUD Authorization	Requires Grant PUD Authorization	Any activities must meet the standards established in Grant PUD's Sediment Control/Erosion Plan as well as other local, state, or federal requirements and regulations.
Fish and wildlife habitat/food plots and other wildlife enhancements	Restricted	Requires Grant PUD Authorization	Requires Grant PUD Authorization	All activities must meet standards established in Grant PUD's Vegetation Management and Wildlife Habitat Management Plans as well as other local, state, or federal requirements and regulations.

Landscaping or planting**	Requires Grant PUD Authorization	Requires Grant PUD Authorization	Prohibited	Activities must meet standards established in Grant PUD's Vegetation Management Plan.
Other uses not described	Requires Grant PUD Authorization	Requires Grant PUD Authorization	Requires Grant PUD Authorization	Any uses or activities not contemplated herein requires consultation with Grant PUD.

<sup>2</sup> Subject to State fishing regulations – <http://wdfw.wa.gov/fishing/index.html>

<sup>3</sup>Subject to State hunting regulations – <http://wdfw.wa.gov/hunting/>

\*If in an SMP identified PRDP area, uses are allowed only within the context of an approved Public Recreation Development Plan

\*\* Not allowed at Crescent Bar

<sup>4</sup> Subject to local fire bans and regulations

#### 4.1 Non-Project Uses

Pursuant to the Project license, the accompanying Standard Land Use Article (see Appendix A) and the approved SMP, Grant PUD may permit Non-Project uses or activities that involve the placement of longer term uses within the Project Boundary. The majority of such uses and activities presented in Table 1 would be considered long-term Non-Project uses and include boat docks, utility easements, landscaping, retaining walls, etc. These Non-Project uses may not interfere with Project operation or license mandated management activities and must comply with SMP policies. A proponent for a long term Non-Project use must obtain a Land Use Authorization from Grant PUD. In some instances, Non-Project uses also require FERC approval (see Section 7.1).

#### 4.2 Conveyances

Some Non-Project Uses or activities that are located within the Project Boundary on Grant PUD-owned land require a written conveyance from Grant PUD and FERC approval may also be required (see Section 7.1). These types of conveyances include, but are not limited to land use authorizations, easements, leases, and disposal of surplus fee title property. Conveyances may occur within any of the three LUCs provided that the project proponent has written authorization from Grant PUD and permissions from applicable regulatory agencies. Prior to conveying any interest, Grant PUD may consult with appropriate local, state, federal, and tribal stakeholders.

- **Easement/right of way:** An easement generally gives the proponent a non-possessory interest to use Grant PUD real property for a stated purpose. An easement is considered a property right in and of itself and is treated as a type of property in most jurisdictions. A right of way grants a right of access over the land, and is used for roads, ditches, transmission and distribution lines, or public facilities such as utility or transportation corridors.
- **Lease:** A lease is a written legal document that grants a right to use Grant PUD properties to someone or some entity for a specified period of time in consideration of rent or other compensation. A lease document will be authorized if the proposed use serves to provide an approved and regulated commercial financial benefit for the project proponent.
- **Disposal of surplus fee title property:** Properties surplus to Grant PUD's needs may be authorized for sale or lease upon meeting conditions of the Standard Land Use Article (Article 420), and following a statutory authorization process which requires a Grant PUD Commission resolution and FERC approval if the property is located within the Project Boundary.

#### 4.3 Temporary Non-Project Uses

Grant PUD may allow Non-Project uses or activities lasting less than 180 days and/or temporary (easily removable) structures that remain in place for less than six months under a Temporary Land Use Authorization (Section 6.2.2). Examples of temporary uses include but are not limited to: camping in areas without designated camping facilities (dispersed sites), sporting events, concerts, construction staging/laydown areas, temporary structures, and temporary water withdrawals. Grant PUD will consider temporary use requests in all LUCs, but will not allow temporary uses that pose significant safety, security, or land/habitat impacts or risks. Documentation of other private, local, or state permits, authorizations and insurance may be required before Grant PUD will issue a Temporary Land Use Authorization.

Grant PUD will consider requests for special events on a case-by-case basis. Groups of more than 35 individuals must obtain Grant PUD's authorization to hold an event on Grant PUD property at least 30 days prior to the date of the event. The event sponsor may not charge the public for such an event unless Grant



PUD has approved such a fee in advance and in writing. The sponsor must also provide sanitation and garbage resources, and properly advise the public and post fee schedules as directed by Grant PUD. Grant PUD maintains the authority to revoke permission, require removal of any equipment, and require restoration of an area to pre-event condition, upon failure of the sponsor to comply with terms and conditions of the authorization or Grant PUD policies. Opportunities for event-related concessions may be considered under this application process.

Grant PUD may authorize the temporary storage of personal property on a case-by-case basis at public recreation sites and PRD LUC lands. Users who do not wish to remove personal property each day must include them in a Land Use Authorization application (see Section 6.2.1) so they are not considered abandoned and removed by Grant PUD staff or contractors. Personal property does not include items such as boats, sheds, etc., regulated under Section 4.4.

#### 4.4 Exempt Activities

The following activities within the Project Boundary do not require Grant PUD authorization and are considered “Exempt Activities.”

##### Activities within Designated Public Recreation Sites

Grant PUD allows non-commercial shoreline recreational day-use activities at designated public recreation sites (unless posted closed) if it (a) does not interfere with other persons’ legitimate use and enjoyment of Project Lands; (b) does not interfere with Project operations; (c) does not impact the natural environment or cultural resources; and (d) complies with all laws and regulations. Examples of such activities include swimming, fishing, boating, hiking, and picnicking at day-use sites and use of designated boat ramp facilities, etc., located within the PRD LUC. Use of these sites is subject to rules posted at each site.

Persons planning large gatherings (groups of 35 people or more) or other activities beyond the normal uses contemplated at those sites should contact Grant PUD to determine whether they require other permissions or authorizations. Personal property such as lawn chairs and portable barbecues may be used on lands within the Project Boundary, including designated public recreation sites and lands within the PRD LUC, however all items must be removed from Grant PUD property each day. Please note that some Project Lands are subject to restricted use for Project operations and safety purposes.

#### 5.0 Application, Renewal Fees, and Insurance

License Article 420 allows Grant PUD to charge reasonable fees to cover the cost of administering land use agreements and activities under its Shoreline Management Plan. Grant PUD staff will levy the following application fees and annual renewal fees applicable to various uses and activities as follows:

**Table 2 Application and Renewal Fees**

Use/Activity	Application Fee (non-refundable)	Annual Fee
<b>Land Use Authorizations Requiring FERC Approval</b>		
Applications Requiring FERC Approval (this use includes approval for uses such as marinas, easements or rights of way across or leases of Project Lands and Commercial Uses)	\$3,000.00	\$1,500.00 or Annual TBD

<b>Land Use Authorizations (Authorized by Grant PUD by Land Use Classification)</b>		
Non-commercial Marinas (10 watercraft or less)	\$1,000.00	\$500.00
Non-commercial Boat launches	\$1,000.00	\$300.00
Non-commercial Docks, piers, floats, and boat lifts	\$3.00/square foot	\$200.00
Water intakes, wells, or pumping facilities <1 million gal/day	\$500.00	\$200.00
Shoreline erosion protection/stabilization	\$500.00	\$200.00
Agricultural use	\$500.00	\$Annual TBD
Utilities	\$500.00	\$Annual TBD
Structures/facilities	\$500.00	\$Annual TBD
Roads	\$500.00	\$Annual TBD
Paths/Trails	\$250.00	\$150.00
Landscaping or planting (including firebreaks)	\$250.00	\$150.00
Buoys	\$100.00	\$50.00
Fish and wildlife habitat/ food plots and other wildlife enhancements	\$100.00	\$25.00
Other uses not described	\$TBD	\$Annual TBD
<b>Temporary Use Authorizations (Authorized by Grant PUD by Land Use Classification )</b>		
Temporary Water Withdrawals	\$100.00	N/A
Special Events**	\$75.00+	N/A
Concessionaire Permit**	\$75.00+monthly fee	N/A
Overnight camping (non-designated areas)	\$25.00	N/A
Camp fires (non-designated areas)	\$25.00	N/A
Other uses not described	\$TBD	N/A
<b>Transfer of Authorization(s)</b>		
Land Use Authorization/Lease Transfer Fees (within 60 days from purchase of property)	\$100.00	N/A

Application and annual fees are determined by Land Use Authorization type, specified terms and conditions, and possibly by appraisal or an independent valuation process. Projects that demonstrate substantial public benefit such as unlimited public access without a fee and public works projects that provide public services may have permit and or annual fees reduced or waived.

\*Fees will be reviewed every 6 years concurrent with the Shoreline Management Plan update.

\*\*Federal tax-exempt non-profit organizations (501c3) may apply for reduced or be exempt from temporary use fees.

Depending on the uses or activities, Grant PUD may charge additional fees to cover items including but not limited to facility rental or maintenance costs, mitigation fees, bonds or deposits for damages and or repairs, fees for commercial uses, and purchase of liability insurance (See Table 3). Grant PUD staff are directed to consider these additional fees in its assessment of the Land Use Authorization.

Applications that request more than one type of Land Use Authorization, or if a Joint Use Land Use Application (multiple applicants bundled under one authorization) is submitted, the applicant will, at a minimum, pay the highest application fee and annual inspection and compliance fee.

Grant PUD may increase annual fees if monitoring and evaluation needs increase, if there are non-compliance issues, and Grant PUD may modify or revoke the authorization if problems persist.

All fees are subject to change. Updates will be posted on the Grant PUD website: [www.qcpud.org](http://www.qcpud.org).

The following uses or activities will be subject to insurance and indemnification requirements are shown in Table 3. For those activities requiring insurance, a Certificate of Insurance shall be required prior to issuing the Land Use Authorization.

**Table 3 Insurance and Indemnification Requirements**

Use	Coverage Type	Minimum Insurance Limit Requirement
<b>*All activities subject to Hold Harmless and Indemnification Provisions outlined below*</b>		
Individual Dock/Pier	General Liability	\$300,000 per occurrence
Joint Use Dock/Pier	General Liability	\$300,000 per occurrence (each party)
Commercial Dock	General Liability	\$1,000,000 per occurrence
Marina	General Liability	\$1,000,000 per occurrence
Concessionaires	General Liability	\$1,000,000 per occurrence
Sponsored Events such as: <ul style="list-style-type: none"> <li>▪ Fishing derbies/tournaments</li> <li>▪ Athletic events (runs, walks, bike races, etc.)</li> <li>▪ Water ski tournaments</li> </ul>	General Liability	Subject to review based on event type and sponsoring entity.
<b>Evidence of Insurance not required for:</b>		
Camping		Subject to hold harmless and indemnification*
Private Events		Subject to hold harmless and indemnification*
Private Boat Tours		Subject to hold harmless and indemnification*

**\*Hold Harmless and Indemnification (to be included in all Special Event or Concessionaire Agreements)**

In consideration of Public Utility District No. 2 of Grant County (hereinafter "Grant PUD") granting a permit for special event or concessions on Grant PUD premises (land and waters), Applicant, his agents, employees, representatives, assigns (hereinafter "Applicant") hereby release and waive any claims against Grant PUD and its representatives (which shall be deemed to include the District's directors, officers, employees and agents) from injuries, illness, damages, and losses sustained by Applicant arising out of, connected with, or in any way associated with the activities described in the permit application, including all risks connected therewith, whether foreseen or unforeseen.

Applicant shall defend, indemnify and hold harmless Grant PUD and its representatives from and against any and all liabilities, including reasonable legal fees, and expert witness fees, claims for damages to property, or injuries received by anyone, as a direct or indirect result from the activities held on Grant PUD premises, which may be incurred or sustained by Grant PUD or its representatives arising either from alleged or in fact negligence of Applicant, his agents, representatives, servants or guests.

## Methods of Payment

Grant PUD staff requires pre-application meetings by phone and or in person and will not charge a fee for these meetings. The non-refundable application fee must be submitted with each application and the application will not be processed until the fee is received by Grant PUD. Grant PUD will accept application fee payments in the form of credit cards, checks or cash.

Grant PUD will not accept applications that do not include the required application fee, project/use information, maps, drawings, and photographs.

## 6.0 Grant PUD Authorizations

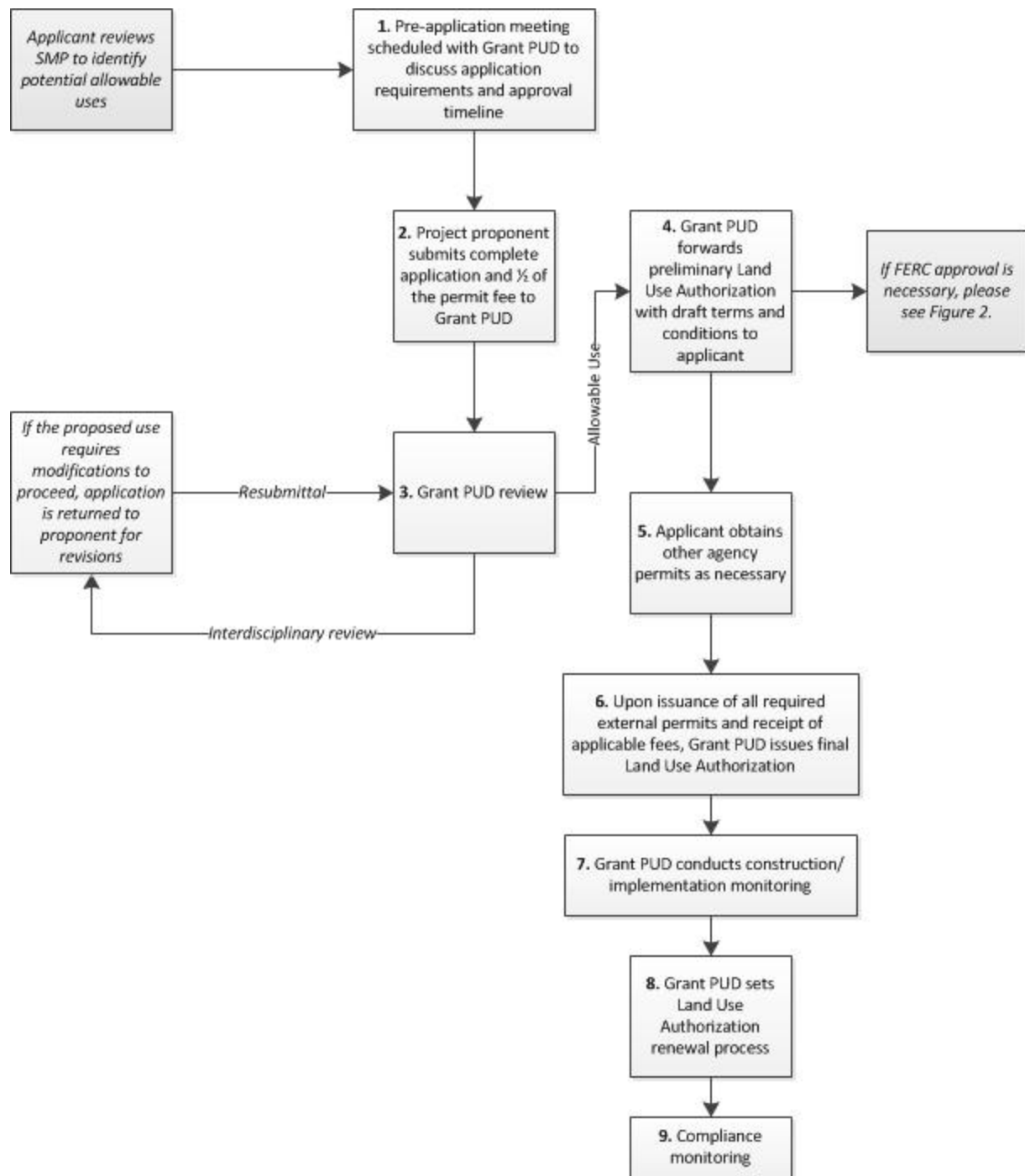
Eligible project proponents for Land Use Authorizations include owners and lessees of parcels that share a property line with Grant PUD, or have legal land and or water rights or access to Project Lands. Joint-use applications for shared pathways, landscaping, lawns and other uses are encouraged and may be required in cases where numerous single authorizations cause adverse environmental impacts, and where community and or public use is enhanced.

- Grant PUD will most commonly use the following types of authorizations:
- Temporary Land Use Authorization
- Long-term Land Use Authorization
- Conveyances (Easement/Right-of-way, Lease, Dispositions of Surplus Fee Title Property)

Grant PUD staff will undertake the following steps to review and process new requests, regardless of the type of authorization. The amount of time required to review and act upon new requests will be dependent on the complexity, intensity and potential for impacts associated with that request. The application process for Non-Project uses involves the following steps:

1. Grant PUD staff holds pre-application meeting (phone/in person) with project proponent.
2. Grant PUD assists the project proponent in identifying the type of authorization necessary for the project (e.g., Temporary or Long-term Land Use Authorization).
3. Project proponent prepares application materials.
4. Project proponent submits application and required fees (half of the application fee amount).
5. Grant PUD reviews application for administrative completeness and processes required fees. Grant PUD will issue an acceptance for processing or reject any incomplete applications within 30 days.
6. Grant PUD issues a preliminary or draft land use authorization for projects requiring additional permits outlining anticipated terms and conditions that will need to be considered during the external permitting process (local, state, federal permits).
7. Project proponent acquires other necessary permits from local, state, and/or federal regulatory agencies.
8. Grant PUD issues final authorization and collects required fees (the other half of the application fee).
9. Grant PUD sets authorization renewal process, including annual fees.
10. Grant PUD defines revocability/transferability process.
11. Grant PUD monitors issued authorization(s).

