



PORTLAND, OREGON

LEWIS RIVER HYDROELECTRIC PROJECTS

SHORELINE USE PERMITTING INFORMATION
&
APPLICATION HANDBOOK

January 2014

Prepared by:

Kleinschmidt
Energy & Water Resource Consultants

PACIFICORP
PORTLAND, OREGON

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NOTICE:

This Handbook may be revised by PacifiCorp from time to time. Prior to relying on information provided in the SMP or the Handbook, the reader should consult PacifiCorp's property management department at the address provided in Section 1 of this Handbook.

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ACRONYMS AND ABBREVIATIONS LIST

EA	Environmental Assessment
FERC	Federal Energy Regulatory Commission
FPA	Federal Power Act
GPS	Global Positioning System
HPMP	Historic Properties Management Plan
msl	mean sea level
NHPA	National Historic Preservation Act
NPS	Nonpoint source
OHWL	Ordinary High Water Line
PM&E	Protection, mitigation, and enhancement plans
PUD	Public Utility District
PWC	Private Watercraft
ROW	Rights-of-way
RRMP	Recreation Resource Management Plan
RT&E	Rare, threatened, and endangered
SHPO	State Historic Preservation Office
SMC	Shoreline Management Classification
SMP	Shoreline Management Plan
USACE	U.S. Army Corps of Engineers
USFWS	U.S. Fish and Wildlife Service
WDFW	Washington Department of Fish and Wildlife
WDNR	Washington Department of Natural Resources
WDOE	Washington Department of Ecology
WMA	Wildlife Management Area

STANDARD TERMS LIST

Terms defined in the Federal Power Act, the Lewis River Project Licenses, and the Shoreline Management Plan have the same meaning in this Handbook as in the Federal Power Act, the Lewis River Project Licenses, or the Shoreline Management Plan, unless defined differently, below.

Allowable Use	A Non-Project Use or activity that may occur within the Shoreline Management Plan Jurisdictional Boundary (SMP Boundary) for which a permit from PacifiCorp and/or a Jurisdictional Entity (or Entities) may be required.
Applicant	A proponent of a Non-Project Use applying for a permit from PacifiCorp.
Boat Ramp	An alteration to the shoreline for loading and unloading of watercraft. A boat ramp may be paved or unpaved, with or without public access rights.
Commercial Facility/Use	Facilities and uses intended to serve non-residential enterprises operated, directly or indirectly, for financial profit or gain.
Commission	See Federal Energy Regulatory Commission.
Community	A non-commercial use by two or more unrelated parties.
Community Dock	A non-commercial dock system that is used and maintained by multiple individuals, parties or entities for their mutual convenience. Community docks must be owned and maintained by adjacent landowners, homeowner associations, and/or residents of a specific subdivision or other similar groups.
Coordinating Committees	Resource-specific, collaborative groups comprised of Settlement Agreement representatives organized during relicensing. Committees are to coordinate implementation of the protection, mitigation, and enhancement measures identified in the Settlement Agreement.
Dock	A manmade shoreline structure used to secure, protect, and provide access to boats or personal watercraft or for recreation (e.g. fishing, wildlife viewing, etc.). “Dock” is used interchangeably with “pier” in this Handbook.
Drawdown	The act of discharging of water to lower reservoir storage levels.
Dredge	To disturb or remove any material below the Ordinary High Water Line (OHWL) of a reservoir, stream, or river.

Drydock	Any fixed apparatus used to store, land or launch watercraft from the shoreline or from a dock; a marine trestle, railway, or tram used for the same purposes.
Exempt Activities	Activities within the Lewis River Projects that do not require a Shoreline Use Permit.
Federal Energy Regulatory Commission/FERC	Regulatory federal agency responsible for issuing license(s) for hydroelectric generation and mandating/conditioning such licenses to accommodate Project Operations, environmental and cultural resource protection, and public access.
FERC license	The license issued by FERC for a Project, setting forth the rights, privileges and responsibilities of licensees and others using Project lands.
Fill	To add any solid material within the OHWL of a reservoir, river, or stream.
Flood Plain	The relatively level area of land bordering a waterbody or channel inundated during moderate to severe floods.
Flowage Easement	A right of the owner of the easement to flood the land of another.
Footpath	A trail, passage or access way to the shoreline. Paths are natural and do not require construction; however, they may involve limited clearing of vegetation and placement of materials such as woodchips to define the access.
Foreshore	The part of the shore between the high-water mark and low-water mark.
General Conditions	Permit terms and conditions applicable to all permitted Non-Project Uses.
Habitable Structures	Living quarters or other enclosed structures intended for or routinely used for human occupation.
Historic Properties Management Plan	A plan for managing cultural resources within the Lewis River Projects' project boundaries, developed in consultation with the Cultural Resources Work Group during relicensing.
Inconsistent Use	A Non-Project Use that is not listed as an Allowable Use within the SMP. These types of uses may require FERC approval before PacifiCorp issues a permit.

Industrial	Heavy construction, manufacturing, or other commercial production enterprises.
Initiate Consultation	First contact by owners of or applicants for Non-Project Uses with PacifiCorp to begin permitting process.
Integrated Use	A Shoreline Management Classification in the Shoreline Management Plan that includes those Project Lands within the SMP Boundary having no known significant environmental/cultural resources or associated resource management goals that that would preclude existing Non-Project Uses or that would be incompatible with future Allowable Non-Project Uses.
Jurisdictional Entity	Any (local, state, or federal) governmental entity that has jurisdiction (or has been requested by PacifiCorp) to regulate a proposed or existing Non-Project Uses.
Lewis River Projects	PacifiCorp’s three FERC-licensed projects located on the Lewis River: Merwin Project (FERC Project No. 935); Yale Project (FERC Project No. 2071); and Swift No. 1 Project (FERC Project No. 2111).
Licensee	The holder of the FERC license (e.g. PacifiCorp).
Light Commercial	For-profit, water-dependent enterprises likely to have a minor impact on Project resources. These activities include guide services, slip rentals, watercraft rentals, etc.
Log Boom	A chain of floating logs (or other floating barrier) placed in a waterway to obstruct navigation or enclose floating objects.
Marina	A commercial “full service” boating facility providing fuel and/or pump out facilities and/or equipment repair.
Marine Trestles, Railways, Trams, & Lifts	Mechanical devices used to land or launch vessels from the shoreline.
Mooring	A chain, pylon, buoy, or other non-dock structure used to secure a watercraft in place.
Multi-boat slip	A pier, dock, or float where more than two watercraft are berthed, moored, or used for embarking or disembarking.
Naturalized Erosion Control	Methods such as planting vegetation or placement of native materials to stabilize eroding slopes.

Non-point Source Pollution	A pollution source that cannot be defined as originating from discrete points such as discharge from a pipe. Areas of fertilizer and pesticide applications, atmospheric deposition, manure, and natural inputs from plants and trees are types of non-point source (NPS) pollution.
Non-Project Use	Any activity or structure within the Project Boundary not related to Project Operations.
Ordinary High Water Line	A designated elevation in Exhibit G of a FERC license intended to correspond to the actual high water line around a project reservoir during normal operation (a/k/a “normal high water line”).
PacifiCorp	The Licensee for the Lewis River Projects (FERC Nos. 935, 2071, 2111).
Permit	A written, revocable authorization from PacifiCorp or a Jurisdictional Entity that approves a shoreline use within the SMP Boundary.
Permittable Use	A proposed Non-Project Use that is considered an Allowable Use under Shoreline Management Plan (SMP) policies and/or, dependent on meeting criteria within PacifiCorp’s permitting procedures, can be permitted within a specific Shoreline Management Classification.
Permit Tag	A weatherproof placard bearing information about a Shoreline Use Permit, mounted on the exterior of a structure to demonstrate its Permit status.
Permitted Use	A Non-Project shoreline use that has been authorized by PacifiCorp.
Pier	See “dock”.
Pre-application Screening	A meeting between a Shoreline Use Permit Applicant and PacifiCorp staff (may be held at the proposed use site prior to submittal of a completed application) for the purpose of discussing the proposed Non-Project Use.
Prior Existing Use	An existing Non-Project shoreline use established prior to January 1, 2008.
Private Dock	A non-commercial dock associated with a community or single-family residence for which no compensation is/will be received by the owner of the dock for its use.

Private Recreation Facilities	Facilities developed by adjacent private property owners for outdoor recreation activities that are not open to the public. These include picnic and event facilities.
Private Use	A non-commercial Non-Project Use.
Project(s)	Any (or all) of the Lewis River Projects (FERC Nos. 935, 2071, 2111) as defined in their respective FERC licenses.
Project Boundary	The outer extent of a project, as recognized by FERC in Exhibit G of a FERC license. Collectively the Swift No. 1, Yale, and Merwin project boundaries enclose approximately 13,000 acres that is managed under the Wildlife Habitat Management Plan.
Project Lands/Project Area	All land located within the Project Boundary. The phrase “on Project Lands” includes activities or uses on water overlying Project Lands.
Project Operations	Any use of Project Lands (including operation of the reservoirs, maintenance, studies and other actions) by PacifiCorp or its agent undertaken pursuant to, or in conformance with, the Project license.
Project Works	A Shoreline Management Classification in the Shoreline Management Plan that includes those Project Lands within the SMP Boundary occupied by Project features such as dams, powerhouses, and ancillary structures as well as Project Lands necessary to meet any requirements of the FERC license, such as Public Recreation Sites and fish production facilities.
Public Recreation Sites	Project Lands designated for public recreational uses such as camping, boating, hiking, or other appropriate activities, and structures related thereto. Public Recreation Sites are classified as Project Works under the Shoreline Management Plan’s Shoreline Management Classification system.
Recreational Resource Management Plan	A plan prepared during relicensing and incorporated into the FERC license under the terms of the Settlement Agreement. The Plan represents a single “umbrella” protection, mitigation, and enhancement (PM&E) measure to guide recreation resource management at the Lewis River Projects for the term of their licenses.
Relicensing	The process of acquiring a new FERC license for an existing licensed hydroelectric Project.
Resource Management	A Shoreline Management Classification in the Shoreline Management Plan that includes those Project Lands within the