Figure 1 depicts the general Non-Project use application and review process.



**Figure 1 Non-Project Use Lands Application and Use Authorization Process**

**6.1 Preliminary Activities for a Project Proponent**

Preliminary review of Grant PUD policies and procedures and discussions with Grant PUD staff prior to applying for such uses is strongly recommended for project proponents. Grant PUD will help a project proponent determine if the proposal can be approved (as proposed or modified/conditioned). This critical step will ensure that both the project proponent and Grant PUD do not expend time and resources on a proposal that cannot be authorized.

Grant PUD will participate in a Pre-Application meeting (phone/in person) with project proponents as an initial step in the Land Use Authorization process. Grant PUD staff will review and discuss the standards and guidelines contained in Section 6.0 with the applicant in the pre-application meeting and provide guidance and information. During this initial consultation, Grant PUD will review the proposed project and assist the project proponent in identifying the type of authorization required (e.g. Temporary or Long-term Land Use Authorization) and will provide information on land use standards, policies and procedures.

Grant PUD staff will also assist the project proponent in determining whether FERC authorization is required at the time of initial consultation. In cases where FERC approval is necessary, Grant PUD will ensure that Non-Project Use proposals do not adversely affect Project operations and will therefore only forward Non-Project Land Use Authorization applications to FERC that avoid or fully mitigate for adverse effects.

Applications for Non-Project use of Project Lands (both Temporary and Long-Term) will be completed by the Project proponent, and will describe the proposed use or activity (including maps, graphics, reports, etc.). The application will be submitted to Grant PUD along with a non-refundable application fee (Appendix E). Grant PUD will review the submittal package for administrative and technical completeness upon receipt. Staff will respond directly to the proponent with an initial review and acceptance notification within 30 days. If additional information is necessary to process the application, staff will identify the additional information during initial consultation. Grant PUD authorization review will proceed as outlined below.

If a FERC authorization is required, project proponents will follow the procedures outlined in Section 7.1.1. If additional agency permits are required, project proponents will obtain these and submit to Grant PUD. FERC authorization and necessary local, state and federal permits will be required prior to Grant PUD issuance of the final Land Use Authorization.

## 6.2 Grant PUD Land Use Authorization Review

Once a complete Temporary or Long-Term Land Use Authorization application is received, Grant PUD will determine whether a Land Use Authorization can be issued by evaluating if the Non-Project Use:

- is allowed under the specific LUC in which the proposed Non-Project Use is located;
- poses any health or safety concerns;
- potentially impedes public use or access of Project Lands or waters;
- is consistent with Grant PUD policy Resolution 8709;
- provides a public benefit (if a Long-Term Use);
- potentially affects environmental or cultural resources;
- potentially impacts Grant PUD's ability to perform Project operations;
- potentially conflicts with implementation of any element of Grant PUD's FERC license; and
- is consistent with applicable federal, state, and local laws and regulations.

Grant PUD will use tools including Geographical Information System (GIS) analysis, Grant PUD internal review, site visit/field verification, and inter-agency review as needed to determine if a proposed Non-Project use meets these criteria. These tools will assist staff in identifying critical habitat, endangered plant and/or animal species, wetlands, cultural resources, etc., that the proposed use could affect. Grant PUD will also reference relevant management plans (e.g. RRMP, Historic Properties Management Plan, Wildlife

Habitat Management Plan) to determine if the proposed use will interfere with land management activities, Project operations, or license requirements.

Many Non-Project uses generally involve ground disturbing or construction activities that could have lasting impacts on Grant PUD properties. As a result, they have the potential to affect Grant PUD's ability to meet Project license requirements and implement required resource management plans. Grant PUD will evaluate Non-Project Land Use Authorization applications for consistency with the goals and policies of the SMP and other resource management plans or agreements. If the Non-Project use will cause adverse impacts to natural or cultural resources as proposed, Grant PUD will work with the project proponent to revise the proposal to avoid or mitigate for such impacts. If the proponent cannot modify their proposal to comply with SMP or any other Grant PUD policies, Grant PUD will not issue the authorization.

#### 6.2.1 Long-Term Non-Project Land Use Authorization Process

Upon receiving a technically complete application and conducting internal review (showing no major issues with the project), staff will develop a Preliminary Land Use Authorization, which will describe the particular use and/or activity and the terms and conditions of the authorization. The written authorization will be contingent upon the project proponent obtaining all required federal, state and local permits, as appropriate. Should FERC authorization be required (see Section 7.1), Grant PUD staff will issue a final Land Use Authorization once proof of the required permits is provided or if no additional permits are necessary. The Final Land Use Authorization will describe the particular use and/or activity, including any changes as part of external permitting processes, and Grant PUD's final terms and conditions of the authorization. Additionally, each Land Use Authorization will include a compliance monitoring and enforcement protocol (see Section 7.0). As discussed above, if the project does not comply with Grant PUD policies, Grant PUD will reject the application.

When a complete Land Use Authorization application is received, staff will try to process the application and provide preliminary approval (if it will be allowed) within 30 business days. Complex applications may require additional processing time. Grant PUD may grant expedited Land Use Authorizations under extremely unique situations; however, no guarantees can be made to project proponents on the processing timeline for Grant PUD permission or local, state, or federal permitting is required.

#### 6.2.2 Temporary Non-Project Use Authorization Process

Grant PUD will process Temporary Non-Project Land Use Authorization applications in the same way as Long-Term applications outlined above. Grant PUD requires that applications for Temporary Non-Project Land Use Authorizations be filed no less than 30 business days in advance of the desired use or activity.

Grant PUD will try to process Temporary Non-Project Land Use Authorization applications within 30 business days upon receipt of a completed application. Complex applications may require additional processing time. Emergency Temporary Use Authorizations may be granted under extremely unique situations; however no guarantees can be made on the processing or approval timeline.

### 6.3 Conveyances

Proponents of certain Long-Term projects will be required to enter into an easement, lease, or right of way agreement to ensure that the use does not interfere with Grant PUD's management objectives. Grant PUD will require the project proponent to perform possible surveys, studies, acquire appraisals, and pay fair market value for property rights for land conveyances. Easements, leases, and surplus of Project lands require FERC approval in most cases (See Section 7.1).

## 6.4 Reasonable Use Exception

Grant PUD reserves the right to make special rulings in cases not specifically covered by these procedures. Grant PUD expects that at some time during the term of the license, special circumstances may arise that may warrant an exception to the allowed uses within the LUCs. Grant PUD can consider an application for a temporary or long-term use not allowed within specific LUCs *and* not subject to FERC approval in unique situations. The project proponent must demonstrate that the use or activity is consistent with the intent of the SMP and avoids or mitigates impacts associated with the request.

Grant PUD may consider exceptions for hardships, possibly in consultation with agency and tribal stakeholder groups. If the proponent can satisfactorily demonstrate consistency with the environmental and recreational goals of the license and SMP, Grant PUD may authorize the Non-Project Use. Grant PUD may attach terms and conditions for mitigation, monitoring reports, or other requirements associated with approval. Grant PUD will also consider input on exceptions from Homeowner Association representative(s), and agency and tribal stakeholders. The conditions and criteria incorporated in Grant PUD's SMP and this Procedures and Standards Manual were developed in accordance with FERC license requirements and conditions. Therefore, Grant PUD can only consider appeals or requests for uses that do not contradict or supersede the Project license. Grant PUD may grant an exception for one or more of the specifications contained in the SMP and/or Procedures Manual under the following conditions:

- there is good cause/hardship shown;
- the proposed activity and/or use is consistent with the objectives of protecting the scenic, recreational, environmental, cultural or operational values of the Project and is not contrary to the Project's FERC License, the SMP, or other requirements; and
- Grant PUD may require additional conditions to reduce or mitigate any impact to the scenic, recreational, environmental, cultural or operational protections afforded by the specifications being waived.

Good cause/hardships must require a finding that:

- the strict application of the SMP and associated Procedures and Standards Manual would produce undue hardship,
- the hardship is unique to the parcel of land for which the variance is sought (not shared generally by other properties in the same vicinity and classification, as appropriate),
- the granting of the variance will not be of substantial detriment to the use or enjoyment of other property in the same vicinity, and
- the granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice.

Grant PUD will review the variance request and meet with the proponent to discuss the application. Grant PUD reserves final authority to approve or reject an inconsistent use. No variance will be authorized unless Grant PUD finds that the situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the SMP or associated Procedures and Standards.

Project proponents must submit written applications for the approval of a variance to the Lands and Recreation Resources Department. A section for variances can be found in the general application form. A non-refundable fee, as established by Grant PUD, will be paid by the project proponent upon the filing of each application for variance. Grant PUD will issue a Reasonable Use Variance that may include additional restrictions or mitigation requirements on the proposed use and Grant PUD will detail these conditions



clearly in any variance it issues. Once Grant PUD issues a final determination, there is no further option for the project proponent other than modifying the proposal to meet current standards and applicable mitigation requirements, or withdraw their application.

Variance requests related to uses within the RM LUC may result in additional consultation with jurisdictional resource agencies to determine if the variance request can be allowed, and if so, whether additional requirements are necessary to support the request. In the case of variance requests that could result in construction or placement of uses outside Grant PUD's permitting standards where such standards are for the purpose of providing a resource protection and were developed in consultation with one or more resource agencies, Grant PUD must consult with relevant agencies prior to issuing a variance.

## 6.5 Prior Existing Uses

Grant PUD will inventory and review existing Land Use Authorizations issued under the original license. Pursuant to Section 5.1 of the SMP, prior authorized uses and leases do not carry forward any "grandfathering" rights, and will be reviewed to determine whether the use will be eligible for renewal, require modifications, or should be terminated.

The criteria Grant PUD staff will use to evaluate the existing authorizations will include determining whether the following conditions can be met:

- compliance with the specific terms and conditions of each authorization or lease;
- consistency with the FERC license issued April 17, 2008;
- consistency with the FERC approved SMP;
- consistency with Grant PUD Resolution 8709;
- maintenance and safety concerns are addressed; and
- compliance with all local, state, federal regulations.

Appendix D contains the compliance checklist that Grant PUD will use for the land use audit of existing authorizations. Grant PUD will complete the compliance checklist and determine the appropriate course of action for dealing with each existing authorization.

## 6.6 Transferability/Revocability

No use authorizations are transferable without written approval from Grant PUD. Grant PUD further reserves the right to revoke any authorization it determines to be inconsistent with the Procedures and Standards Manual, the SMP, Grant PUD's license, local, state, or federal law. Failure to comply with the terms and conditions of the authorization instrument may result in immediate revocation, fines, and/or penalties. Grant PUD will seek to recover all costs related to enforcement actions, including attorney's fees.

When an inspection reveals that a use deviates from the terms and conditions of the authorization, Grant PUD will provide notification by letter requiring the permittee to correct the discrepancy and/or remove the non-compliant structure/use from Project land. Grant PUD may take any legal measures necessary to prohibit unauthorized use or failure to follow the authorization's terms. These include, but are not limited to authorization cancellation, removal of structures at the owner's expense, after the fact cultural resource surveys, and the restoration of Project Lands to their original condition. In addition to termination, violations may result in assessment of fines or additional fees. The permittee will be responsible for removing the non-compliant structure(s) or use(s) and/or restoring the property to Grant PUD's standards (See Section 8.7).

## 6.7 Monitoring and Compliance

Grant PUD (or an authorized contractor of Grant PUD) may observe and inspect implementation (construction) of the use or activity to ensure terms and conditions are fulfilled, including mitigation and monitoring requirements, and to ensure adverse impacts are avoided. Periodic inspections will also occur to ensure the use remains compliant with the terms and conditions of the LUA. In addition, an element of the final authorization instrument will include a monitoring and compliance plan that allows Grant PUD ingress/egress over the permittee's property for access to the project area. This will ensure the appropriate monitoring compliance measures will be applied to the specific use or activity. See Section 10.0 for detailed information on monitoring, compliance, and enforcement procedures.

## 6.8 Authorization Renewal/Transfer Process

Depending on activity, use, and duration, Grant PUD may require a renewal process and/or fee. All Long-Term Land Use Authorization applications that result in the issuance of a Land Use Authorization are subject to annual renewal fees. Lease agreement fees are covered under the terms and conditions of the agreement.

Grant PUD will send notices for payment of renewal fees to authorized users on or about June 1 of each year. If payment is not received by July 15, Grant PUD may charge late fees. If payment is not received by August 15, Grant PUD may terminate the authorization.

New owners must pay transfer fees for new authorizations. Transfer of an authorization can ONLY be administered by Grant PUD.

## 7.0 Other Regulatory Authorities and Requirements

### 7.1 Non-Project Uses Requiring FERC Approval

License Article 420 lists uses that Grant PUD can authorize without FERC approval, as well as uses that require FERC approval. Article 420 also lists uses that require FERC review (but not approval) and, if requested by FERC, the submittal of an application for FERC approval. Examples of uses that require FERC approval include:

- Land conveyances of more than 5 acres;
- Commercial piers, marinas that accommodate more than 10 watercraft;
- Land conveyances occurring within 75 feet (measured horizontally) from Project waters at normal reservoir surface elevation; and
- Land conveyances cumulatively exceeding 50 acres in one year for each reservoir development.

Grant PUD will conduct a preliminary screening using the internal review process for any project proposal that requires FERC approval, as described above. Grant PUD will issue a Preliminary Land Use Authorization for projects meeting the necessary criteria and completing the Grant PUD permitting process, however, the project proponent should be informed by Grant PUD during the initial consultation/pre-application meeting that projects requiring FERC approval prior to final Grant PUD authorization take significantly longer to process (several months to years), and involve the development of a detailed application that may require extensive environmental and cultural resources studies, changes to county comprehensive plans or zoning, traffic studies, and other regulatory requirements.

### 7.1.1 FERC Application Process

As discussed above, the pre-application meeting and Grant PUD's preliminary screening process is a required step for the project proponent prior to submitting a Non-Project Land Use Authorization application. For projects that have been determined during consultation with and preliminary review by Grant PUD to require FERC approval, the proponent should submit the Grant PUD Non-Project Land Use Authorization application, along with additional information (Appendix F) required for submittal to FERC. Grant PUD will charge a non-refundable application fee and annual administrative fees associated with FERC Non-Project Use applications in Section 5.0. Figure 2 outlines the general steps involved in processing an application subject to FERC approval.

Once the completed FERC application and associated fees have been received, Grant PUD staff will be assigned to work directly with the project proponent to move through the FERC application process. The staff member will help identify and determine the necessary information and approvals and be a single point of contact for the project proponent.

Grant PUD will initiate and conduct the official 30 day stakeholder consultation on behalf of the project proponent and work with the project proponent to respond to any comments, concerns or requests identified during the consultation period. Once all comments have been sufficiently addressed, Grant PUD will submit the necessary documents to FERC for their review.

FERC staff will review the application and consultation record, and depending on the proposed use, may prepare a National Environmental Policy Act (NEPA) document and solicit public comment. This information will be used by FERC to make a final determination, which will be in the form of a FERC Order approving, modifying, or denying the application.

Applicable state, local, and federal permits are still required for all uses. If the Non-Project Use is approved in an Order, Grant PUD will issue the final Land Use Authorization according to the FERC Order and any other applicable permits, terms and conditions.