	<p>SMP Boundary designated for specific resource management, species protection, and environmental purposes.</p>
Retaining Walls	<p>A structure that is employed to restrain a vertical-faced or near-vertical-faced mass of earth. The earth behind the wall may be either the natural embankment or the backfill material placed adjacent to the retaining wall.</p>
Rip-Rap	<p>A loose assemblage of broken stones erected in water or on soft ground to provide stabilization and erosion control.</p>
Settlement Agreement	<p>The collaborative agreement filed with FERC to resolve the relicensing of the Projects. The Settlement Agreement was developed among PacifiCorp and stakeholders (e.g., resource agencies and other interested parties) and details the proposed license article language, resource management goals and objectives, and implementation strategies to accomplish those goals.</p>
Shoreline Areas	<p>Those areas generally defined generally as lands within the elevation contour 10 feet above the Ordinary High Water Line (OWHL) for each reservoir.</p>
Shoreline Use Permit	<p>A permit issued by PacifiCorp specifying terms and conditions governing a Non-Project Use (Permit) within the SMP Boundary.</p>
Shoreline Management Classification	<p>A designation of an area within the Lewis River Projects under the Shoreline Management Plan that defines the types of uses allowed within that area (e.g., Integrated Use, Resource Management, or Project Works). See Appendix A for maps showing the Shoreline Management Classification of Project Lands at the Lewis River Projects.</p>
Shoreline Management Plan	<p>A plan describing how PacifiCorp will manage and regulate Non-Project Uses at the Lewis River Projects.</p>
Shoreline Management Plan Jurisdictional Boundary or SMP Boundary	<p>The Boundary around Shoreline Areas either owned by PacifiCorp or contained within PacifiCorp’s flowage easements, to which PacifiCorp applies specific conditions and requirements related to temporary and permanent activities and uses.</p>
Single Family Dock	<p>Private, non-commercial shoreline structure designed for mooring and docking private vessels associated with a single family residence.</p>
Specific Conditions	<p>Permit terms and conditions on Non-Project Uses tailored to meet the specific use.</p>

Stairways and Walkways	A constructed passage or path for shoreline access.
Stakeholders	The public (both resident and non-resident), tribes, federal and state resource agencies, nongovernmental organizations, and other parties interested in the operations of the Lewis River Hydroelectric Projects.
Temporary Construction Permit	A temporary construction permit issued after PacifiCorp's approval of an application and building/activity site inspection is performed, allowing construction to commence.
Use	A structure or an activity.
Vegetation Management	The act of removing, trimming, planting, or otherwise altering shoreline vegetation.
Vista Pruning	Any trimming, cutting or other pruning activity within PacifiCorp flowage easements designed to enhance the view of the Project by a property owner adjacent to the SMP Boundary.
Wildlife Support Facilities	Structures such as nesting platforms, watering devices or other facilities developed to enhance, protect, or promote wildlife management.

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SHORELINE USE PERMITTING INFORMATION & APPLICATION HANDBOOK

1.0 INTRODUCTION

PacifiCorp provides this *Shoreline Use Permitting Information and Application Handbook* (Handbook) to assist persons interested in placing structures upon, or making use of, any land or water within the Shoreline Management Plan Jurisdictional Boundary (SMP Boundary) of Merwin Hydroelectric Project, Yale Hydroelectric Project, or Swift Hydroelectric Project (Lewis River Projects). The lands within the SMP Boundary are Lewis River Project Shoreline Areas either owned by PacifiCorp or contained within PacifiCorp's flowage easements, to which PacifiCorp applies specific conditions and requirements related to temporary and permanent activities and uses. PacifiCorp developed this Handbook in support of its Shoreline Management Plan (SMP). This Handbook describes the types of structures and uses that require prior approval by PacifiCorp and the reasons these approvals are necessary. This Handbook also describes the permitting process, identifies specific criteria PacifiCorp applies when reviewing Shoreline Use Permit applications and provides standards for construction methods and materials for particular shoreline structures.

In some instances a proponent of a Non-Project Use applying for a permit (Applicant) will need prior approval of a proposed use from local, state, and/or federal entities, in addition to PacifiCorp. This Handbook includes contact information for those local, state, and federal entities (Jurisdictional Entities) likely to be interested in your application. After you have familiarized yourself with this Handbook, it is recommended that you contact PacifiCorp staff to determine if you need a Shoreline Use Permit, and if so, how to apply:

PacifiCorp Contact Info:

Property Management Department
825 NE Multnomah Street, Suite 1700
Portland, OR 97232
Telephone: (503) 813-5700

2.0 GENERAL INFORMATION

2.1 The Federal Energy Regulatory Commission

The Federal Energy Regulatory Commission (FERC) authorized PacifiCorp to operate the Lewis River Projects by virtue of its licensing authority under the Federal Power Act (FPA). The FERC license designates a Project Boundary for each Lewis River Project which encompasses all lands necessary for Project purposes such as maintenance and operation of the Project, flowage, recreation, public access, protection of environmental resources and shoreline control (“Project Lands”). Uses of Project Lands that are not for Project purposes are “Non-Project Uses”. Both FERC and PacifiCorp are responsible for regulating Non-Project Uses.

2.2 Shoreline Management Plan Jurisdictional Boundaries for the Lewis River Projects

PacifiCorp has three licensed projects on the Lewis River. The Lewis River Projects, located in southwestern Washington include:

- Merwin Hydroelectric Project (FERC Project No. 935)
- Yale Hydroelectric Project (FERC Project No 2071)
- Swift No. 1 Hydroelectric Project (FERC Project No. 2111)

As the majority of PacifiCorp lands are managed under its Wildlife Habitat Management Plan (WHMP), the focus and scope of the Lewis River Projects Shoreline Management Plan (SMP) is exclusively for management of: (a) Shoreline Areas required for Project Operations, and (b) Project Lands within the elevation contour 10 feet above the Ordinary High Water Line (OWHL) for each of the three Lewis River Projects. These Shoreline Areas fall under the Shoreline Management Plan Jurisdictional Boundary (SMP Boundary).

Areas included in the SMP Boundary for the three Lewis River Projects vary topographically, but are based on reservoir and shoreline elevations. The Shoreline Management Classification (SMC) maps in Appendix A also depict these boundaries. In general the Project Boundaries are:

Merwin

The SMP Boundary for the Merwin Hydroelectric Project is the 250 feet mean sea level (msl) elevation contour around Merwin Reservoir, which is roughly 10 feet above the OHWL of Merwin Reservoir.

Yale

The SMP Boundary for the Yale Hydroelectric Project is the 500 feet msl elevation contour around Yale Reservoir, which is roughly 10 feet above the OHWL of Yale Reservoir.

Swift No. 1

The SMP Boundary for the Swift No. 1 Hydroelectric Project is the 1,010 feet msl elevation contour around Swift Reservoir, which is roughly 10 feet above the OHWL of Swift Reservoir.

These SMP Boundary descriptions are for general descriptive use only and there are variations in the precise boundary throughout the Projects. For the exact SMP Boundary at specific locations, adjacent landowners and other stakeholders should consult with PacifiCorp.

2.3 Land Ownership within the SMP Boundary

FERC requires PacifiCorp to acquire and maintain sufficient property rights to Project Lands necessary to operate the Lewis River Projects in conformance with its FERC licenses. In some parts of the Projects, PacifiCorp owns fee title to Project Lands. In locations where Project Lands belong to private parties, PacifiCorp has acquired flowage easements upon those lands, up to the elevation contour establishing the respective Project's boundary. Flowage easements provide PacifiCorp authority to flood the subject lands and to prohibit development or use of those lands that would interfere with PacifiCorp's flowage easements. In addition, PacifiCorp may have easements or other agreements for other uses such as for access or transmission lines.

2.4 PacifiCorp's Responsibilities as a Licensee

FERC has delegated a portion of its regulatory responsibilities at the Lewis River Projects to PacifiCorp through articles contained in the Lewis River Project licenses.

Duties delegated to PacifiCorp include granting Non-Project uses and occupancies of Project Lands and Waters. With this responsibility comes the obligation that PacifiCorp exercise review, supervision and control of these Non-Project uses. To accomplish this PacifiCorp developed a SMP and the associated permit processes contained herein. Specific to permitting, PacifiCorp is empowered by FERC and the Project licenses, to issue, administer and enforce permits for usage of Project Lands (Shoreline Use Permits, or Permits).¹

2.5 PacifiCorp's Permitting Responsibilities

PacifiCorp's permitting responsibilities under its Shoreline Use Permits program include the following:

- 1) to determine whether a proposed Non-Project Use is an Allowable Use under the SMP,
- 2) to determine if the proposed Allowable Use is a 'Permittable Use'²,
- 3) to prohibit Non-Project Uses that are detrimental to the operation of the Project (including its environmental, cultural, and aesthetic resources), the general public or navigation or are otherwise not Permittable Uses,
- 4) to establish minimum health and safety standards for Permittable Uses,
- 5) to ensure that Permittable Uses are consistent with the purposes of protecting and enhancing the fish, wildlife, cultural, recreational, scenic and other environmental values of the Project,
- 6) to maintain records of Shoreline Use Permits, and
- 7) to inspect Permitted Uses and enforce compliance with Permit requirements.

2.6 Permit Applicant's Responsibilities

¹ PacifiCorp's permitting authority described herein does not apply to any part of public lands and reservations of the United States included within the Project Boundaries of the Lewis River Projects.