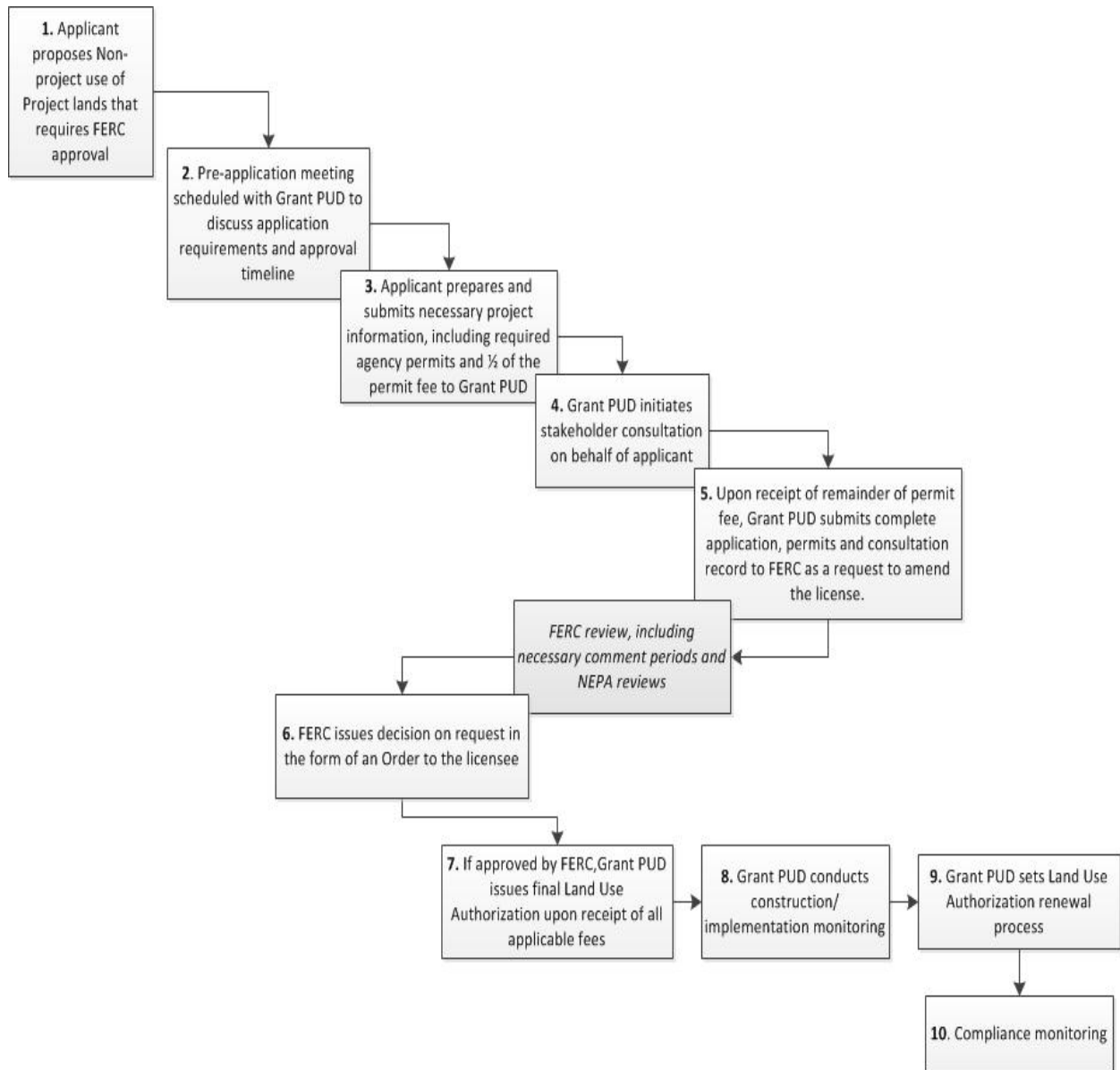


Figure 2 Non-Project use application process for Projects requiring FERC approval.

## 8.0 Non-Project Uses Standards and Guidelines

This section, in addition to overarching guidance approved by Grant PUD Resolution 8709, contains more detailed use standards and guidelines intended for Grant PUD review, consideration, and assignment of potential terms and conditions to Land Use Authorizations. The purpose of these standards and guidelines are to promote safety, environmental stewardship, regulatory requirement compliance, implementation of functional facilities, and that the aesthetic attributes of the proposed Non-Project Use satisfactorily meet Grant PUD expectations. Moreover, these standards and guidelines will help Grant PUD staff explain typical terms and conditions associated with regulatory permits from local, state, and federal regulatory agencies to potential applicants. This information will be used in coordination with pre-application meetings and application review.

Grant PUD will review all Land Use Authorization applications to evaluate compliance with these standards. If regulatory design codes contradict these standards, Grant PUD, in conjunction with appropriate agency staff, will determine which requirement will govern.

## 8.1 Docks & Marinas

Grant PUD considers a dock to be any shore-based structure encroaching into a waterway used to temporarily moor boats and/or accommodate recreational activities. Docks may attach to the shore with anchors or to a bulkhead or fixed structure. They are commonly reached by a gangplank or walkway designed to accommodate changes in water levels. The portion of the gangplank or walkway that is over the water counts toward the overall square footage. All docks must have an approved Land Use Authorization and meet current local, state, and federal requirements, as administered through the external permitting process.

Boats or floating structures used in a manner so as to function as decks (e.g. "party barges") and/or used to moor other boats, or used as fixed swimming floats will be considered docks. Grant PUD considers any boat secured to natural materials (e.g. a log on the shore) a moored boat, and is subject to a 14-day time limit. Floating recreational equipment (e.g. floating trampolines) does not qualify as docks or floats and therefore are not allowed. No one may reside aboard a moored or free-floating boat within the Project Boundary.

A marina is a water-dependent boat moorage facility providing boat slips, which include one or more of the following: docking, fueling, repair and storage of boats, boat/equipment rental; or to sell bait/food; generally requiring fees for use.

### 8.1.1 Community/Joint Use Docks

Grant PUD defines Community/Joint Use Docks as non-commercial shoreline structures designed for temporarily mooring and docking vessels and/or accommodating non-motorized recreational activities (swimming, fishing, and kayaking/canoeing) associated with a single-family residence or recreation club.

A community dock provides non-commercial moorage for pleasure craft and/or accommodates recreational activities for use in common areas by residents of a certain subdivision or community. Adjacent landowners, homeowner associations, and/or residents of a specific subdivision or other similar groups must own and maintain community docks. Community docks must have an approved Land Use Authorization, which can be processed as a Joint Use Application, and meet current local, state, and federal requirements, as administered through the external permitting process.

Public use and access of Community/Joint Use Docks may be a condition of the use.

### 8.1.2 Commercial Docks and Marinas

All Commercial docks and marinas and any dock or marina accommodating more than ten watercraft require prior FERC approval before Grant PUD may issue a Final Land Use Authorization. Grant PUD considers a commercial dock or marina to be owned by an entity that provides moorage for watercraft and/or accommodates recreational activities that requires a fee for use. Grant PUD may require the project proponent to include an Environmental Assessment (EA) as part of the application package. The EA should describe the proposed structure and analyze the potential effects to environmental resources, navigability, and safety. Grant PUD may also require a mitigation plan to offset any adverse effects.

### 8.1.3 Placement, Location, and Length

A project proponent must specify the location of the proposed dock or marina in relation to the shoreline and the project proponent's upland property line. If there is reasonable doubt whether a project proponent's structure would encroach upon another property owner(s), Grant PUD may require the project proponent to provide a survey by a registered land surveyor.

All design standards, site location considerations, material specifications and construction requirements detailed in this section apply to community/joint use and or commercial docks or marinas, with the following exceptions and additions:

- By mutual, recorded agreement, two or more adjacent property owners (who are not incorporated into an existing subdivision) can be considered for a community dock and may share one dock placed adjacent to, or straddling their shared property line as it extends across the Project Boundary and into the reservoir. No other dock will be permitted within the boundaries of the properties sharing the community dock. Project proponents for a community dock Land Use Authorization must execute a written agreement granting reciprocal use of the community dock.
- Docks are to be placed as close to the shoreline as possible. There is no maximum length for commercial docks or marinas; however, the project proponent must show the size proposed is the minimum necessary to accommodate anticipated uses. Extensions into the reservoir are limited to the following, whichever is less:
  - the minimum distance that would not create a hazard to safe navigation; or
  - the minimum distance that allows the property owner sufficient water depth for watercraft during normal summer reservoir elevations.
- When possible, Community/Joint use docks may not extend more than 50 feet water ward from the ordinary high water line of the reservoir. The 50 feet includes any gangway or ramp to access a floating dock.
- Marina locations and dimensions will be evaluated on a case by case basis.

Grant PUD may modify location, size and spacing requirements of a structure based on best judgment regarding site-specific conditions, potential for adverse effect to resources, and safety. Some locations may be unsuitable for any type of dock or marina. In all cases, Grant PUD will consider the above criteria and then establish standards for that particular location.

### 8.1.4 Design

Grant PUD encourages floating docks and discourages piers (docks built on pilings). A floating dock is a dock supported by flotation rather than permanent supports. Floating docks can more easily adjust to changes in the reservoir water levels and the flotation design minimizes soil disturbance. All proposed docks may require a cultural resource survey and will be subject to more stringent conditions imposed by regulatory agencies.

The following design guidelines apply to docks and marinas:

- All docks and marina structures shall meet an industry standard guidance.
- All docks and marinas will adhere with permit conditions to meet regulatory agency light penetration standards.

- All docks and marinas must have reflective markings on all corners and /Land Use Authorization number (as specified) installed on the water ward side of the dock.
- All structures will be adequately designed to resist wind and wave loading in accordance with appropriate standard design codes, or if not adequate, in accordance with minimum design standards imposed on recently permitted docks (last 5 years or less) on the mid-Columbia River.
- A dock design must be engineered to respond safely to rising and falling reservoir levels. Docks should be designed for normal summer water elevations above mean sea level (NGVD 29) including the range of 570'-575' on Wanapum Reservoir and 486.5'-491.5' on Priest Rapids Reservoir. All docks and moorings must be designed to withstand weather and operational conditions at the reservoirs or be designed for removal. Docks and moorings may only be constructed perpendicular to the shoreline.
- The total over water area of a Community/Joint Use Dock (including slip areas) shall not exceed 300 square feet. This includes any gangways, walkways, or ramps to access a dock. Grant PUD will consider exceptions to this size standard for docks that serve a community or public recreational purpose.
- The most current applicable county requirements for dock construction must be met for new docks or when more than 50 percent of an existing/permitted dock is replaced.
- All materials must be secured so that the structure components will not detach and disperse if subjected to severe wind/wave loading or vessel mooring and berthing.
- Gangways, walkways, and ramps to access docks or marinas must meet applicable building code standards, remain above water at all times, and kept free from materials or obstructions which would render them unsafe.

#### 8.1.5 Materials and Construction Methods

All materials will be of good quality and suitable for the intended purpose. This generally includes plastics manufactured for use in water, cement, aluminum, steel and some types of pressure treated wood. Lumber treated with creosote or pentachlorophenol (penta) may not be used. Types of wood allowed for in-water work must comply with state and federal laws in place at the time of construction.

All docks must incorporate grated rather than solid decking to allow light penetration. All work to construct or install permitted docks must be conducted in such a manner that limits erosion and siltation. Removal of shoreline and aquatic vegetation must be limited to that necessary to gain access or to construct the shoreline use. Project proponents must clearly identify in their applications what shoreline vegetation they intend to remove to access the site. Vegetation and habitat mitigation regulations imposed by Grant PUD and or regulatory agencies will apply.

#### 8.2 Boat Launches

Grant PUD may authorize public and community boat launches if they will enhance public access to the reservoir and if there is prudent need for the structure. Public and community boat launches must be part of a prior approved PRDP. Prior to consideration, the project proponent must show a viable recreation demand for a new launch. For proposed community boat launches, the project proponent must demonstrate that associated use will significantly offset use at other public boat launches located within the Project Boundary. When possible, public access will be granted as a condition of the proposed use. Once Grant PUD issues a Land Use Authorization, the permittee must maintain the authorized boat launch.

### 8.2.1 Placement and Location

No more than one launch may be established for each associated community or public facility. Grant PUD may authorize boat launches where substantial cutting, grading, filling, or bank protection is unnecessary. Potential boat launch locations will be determined through a comprehensive site analysis which will include review of recreation use patterns, recreation capacity thresholds, environmental, cultural and operational constraints, and other factors.

### 8.2.2 Design

Boat launches must be designed to meet applicable county, state and federal requirements and industry accepted engineering design standards. Boat launches must be designed to be in character and in appropriate scale to the surrounding shoreline.

### 8.2.3 Materials and Construction Methods

Asphalt or other petroleum-based surfaces are not allowed. Launch surfaces should consist of:

- Gravel or clean stone
- Pre-cast concrete planks, panels, or slabs
- Cast-in-place concrete

Gravel or stone launches must be designed to prevent the materials from eroding into the reservoir. Launches containing concrete must be sufficiently cured to prevent leaching prior to contact with water.

## 8.3 Mooring Buoys

Buoys may be permitted over water adjacent to Project lands and must conform with local, state and federal permit requirements. Once Grant PUD issues a Land Use Authorization, the permittee must maintain the mooring buoy. The buoy shall be marked with the Land Use Authorization number. Grant PUD will not be responsible for damage to watercraft or mooring buoys. All non-permitted buoys will be removed during routine reservoir inspections. Permitted mooring buoys found to be out of compliance with local, state and federal requirements during routine reservoir inspections will be reported to the appropriate agency for enforcement action.

Grant PUD will only consider allowing mooring buoys under the following circumstances:

- When a mooring buoy is in lieu of a dock (e.g., when site constraints are present)
- When an existing dock does not adequately accommodate boat mooring

## 8.4 Shoreline Stabilization Measures

Grant PUD allows shoreline stabilization measures only where necessary to protect important upland areas. Grant PUD may allow shoreline stabilization measures to protect existing authorized structures, public improvements, unique natural resources, or public health, safety or welfare. Grant PUD may consider shoreline stabilization measures if they are necessary to secure or protect the only feasible access to a property. They are not allowed for the purpose of creating additional land area or securing temporary shoreline uses that are not Project related. Lawns, stairways, and other structures/infrastructure that may cause or contribute to erosion will not be allowed.

Grant PUD requires project proponents for shoreline stabilization projects to first consider non-structural shoreline stabilization measures (e.g., bioengineering) and to demonstrate that such alternatives are not feasible before requesting a Land Use Authorization to install structural shoreline stabilization measures. A



shoreline geotechnical assessment conducted by a licensed civil engineer must demonstrate that non-structural measures (bioengineering) are not feasible before Grant PUD will consider structural stabilization measures. Generally, Grant PUD does not allow either structural or non-structural shoreline stabilization measures in the RM LUC; however, non-structural stabilization measures (bioengineering) may be considered under certain circumstances.

Regardless of the shoreline stabilization technique or shoreline classification, the project proponent is required to demonstrate that wave action or water movement is the primary reason for shoreline erosion. Other causes, such as poor drainage outside the Project Boundary or improper vegetation management, are not adequate reasons to gain approval for implementing shoreline stabilization measures.

A qualified licensed civil engineer must design all shoreline stabilization measures (structural or non-structural) and the measures should:

- Be limited to the minimum size necessary to protect the shoreline
- Be located generally parallel to the shoreline
- Be confined between the adjacent side lot lines, if extended onto the shoreline
- Be designed to follow the shoreline contours or land slope<sup>2</sup>
- Not include excavation or dredging other than that specifically required for installation of the stabilization measure
- Not include any discharge of dredge or fill material into the reservoir other than backfill to support shoreline erosion control measures
- Not be for the sole purpose of reclaiming of land that has been lost to erosion

#### 8.5 Paths and Water Access Areas

Grant PUD may permit limited clearing of vegetation to create and to maintain a path across Project Lands from leased or private lands outside the Project Boundary. A path is only for use by pedestrians. Grant PUD generally approves paths in conjunction with docks or other shoreline uses. The project proponent shall consult with Grant PUD staff prior to submitting a Land Use Authorization application to identify an appropriate path location. The path should be the minimum width necessary (not to exceed 5 feet in width) and be in compliance with the appropriate County SMP to accommodate shoreline access.

Paths must be designed to minimize erosion and vegetation removal. Path surfaces shall consist of natural materials such as grass, wood chips, or gravel/crushed rock and placement of such shall not involve minimal earth moving or soil disturbance. In some cases, it may be appropriate to install elevated walkways to reduce grading impacts, impacts to critical areas, or to reach a dock. When reviewing proposed path layouts, Grant PUD will focus on minimizing ground disturbance and vegetation removal.

Water access areas in conjunction with paths may consist of pocket beaches, cleared vegetation, and small lawn areas in locations identified and approved through the Public Recreation Development Plan (PRDP) process. These access areas will be considered under joint use applications to provide shared access areas and minimize land and habitat disturbance. Any cleared areas will be subject to environmental review and permitting through the agencies with jurisdiction and may require mitigation for habitat impacts.

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<sup>2</sup> Exemptions will be determined on a case-by-case basis during field review by permitting agencies.

## 8.6 Stairways and Walkways

Grant PUD allows stairways or walkways that are freestanding or incorporated into a permissible path to provide walking access to Grant PUD recreation areas or the water. To maintain the natural aesthetic of the Project reservoir, Grant PUD requests that such structures be constructed of dry laid stone, wood, or wood with loose stone, gravel or wood chips. Installation of new steps or maintenance of existing steps must also meet current building standards (i.e., Forest Service Trail Construction Guide). Stairs and walkways will not be allowed in areas of high erosion or on unstable slopes/terrain.

## 8.7 Landscaping and Vegetation Management

Grant PUD's goal is to have a natural, healthy, diverse vegetated buffer along the margins of its reservoirs. A natural vegetated buffer offers erosion control, provides fish and wildlife habitat, reduces noise, moderates temperature, helps filter runoff and pollution, and offers scenic beauty and privacy

It is important to note that a Grant PUD-issued Land Use Authorization for shoreline structures does not authorize shoreline vegetation modification unless it is stated in the authorization specifically. Removal of native vegetation must be minimal, if allowed at all. Grant PUD will prefer landscape plans that favor native wildlife habitat. Plantings along the shoreline shall generally meet the requirement standards identified in the Grant PUD Wildlife Habitat Management Plan, including species of plants to be utilized in a landscape.

While some activities may be exempt from permitting, Grant PUD requires that anyone planning to clear, remove, or mow vegetation or to plant or landscape with vegetation or other materials along the shorelines within the Project Boundary consult with Grant PUD staff. Such actions may require a Land Use Authorization and other permits. Special circumstances, such as the presence of wetlands, may result in the denial of a Land Use Authorization. Grant PUD will only permit removal of vegetation within the RM LUC if a resource agency or Project-related management plan prescribes the practice. Anyone considering removal of trees or other vegetation within 200 feet of shorelines should be aware that other local, state, and federal regulatory approval might also apply. Any pruning or removal of vegetation may subject the person(s) involved to fines or a court order to develop mitigation plans to address the clearing violation.