² Meets Shoreline Management Classification (SMC) criteria contained within the SMP and permitting criteria contained herein.

A Permit Applicant's responsibilities under the Lewis River Projects Shoreline Use Permits program include the following:

- 1) to contact PacifiCorp for authorization before undertaking any Non-Project Use,
- 2) to provide PacifiCorp requested information necessary to evaluate whether a proposed Non-Project Use is a Permittable Use,
- 3) to cooperate with local, state or federal governmental entities that have jurisdiction (Jurisdictional Entities) or have been requested by PacifiCorp to regulate a proposed Non-Project Use, and
- 4) to comply with terms and conditions of any authorization granted.

2.7 Permit Revocability

All Shoreline Use Permits issued by PacifiCorp are valid for a specified term, subject to early termination or modification in accordance with the terms and conditions set forth therein.

2.8 Permittee Insurance Requirements

Applicants wishing to obtain a Permit for a dock must furnish proof of liability insurance before PacifiCorp issues the Permit. The liability insurance may be part of a homeowner's policy, a rider to a policy, or an independent policy for the structure or use being permitted. Liability insurance must be furnished in the following amounts:

- 1) single family docks: \$500,000.00 (Five Hundred Thousand Dollars),
- 2) community docks: \$500,000.00 (Five Hundred Thousand Dollars) for each adjacent landowner; or \$1,000,000.00 (One Million Dollars) for a joint policy, and
- 3) light commercial docks: \$2,000,000.00 (Two Million Dollars).

PacifiCorp shall be named as co-insured with respect to liabilities arising out of uses related to the Permit, and the policy shall contain a 'cross-liability' provision. The Applicant shall furnish to PacifiCorp a Certificate of Insurance evidencing compliance with the provisions of this Section and containing a ten-day notice of cancellation

provision running to PacifiCorp. PacifiCorp reserves the right to require that applications for uses other than docks meet the insurance requirements above, where PacifiCorp determines that the proposed use poses substantial risk of serious injury to persons or property.

2.9 Water Withdrawals from Project Reservoirs

Because state water law governs water rights within the Lewis River Projects, PacifiCorp has no authority to authorize any withdrawal or consumptive use of the Project waters. PacifiCorp may authorize the construction or placement of structures for the withdrawal of water on Project Lands once the necessary rights, authorizations and permits are obtained from the state or applicable local jurisdictions. Before authorizing any structure used to withdraw water from the Project, such as irrigation (including water for lawns and gardens), domestic use, stock watering, heating or cooling systems or other uses PacifiCorp requires that Applicants document their water rights to PacifiCorp's reasonable satisfaction by means of a certificate, court order, letter from Washington Department of Ecology (WDOE) or an opinion letter from a Washington-licensed attorney competent in the area of water rights law.

2.10 Other Agencies' Responsibilities and Jurisdictions

PacifiCorp will not approve a Permit application until the Applicant has obtained approval from all Jurisdictional Entities. Applicants should contact PacifiCorp's Property Management department early in the permitting process for assistance in identifying Jurisdictional Entities for the proposed use. Should other Jurisdictional Entities require proof of coordination with PacifiCorp prior to processing agency specific permit applications, PacifiCorp will provide the Applicant with appropriate documentation of consultation indicating if PacifiCorp considers the proposed Non-Project Use a Permittable Use under its license, SMP, and permitting criteria.

3.0 PERMITTING SHORELINE USES

3.1 Exempt Activities

The following activities within Lewis River Projects *do not* require a Shoreline Use Permit and are considered ‘Exempt Activities’:

- 1) Activities within Designated Public Recreation Sites. Examples of such activities include: camping in designated campgrounds, recreation at day-use sites, use of designated boat ramp facilities, etc. Use of these sites is subject to rules posted at each site. Persons planning large gatherings or other activities beyond the normal uses generally intended for those sites should contact the recreation supervisor, at PacifiCorp’s Merwin office, (360) 225-4432 to determine whether a Special Use Permit is required. Special Use Permits are administered separately and not subject to the requirements of this Handbook.
- 2) Non-intrusive, Intermittent Activities. Noncommercial shoreline activities of 72 hours duration or less are permitted if they (a) do not interfere with other persons’ legitimate use and enjoyment of Project Lands; and (b) do not interfere with Project Operations; and (c) otherwise comply with all laws and regulations. Examples of such activities include swimming, fishing, boating, hiking, picnicking, etc.

If your proposed use of Project Lands is not an Exempt Activity, please see Section 3.2 to determine whether your Non-Project Use is an Allowable Use under the SMP policies and therefore, a Permittable Use requiring a Shoreline Use Permit.

3.2 Permittable Uses

The Lewis River Hydroelectric Projects SMP classifies Project Lands into three categories (Shoreline Management Classifications or SMCs). The ‘Integrated Use’ classification applies to Shoreline Areas that are potentially suitable for the widest variety of Allowable Uses and therefore ‘Permittable Uses’; encompassing Shoreline Areas with no known significant environmental/cultural resources or associated resource

management goals that would preclude such uses. The ‘Resource Management’ classification applies to lands that are managed to achieve specific Project resource management objectives, such as habitat conservation. Allowable Uses are generally limited in these areas. The ‘Project Works’ classification applies to lands reserved for Project features and other uses related to the Project, such as fish production facilities. Appendix A to this Handbook contains Shoreline Management Classification Maps showing the boundaries of the various SMCs within each of the Lewis River Projects.

PacifiCorp has defined Allowable Uses for each SMC, except as provided in Section 3.4. The Non-Project Uses set forth in the table below are, depending on a particular use meeting the criteria identified in Section 3.3, considered Permittable Uses within the specific SMC in which it occurs.

Table 3-1. Allowable Uses by Shoreline Classification

	Integrated Use	Resource Management	Project Operations
Uses and Facilities			
Multi-Boat Slip	YES	NO	NO
Community Docks	YES	NO	NO
Single Family Docks	YES	NO	NO
Retaining walls ³	YES	NO	NO
Shoreline stabilization measures	YES	Only natural or bio control measures allowed	NO
Boat ramps	YES	NO	NO
Marine trestles, railways, trams & lifts	YES	NO	NO
Moorings	YES	YES	NO
Dredging ⁴	YES	NO	NO
Log booms	YES	YES	NO
Structures to accommodate municipal/agricultural water withdrawal & discharges	YES	YES	NO
Structures to accommodate private/residential water withdrawal	YES	YES	NO
Scientific Instrumentation	YES	YES	YES
Vegetation removal ⁵	YES	YES	NO
Vegetation plantings ⁵	YES	YES	NO
Stairways & walkways	YES	YES	NO
Footpaths	YES	YES	NO
Public Recreation Sites	YES	NO	NO
Fish/wildlife support activities & devices	YES	YES	YES
≤ 50% In kind repair or replacement of Permitted Use within existing footprint (See Section 3.5)	YES	YES	YES
Temporary Uses	YES	YES	YES

³ Retaining walls are not the preferred method of erosion control or bank stabilization. PacifiCorp will only authorize these types of structures when no other measures are feasible.

⁴ All dredging activities disturbing more than 3 cubic yards must be reviewed and approved by FERC.

⁵ While PacifiCorp does not regulate the removal or planting of vegetation in Integrated Use classification areas, other county and state regulatory agencies may. Anyone one considering these activities should verify the proposed action is allowable under state law.

3.3 Permit Criteria

PacifiCorp will issue a Permit where the proposed use:

- 1) is consistent with the purpose of protecting and enhancing the cultural resources (as described in the Historic Properties Management Plan (HPMP)) of the respective Project,
- 2) is consistent with the purpose of protecting and enhancing the scenic, recreational and other environmental values of the Project, including the SMC criteria in which the use will be located,
- 3) is consistent with the Recreation Resource Management Plan (RRMP) for the respective Project,
- 4) complies with the use-specific requirements set forth in Appendix B⁶, including applicable state and local health and safety standards, and
- 5) has received all permits required by Jurisdictional Entities (e.g. Clean Water Act §404 permit).

PacifiCorp may impose conditions upon the Shoreline Use Permit in order to ensure that the use, as permitted, satisfies the above criteria.

3.4 Prior Existing Uses

‘Prior Existing Uses’ are Non-Project Uses established prior to January 1, 2008. Owners of Prior Existing Uses are required to initiate consultation with PacifiCorp within nine months of the public notice of FERC’s approval of the SMP.⁷ Prior Existing Use permitting is determined on a case by case basis. Prior Existing Uses may be permitted even if the use is not listed in Section 3.2 or is inconsistent with the criteria in Section 3.3. PacifiCorp may condition any Permit for a Prior Existing Use, as necessary, to ensure that it satisfies the criteria below:

⁶ The requirements set forth in Appendix B are subject to revision without notice. Therefore, PacifiCorp recommends contacting property management staff to obtain the most recent version of the Handbook prior to preparing an application.

⁷ In accordance with the FERC’s January 16, 2014 *Order Modifying and Approving Shoreline Management Plan*, ¶ 20, PacifiCorp will make contact with owners and initiate permitting of Prior Existing Uses. PacifiCorp will initiate consultation with a letter sent by certified mail (or sent via national carrier with delivery signature required); recipients who participate in a Pre-application Screening meeting within nine months of the date of the letter will be offered an existing use permit.

- 1) the Prior Existing Use will not unduly interfere with Project purposes or Project Operations,
- 2) the Prior Existing Use does not pose an undue hazard to persons or property,
- 3) the Prior Existing Use is consistent with the intent of the SMP, and
- 4) the owner began the Permit application process within nine months of the public notice of the FERC approval of the SMP by initiating consultation and participating in a pre-application screening meeting with PacifiCorp.

The Permit fee specified in Section 5.3 is waived if the Applicant has an existing, valid permit from PacifiCorp. Prior Existing Uses, even if previously permitted by PacifiCorp, require a new permit at the time the use requires repairs costing more than 50% of the replacement cost of the use (See Section 5 of this Handbook).

3.5 Inconsistent Uses

PacifiCorp may review and permit other potential shoreline uses not listed within the SMP or this Handbook. Such uses are considered ‘Inconsistent Uses’. PacifiCorp will consider permitting Inconsistent Uses on a case by case basis. These types of uses will require FERC review and approval prior to PacifiCorp issuing a Permit.

3.6 Temporary Permittable Activities

PacifiCorp may permit a Non-Project Use of less than 30 days duration if it does not interfere with Project Operations, does not require construction of a permanent structure, does not establish a long-term use, and does not result in any significant adverse effect upon a sensitive or protected Project resource. Examples of temporary activities that may be permitted include one-time outdoor events, educational projects, and other non-commercial programs associated with schools, universities, service clubs, or youth organizations.

3.7 Request for Waiver of Permitting Criteria within the Resource Management Classification

An Applicant for a Non-Project Use within lands classified as Resource Management may ask PacifiCorp to waive the Resource Management classification standards and requirements for the Applicant's use. If PacifiCorp agrees to grant the waiver, PacifiCorp will review the application under Integrated Use classification standards. PacifiCorp will consider granting a waiver only if the Applicant can:

- 1) demonstrate to PacifiCorp that no other feasible alternative to the proposed use would have less impact on the Project,
- 2) provide convincing evidence that the proposed Non-Project shoreline use would have minimal impact to environmental or cultural resources (e.g. conduct resource surveys and show no detriment to resources) or Project Operations, and
- 3) execute specific protection, mitigation and/or environmental enhancements (PM&E measures) as may be prescribed by PacifiCorp or through any consultation with Jurisdictional Entities or the appropriate Coordinating Committee.

Examples of Non-Project Uses that may be granted a waiver include moorings and pathways with erosion control features. Applicants requesting a waiver should enclose with their application a letter requesting a waiver and explaining why there is no other feasible alternative to the proposed use that would have less impact on the Project. PacifiCorp will review the waiver request along with the application. If PacifiCorp grants a waiver, Applicant must still satisfy the approval criteria described in Section, 3.3 and, if applicable, 3.8.

3.8 Project Uses

PacifiCorp's use of Project Lands for Project Operations, including implementation of its FERC license and the SMP, are Project Uses (not Non-Project Uses). Therefore, those uses are not subject to the permitting requirements detailed in

this Handbook. PacifiCorp may require a permit application from third parties contracted to facilitate PacifiCorp's administration of Project Lands.

3.9 Other Types of Authorization for Non-Project Uses

PacifiCorp has limited authority to authorize Non-Project Uses of Project Lands outside of the Shoreline Use Permit program. PacifiCorp may authorize state and federal highways, minor access roads, buried and overhead utility transmission and local service lines, recreational facilities, and other uses provided that they meet the criteria set forth in, and are subject to the conditions of, the Standard Land Use Article (attached as Appendix B to the SMP). PacifiCorp's license generally does not require it to approve Non-Project Uses that are not eligible for a Shoreline Use Permit. In the event PacifiCorp does authorize such a use, however, PacifiCorp will condition its authorization on the use being consistent with the guidelines and policies of the SMP and this Handbook.

3.10 FERC Authorization of Non-Project Uses

Any Non-Project Use that is ineligible for a Shoreline Use Permit and unauthorized by PacifiCorp pursuant to Section 3.9 may only be authorized by FERC. Request for permits for Non-Project Uses outside the SMP policies and Standard Land Use Articles require PacifiCorp to file a request for license amendment with FERC. If a shoreline use proponent requests PacifiCorp pursue a license amendment, the proponent must 1) obtain PacifiCorp's agreement on the proposed Non-Project Use, 2) comply with all FERC rules regarding the content and process for the amendment, 3) be responsible for the costs of any analyses, studies, or other documentation, and 4) reimburse PacifiCorp's administrative costs associated with preparation and implementation of the license amendment request.

4.0 PROHIBITED ACTIVITIES

Within the Project Boundaries, the SMP prohibits the following activities:

- removal of any vegetation within Resource Management classification for any reason other than habitat enhancement unless reviewed and permitted by PacifiCorp
- marinas
- restaurants
- habitable structures (permanent or temporary, including houseboats, enclosed living structures over or on docks and piers, etc.)
- amusement or water parks
- manufacturing or industrial facilities
- elevated decks and roofs on docks and moorings
- enclosed boat docks and moorings (with sides)
- skirting around docks
- fueling stations on docks
- bathrooms on docks
- fish cleaning stations on docks

5.0 ***THE PERMITTING PROCESS***

To obtain a Shoreline Use Permit, the Applicant must fill out a written application and provide drawings showing the location, design, and dimensions of the proposed Non-Project Use, and a description of material and construction types, as appropriate. All uses must conform to PacifiCorp's general requirements, guidelines, and minimum construction and maintenance requirements for Non-Project Uses (See Appendix B). Because these standards are subject to revision without notice, PacifiCorp recommends potential Applicants contact PacifiCorp before submitting a Permit application to verify the Applicant has the current version of Appendix B.

Applicants should provide complete information in the requested format; the processing of an incomplete application will be delayed. The information an Applicant provides will be used to determine the evaluation process and the requisite authorization.

The processing of an application will begin immediately upon receipt of all required information. PacifiCorp will attempt to issue or deny a Permit within 90 days of receipt of complete application, but some complex activities, issues, or requirements of law may prevent PacifiCorp from meeting this goal. For more information concerning the evaluation process, or to check the status of your application, contact the property management department, at (503) 813-5700.

5.1 Typical Procedure for Processing a Shoreline Use Permit

Applications for Shoreline Use Permits will be processed in the following manner:

- 1) Applicant Requests Customer Number. When ready to submit an application packet and non-refundable application fee, Applicant contacts the PacifiCorp property management department to request a PacifiCorp Customer Number. PacifiCorp will typically provide the Customer Number to the Applicant within five days of Applicant's request.
- 2) Applicant Submits Application and Application Fee. Upon receipt of the new Customer Number, the Applicant submits the:

- Complete application packet to:
PacifiCorp Property Management Department
825 NE Multnomah Street, Suite 1700
Portland, Oregon 97232
 - Non-refundable application fee to:
PacifiCorp
Attn: Central Cashiers Office
P.O. Box 5504
Portland, OR 97228
Customer No.: _____
(The Customer No. must be referenced on your check or money order to ensure payment is applied properly.)
- 3) PacifiCorp Screens Application. Once the property agent receives the application packet and confirms receipt of the non-refundable application fee, PacifiCorp staff will conduct the initial application screening and determine if:
- the proposed project is an Allowable Use
 - the Allowable Use is a Permittable Use
 - FERC approval is required
- 4) PacifiCorp Requests Additional Information (if needed). In some cases, PacifiCorp staff may request further information from the Applicant or may need to visit the proposed project location to complete the initial application screening. If a site visit is necessary, a property agent will notify the Applicant that the proposed project location should be delineated with stakes. NOTE: If the proposed project is a wall or rip-rap, grade stakes with flagging tape must be placed along the outer boundary in such a way to allow the site to be easily photographed.
- 5) PacifiCorp Issues Preliminary Approval Letter. Provided the Applicant's proposed project meets the criteria outlined in the Lewis River Shoreline Management Plan and this Handbook, PacifiCorp will issue a preliminary approval letter indicating the Applicant has consent to pursue all other necessary permits and approvals for the proposed project.
- 6) Applicant Consults with Interested Local, State, and Federal Agencies. Upon receipt of the preliminary approval letter, the Applicant will acquire

any applicable local, county, state, and federal permits for the proposed project. PacifiCorp will support Applicant by providing information in PacifiCorp's possession as reasonably required by any Jurisdictional Entity in furtherance of Applicant's request.

- 7) Applicant Documents Concurrence of Interested Local, State, and Federal Agencies. The Applicant must submit copies of all permits and approvals it obtains for the proposed project to PacifiCorp in order for PacifiCorp to make a final determination and approve or deny the Applicant's proposed project.
- 8) PacifiCorp notifies FERC (if necessary). If the proposed project requires notice to FERC, PacifiCorp will send FERC a copy of the proposed Shoreline Use Permit, along with copies of all permits and approvals Applicant has obtained for the proposed project, notifying FERC that PacifiCorp intends to issue the permit in 60 days unless FERC objects.
- 9) PacifiCorp Grants Shoreline Use Permit. If the project is approved, and FERC notification is not required, or FERC notification is required and FERC takes no action within 60 days of notification, Applicant and PacifiCorp will sign a Shoreline Use Permit. If construction is involved, PacifiCorp will also issue a temporary construction permit identifying the intended construction start and completion dates that the Applicant must keep posted at the project construction site at all times.
- 10) Permittee (formerly Applicant) Installs Permitted Structure (if applicable). Permittee constructs or installs the structure approved in the Shoreline Use Permit.
- 11) Permittee Notifies PacifiCorp when Construction is Completed. Permittee notifies the PacifiCorp Property Management Department in writing that the construction is complete within five days of completion. E-mail notification is an acceptable form of notification.
- 12) PacifiCorp Conducts Final Inspection. PacifiCorp makes a post-construction inspection to verify that the structure was constructed and/or located in accordance with the Shoreline Use Permit.

- 13) PacifiCorp Issues Permit Tag. Upon its final approval of the construction and/or location of Permittee’s structure, PacifiCorp will issue a Permit Tag to the Permittee, which Permittee must then properly attach to Permittee’s Structure in an area designated by PacifiCorp. The Permit Tag must be kept and maintained in place on Permittee’s Structure throughout the entire term of the Shoreline Use Permit.
- 14) (Alternatively) PacifiCorp Denies Application. If PacifiCorp denies an Applicant’s proposed project, PacifiCorp will issue a notice of denial with an explanation of what factors led to the denial. Requests for reconsideration are discussed below in Section 5.7.