Additional Vegetation Management Standards include:

- Grant PUD prohibits the planting or maintenance of noxious weeds listed by the county Noxious Weed Control Board: <http://grantcountyweedboard.org/>
- Grant PUD encourages the hand removal of noxious, invasive, or non-native weeds. Grant PUD may also require the Permittee to remove any noxious weeds that have become established in the areas covered by the Land Use Authorization. Fertilizers or herbicides may not be used on Grant PUD property without written approval
- To protect steep slopes, Grant PUD may limit or prohibit shoreline vegetation disturbance in steep slope locations (greater than 20%)
- Water cannot be drawn from the reservoirs or from the ground for irrigation or other private uses without an approved water right and Land Use Authorization

Aquatic plants may not be treated or removed without Grant PUD's permission. Noxious aquatic weeds may not be placed in or around the reservoirs.

### 8.7.1 Landscaping

Planting any type of vegetation such as trees and shrubs, or adding or removing other landscape features that involves movement of vegetation or earth and ground disturbance within the Project Boundary requires

a Land Use Authorization from Grant PUD and may require a cultural resource survey. Native vegetation is preferred. A list of acceptable plants is available in the Grant PUD Wildlife Habitat Management Plan.

#### 8.7.2 Dead and Dangerous Trees

Adjacent land owners may not remove dangerous, dead, or dying trees on Grant PUD property. Grant PUD manages hazard trees under its Vegetation Management Plan. Potentially hazardous trees should be reported to Grant PUD, who will evaluate and determine the appropriate course of action.

#### 8.7.3 Lawns

Irrigated lawn for Non-Project Use of Project lands will be limited to areas identified and consistent with Grant PUD policies and procedures within a Public Recreation Development Plan and will be subject to approval by the local jurisdiction in consideration of that jurisdiction's Shoreline Management Plan and critical areas codes. In approved Land Use Authorizations that include lawns, best management practices proposed by Washington State Department of Ecology may be conditioned and could include one or more of the following:

- Prohibition of intensive removal of vegetation near the shore or on steep slopes.
- Request to take steps to offset problems which could occur under the following conditions:
  - Areas of exposed soil or poorly established vegetation
  - Coarse textured soils such as sands or sandy loams
  - Property sloping toward water
  - Impervious surface such as sidewalks and driveways
- Avoidance of the use of fertilizers.
- Proper disposal of pet wastes (do not place or dispose of pet wastes on Grant PUD property, in or near the water).
- No feeding or encouraging of others to feed waterfowl.
- Using good landscaping practices to discourage waterfowl.
- Avoidance of chemical pesticides.

#### 8.8 Fire Breaks and Burning

Fire breaks on Grant PUD property may be allowed as a Non-Project use of Project lands within an approved Public Recreation Development Plan (PRDP) for the purposes of additional fire protection (beyond the adjacent landowners building setback and open space requirements), for shoreline access, and to improve property delineation. The following rules apply for firebreaks:

- Clear zone shall consist of non-combustible materials
- No personal property storage, fire pits, fencing, planters, or other features that block or restrict access throughout the clear zone
- No structural encroachments are allowed (over hangs, decks, hot tubs etc.)
- Public access shall be allowed; access cannot be private exclusive use
- Other terms and conditions may apply

Burning and fires on Grant PUD property are prohibited, unless approved under a Temporary Land Use Authorization for activities such as special events, which may include a fire. Grant PUD prohibits recreational campfires on its property during State and County burn bans. Applicable state law relating to recreational fires include: RCW 76.04.205, 70.94 and 70.94.6512.

## **9.0 Special Events and Concessions**

Groups of 35 or more people that wish to participate in a formalized special event such as a family reunion, party, not-for-profit fundraiser, athletic event or similar may apply for a Special Event or Concessionaire Agreement (Appendix G). Special terms and conditions may apply under the authorization and may include but not be limited to sanitation services, limitation of hours, types of uses associated with the event, any required waivers or proof of insurance, demonstration of 501c3 certification, traffic and parking guidelines and others. Potential concessions associated with a special event will be addressed through the special event application and approval process and may be subject to restrictions or fees and additional city/county permits.

## **10.0 Monitoring, Compliance, and Enforcement of Non-Project Uses**

### **10.1 General Overview of Monitoring and Compliance**

On April 18, 2013, the Federal Energy Regulatory Commission (FERC) issued an order approving and modifying Grant PUD's Shoreline Management Plan (SMP). Ordering paragraph (D) states that within 180 days of the date of the order Grant PUD shall file, for approval, a monitoring and compliance plan containing methods and schedules for monitoring Non-Project uses, requirements for reporting Non-Project uses that do not comply with the SMP or other conditions of the license, and procedures for addressing such non-compliance issues. This report satisfies that order by outlining Grant PUD's proposed monitoring methods and schedules and procedures for reporting and addressing unauthorized uses.

### **10.2 Methods & Schedules for Monitoring Non-project Uses**

Grant PUD utilizes two primary methods for shoreline monitoring: land-based surveys and water-based surveys. The following sections describe how the surveys are conducted, their frequency, and the tools Grant PUD uses to promote compliance and prevent unauthorized uses of Project lands and waters.

Monitoring activities and inspections will utilize data collection measures including Global Positioning Systems (GPS) to record locational data, photo documentation, and written records. Data will be tracked and maintained in a Geographic Information System (GIS).

#### **10.2.1 Land-Based Monitoring and Schedule**

Grant PUD staff will conduct land-based surveys to monitor Grant PUD owned properties. These monitoring visits will be conducted by vehicle and on foot, ensuring that the entire property is visited from multiple vantage and access points. The purpose of monitoring is to identify and address changes in land use patterns such as vegetation clearing or modification, vandalism, erosion, dumping, unauthorized uses and or encroachments.

Land-based monitoring will occur once per month on Grant PUD properties accessible by public road within the Project Boundary. Frequency may increase during the recreation season, when violations are most likely to occur, and in areas subject to remedial action during site restoration and on-going rehabilitation. Land-based monitoring will primarily occur at the communities of Desert Aire, Vantage, Sunland Estates, and Crescent Bar, where a majority of Non-Project uses are located.

### 10.2.1.1 Land Use Authorization Compliance Inspections and Schedule

The instrument Grant PUD uses to authorize Non-project uses is a permit known as a "Land Use Authorization". To assess whether Non-project uses are in compliance with the terms and conditions included in the Land Use Authorization, Grant PUD will conduct land-based compliance inspections to ensure continued compliance with the terms and conditions of the authorization. Formal inspections of authorized uses will be conducted once per year. These inspections may be coordinated with the holder of the Land Use Authorization or conducted independently. Spot inspections of Land Use Authorizations may also occur during routine monitoring.

### 10.2.2 Reservoir Monitoring and Schedule

Reservoir monitoring refers to inspection of Project lands and waters by boat. Reservoir monitoring will inspect remote areas on the reservoirs and areas not easily accessed by land. Monitoring of Wanapum and Priest Rapids reservoirs will occur between March and September. The frequency of reservoir monitoring will vary, depending on the need, but will occur at least four times per year on the more developed Wanapum reservoir and twice per year on the Priest Rapids reservoir. The purpose of these inspections is to identify areas where unauthorized uses are occurring and determine the appropriate corrective action (see Section 10.3 for information on reporting and addressing unauthorized uses).

### 10.2.3 GIS Based Compliance Tracking & Monitoring

To establish a baseline of Non-Project uses of Grant PUD owned shoreline, a comprehensive inventory was completed during the summer of 2013 on Wanapum and Priest Rapids reservoirs. The location and character of all human made infrastructure or modifications (e.g., landscaping, land and water based structures) were collected using GPS units and incorporated into Grant PUD's GIS. The inventory will provide a basis for implementing Grant PUD's SMP, this Procedures & Standards Manual, and will be referenced in this Monitoring & Compliance Plan.

The GIS for lands monitoring is structured to support multiple functions and includes datasets in addition to the baseline inventory. All Land Use Authorizations, including status, location, and terms and conditions of use are housed in GIS. Using a GIS interface, the Land Use Authorization status can be modified as the process moves from application to review and approval. Additionally, mobile GIS applications allow for the documentation of compliance/non-compliance while on site. These mechanisms also include automated mapping and reporting functions.

Land Use Authorization status and shoreline feature data are accessed using a customized mobile application developed specifically for shoreline monitoring. This is a primary tool for shoreline inspection, thus called "Shoreline Inspector". A sample screenshot of the tool can be seen in Figure 3.

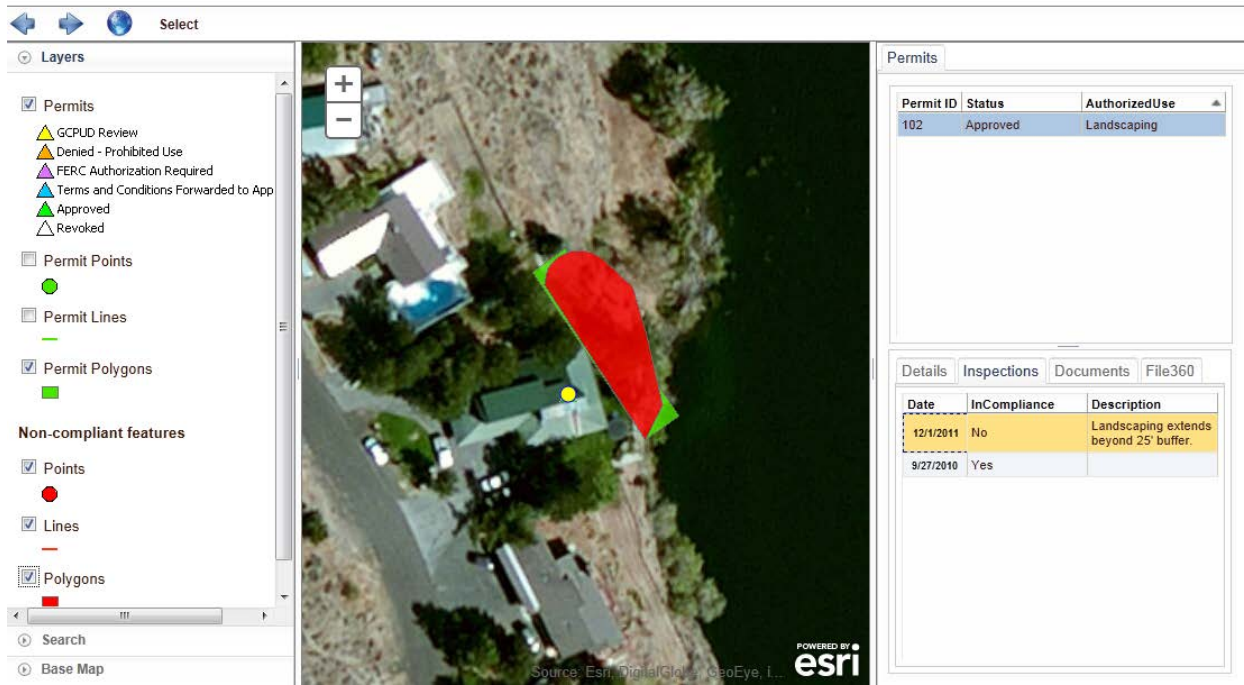


Figure 3 Prototype of Grant PUD’s Shoreline Inspector GIS Interface

Grant PUD’s GIS based shoreline inspection tool will have the following functions:

- Locate and classify Land Use Authorizations, both under review and approved.
- Allow for the change in Land Use Authorization status through the review and approval process.
- Relate the location of authorized uses to shoreline facilities, property boundaries and other shoreline features.
- Support the inspection of authorized use locations to report non-compliance or encroachments.
- Support the mapping of non-compliant features and relate them to a non-compliance inspection report.
- Support the association of images and documents to shoreline features.

Using Shoreline Inspector in concert with the mobile application, staff will be able to schedule and track inspections through desktop GIS in the office and while in the field, complete and report on those inspections using the mobile application.

Aerial imagery will be used as a base layer in the GIS to help determine if unauthorized uses are occurring or if they have been resolved. Other technologies such as on-line imagery services may supplement this form of monitoring.

#### 10.2.4 Camera/Security Surveillance

In rare instances, surveillance equipment may be used in areas where a high rate of violations are occurring, and or in conjunction with recreation use monitoring. Grant PUD coordinates routinely with local law enforcement, primarily Grant and Kittitas County Sherriff’s Departments and Washington Department of

Fish and Wildlife. If violations of trespass or damage warrant involvement by law enforcement, they will be contacted and for the appropriate actions will be taken.

### 10.2.5 Public Outreach & Property Delineation/Signage

To help prevent the unauthorized use of Project lands and waters, Grant PUD:

- maintains a website with information relating to shoreline management where people can find information on appropriate uses of Project lands. Social media (Facebook, Twitter) is used to communicate with community members. Shoreline clean-ups are coordinated with Homeowner Association groups to promote responsible use of Project shorelines.
- participates in local events (County fair, parades, etc.), hosts public meetings and open houses, and attends local Homeowner Association meetings to educate the public about Grant PUD's public use policies and procedures.
- clearly delineates a majority of property it owns or manages by using property marker stakes. Signs or kiosks communicating Grant PUD's Public Use Rules are posted at all formal and dispersed recreation sites. Fencing of PUD property is used where major damage is occurring to PUD property (due to unauthorized uses or other causes) or where it is unsafe for public access. Fencing is used as a last resort when other attempts to protect Project lands have not been successful.
- Figure 4 through Figure 6 show examples of these signs and property markers.



Figure 4 Boundary line delineators

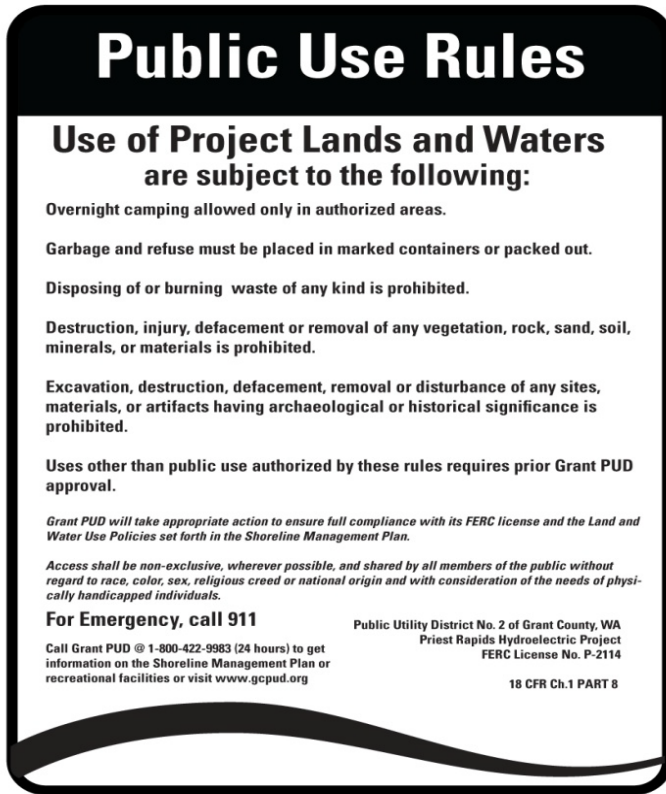


Figure 5 Rules governing public use of Project lands sign.



Figure 6 Example of shoreline fencing.



### 10.3 Measures for Reporting and Addressing Unauthorized Uses

Grant PUD will evaluate unauthorized uses of Project lands and waters on a case-by-case basis and will take into account prior violations and the nature and extent of the violation when determining the course of corrective action.

The following steps generally outline the process for addressing an unauthorized use or activity:

1. Grant PUD staff will fill out a report, documenting evidence of the unauthorized use or encroachment.
2. Grant PUD staff will attempt to gain voluntary compliance from the person responsible for the unauthorized use. Voluntary compliance means that the person admits to owning/performing the unauthorized use and agrees to take the necessary steps to correct the violation within a certain period of time.
3. If voluntary compliance is not obtained, Grant PUD will seek civil penalties, or, the matter will be referred to appropriate code enforcement or regulatory agency(ies), as Grant PUD reserves the right to rely on the appropriate jurisdiction of law or regulatory entities to perform corrective actions.

#### 10.3.1 Option for Correcting Non-compliance Uses and Activities

##### Mitigation/Restoration

Most unauthorized uses will require the restoration of the disturbed area to its prior condition. Grant PUD will evaluate each site on a case-by-case basis to determine the appropriate corrective actions. Mitigation must conform to the applicable local, state, and federal regulatory requirements and permit processes. Replanting ratios and mitigation monitoring may be required to be consistent with Grant PUD's Wildlife Habitat Management Plan. Options for mitigation include:

- Hire a licensed contractor or consultant to develop and implement an approved restoration plan;
- Reimburse Grant PUD to develop and execute a restoration plan. Reimbursable expenses include staff time, equipment, plant material, building materials, etc.
- If deemed appropriate by Grant PUD (and resource/regulatory agencies, if appropriate), mitigation may occur off-site.