5.2 PacifiCorp Permit Conditions

All Permits are subject to the General Conditions of Shoreline Use Permits, found in Appendix D ‘General Conditions,’ any Specific Conditions attached to the Permit, and Appendix B⁸ ‘Specific Requirements of Various Allowable Uses.’

5.3 PacifiCorp Processing Fees and Permit Terms

A non-refundable processing fee is required for all permit applications. This fee for non-commercial Non-Project Uses is \$250 for the initial five year term. Renewal of the Permit will cost \$50 and is valid for an additional five years. The fee for commercial shoreline uses and other applications processed under Section 3.4 will vary depending on the complexity of the required application review. Fees are assessed per Permit as opposed to the number of users (i.e., Community dock and Single Family dock fees are assessed for the structure, not the number of users).

Owners of Prior Existing Uses that have a valid permit from PacifiCorp are required to obtain a new Shoreline Use Permit, but will not be charged an initial application fee. Permits for Prior Existing Uses will extend for a period of five years.

⁸ The requirements set forth in Appendix B are subject to revision without notice. Therefore, PacifiCorp recommends contacting Property Management staff to obtain the most recent version of the Handbook prior to preparing an application.

Subsequent renewal permits, also valid for five years, will be required for Prior Existing Uses and will cost \$50.

The fee (check or money order only) payable to PacifiCorp must be paid when the application is submitted. Applications submitted without the fee will be returned.

5.4 Inspections

All Non-Project Uses and activities are subject to periodic inspection by PacifiCorp's agents to ensure compliance with Permit conditions. No deviation or changes from the approved plans are permitted without prior approval from PacifiCorp. Should an inspection reveal that these uses deviate from the approved plans, PacifiCorp will require that the property owner correct the discrepancy and/or remove the encroachment from the Project Lands. PacifiCorp may take any legal measures necessary to prohibit unauthorized use and require removal of structures, as well as require the restoration of Project Lands to their original condition, if Permit conditions and SMP requirements are not followed.

5.5 Requests for Reconsideration

If an Applicant or a stakeholder believes that PacifiCorp made a mistake in applying the permitting criteria then he or she may send a letter to PacifiCorp's Property Management Department explaining his or her objection. There is no fee for requesting reconsideration. PacifiCorp will review the request and respond in writing within 60 days. Prior to making any final decision to reverse a prior decision on a Permit application, PacifiCorp will give interested stakeholders a chance to consider any new information that PacifiCorp may consider when evaluating a request for reconsideration.

5.6 Agency Consultation for Proposed Commercial Uses

Commercial uses typically are larger than non-commercial uses and have potentially greater impact on the Projects and Project Lands. Accordingly, before permitting a commercial use, PacifiCorp will consult with federal and state fish and wildlife or recreation agencies (as appropriate) and the State Historic Preservation Officer (SHPO), and consider their remarks when applying the criteria in Section 3.3. Applicants

requesting a Permit for a commercial use may be required to supplement their Permit applications with additional information requested by consulting agencies or PacifiCorp. PacifiCorp may treat a proposed non-commercial use like a commercial use if the use would have impacts to Project resources similar in magnitude to a commercial use.

6.0 INSTRUCTIONS FOR PREPARING A PACIFICORP APPLICATION

The following instructions are given to assist in properly completing the required Permit application form. If an Applicant needs additional assistance, please contact PacifiCorp's property management department at (503) 513-5700. A sample application is provided on page 6-3 for reference.

6.1 Application Items

Item Number 1 - Reservoir and County

Fill in the reservoir's name and the county where the proposed use is to be located.

Item Number 2 - Name & Address of Applicant

Fill in the Permit Applicant's complete name, mailing address, and telephone number(s). Include home telephone and the telephone number where the Permit Applicant can be reached during business hours.

Item Number 3 - Address & Location of Facility

Fill in the address and/or location (GPS coordinates) where the Non-Project shoreline use will be located, if different from your mailing address.

Item Number 4 - Legal Description

Fill in the complete legal description of the property where Non-Project Use will be located, including section, township, range and latitude/longitude (if known). Applicants must be the legal owner of the property or have written permission from the property owner to occupy the property for the requested use. Applicants must attach a copy of the deed or other instrument verifying ownership of property or permission to occupy the property for the proposed purpose.

Item Number 5 - Detailed Description of Shoreline Use

Applicants must provide a written description of the proposed Non-Project Use. If the space provided is insufficient to describe the proposed use, attach additional sheet(s) of 8 1/2 x 11 inch paper labeled "Item #5." Check all applicable items

related to the proposed Non-Project Use on the application. Indicate whether the purpose of the proposed use is commercial or non-commercial (Community Docks are reviewed under commercial standards).

Item Number 6 - *Drawing/Maps*

Permit Applicants must attach a detailed drawing showing both the plan view and cross section view of the proposed structure (if applicable). For docks, walkways, and walls, submit a drawing showing the design and dimensions of the proposed structure. Section 6.2 describes drawing standards in more detail.

Item Number 7 – *Contractor Contact Information*

If more than one contractor involved, list only the prime contractor.

SHORELINE USE PERMIT APPLICATION

Print or type all information requested below and return to PacifiCorp, Property Management, Hydro Team, 825 NE Multnomah Street., Suite 1700, Portland, OR 97232				
1. Reservoir	County			
2. Applicant(s)	Name(s)	Day Telephone	Night Telephone	
Mailing Address:	Street	City	State	Zip
3. Address of Facility				
Mailing Address:	Street	City	State	Zip
4. Full Legal Description of Location of Facility, (Applicant(s) must be legal owner(s) of property.)				
<u>Attach Copy of the Deed.</u>				
Lot:	Block	Subdivision		
Quarter/Quarter	Section	Township	Range	Tax Parcel No.
USGS Lat/Long				
5. Proposed use as outlined on attached plans. <i>COMPLETE ALL BLANKS FOR PROPOSED USE(S). Provide additional details on separate sheets</i>				
Facility #1a) Size __ X __ ; b) Height __ ; c) # Slips __ ; d) Length of Walkway to Dock: __ ft;				
e) Construction: __ metal, __ wood, __ floating, __ fixed; f) Floatation Brand				
g) Location: __ feet along shoreline from __ (N/S/E/W) Applicant's side property line.				
Facility #2 a) Size __ X __ ; b) Height __ ; c) # Slips __ ; d) Length of Walkway to Dock: __ ft;				
e) Construction: __ metal, __ wood, __ floating, __ fixed; f) Floatation Brand				
g) Location: __ feet along shoreline from __ (N/S/E/W) Applicant's side property line.				
f) Private Use __ Commercial Use __				
6. Three Drawings/Maps That Must Be Attached, Check List: __ Plan __ Profile __ Property Plat				
7. Contractor (Name, Address, Telephone Number)				
Date	Signatures of Applicants			

6.2 Drawings

Permit Applicants should submit the least number of sheets necessary to adequately show the proposed use. Applications should include one original, or good quality copy, of all drawings on 8 1/2-by-11-inch white paper. Each page should have a title block. The title block should identify the proposed activity and include the reservoir, county, name of Applicant, number of the page and total number of pages in drawing set, and the date the drawing was prepared.

Generally, drawings do not have to be prepared by an engineer, however PacifiCorp may determine that the scope or scale of the proposed use requires additional drawings or that a professional engineer must approve the proposed Non-Project shoreline use design.

Three design views— Site Location, Plan, and Cross Section/Profile are required to accurately depict a proposed use in support of an application.

6.2.1 Site Location

The site location drawing should show the proposed location of the Non-Project Use as it relates to site property. Please include sufficient details to simplify locating the site from both the water and land. The drawing should show the following:

- 1) scale,
- 2) location of use (show distances to adjacent property lines, and the distance the use encroaches into the reservoir from the shoreline),
- 3) name/number of road/street where property is located,
- 4) north arrow.

6.2.2 Cross Section Profile

The cross section/profile view is a scaled drawing that shows the side, front or rear of the proposed Non-Project Use. If a section view is shown, it should represent the proposed structure or activity as it would appear if cut internally for display. The drawing should clearly show the following:

- 1) principal design and dimensions of the proposed Non-Project Use,
- 2) water depth at reservoir and shore faces of the proposed Non-Project Use,
- 3) cross-section of excavation/dredge or fill area (if applicable).

6.2.3 Plan View

A drawing/plat of the property showing the proposed Non-Project Use must also be attached. The plan view shows the proposed facility or activity as if you were looking straight down on it from above. The drawing plat should include distances from property lines (if applicable). Distances must also be shown from any existing structures within 100 feet of the proposed location. For retaining walls and/or rip-rap, submit a drawing showing location in conjunction with shoreline. The plan view should clearly show the following:

- 1) principal design and dimensions of the facility or activity,
- 2) name of reservoir,
- 3) existing shoreline,
- 4) average water depths around the structure (if applicable),
- 5) north arrow,
- 6) if dredge material is involved, you must describe the type of material, number of cubic yards of dredge, method handling, and the location of fill and spoil disposal area,
- 7) vicinity map illustrating location of proposed use in relation to Project features.