##### Modifications and Revocation of Land Use Authorizations

From time to time, it may be necessary Grant PUD to amend or revoke Land Use Authorizations and/or the terms and conditions of said Authorization to correct a violation. The options below detail the circumstances and actions that may take place when a Land Use Authorization requires an amendment.

- If the violation is of a condition of the Authorization which was imposed by Grant PUD, and staff finds that the violation can be reasonably resolved by imposing new or changed conditions on the Authorization, Grant PUD may change the conditions.
- If staff determines that the way to correct a violation is for the permittee to cease the activity, and the permittee fails or refuses to cease, Grant PUD may revoke the Authorization.
- Mitigation, restoration, fines, fees, or penalties may also apply.

## Reporting Procedures

Grant PUD staff will track and report on the status of all unauthorized uses on a continuous basis. Documents can be generated from GIS and the Shoreline Inspector tool for the purposes of reporting compliance with Shoreline Management Plan policies and Land Use Authorizations. If any unauthorized use has caused, or has the potential to cause, adverse impacts to fish or wildlife habitat, water quality, or cultural resources, the violation will be reported to the appropriate regulatory agency(ies). Major violations (e.g. unauthorized activities that would be outside Grant PUD's authority under Article 420 to authorize) will be reported to FERC.

- Grant PUD will also provide a variety of options for open or anonymous reporting of violations, including but not limited to email, website, phone, or by mail.

### 10.4 Summary

This Monitoring and Compliance program will ensure authorizations for uses and activities of Grant PUD-owned and managed Project lands and waters continue to be conducted consistent with the License and FERC approved management plans. As defined in this plan, Grant PUD is committed to routine inspections, monitoring, and proper reporting to regulatory authorities. Each violation is evaluated on a case-by-case basis, and resolutions will be developed and implemented to fit each circumstance. Updates to this plan will occur concurrently with the required updates to the SMP, or as deemed necessary by Grant PUD.

Grant PUD will take appropriate action to maintain compliance with its FERC license and the land and water use policies set forth in the SMP. Most unauthorized uses can and will be addressed in a collaborative fashion. For more serious cases of trespass or damage, any necessary enforcement actions will be pursued, as appropriate, in cooperation with Grant PUD legal counsel, and local, state, and federal regulators and law enforcement entities.

### 11.0 Update Process and Criteria for Procedures and Standards Manual

This manual will be reviewed and updated during each 6 year update cycle of the SMP, unless otherwise deemed unnecessary. If local, state, or federal regulations change, the manual will be updated to reflect the relevant change in the law (for example, new species on the endangered species act or new critical habitat that warrants protection from development). Changes in this manual will be noticed on Grant PUD's website and to current authorization holders.

## Literature Cited

- Grant PUD (Public Utility District No. 2 of Grant County). 2010. Final Shoreline Management Plan for the Priest Rapids Hydroelectric Project P-2114, Grant County, WA. FERC (Federal Energy Regulatory Commission). 2008. Order Issuing New License for Public Utility District No. 2 of Grant County, 123 FERC ¶ 61,049, Washington D.C.
- FERC (Federal Energy Regulatory Commission) 2004. Division of Hydropower Administration and Compliance- Compliance Handbook.
- FERC (Federal Energy Regulatory Commission) 2012. Guidance for Shoreline Management Planning at Hydropower Projects.
- Washington State Department of Ecology. Chapter 173-26 WAC State Master Program Approval/Amendment Procedures and Master Program Guidelines. Washington State Legislature. 03 May 2004

**Appendix A**  
**Article 420**



## Article 420

Article 420. Use and Occupancy. (1) 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.

(2) The type of use and occupancy of project lands and waters for which the licensee may grant permission without prior Commission approval are: (a) landscape plantings; (b) 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; (c) embankments, bulkheads, retaining walls, or similar structures for erosion control to protect the existing shoreline; and (d) 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: (a) inspect the site of the proposed construction, (b) consider whether the planting of vegetation or the use of riprap would be adequate to control erosion at the site, and (c) determine that the proposed construction is needed and would not change the basic contour of the impoundment shoreline. To implement this paragraph (2), 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 (2) and to require modification of those standards, guidelines, or procedures.

(3) The licensee may convey easements or rights-of-way across, or leases of project lands for: (a) replacement, expansion, realignment, or maintenance of bridges or roads where all necessary state and federal approvals have been obtained; (b) storm drains and water mains; (c) sewers that do not discharge into project waters; (d) minor access roads; (e) telephone, gas, and electric utility distribution lines; (f) non-



project overhead electric transmission lines that do not require erection of support structures within the project boundary; (g) submarine, overhead, or underground major telephone distribution cables or major electric distribution lines (69-kV or less); and (h) water intake or pumping facilities that do not extract more than one million gallons per day from a project impoundment. No later than January 31 of each year, the licensee shall file three copies of a report briefly describing for each conveyance made under this paragraph (3) 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.

(4) The licensee may convey fee title to, easements or rights-of-way across, or leases of project lands for: (a) construction of new bridges or roads for which all necessary state and federal approvals have been obtained; (b) sewer or effluent lines that discharge into project waters, for which all necessary federal and state water quality certification or permits have been obtained; (c) other pipelines that cross project lands or waters but do not discharge into project waters; (d) 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; (e) 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; (f) recreational development consistent with an approved report on recreational resources of an Exhibit E; and (g) 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 (4)(g) in any calendar year. At least 60 days before conveying any interest in project lands under this paragraph (4), 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.

(5) The following additional conditions apply to any intended conveyance under paragraph (3) or (4) of this article:

(a) Before conveying the interest, the licensee shall consult with federal and state fish and wildlife or recreation agencies, as appropriate, and the State Historic Preservation Officer.

(b) Before conveying the interest, the licensee shall determine that the proposed use of the lands to be conveyed is not inconsistent with any approved report on recreational resources of an Exhibit E; or, if the project does not have an approved report on recreational resources, that the lands to be conveyed do not have recreational value.

(c) 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.

(d) 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.

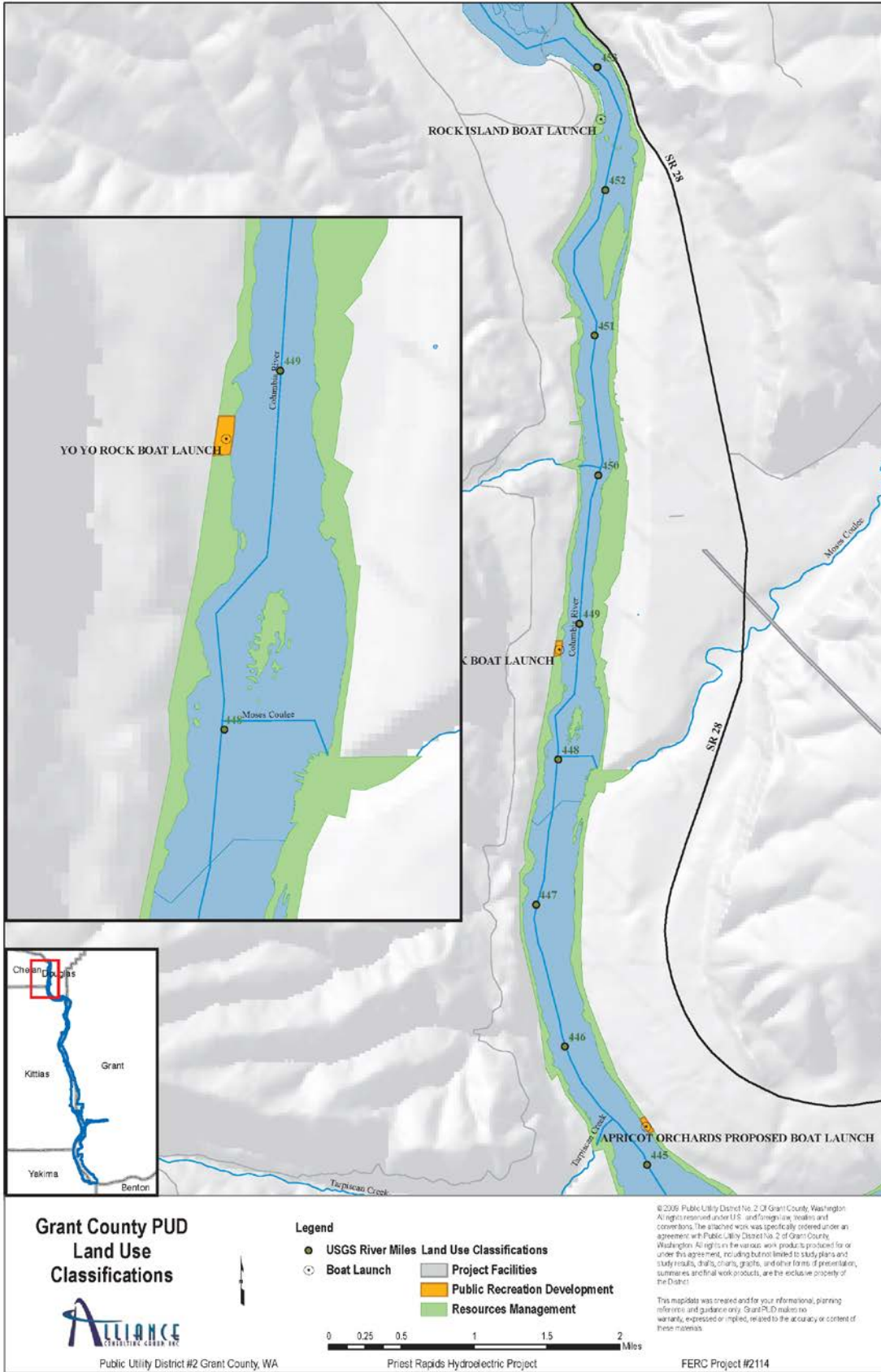
(6) The conveyance of an interest in project lands under this article does not in itself change the project boundaries. The project boundaries may be changed to exclude land conveyed under this article only upon approval of revised Exhibit G drawings (project boundary maps) reflecting exclusion of that 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.

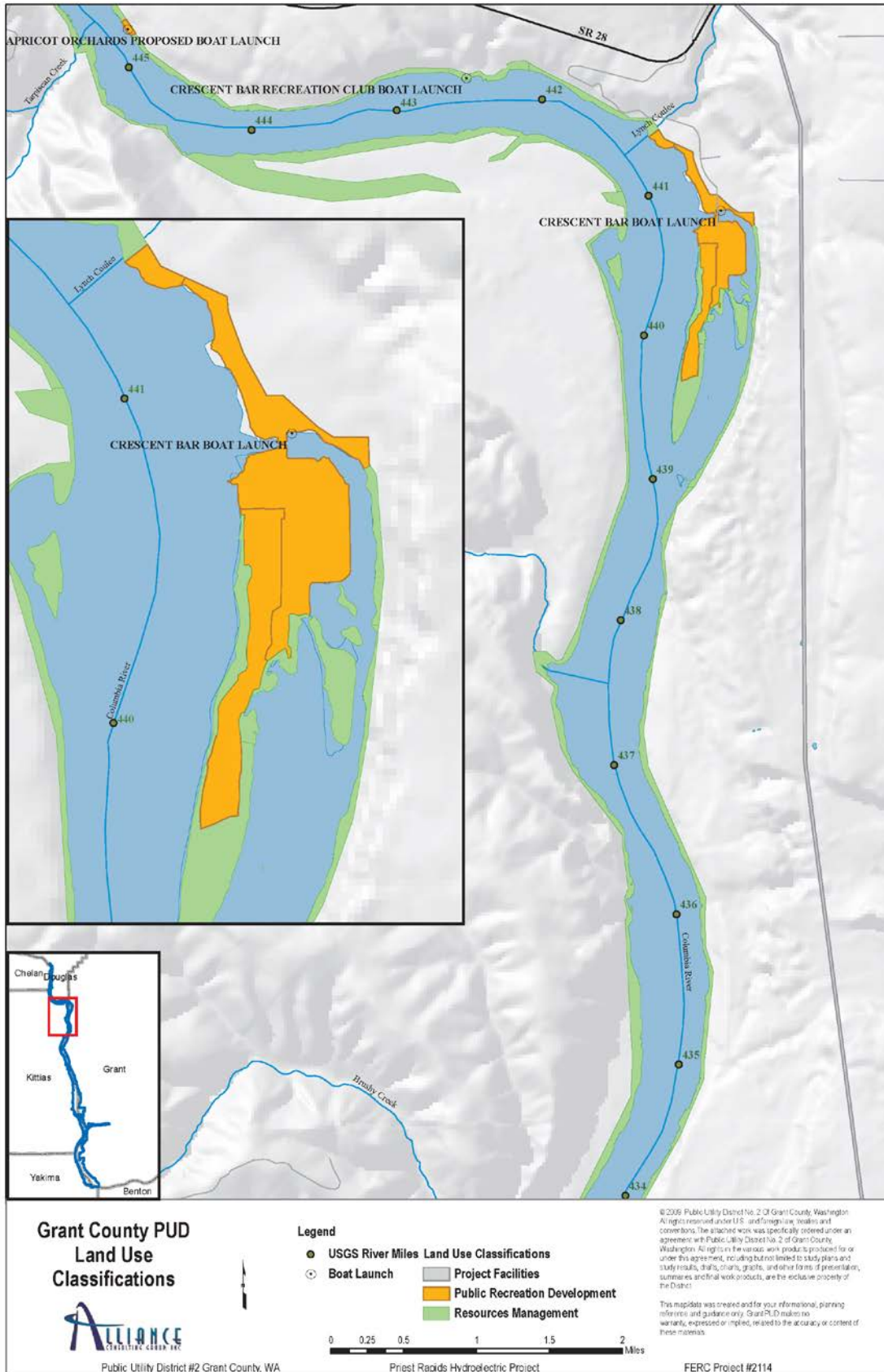
(7) The authority granted to the licensee under this article shall not apply to any part of the public lands and reservations of the United States included within the project boundary.

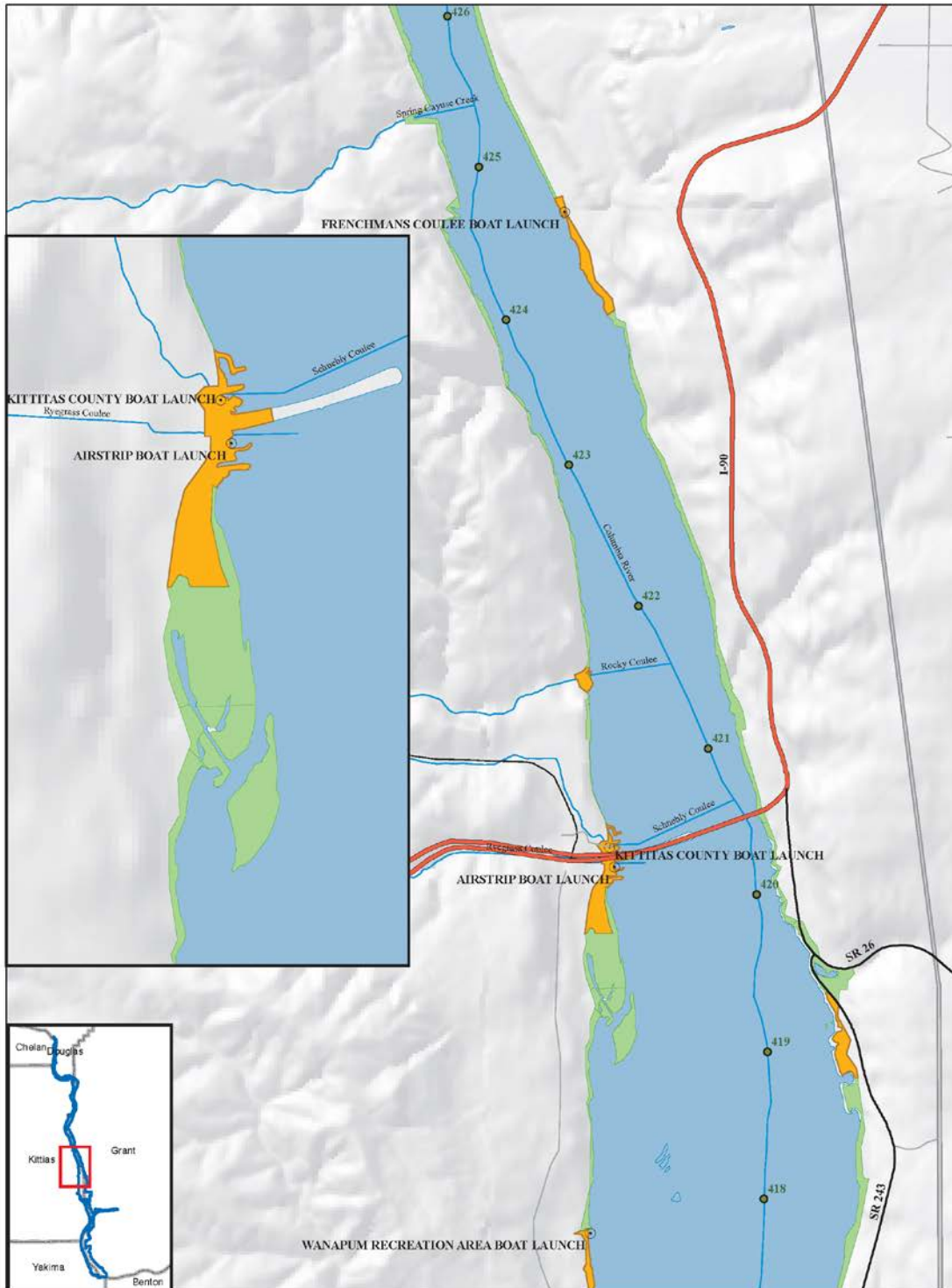
(K) The licensee shall serve copies of any Commission filing required by this order on any entity specified in the order to be consulted on matters relating to that filing. Proof of service on these entities must accompany the filing with the Commission.

**Appendix B**  
**Land Use Classification Maps**









**Grant County PUD  
Land Use  
Classifications**



Public Utility District #2 Grant County, WA

**Legend**

- USGS River Miles
- Boat Launch
- Land Use Classifications
- Project Facilities
- Public Recreation Development
- Resources Management

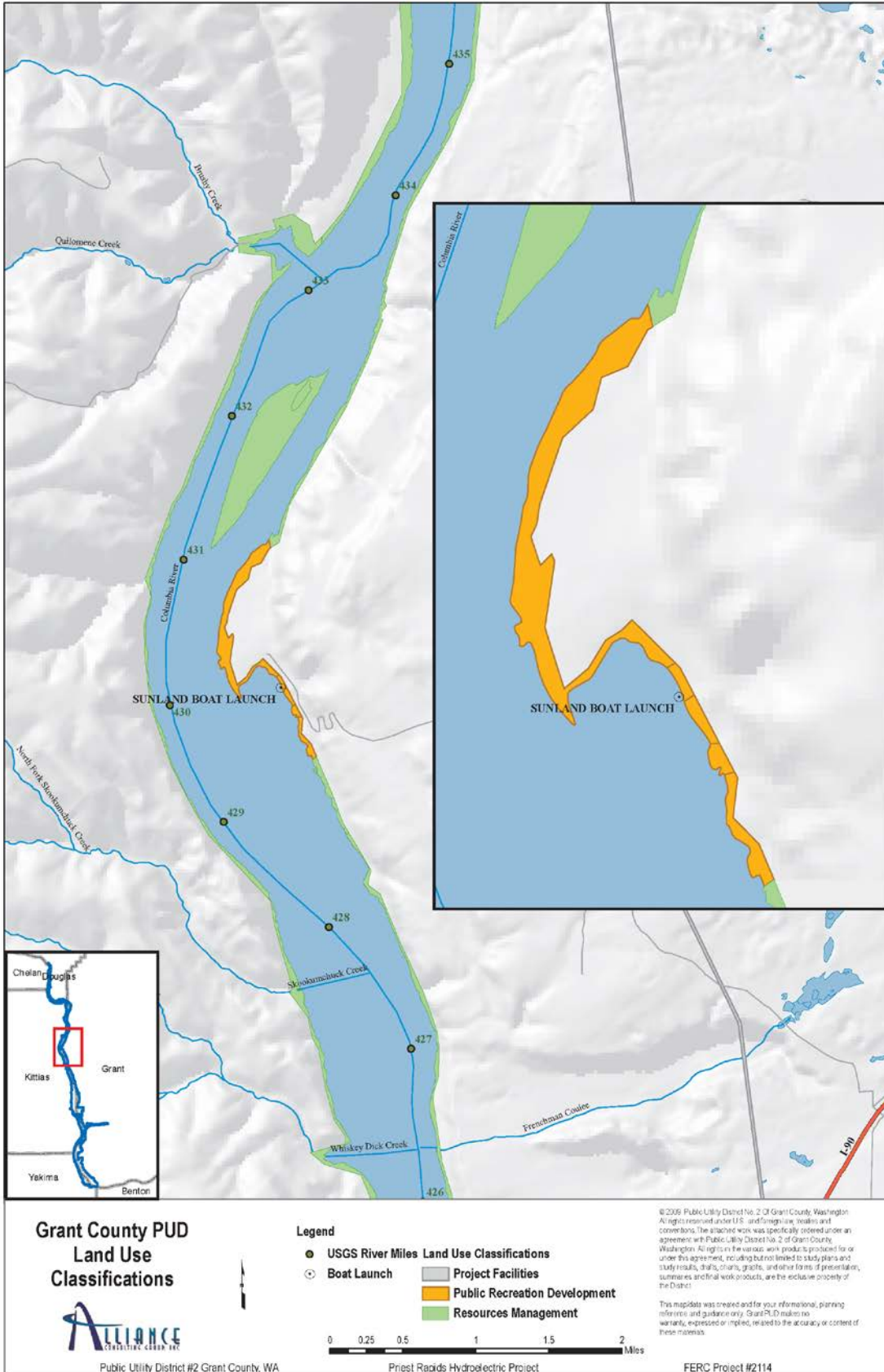


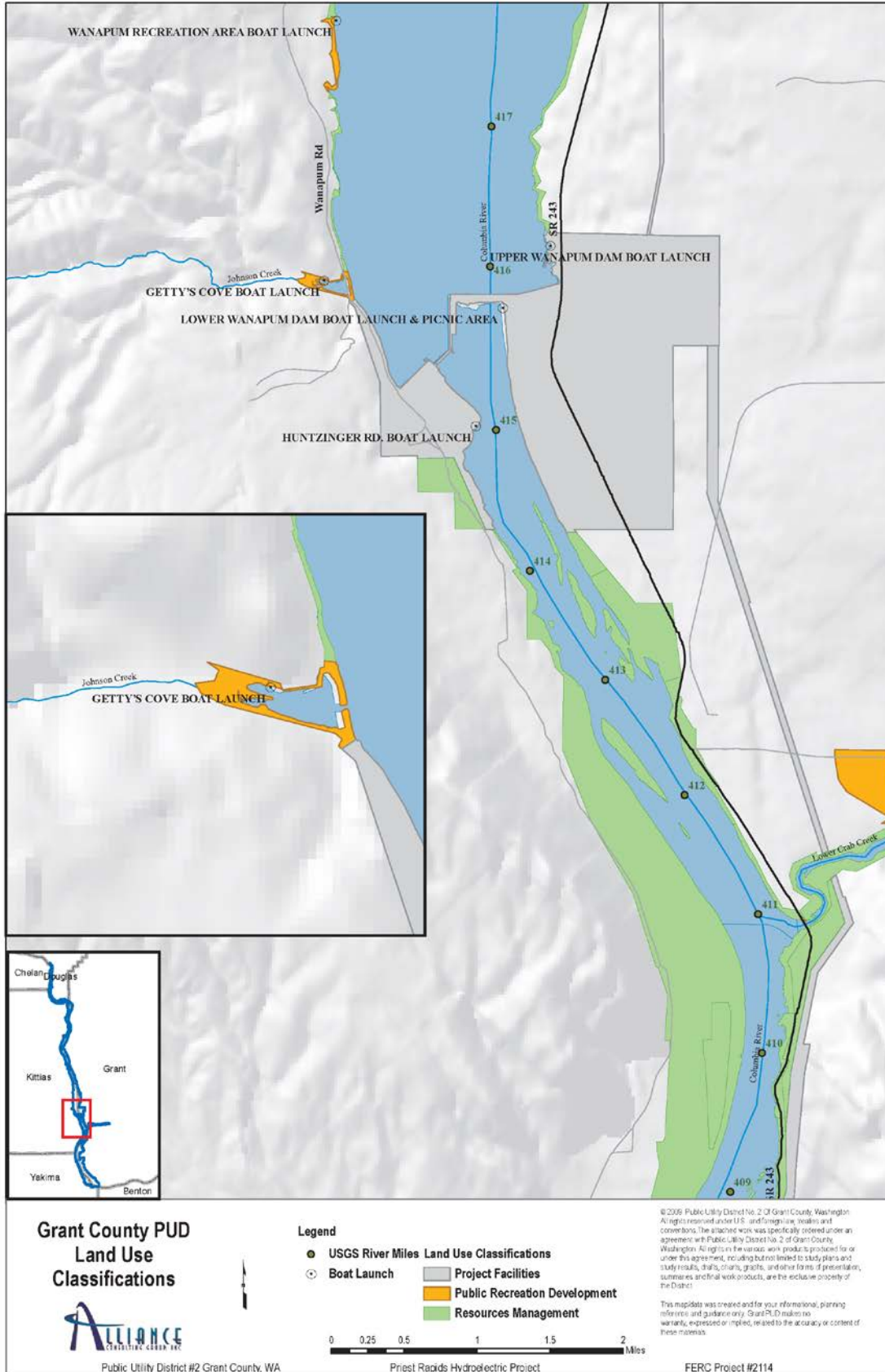
Priest Rapids Hydroelectric Project

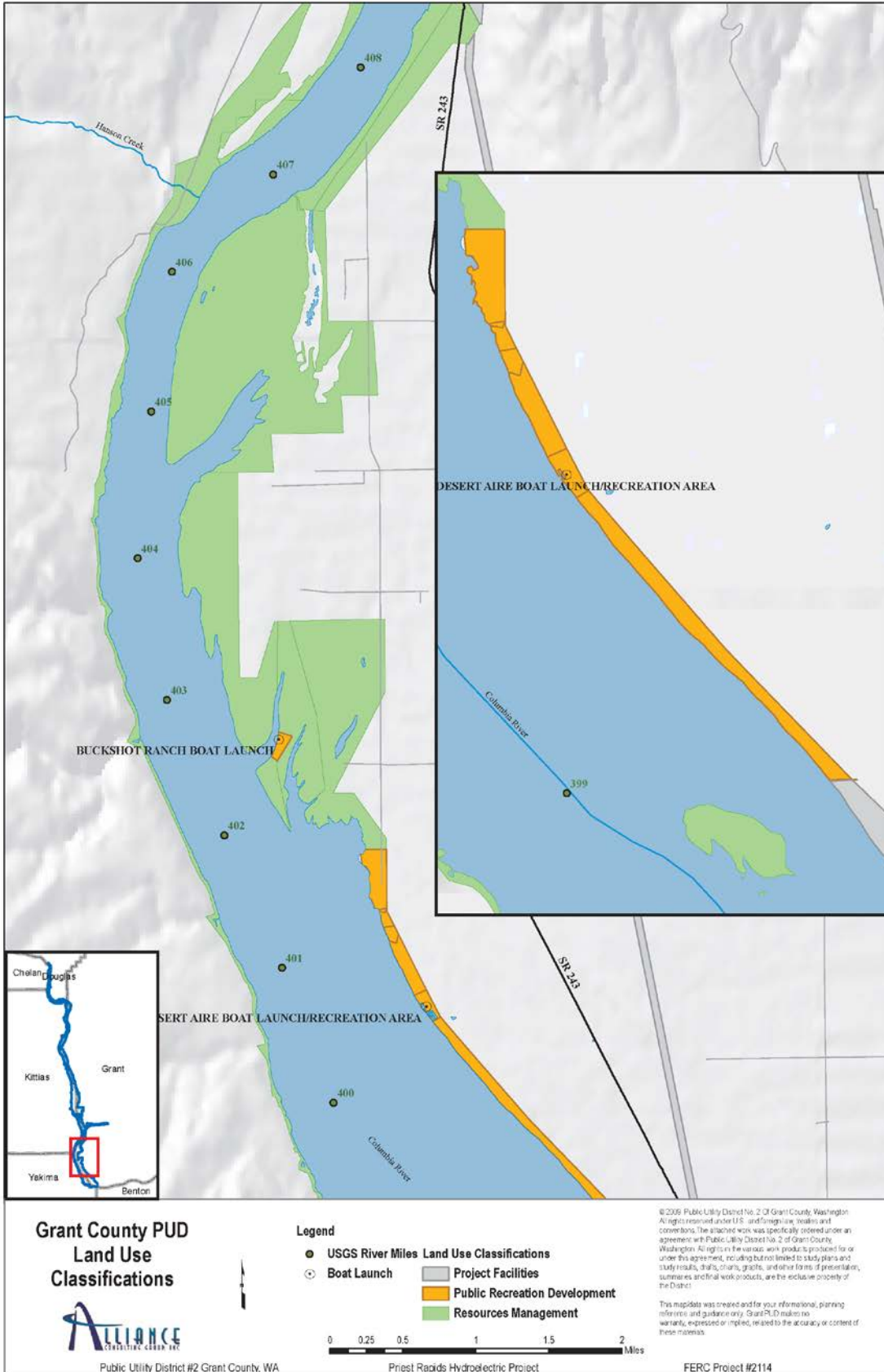
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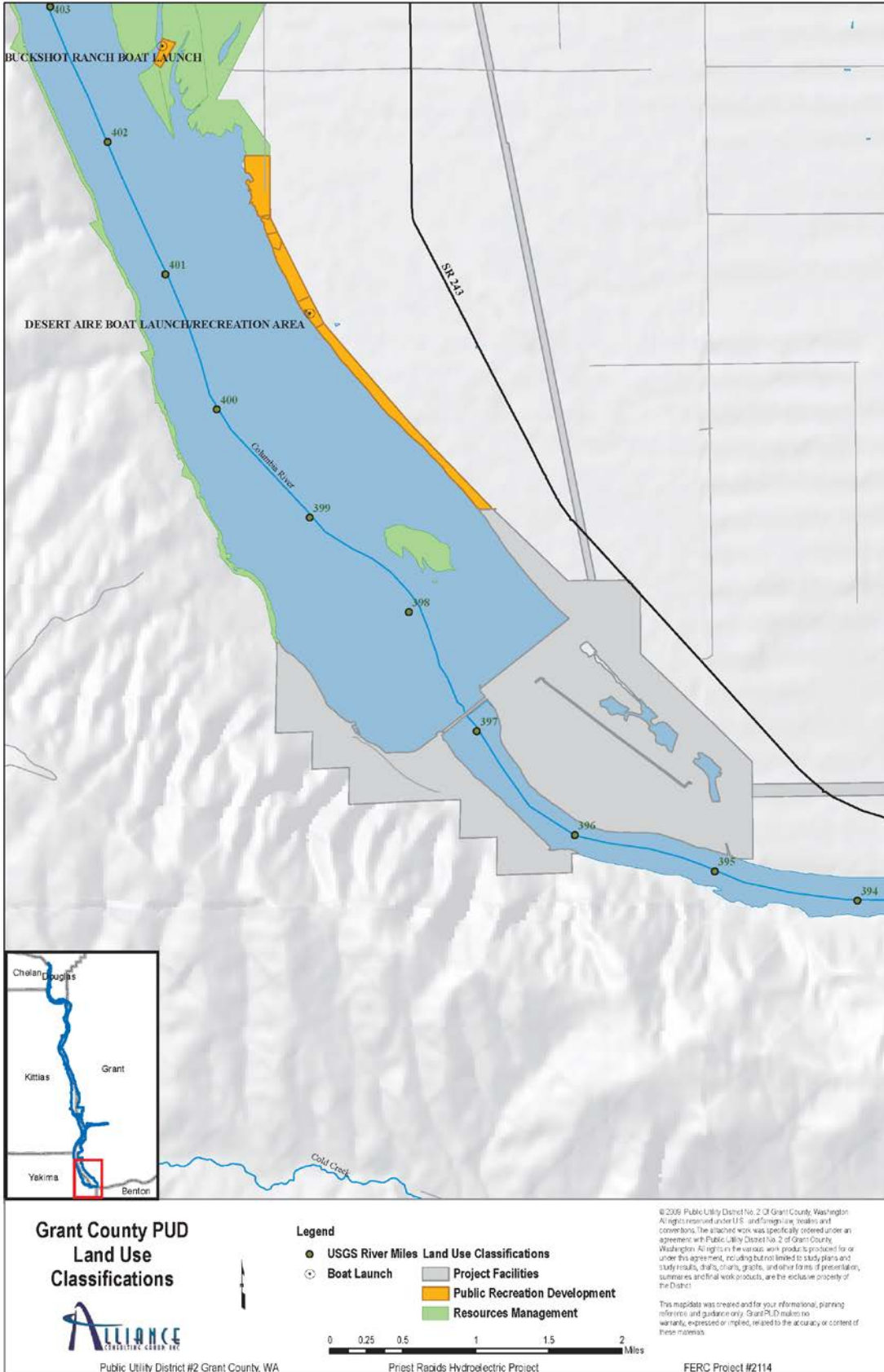
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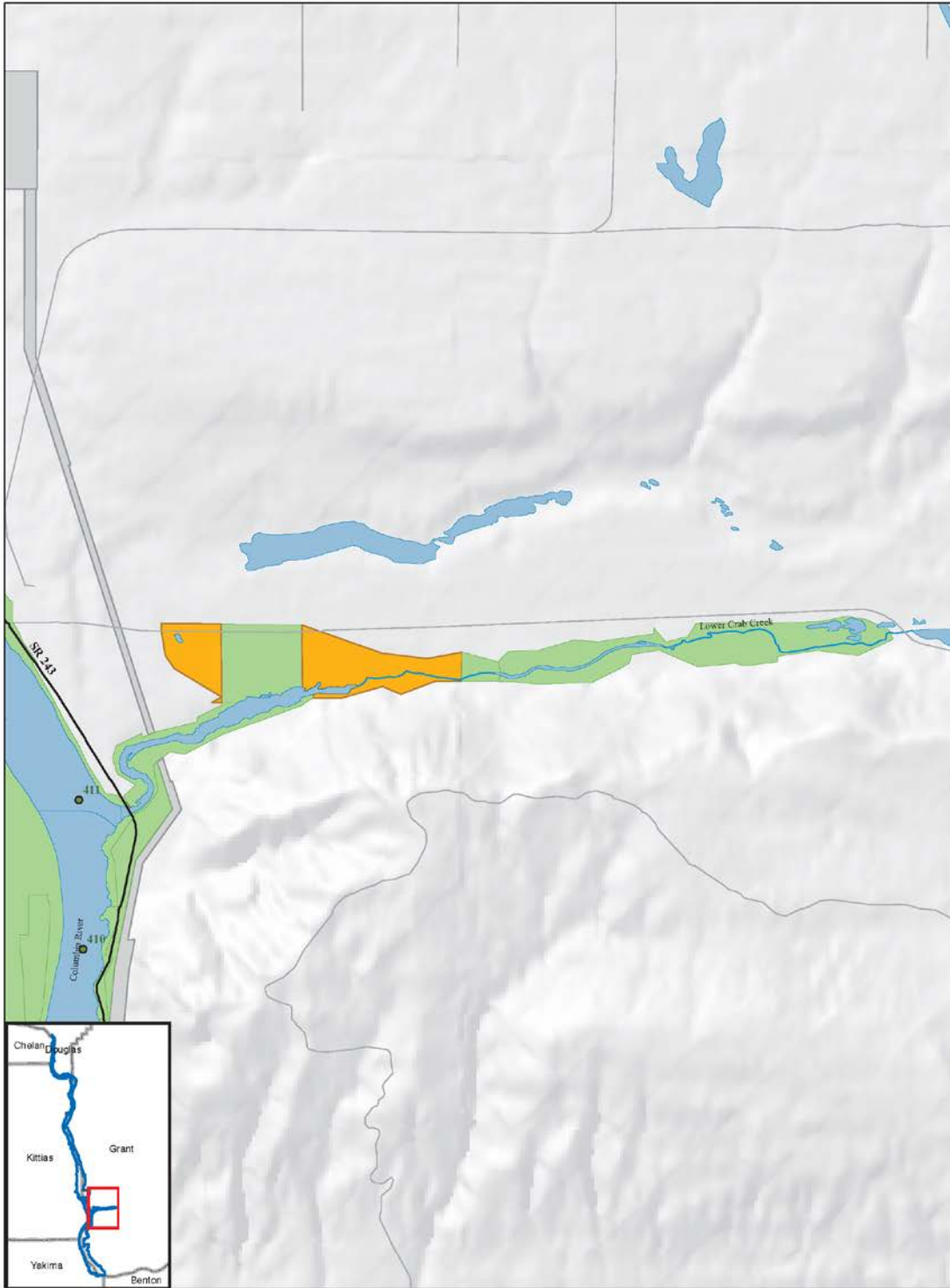
FERC Project #2114