APPENDIX A

SHORELINE MANAGEMENT CLASSIFICATION MAPS
FOR MERWIN RESERVOIR, YALE RESERVOIR, AND SWIFT RESERVOIR

APPENDIX B

SPECIFIC REQUIREMENTS OF VARIOUS ALLOWABLE USES

SPECIFIC REQUIREMENTS OF VARIOUS ALLOWABLE USES

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1.0 REQUIREMENTS APPLICABLE TO ALL ALLOWABLE USES

Applicants must document that the proposed Allowable Use design complies with appropriate local design codes, as demonstrated either by the Applicant obtaining a county building permit (and any other applicable safety related permit) or by presenting PacifiCorp with a letter from a licensed professional engineer bearing that engineer's stamp and affirming that the proposed design complies with specified local design codes. PacifiCorp will make a finding of whether the proposed use is consistent with the applicable requirements in this Appendix B. If PacifiCorp finds that the proposed use is not consistent, PacifiCorp may either: (a) require the Applicant to modify its proposed use to achieve consistency; or (b) waive the inconsistent requirements with respect to Applicant's proposed use and document such waiver in a recital in the Permit. If appropriate design codes contradict the specifications herein, the Applicant shall notify PacifiCorp and PacifiCorp shall determine which requirement shall govern.

2.0 SINGLE FAMILY DOCKS AND MOORINGS

PacifiCorp defines single family docks and moorings as private, non-commercial shoreline structure designed for mooring and docking private vessels associated with a single family residence.

2.1 Siting, Location, and Length

- 1) Consistent with PacifiCorp's goal of minimizing cumulative shoreline disturbance, Applicants for Single Family Docks are required to consider installing a mooring or building a Community Dock (as defined in Section 3, below) instead of a Single Family Dock. In Resource Management areas, a dock Permit application may be denied based upon the availability of lower impact alternatives.
- 2) An Applicant must specify the location of the proposed dock or mooring in relation to the shoreline and the Applicant's property line. If there is reasonable doubt whether an Applicant's structure would encroach upon adjacent property owners, PacifiCorp may require the Applicant to provide a survey by a registered land surveyor.

- 3) The point of attachment to the shoreline must adequately address erosion control.
- 4) No more than one dock with a maximum of two major slips shall be located at each single-family residence regardless of total reservoir frontage.
- 5) All new docks shall be located between the Applicant's side lot lines to provide at least a 40 foot setback from the adjacent property owner's side lot line as extended into the water, except that encroachment into the 40 foot setback may be allowed under the following conditions:
 - the adjacent property owner(s) have granted written consent,
 - PacifiCorp determines that the construction/ placement will not cause unfair use of the shoreline between property owners or the general public or create a hazard to safe navigation, and
 - PacifiCorp determines that the proposed placement minimizes adverse impacts to the Project.
- 6) Docks shall be placed as close to the shoreline as possible and shall not extend more than 55 feet waterward from the OHWL of the reservoir. The 55 feet includes any gangway or ramp to access a floating dock. Maximum length should, however, only be long enough to obtain a depth of ten feet of water depth as measured at the OHWL. Extensions into a cove or reservoir are limited to 55 feet or the following, whichever is less:
 - one-fourth the distance across the cove,
 - 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 marine crafts.

PacifiCorp may modify maximum length and size requirements of a structure based on its best judgment regarding site specific conditions, potential for adverse effect to protected resources, and safety. Some locations may be unsuitable for any type of dock or mooring. In all cases, PacifiCorp will consider the above criteria and then establish a limit for that particular location.

2.2 Design

- 1) All docks and moorings must be designed to withstand climatic and operational conditions at the reservoirs or be designed for removal after the boating season.
- 2) Docks and moorings may only be constructed perpendicular to the shoreline.
- 3) The total area of a Single Family Dock (including slip areas) shall not exceed 1,200 square feet. This includes any gangways, walkways or ramps to access a dock.
- 4) Docks and moorings beside slips may be up to 8 feet in width when used as access to boats.
- 5) The maximum height of the floor or deck of a dock should not exceed 5 feet above the OHWL with guard rails and hand rails extending no more than 3 feet above the floor or deck.
- 6) A stabilizer or underwater brace is recommended on the entry end of the boat dock between walkways.
- 7) An anchorage system shall provide secure mooring of the structure. Anchorage systems utilizing a dead man or ground stakes must be installed flush with the existing grade. Anchor cables or other securing devices must be maintained in good repair and located to minimize obstruction hazards to pedestrians, boaters and vehicular traffic. Anchor cables will not be attached to trees, stumps, power poles, guardrail posts, etc. The method of permanently attaching a gangway, walkway or ramp to a dock and anchoring it to the shore must be shown on the plans submitted with a Permit application.
- 8) Gangways, walkways, and ramps to access docks must be between 3 to 6 feet in width, including handrails. They must be free from excessive spring, deflection, and lateral movement, and adequately supported with flotation to provide safe access.
- 9) Gangways, walkways and ramps must be above water at all times and kept free from materials or obstructions which would render them unsafe to the persons using them. All boards must be secured so that boards or other

- surfaces will not float away, blow away or be easily knocked off if subjected to adverse weather conditions or bumped under normal use.
- 10) Associated dock structures must be built from flexible, hinge-segmented pads which can adapt to changes in reservoir elevation unless a solid structure is demonstrated to be more appropriate for the intended level of use.
 - 11) Handrails must be provided on both sides of the gangway leading to the dock. Guardrails must be provided on perimeter areas of the dock not subjected to frequent loading and unloading of boats.
 - 12) If electrical service is provided to the dock that service must be installed in compliance with the safety requirements as set forth in the Washington State electrical code. PacifiCorp prefers and recommends solar powered lighting installations.
 - 13) Applicant must specify type and wattage of any lighting to be installed. Only low wattage light, configured to reflect light downward should be used on docks. Lighting must not create a hazard to boaters or a nuisance to other property owners.
 - 14) Elevated decks and roofs on docks and moorings are not allowed.
 - 15) Enclosed boat docks and moorings (with sides) are not allowed.
 - 16) Habitation of structures is not allowed on docks.
 - 17) Fueling stations are not allowed on docks.
 - 18) Bathrooms are not allowed on docks.
 - 19) Fish cleaning stations are not allowed on docks.
 - 20) Skirting is not allowed around docks.
 - 21) All docks shall be equipped with a throwable personal flotation device.
 - 22) All docks must have reflective markings on all corners.
 - 23) All structures will be adequately designed to resist wind and wave loading in accordance with appropriate standard design codes.

2.3 Materials and Construction Methods

All materials will be of good quality, suitable for the intended purpose. All connections will be secured to resist movement that would tend to dismantle the structural connection.

All work to construct or install Permitted Uses must be conducted in such a manner that limits erosion or siltation of adjacent areas. Removal of shoreline and aquatic vegetation must be limited to that necessary to gain access to construct the shoreline use. Permit Applicants must clearly identify what shoreline vegetation they intend to remove to access the site in their Permit applications.

2.3.1 Flotation

Closed cell (extruded) polystyrene or approved coated/ encapsulated foam bead (expanded) polystyrene is required on all new docks and the repair/replacement of existing docks. Metal covered or injected drum flotation is not allowed. Open celled, bead-board type polystyrene is susceptible to damage from fish, waterfowl, beavers and muskrats, is easily damaged by wind and wave action, presents an ingestion hazard to wildlife, and creates litter and other aesthetic nuisances. To protect the environmental values within the Lewis River Projects, open celled, bead-board type polystyrene is not approved flotation material for docks.

2.3.2 Wood Construction

- 1) The use of untreated lumber is preferred, where appropriate. Lumber pressure treated with chromated copper arsenate (CCA) may be used if use is allowed by county law and provided it is cured on dry land in such a manner to expose all surfaces to the air prior to construction. Lumber treated with creosote or pentachlorophenol (penta) may not be used where the wood will come in contact with water.

- 2) Wooden floor joists and flotation frames must be not less than 2" x 8" for floating docks and 2" x 6" for fixed docks, spaced 24" center to center maximum.
- 3) Wooden walkways and decking must be not less than 1" rough, or 2" x 6", 3/4" exterior plywood, or other material capable of meeting building code and approved by PacifiCorp.
- 4) Pilings for fixed docks, walkways of boardwalks must be equivalent to or greater than 4" x 4" spaced 4' - 0" center-to-center.

2.3.3 Metal Construction

New metal on the exposed exterior of the superstructure is desired. Used metal may be permitted if, in PacifiCorp's opinion, it is in good condition. Either welded or bolted connections may be used.

- 1) Metal floor joists and floatation frames must be not less than 2" iron pipe size ("ips") standard pipe.
- 2) Framing for pipe construction must be not less than 1- 1/4" ips standard pipe.
- 3) Studs must not exceed 48" center to center. Other standard steel or aluminum structural sections may be approved.

2.3.4 Handrails

- 1) Handrails must be 36 inches in height with a midrail 16 inches above the deck. Guardrails must be 42 inches in height, with a midrail 20–24" above the deck. Where safety is the primary consideration, guardrails are recommended.
- 2) Handrails must be structurally sound, maintained in a state of good repair, and a minimum size of 2" x 4" wood or 1.5" diameter standard pipe.
- 3) Posts for handrails shall be spaced no more than 8' - 0" on centers with a minimum size of 4" x 4" wood or 2" ips standard pipe or

equivalent structural material that meets the minimum design load for handrails.

2.3.5 Electrical

Electrical work must meet all applicable local, state and federal safety codes; and the Applicant must demonstrate compliance to PacifiCorp's reasonable satisfaction. It is strongly recommended that all electrical work be done by a licensed electrician or electrical contractor. PacifiCorp encourages the use of low voltage solar installations where feasible.

3.0 COMMUNITY DOCKS AND LIGHT COMMERCIAL DOCKS

A non-commercial dock shared by two or more property owners is called a 'Community Dock'. A dock intended for low impact commercial activities, such as guide services, slip rentals, and small watercraft rental services is called a 'Light Commercial Dock'. Any Community Dock or Light Commercial Dock with ten or more slips will require FERC review and approval prior to PacifiCorp issuing a Permit. PacifiCorp may require the Applicant 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. PacifiCorp may also require a mitigation plan to offset any adverse effects. All design standards, site location considerations, material specifications and construction requirements detailed in Section 2.0 apply to Community Dock and Light Commercial Dock, with the following exceptions and additions.

- 1) Only Community Docks will be permitted for subdivisions containing five or more lots that abut the Project shoreline or hold a common lot for reservoir access.
- 2) Two or more abutting property owners (who are not incorporated into a subdivision with five or more lots) may share one dock sited adjacent to their shared property line. No other dock will be permitted within the boundaries of the properties sharing the Community Dock. Applicants for a Community Dock Permit must execute a written agreement granting reciprocal use of the

Community Dock and, upon approval of the Permit, must record the agreement in the county property records for each affected lot.

- 3) Docks are to be placed as close to the shoreline as possible. There is no maximum length for Community Docks or Light Commercial Docks; however, the Applicant must show the size proposed is the minimum necessary to accommodate anticipated uses. Extensions into a cove or the reservoir are limited to the following, whichever is less:
 - one fourth the distance across the cove,
 - 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.

4.0 EROSION CONTROL MEASURES

PacifiCorp requires an Applicant for a shoreline bank stabilization project to first consider non-structural alternatives and to demonstrate that such alternatives are not feasible before requesting a Permit to install structural erosion controls. Structural erosion control measure applications, including rip-rap, are allowed in the Integrated Use and Project Works Classifications. Only natural or biotechnical methods are allowed in the Resource Management Classification. The Applicant must also demonstrate that wave action or fluvial force is the primary reason for shoreline erosion. Other causes, such as poor drainage outside the Project Boundaries or improper vegetation management, must be corrected prior to approval for a shoreline stabilization structure. PacifiCorp will follow guidelines presented in the *Integrated Streambank Protection Guidelines* (2002) published by the Washington Department of Fish and Wildlife (WDFW) (2002) and Chapter 220 of the Washington State Administrative Codes (WAC 220) when reviewing applications for shoreline bank stabilization.

4.1 Biostabilization

- 1) Bank protection materials placement waterward of the OHWL are restricted to the minimum amount necessary to protect the toe of the bank and to installation of mitigation features approved by PacifiCorp. The toe must be designed to protect the integrity of bank protection material.

- 2) Bank sloping must be accomplished in a manner that avoids release of overburden material into the water. Overburden material resulting from bank stabilization must be deposited so as not to reenter the water.
- 3) Alteration or disturbance of the bank and bank vegetation must be limited to the minimum amount necessary to construct the bank stabilization measures.
- 4) All disturbed areas must be protected from erosion within seven calendar days of completion of the project, using vegetation or other means. The banks, including rip-rap areas, must be revegetated within one year with native or other approved woody species.
- 5) Vegetative cuttings must be planted at a maximum interval of 3 feet (on center), and maintained as necessary to ensure at least 80 percent survival after three years. Where proposed, planting densities and maintenance requirements for rooted stock will be determined on a site-specific basis. All plantings must be native, non-invasive species. The requirement to plant woody vegetation may be waived for areas where the potential for natural revegetation is adequate, or where other engineering or safety factors preclude them. In these limited instances, PacifiCorp will require temporary erosion control measures such as seeding of native grasses, placement of vegetation mats, or other measures to control erosion and sediment run-off into the reservoir.
- 6) Fish habitat components such as logs, stumps, and/or large boulders may be required as part of the bank protection project to mitigate project impacts. These fish habitat components must be installed according to an approved design to withstand 100-year peak flows.
- 7) When rock or other hard materials are approved for bank protection, the following provisions shall apply:
 - bank protection material shall be angular rock,
 - the installation must be designed and the rock installed to withstand 100-year peak flows, and
 - river gravels may not be used as exterior armor, except as specifically approved by PacifiCorp.

- 8) Bank protection and filter blanket material must be placed from the bank or a barge. Dumping onto the bank face will be permitted only if the toe is established and the material can be confined to the bank face.

4.2 Sea Walls, Retaining Walls and Rip-Rap

Sea walls, retaining walls, and rip-rap will be allowed for erosion control/bank stabilization only in instances when other, non-structural methods such as biostabilization through plantings are not feasible.

- 1) Walls and rip-rap must be located to extend an average distance of not more than one linear foot measured horizontally from the normal shoreline. Prior to submission of an application, grade stakes with flagging tape must be placed along the outer extremity of the proposed wall or rip-rap so as to be easily photographed.
- 2) Concrete block walls are not allowed.
- 3) Cross-ties and other wood timbers treated with "penta" or "creosote" are not allowed.
- 4) All structures must be constructed between the property owner's side lot lines extended into the water.
- 5) All shoreline structures are to be constructed so as to minimize any change to the shoreline contours or slopes of lands.
- 6) Construction of the wall must be completed prior to any backfilling.
 - All wall, rip-rap material and backfill must be obtained from an upland source.
 - Structures made of tires, rubble, petroleum based products, or scrap machinery are not allowed.
 - Structures must be structurally tight and driven into the reservoir bed a depth sufficient to prevent seepage of backfill material. All nuts, bolts, nails, cables, straps, etc. used to secure and support the structure must be galvanized or similarly plated to prevent premature corrosion.

- No excavation or dredging is permitted except for that specifically required for installation of the structure.
- Other than backfill to support shoreline erosion control measures, PacifiCorp does not allow discharge of dredge or fill material into the reservoir.

5.0 BOAT RAMPS

Boat ramps can be permitted if there is prudent need for the structure. Prior to consideration, the Applicant must show viable recreation demand for a new ramp and demonstrate that associated use will significantly offset use at other public boat ramps and is consistent with the RRMP. Ramps located within the SMP Boundary of a Lewis River Project that are associated with commercial structures located on property adjacent to Project Lands are allowed only in instances where other launch facilities are not available within a 1-mile radius of the proposed ramp site. If allowed, boat launch ramps may be permitted where the upland slope within 25 feet of the OHWL does not exceed 25 percent and/or where substantial cutting, grading, filling, or bank protection is not necessary.

PacifiCorp will consult with interested state and federal agencies and notify FERC at least 60 days prior to granting a boat ramp Permit.

5.1 Siting, Location, and Length

- 1) Ramps must be placed and maintained near flush with the foreshore slope to minimize the interruption of geo-hydraulic processes.
- 2) No more than one ramp may be located at each single-family residence, community or Light Commercial facility regardless of total reservoir frontage.
- 3) All ramps must be located between the property owner's side lot lines so as to provide at least a 40 foot off-set from the adjacent property owner's side lot line extended into the water (see #4 below for alternative). Construction or placement between the 40 foot off-set line and the extended lot line may be allowed under the following conditions:

- with written permission from the adjacent property owner(s), and
- if, in PacifiCorp's opinion, the construction/placement will not create conflicts with adjacent property owners or create a hazard to safe navigation.

If the location of side property lines cannot be established without a survey, PacifiCorp may require the Applicant to provide a survey by a registered land surveyor before a Permit is issued.

- 4) A Permit for a joint use ramp may be requested if there is a recorded agreement between the parties applying for the Permit. One ramp to serve abutting properties may be sited adjacent to, or astride of, the mutual property line. No other ramp will be permitted within the two property boundaries.
- 5) Ramps must not extend beyond a depth of 10 feet of water depth as measured at the OHWL, or exceed 50 feet in length as measured from the OHWL.

5.2 Design

- 1) Boat launching ramps must be designed so that surface water runoff from adjacent access surfaces does not drain directly into the water body without water quality treatment.
- 2) Ramps must not exceed 12 feet in width.
- 3) Boat ramps must be designed to be in character and scale with the surrounding shoreline.

5.3 Materials and Construction Methods

Ramp surfaces must consist of:

- gravel or clean stone,
- pre-cast concrete planks, panels, or slabs, or
- cast in place concrete.

Gravel or stone ramps must be designed to prevent the materials from eroding into the reservoir. Ramps containing concrete must be sufficiently cured to prevent leaching prior to contact with water. Bituminous pavement is not allowed as a ramp surface. Associated gangway structures must be built from flexible, hinge-segmented pads which can adapt to changes in shoreline profiles unless a solid structure is demonstrated to be more appropriate for the intended level of use.

6.0 DRYDOCKS AND LIFTS

6.1 Drydocks

- 1) No more than one drydock may be located at each single-family residence regardless of total reservoir frontage. Community or Light Commercial facilities will be considered on a case-by-case basis, based on the availability of similar, available facilities within a half mile radius of the proposed Non-Project commercial shoreline use.
- 2) All structures must be located between the property owner's side lot lines so as to provide at least a 40 foot offset from the adjacent property owner's side lot line extended into the water (see #4 below for alternative). Construction or placement between the 40-foot offset line and the extended lot line may be allowed under the following conditions:
 - with written permission from the adjacent property owner(s), and
 - if, in PacifiCorp's opinion, the construction/placement will not effect unfair use of the shoreline amongst adjacent property owners or the general public or create a hazard to safe navigation.If the location of side property lines cannot be officially established without a survey, PacifiCorp may require the Permit Applicant provide a survey by a registered land surveyor before a Permit is issued.
- 3) A Permit for a joint use drydock may be requested if there is a recorded agreement between the parties applying for the Permit. One facility to serve abutting properties maybe sited adjacent to, or astride of, the mutual property line. No other drydock will be permitted within the two property boundaries.

- 4) Drydocks must not extend beyond a depth of 10 feet of water depth as measured at the OHWL, or exceed 50 feet in length as measured from the OHWL.

6.2 Lifts⁹

The installation and operation of portable boat lifts does not require a Permit from PacifiCorp, provided:

- the lift is not installed at the mouth of any watercourse,
- equipment is not operated below the OHWL during installation,
- dredging, filling, or pile driving on Project Lands is not conducted as part of the project,
- the structure upon which the lift is being installed has been previously permitted by PacifiCorp or is not on Project Lands, and
- Permittee demonstrates to PacifiCorp's reasonable satisfaction that the existing structure has adequate strength to safely accommodate loads resulting from the added lift.