**Grant County PUD  
Land Use  
Classifications**



Public Utility District #2 Grant County, WA

**Legend**

- USGS River Miles
- Boat Launch
- Land Use Classifications
- Project Facilities
- Public Recreation Development
- Resources Management



Priest Rapids Hydroelectric Project

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FERC Project #2114



Appendix C  
Public Recreation Development Planning Process



## Public Recreation Development Planning Process

Grant PUD has defined a series of land use classifications (LUC) in the Shoreline Management Plan (SMP) to effectively manage Project lands and waters for Project purposes. Each LUC is subject to primary uses and specific standards, including allowed and non-allowed uses. One of these land use classifications, Public Recreation Development (PRD), encompasses lands that currently sustain existing recreation areas and those identified in the Recreation Resource Management Plan (RRMP) for recreation enhancement. Lands within this classification are primarily under public ownership, with the majority owned by Grant PUD. On Grant PUD owned properties within this classification, a comprehensive planning process may be implemented, resulting in a Public Recreation Development Plan (PRDP). Development of this plan will ensure that public recreation and resource conservation needs are met, while considering the adjacent private property owners.

The development of the PRDP will be a cooperative process generally involving Grant PUD, community organizations, consulting and/or interested agencies and tribes, as well as the recreating public. With Grant PUD's leadership, community organizations, such as a Home Owner's Association (HOA) and public representatives, can participate in preparation of a PRDP for their area of interest, with approval to be granted by Grant PUD and FERC, if required. The process itself, as well as participants' roles and responsibilities for development of the PRDP, will be detailed in a Work Plan that will be developed in cooperation with interested stakeholders.

The PRDP will integrate adequate public access and public recreation development opportunities with preservation and enhancement of natural and cultural resources in a manner that meets the goals and policies of the SMP. Creating a PRDP allows stakeholders an opportunity to develop new ideas and resolve potential community issues and to meet the overall needs of its residents within the context of Grant PUD's requirements and obligations under the FERC license. Attributes including, but not limited to physical site characteristics and capacities, public health and safety, Project operations, public recreational demand, and presence and function of natural and/or cultural resources will largely dictate the types of uses that will be incorporated into the PRDP. Overall, the PRDP must demonstrate clear public benefits.

Once a PRDP is completed, specific uses and activities identified through the process can be approved under a single authorization for the area, as opposed to multiple individual authorizations. This authorization may encompass all individual, community and public uses and activities located on Grant PUD Project lands.

### General Process:

To clarify the overall process for developing and approving a PRDP, a general set of steps have been identified. Grant PUD may choose to modify or amend these steps based on unique circumstances and specific characteristics of a given site to address the needs of each planning area and the overall Project. Each step will be discussed with the stakeholders and an agreement will be reached and authorized through a Work Plan generally include the following:

1. Defining the minimum steps and requirements needed to complete a PRDP;



2. Defining the responsibilities of Grant PUD, consulting and/or interested agencies, the community organization, and the general public, where applicable;
3. Defining evaluative criteria based on the requirements and obligations of the FERC license to be used by Grant PUD for approving a PRDP;
4. Defining timeframes and benchmarks to complete the process;
5. Scoping the general terms and conditions of the type of authorization(s) that will be proposed for inclusion in the approval and implementation of the Final PRDP.

## **Preliminary Process:**

### Step 1: Work Plan Development

Grant PUD will meet with interested community organizations and stakeholders to review the PRDP process and the minimum standards and requirements that must be met for a PRDP to be adopted by Grant PUD. Specific steps in the process may be amended to meet unique circumstances in each area; however, the basic intent of each step must be addressed during development of the PRDP. It is imperative that shoreline and non-shoreline/interior residents of the community, as well as other stakeholders, be represented during the development of the PRDP to ensure a broad spectrum of interests are represented.

As part of this pre-planning process, Grant PUD will coordinate site visits to the community that will include invitations to community residents as well as to other stakeholders, government agencies and tribes. Issues of importance to participants will be discussed during the site visit, with areas of agreement and disagreement being noted. Grant PUD will also review existing permits and agreements and conduct a shoreline inventory and assessment using license requirements and obligations. This information will be provided to participants, and discussed to identify and determine potential actions. Relevant government agencies that attend the site visit may be asked to provide input on specific resource management issues that may be relevant to the PRDP process.

Out of this pre-planning process a Work Plan will be developed that describes the process and timeline that will be used to develop the PRDP. Additionally, this Work Plan will lay out requirements for the particular PRDP as well as identifying, at least initially, the community issues, applicable SMP goals and policies, potential uses and activities, anticipated needs assessment and/or studies, FERC License requirements and roles and responsibilities of all parties. Elements, terms and conditions that will be included in the proposed use authorizations will be identified (e.g. cost share, fees, monitoring, maintenance etc...).

### Step 2: Community Visioning Meeting

Once the Work Plan has been developed, public meetings will be held to discuss the proposed PRDP process with interested stakeholders, and to identify potential issues that may arise during the process. The primary purpose of these meetings will be to solicit comments and questions from participants and to provide information and context for the development of a PRDP.

### Step 3: Draft Master Plan

Following the initial meetings and site visits, the draft PRDP will be developed as outlined in the Work Plan and in accordance with the requirements defined in Step 1. The PRDP will need to consider the issues raised during the public meetings, agency and tribal stakeholder concerns. Furthermore, the plan must include elements that meet the requirements of the SMP, RRMP and the FERC License.



During this process multiple alternatives will be developed and considered to depict different solutions to solve specific issues or needs. During development of the draft PRDP, Grant PUD staff will be reporting on a regular basis to the Grant PUD Commission, stakeholders and other consulting and/or interested entities with regard to the progress, issues, alternatives and proposed implementation projects, strategies and agreements that are being considered.

#### Step 4: Community Review Meeting

Once completed, the draft PRDP will be presented at a public meeting to receive comments and feedback from the community, stakeholders and other interested parties. Information from this meeting will be used to help finalize the draft PRDP and to assist with selection of the final preferred alternative to be included in the Plan.

#### Step 5: Final Master Plan Review and Approval

Based on comments received and all of the applicable requirements of SMP and all relevant plans, the draft PRDP will be revised, finalized and forwarded to the Grant PUD Commission for their final review and approval. This review will include a final analysis of the draft PRDP based on the criterion defined in the Work Plan and all associated plans, regulations and reports, including the following:

1. Conclusions made regarding the preferred alternative and the application of evaluative criteria;
2. Consistency with the FERC License order and all required resource management plans, such as the SMP, RRMP, Historic Properties Management Plan and the Wildlife Habitat Management Plan, and any applicable local, state, and federal regulations;
3. Whether proposed uses or activities require FERC approval;
4. Consideration of governmental agency comments;
5. Comments from the public and/or from community residents; and
6. Proposed implementation authorization(s), including a monitoring, enforcement and review process. Elements, terms and conditions that will be included in the proposed use authorizations will be identified, including cost share, fees, monitoring and maintenance, and operation responsibilities.

#### Step 6: FERC approval (if necessary)

The PRDP will become final upon approval and consent by the Grant PUD Board of Commissioners, and at the conclusion of any applicable reviews and approvals required by FERC. Following final approval by FERC, management elements of the PRDP will be incorporated into the RRMP.

#### **Implementation:**

Implementation of an approved PRDP will be accomplished through the approved agreements, including authorizations for uses and activities, maintenance and operation agreements, fee schedules for public facilities, etc. Grant PUD staff will collaboratively monitor implementation of the approved PRDP over time, ensuring continued compliance with the goals, policies and governing regulations applicable to the particular shoreline area. As conditions and requirements change, the PUD may choose to amend a PRDP, and will strive to be inclusive in the preparation of those amendments, similar to the process identified herein.

**Appendix D**  
**Compliance Checklist for Non-Project Use of Project Lands**



## LAND LEASE SITE INSPECTION

- Check to ensure lease is in good standing (current property owner, rent current)
  - Review property survey for encroachments, setbacks, and unauthorized improvements
  - Check for compliance with approved lease agreement
  - Check general condition of property (trash, abandoned property, etc.)
  - Check for any item not otherwise noted that would adversely affect public health, safety, and welfare
  - Check for ground disturbances not allowed by lease agreement
  - Check for potential damage to cultural or historic property sites.
    - o The PUD Cultural Resources Dept. will provide notification to Depart. Of Archaeology & Historic Preservation should damages occur to a site.
  - Additional items identified (not specifically listed above) \_\_\_\_\_
- 

## LAND USE AUTHORIZATION SITE INSPECTION

- Check to ensure permittee is in good standing (current property owner, permit fees paid)
  - Check for compliance with approved land use agreement
  - Check for compliance with Procedures & Standards Manual, Shoreline Management Plan, FERC license requirement, local, state or federal law.
  - Check for potential damage to cultural or historic property sites.
    - o The PUD Cultural Resources Dept. will provide notification to Depart. Of Archaeology & Historic Preservation should damages occur to a site.
  - Additional items identified (not specifically listed above) \_\_\_\_\_
- 

## VIOLATION REVIEW/ACTION

- Send Notice of Violation and Order to Correct or Cease Activity via U.S. certified mail return receipt requested **within 3-5 days of notification of non-compliant use**. Notice will include:
  - Name, address of person(s) charged with violation
  - Provision of authorization, Procedures & Standards, or SMP that is being violated
  - Street address and brief legal description of site where violation has occurred
  - What is necessary to correct the violation (i.e., restoration plan/mitigation costs, personal property removal, etc.)
  - The time by which the violation is to be corrected or activity ceased
  -
- A statement that enforcement action will be taken if the violation is not corrected within the specific time period (enforcement action may include notification to agencies and/or civil action).



- Request signature on Voluntary Compliance document to be returned to Grant PUD.
- Enclose photos/GIS map of non-compliant area.
- Enclose requirements for restoration, removal and/or mitigation.
- Complete site inspection within 5 days of violation correction date.
- If violation has not been corrected, the matter may be referred to the Grant PUD attorney for civil enforcement by injunction or other appropriate action.

## PENALTIES/LEGAL

- Any violation for which a Notice of Violation and Order to Correct or Cease Activity has been issued but which has not been corrected within the time specified shall incur a civil penalty.
- Contact Grant PUD attorney to review violation and non-action. Grant PUD attorney may negotiate a settlement or compromise, other otherwise dispose of a dispute or litigation, subject to approval of the Grant PUD Commission, if in the best interests of Grant PUD.
- Revocation of Lease or Land Use Authorization
- Loss of consideration for shoreline use permitting activities for up to five years depending on severity and subject to successful plant restoration

## MITIGATION OF ENCROACHMENTS AND NON-COMPLAINT USES

Ground Disturbing Activities: All ground disturbing activities will require restoration to as close as natural condition as possible.

- Require habitat restoration and mitigation plan prepared by a qualified environmental service professional.
- Plan will include the following guidelines:
  - Mitigation ratios are 5:1 in accordance with Grant PUD's Wildlife Habitat Management Plan
  - The use of local sources of seeds for grasses, legumes, tree and shrub cuttings ensure plants adapt to local climate and soil chemistry.
  - All mechanical equipment needed in the restoration process will meet regulations concerning Best Management Practices for mechanical equipment operation in or around surface waters. Work will be performed at low-flow or no-flow during planting.
  - Planting locations selected to minimize the possibility of culturally and environmental sensitive areas and species along the Columbia River shoreline.
  - No activity will affect historic properties listed, or eligible for listing, in the National Register of Historic Places.
  - Plan will include maintenance and monitoring of site for a period of 3 years with the goal of long-term sustainability in mind.
  - Provide a 3 year noxious weed control program to be implemented to prevent establishment of listed noxious weeds in the Project Area impact zone.
  - All applicable local, state, and federal permits will be identified and acquired.
  
- Estimate of all restoration plan costs - plants, seeds, labor, equipment, maintenance and monitoring costs.



- Additional fees may be assessed based upon administrative fees for staff and emergency site cleanup.

#### **COSTS ESTIMATE/FEE PROCESSING (PUD internal/external services)**

- Estimate: An estimate for restoration costs shall be prepared by a qualified professional. Lands Specialists will utilize internal staff resources (Vegetation Management Program, Wildlife Specialist) or subcontract the external firm to assess the damage and prepare a recommendation.
- Lands Specialist will provide information on the encroachment to the Insurance Risk Specialist for review.
- Customer Service/Invoice for Encroachment: Lands Specialist will provide encroachment fee costs to the Customer Service Department for preparation of an invoice, which will include the requested amount and the deadline for payment.
- Lands Specialist will send follow up letter and invoice to the violator for payment with instructions on how arrangements can be made with the Insurance Risk Specialist for multiple payments.

#### **FILE DOCUMENTATION**

- Update land use or lease authorization electronic file.
- Document tracking of all staff time, actions taken to resolve via the encroachment spreadsheet
- Document Labor/Material Cost Tracking
- Upon Project resolution – send electronic copies to NR records



**Appendix E**  
**Land Use Authorization Application/Instructions for Non-Project Use of Project Lands**

# APPLICATION FOR LAND USE AUTHORIZATION



## PART A -- General and Property Information

What type of agreement are you requesting?

Is this a joint permit (more than one lot)?  Yes  No

Owner Name

Street Address

City and State

Zip Code

Phone 1

Phone 2

E-mail Address

## Property Information

Front Lot Property Address  If full-time residence check box

Development or Area

Lot #

Address

Phone 1

Prior Owner of Front-lot Property (if known)

Name

Street Address

City and State

Zip Code

Phone

Assessor's Parcel Number

What is the width at the Grant PUD Property line?

For complex lot descriptions please attach a sketch or map showing lot widths the directly abut Grant PUD property.  Sketch Attached

**PART B -- Standard Shoreline Use Request**

**Describe the shoreline use being requested below.**

**Include engineer's drawings, dimensions, and a site map. Attach additional sheets if necessary.**

**Part C - Reasonable Use Exception Request**

*The applicant must provide here, or as an attachment to this permit application, a complete description including detailed dimensions of any proposed use or encroachment and reasons why a Reasonable Use Exception should be granted.*

**Part D - Applicant Disclosure**

*The applicant is required to disclose here any existing unpermitted or existing prohibited use of Grant PUD property. Please list all unpermitted or existing prohibited uses or state "none."*

**Part E - Authorized Signature**

*The undersigned hereby certifies that he/she is the legal owner of the front-lot property; that he/she has read, understands and accepts all of Grant PUD's Permit Terms and Conditions that are a part of this application, and Grant PUD's Shoreline Management Plan; and that the information provided in this application is true, complete and accurate to the best of his/her knowledge.*

*All owners of a front-lot property must sign the Permit Application thereby confirming their agreement to abide by the permit terms and conditions, Grant PUD's Shoreline Management Plan, and any other terms and conditions within any other regulatory agency permit.*

_____	_____	_____	_____
<b>Applicants Signature</b>	<b>Date</b>	<b>Applicants Signature</b>	<b>Date</b>
_____		_____	
<b>Print Name</b>		<b>Print Name</b>	
_____	_____	_____	_____
<b>Applicants Signature</b>	<b>Date</b>	<b>Applicants Signature</b>	<b>Date</b>
_____		_____	
<b>Print Name</b>		<b>Print Name</b>	

**Mail completed form to:  
Grant County PUD Lands and Recreation Department, P.O. Box 878 Ephrata, WA 98823**

**FOR GRANT PUD ADMINISTRATIVE USE ONLY**

Accepted by \_\_\_\_\_ Date \_\_\_\_\_

Fees(s) paid?  Yes  No      Amount paid \_\_\_\_\_

Type of conveyance to be issued:

Temporary Use Permit     Long Term Permit     Easement     Lease

## Shoreline Use Permit Terms and Conditions

***Upon granting of a permit by Grant PUD, for activity on Grant PUD property, permittee shall be subject to the following terms and conditions:***

1. The Standard Shoreline Use Permit automatically transfers to a new owner of property fronting on Grant PUD property but only if (a) the permittee is in compliance with the permit and Grant PUD's Shoreline Management Plan, including these Terms and Conditions; (b) all annual fees have been fully paid; and (c) Grant PUD receives written notice by the transferee that he/she accepts all liabilities and responsibilities under the permit. Until the permit is transferred upon satisfaction of the foregoing conditions, all liabilities and responsibilities remain with the existing property owner.
2. The permit is automatically renewed for successive one-year periods, upon payment of the annual permit fee, as long as permittee remains in compliance with Grant PUD's Shoreline Management Plan and these Terms and Conditions.
3. Permits issued by Grant PUD may contain terms and conditions that differ from these Terms and Conditions and/or from standards in the Procedures and Standards Manual or Shoreline Management Plan. In such cases, the terms of the permit shall control.
4. (a) The permittee shall at all times ensure to the satisfaction of Grant PUD that the permitted facilities are constructed, operated and maintained and that permittee conducts activities on permittee's property in a manner that is consistent with: (1) the permit, (2) Grant PUD's Shoreline Management Plan, including these Terms and Conditions, (3) the scenic and recreational value of the project as determined by Grant PUD, and (4) the minimalization of any degradation of water quality or any adverse impact on fish and wildlife habitat and natural environmental values.  
(b) Grant PUD may, at its discretion, conduct inspections of permitted facilities or the permittee's property or require documentation from permittee (including photographs, invoices, construction records, etc.) demonstrating compliance with the permit, Grant PUD's Shoreline Management Plan, and these Terms and Conditions.  
(c) Permittee agrees to reimburse Grant PUD for any costs (including reasonable attorney's fees) that Grant PUD may incur in enforcing the permit, the Shoreline Management Plan, and these Terms and Conditions. Permittee shall reimburse Grant PUD for all damages to Grant PUD property resulting from any violation of the permit, or the Shoreline Management Plan including these Terms and Conditions.  
(d) By accepting the permit, permittee grants Grant PUD access to permittee's property to conduct the inspections and actions stated above.
5. Grant PUD must retain the full, unconditional, unrestricted and complete right and privilege to raise or lower, restrict, control, store, retain, withhold, increase, decrease, retard, stop, obstruct, divert or use the reservoirs in any manner that Grant PUD, its successors and assigns, may deem appropriate; and the erection, operation and maintenance by the permittee of permitted facilities shall in no way interfere with such uses, regulations or control of the reservoirs or its water.
6. The permittee agrees that if subsequent operations by Grant PUD require an alteration in the location of the permitted facilities, or, if in the opinion of the company the permitted facility shall cause unreasonable obstruction to navigation, or that the public interest or its own business purposes so require, the permittee shall be required, upon written notice from Grant PUD, to remove, alter or relocate the permitted facilities, without expense to Grant PUD.
7. In connection with the ownership, construction, operation or maintenance of the permitted facilities, no attempt shall be made by the permittee to forbid the full and free use by the public of Grant PUD lands or any project waters at or adjacent to the permitted facilities, or to unreasonably interfere with land or water-based recreation.
8. This permit only constitutes a license to use Grant PUD land and does not convey any property rights, either in real estate or material. Nor does it authorize any injury to private property or invasion of private rights or any infringement of federal, state or local laws or regulations, or eliminate the need to obtain federal, state or local assent required by law for the construction, operation or maintenance of the permitted facility. Permittee agrees, on behalf of the permittee and the permittee's heirs, administrators, successors and assigns that the permittee will not attempt to set up any claim of property rights or interests in or to the reservoir or the adjacent lands of Grant PUD by reason of the occupancy or use of these permitted facilities.
9. All expenses and responsibilities for the construction, installation, operation and maintenance of the permitted facilities, including the expenses of obtaining all necessary federal, state and local permits or approvals, shall be borne solely by the permittee.
10. The permittee agrees to, and does hereby, release, indemnify and agree to save and hold Grant PUD, its officers, directors, agents and employees, harmless from any and all causes of action, suits at law or equity, or claims or demands, or from any liability of any nature whatsoever for or on account of any damages to persons or property, including the permitted facilities, growing out of the ownership, construction, installation, operation or maintenance by the permittee of the permitted facilities.

11. (a) Except as stated in (b) below, by thirty (30) days' written notice mailed to the permittee by registered or certified letter, Grant PUD may revoke this permit whenever it determines that the public interest or its business purposes require such revocation or when it determines that the permittee has failed to comply with the conditions of the permit or Shoreline Management Plan or these Terms and Conditions, including the payment of any fee, or any additional conditions imposed by Grant PUD or by any federal, state or local agency. The revocation notice shall specify the reasons for such action. Grant PUD may, in its sole discretion, give permittee the opportunity to cure any violation prior to revocation. (b) Notwithstanding, (a) above, if in the opinion of Grant PUD, circumstances so dictate, Grant PUD may summarily revoke this permit with less than 30 days notice.  
(c) At such time that the permittee ceases to operate and maintain the permitted facility, upon expiration of this permit, or upon revocation of this permit, the permittee shall remove the permitted facilities within thirty (30) days, at his expense, and restore the waterway and lands to their former condition. If the permittee fails to complete removal and restoration to the satisfaction of the company, permittee agrees that Grant PUD may do so and recover the cost from the permittee.
12. For residential permits, permittee may not engage in commercial activity or otherwise charge a fee for the use of the permitted facilities by others.
13. This permit is issued in reliance upon all the information in the application being true and complete. Facilities (including any modifications or additions thereto) cannot exceed the sizes stated in the Procedures and Standards Manual or the permit.
14. Floating structures shall be securely anchored by means of mooring that do not obstruct the free use of the lakeshore.
15. Permit numbers shall be posted in a location that is visible from the reservoir.
16. Grant PUD shall not be liable for any damage or injury to the permitted facility that may be caused by, or result from, subsequent operations undertaken by the company, or any federal, state or local agency of the government, for the improvement of navigation or for other lawful purposes, and no claims or right to compensation shall accrue from any such damage.
17. The ownership, construction, operation and maintenance of the permitted facility (ies) are subject to all applicable federal, state and local laws and regulations. The permittee shall comply promptly with any lawful regulations or instructions of any federal, state or local agency of the government.
18. The permittee is responsible for proper design, engineering, construction, installation and maintenance of the permitted facilities. Neither Grant PUD's review or approval of the permit application nor any Grant PUD inspection is any guarantee or assurance that the permittee's plans or facilities are safe, proper or adequate for the purpose intended.
19. The permittee shall keep project lands and waters occupied by, and surrounding, the permitted facilities free of all waste, garbage and other unsightly debris and materials.
20. Permittee shall ensure that its contractors and agents abide by Grant PUD's Shoreline Management Plan, these Terms and Conditions of said Plan and any provisions of the permit issued by Grant PUD. Permittees are responsible for actions of their contractors and agents.
21. All the rights and privileges granted herein are subject to any and all limitations imposed upon Grant PUD either presently or in the future by reason of its status as a licensee under Federal Energy Regulatory Commission regulations.
22. Grant PUD's failure to enforce any of the terms and conditions of this permit shall not be deemed a waiver and Grant PUD shall not be liable for any such failure to enforce.
23. Grant PUD reserves the right to modify the Shoreline Management Plan, Procedures and Standards Manual, or these Terms and Conditions as deemed necessary.
24. In the case of front-lot property (ies) having multiple owners, Grant PUD permits shall be issued in the name(s) of the front-lot owner(s) whose name is provided under Section 1 of the Application for Permit document. That person(s) shall be deemed the designated contact person and as such, shall be authorized to request subsequent permit changes. All owners of said front-lot property are deemed to be equally responsible for compliance with Grant PUD's Shoreline Management Plan and Procedures and Standards Manual and will be held equally responsible for any violation of said documents and/or these Terms and Conditions or any permits issued under it.
25. All owners of a front-lot property must sign the Standard Shoreline Use Permit Application or the Nonstandard Shoreline Use permit application thereby confirming their agreement to abide by the Shoreline Management Plan, including these Terms and Conditions and any permit issued under same.



## Instructions for Land Use Authorization Application for Non-Project Use of Project Lands

### Requested Permit Action

Identify if the proposed Non-Project use is: 1) a new structure or use, 2) a request to change an existing structure or use, 3) a Land Use Authorization reissuance due to ownership transfer, or 4) a Land Use Authorization renewal.

### Property Information

A site map must be provided and include a north arrow, property lines, landmarks, and dimensions sufficient to locate the proposed use. Grant PUD recommends including site location photographs as part of this submittal.

Include the physical site address of the adjacent property associated with the proposed use if different from the project proponent's mailing address. Fill in the complete legal description of the adjacent property, including parcel number, division number, lot number, plat, quarter, section, township, and range.

### Structure/Use Information

Identify all applicable items related to the proposed Non-Project Use(s) on the application. Project proponents must provide a written description of the proposed Non-Project use as well as a site plan (as seen from above) and elevation (as seen from the side) drawings that include dimensions, heights of structures, the structure's location in relation to the high water mark and the adjacent property line(s). A description of the proposed construction methods and materials is also required.

### Engineer Drawings

Land Use Authorization project proponents should submit the least number of sheets necessary to show the proposed use adequately. Applications should include one original, or good quality copy, of all drawings on no smaller than 8 1/2 inch-by-11-inch white paper. Each page should have a title block. The title block should identify the proposed activity and include the name of the reservoir, county, name of Project proponent, number of the page and total number of pages in the drawing set, and the date the drawing was prepared. The drawings can be prepared on a computer or by hand, but must be in black ink and be clearly labeled.

The plan view shows the proposed facility or activity as if viewed from above. Plan view drawings should include the common Boundary between the adjacent parcel and the Project shoreline property where the use is proposed. It should also include the side lot lines of the adjacent parcel. The plan view drawing should include the distance from the proposed use to the property lines. Distances must also be shown from any existing structures within 100 feet of the proposed location. The plan view should clearly show the following:

1. Drawing scale such as 1"=10'.
2. Principal design and dimensions of the facility or activity.
3. The reservoir limits at full pool
4. Average water depths around the structure (if applicable).
5. North arrow.





6. If dredge material is involved, a description of the type of material, number of cubic yards of dredge, method handling, and the location of fill and spoil disposal area.

The elevation view/cross section is a scale drawing that shows the side, front, and/or rear of the proposed Non-Project use. If a section view is shown, it represents the proposed structure or activity as it would appear if cut cross-sectionally to expose internal structure. The drawing should clearly show the following:

1. Drawing scale.
2. Principal design and dimensions of all components of the proposed Non-Project use.
3. The location of the water's edge at full pool elevation
4. Cross-section of excavation/dredge or fill area (if applicable).

Generally, drawings do not have to be prepared by an engineer. During Grant PUD's initial application review, it will determine if the scope or scale of the proposed use requires additional drawings or if a professional engineer must approve the proposed Non-Project use design.

### **Special Conditions**

The project proponent must note if the proposal will involve ground disturbance, placement of fill, vegetation removal, or work below the ordinary high water line, on the application form. If any of these special conditions apply, the project proponent must provide an explanation of the quantity, footprint, or other proposed actions in the narrative.

### **Other Requirements**

Most Non-Project uses within 200' of the reservoir require some level of local, state, and/or federal review and approval. Project proponents do not need to have all permit(s) in hand to apply to Grant PUD; however, project proponents must provide copies of any required permits or approvals from regulatory agencies to Grant PUD prior to finalization of a Land Use Authorization.

**Appendix F**  
**Non-Project Use of Project Lands Requiring FERC Approval**



## Non-Project Use of Project Lands Requiring FERC Approval

In order for FERC to have adequate information to issue a decision, the level of detail required for a non-project use of project lands request is quite higher than the information required for Grant PUD to issue an authorization.

The following information is required to be included in a non-project use of project lands application:

- Description of proposed non-project use or facility
  - Location, quantity, type of conveyance (lease, right of way, easement, fee-title, etc.)
  - Major components, materials, and layout or design
  - Construction and operation methods, construction duration and approximate start and completion dates
  - Purpose of proposed use
  - Description of any Federal, state, and local permits or approvals required or obtained for proposed use
  - If available, copies of any government agency permits or agency review documents obtained for the proposed use
  - Maps or drawings showing the location and/or layout of the proposed facility
- Description of affected environment (the immediate area surrounding the site of the proposed facility or use)
  - Common fish and wildlife species
  - Threatened and endangered species
  - Wetlands, critical habitats, or significant features
  - Cultural resources
  - Common vegetation and trees
  - Soils and river substrate material
  - Water quality and approximate depth
  - Scenic quality
  - Existing recreation facilities and uses
  - Existing land and water uses and structures
- A description of the proposed use's potential impact on each resource area identified in the description of the affected environment. For example, impacts may include:
  - Vegetation removal
  - Shoreline erosion or turbidity
  - Dredging and riverbed disturbance
  - Disturbance of significant resources, species, or habitats
  - Specific impacts on existing land uses or structures
  - Cumulative effects on water quality or shoreline resources
  - Potential discharge of pollutants
- A description of any proposed construction, design, and/or operation practices or measures to minimize or mitigate for any specific impacts identified in the potential impacts discussion. For example, measures may include:
  - Potential discharge of pollutants
  - Erosion control measures
  - Avoidance of affected resources
  - Changes in design or location of a proposed facility
  - Close oversight to ensure compliance with licensee mandated permitting programs or land use regulations, Commission approved plans, or agency permit requirements.



- Evaluation of how the proposed use is compatible with:
  - Commission approved management plans (recreation plans, wildlife management, cultural resources, etc.)
  - Project operations and purposes and applicable license requirements
- Documentation of consultation (copies of correspondence) with appropriate Federal, state, and local government agencies and interested non-governmental organizations (NGOs) including:
  - Government agencies or NGOs that own or manage lands or facilities in the immediate area
  - Government agencies that would likely need to authorize or approve the proposed use
  - Government agencies that have jurisdiction over resources that may be affected by the proposed use (USACE, USFWS, SHPO, etc.)
- In addition, please note the following:
  - A minimum of 30 days must be provided for consulted parties to reply to requests for comments on a proposed use
  - If no reply is received, the filing should include a copy of written request for comments
  - Responses to any specific agency or NGO comments or recommendations. If recommendations are rejected, include site specific reasons for the rejection.

**Appendix G**  
**Special Events and Concessionaire Application**

**APPLICATION  
FOR SPECIAL EVENT OR CONCESSIONAIRE AGREEMENT**



**PART A -- Applicant Information**

Name of Group or Organization

Designated contact person name

Designated contact information

Address

Phone number

E-mail address

**PART B -- Proposed Activity**

**Please provide a detailed description of the proposed activity below.**

List all people from your organization who will be on site for the proposed event/concession

Date, time, and duration of proposed event/concession

Detailed description of proposed event/concession

Location of proposed event/concession  
(attach a map and show routes if event is a run/walk, race, parade)

Expected number of participants and spectators

List facilities to be provided (tents, canopies, booths, seating, etc.)

**PART B -- Proposed Activity Continued**

Describe your sanitation plan (number and location of toilets, garbage cans, dumpsters, potable water.

Will food or beverages be provided? If yes, please list all items to be provided

Yes  No

List other products for sale (shirts, hats, souvenirs)

Other equipment for rent (kayaks, rafts, inner-tubes, etc.)

Please attach a Parking Plan that includes the number of spaces needed (including accessible spaces), location on a map, and identification of access lanes for emergency vehicles.

Please attach a Safety and Medical Plan that includes emergency access areas, number and location of first aid stations, names of qualified first aid or medical staff, and emergency contacts and phone numbers. Describe safety measures that will be taken to ensure the safety of event participants and attendants.

**Name of Person(s) who will sign an Authorization or Concessionaire Agreement on behalf of the event**

I hereby acknowledge that this is an application only, and that the use and occupancy of Priest Rapids Project lands is not authorized until an agreement is signed by Grant PUD and the applicant.

Authorized Agent Name(s)

Mail completed form to:

**Grant County PUD Lands and Recreation Department, P.O. Box 878 Ephrata, WA 98823**

**Phone: (509) 754-0500 E-mail: lands@grantpud.org**