Watercraft may not be stored on a lift over Project waters outside the recreational boating season (typically May – September).

7.0 MOORINGS AND NAVIGATIONAL BUOYS

7.1 Moorings

PacifiCorp allows one mooring buoy for each private shoreline property. Mooring buoys are to be located off the shoreline of private property. Mooring buoys are a preferred alternative to the construction of a single family dock.

- 1) Mooring buoys are not allowed where such installations will significantly interfere with navigation.
- 2) Where sufficient dock facilities exist, the placement of mooring buoys will be discouraged.

⁹ Standards excerpted from WAC 220-11--224

- 3) Mooring buoys and the swing path of attached vessels must not encroach on privately owned lands or the swing path of boat tethered to any other Permitted buoy.
- 4) Mooring buoys are not allowed where their use will cause the degradation of sensitive ecological areas.

7.2 Navigational Buoys

PacifiCorp may permit placement of navigational buoys by property owners to aid in navigation.

7.3 Dredging¹⁰

Dredging activities have the potential to disturb and adversely affect cultural resources within the SMP Boundary. PacifiCorp will review all proposed dredging activities for this consideration and will only allow limited, site-specific dredging activities to provide watercraft access to currently serviceable and permitted mooring structures. Dredging disturbing more than 3 cubic yards must also be reviewed and approved by FERC prior to PacifiCorp issuing a Permit.

- 1) Maintenance dredging of existing docks and slips and, in some limited situations to accommodate new Non-Project Uses, may be Permitted.
- 2) Alteration of the shoreline or dredging landward of the OHWL to accommodate shoreline uses is not allowed.
- 3) Dredging must be accomplished in such a manner that if the reservoir were drained, water would not be trapped within the dredged area.
- 4) During dredging activities, a silt boom or similar device may be required to contain suspended silt and other construction materials.
- 5) All dredged spoils, whether held temporarily or permanently, must be contained by an approved erosion and sedimentation control method and shall not be located on PacifiCorp property. Dredge spoils shall not be disposed of within Project waters.
- 6) Dredging below 10 feet of the OHWL is not allowed.

¹⁰ Standards excerpted from WAC 220-11--224

8.0 LOG BOOMS

PacifiCorp allows the placement of floating log booms to divert debris and protect previously permitted docks and moorings under the following conditions:

- 1) Logs may not be obtained from the reservoir or PacifiCorp owned lands.
- 2) Logs must be at least 1 foot in diameter.
- 3) Logs must be coupled with hinged, galvanized steel connectors.
- 4) To avoid navigational hazards, boom logs must be marked (and there after maintained) with fluorescent paint, tape or other reflective materials on both ends of each log section.
- 5) Booms may not be anchored to trees along the shoreline.
- 6) Boom may only extend out a maximum of 65 feet from the shoreline or the minimum length necessary to adequately provide protection to existing shoreline structures, whichever is less.

9.0 FOOTPATHS

PacifiCorp may permit clearing of vegetation to create and to maintain a footpath from private lands outside the SMP Boundary across Project Lands to the reservoir and to any Permitted shoreline structure. PacifiCorp generally approves paths in conjunction with docks or other shoreline uses. The Applicant should consult with staff prior to submitting Permit application to identify an appropriate path location. The path shall not exceed 6 feet in width and shall be designed to minimize any associated erosion or vegetation removal. Paths should consist of natural materials such as native grass, wood chips, or gravel/crushed rock and placement of such must not involve earth moving or soil disturbance. In some cases, it may be appropriate to install elevated walkways to reduce impacts of erosion. When reviewing proposed path layouts, PacifiCorp will focus on minimizing ground disturbance and vegetation removal.

10.0 STAIRWAYS AND WALKWAYS

Stairways or walkways that are freestanding or are incorporated into a permissible path are allowed to provide walking access to the OHWL of the reservoir. Steps shall be constructed

of wood, loose stone, gravel or wood chips. Installation of new steps or maintenance of existing steps is subject to the following additional conditions:

- 1) Steps shall not exceed 5 feet in width.
- 2) Landings are allowed where necessary. Landings shall not exceed 5 feet in width. Landings shall not extend more than 2 feet above ground level and shall not exceed 10 feet in length.
- 3) Steps are not permitted to extend more than 2 feet above the contour of the ground.
- 4) Handrails (if any) must be constructed of wood.
- 5) Gravel or loose stone used in the construction of steps must be native stone or other natural materials.

11.0 PRIVATE RECREATION FACILITIES

PacifiCorp does not permit any new Private Recreation Facilities within the SMP Boundary. PacifiCorp allows the use of such existing facilities and areas that were developed prior to the SMP as Prior Existing Uses. As such, owners of these types Non-Project Uses must apply for a Prior Existing Use Permit as detailed in the SMP and within this Handbook.

11.1 Vegetation Control

Within Resource Management areas, any alteration of vegetation may require a Permit from PacifiCorp. The goal is to maintain natural habitats and aesthetics. Applicants are encouraged to read and observe Best Management Practices (BMPs) for vegetation control provided in Section 9.0 of the SMP.

APPENDIX C

CONTACT INFORMATION FOR LOCAL, STATE, AND
FEDERAL GOVERNMENTAL ENTITIES
(JURISDICTIONAL ENTITIES)

OTHER AGENCIES' RESPONSIBILITIES & JURISDICTIONS

To streamline the environmental permitting process, multiple regulatory agencies within the State of Washington have joined forces to create one application, the “Joint Aquatic Resources Permit Application (JARPA),” that Applicants can use to apply for more than one permit at a time. The JARPA form can be downloaded at <http://www.ecy.wa.gov/programs/sea/pac/jarpa.html>.

Applicants can use the JARPA to apply for any or all of the permits below:

Federal

- U.S. Army Corps of Engineers (USACE): Section 10 and 404 permits

State

- WDOE: 401 Water Quality Certifications
- WDFW: Hydraulic Project Approvals (HPA)
- Washington Department of Natural Resources (WDNR): Use Authorizations for State-Owned Aquatic Lands

Local (City or County)

- Shoreline Conditional Use Permit
- Shoreline Substantial Development Permit
- Shoreline Variance
- Shoreline Exemption
- Shoreline Revision

Federal Agencies

U.S. Army Corps of Engineers – *Section 404 Dredge/Fill Permit*

The USACE is directed by the United States Congress under Section 404 of the Clean water Act (33 U.S.C 1344) to regulate the discharge of dredged and fill material into all waters of the United States, including adjacent wetlands. Typical activities requiring permits include, but are not limited to, manmade canals and islands, boat ramps, docks, bulkheads/retaining walls, ditches, dams, dikes, weirs, dredging, filling, intake structures, levees, outfall structures, rip-rap, road fills and similar activities. **Penalties for violations can range from being required to remove the structures and material to substantial fines or even imprisonment.**

If an Applicant is planning any of the above activities, or if it is uncertain whether or not an activity requires a permit, please contact the Regulatory Branch at the following location:

U.S. Army Corps of Engineers, Washington Branch

U.S. Army Corps of Engineers, Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255
Tel: (206) 764-3495
Fax: (206) 764-6602

State, Regional, and Local Agencies

Washington Department of Ecology

Section 401 Water Quality Certification

Certification is needed when federal approval (e.g. USACE 404 permit or FERC license amendment) is required for a project.

For further information, Applicants may contact the WDOE at:

Washington State Department of Ecology – Headquarters
300 Desmond Drive,
Lacey, WA 98503 (physical address)

P.O. Box 47600
Olympia, WA 98504-7600 (mailing address)
Tel: (360) 407-6904

Washington State Department of Ecology – Southwest Region
P.O. Box 47775
Olympia, WA 98504-7775
Tel: (360) 407-6300

Washington State Environmental Policy Act

WDOE also provides guidance regarding the Washington State Environmental Policy Act (SEPA) process. SEPA provides a means to identify potential environmental

impacts that could result from government decisions regarding, among other things, issuance of permit for private projects.

For further information, Applicants may contact the WDOE at:

Washington State Department of Ecology
Environmental Coordination Section
P.O. Box 47703
Olympia, WA 98504
(360) 407-6922

Washington Department of Fish and Wildlife – *Hydraulic Project Approval*

Approval is required if a proposed shoreline use includes construction or other work that will use, divert, obstruct, or change the natural flow or bed of any fresh or salt water of the state. This includes all construction or other work waterward and over the OHWL and may include projects landward of the OHWL if the proposed use has the potential to directly effect fish life and habitat.

For further information, Applicants may contact WDFW at:

Washington Department of Fish and Wildlife – Headquarters
600 Capitol Way North
Olympia, WA 98501-1091
Tel: (360) 902-2534

Washington Department of Fish and Wildlife – Region 5
2108 Grand Blvd.
Vancouver, WA 98663-1299
Tel: (360) 696-6211

Washington Department of Natural Resources – *Aquatic Resource Use Notification*

Applicable if a proposed use is on, crosses, or impacts the bedlands, tidelands, or shorelands of navigable waters.

For further information Applicants may contact WDNR at:

Washington Department of Natural Resources – Pacific Cascade Region
601 Bond Road
P.O. Box 280
Castle Rock, WA 98611-0280
Tel: (360) 577-2025
pacific-cascade-region@dnr.wa.gov

Regional and Local Government

Shoreline Substantial Development, Conditional Use, Variance Permit or Exemption

The Washington State Shoreline Management Act of 1971 and County Shoreline Masters Programs regulate development within 200 feet of the OHWL, or within the 100-year floodplain of designated shorelines. Most development within this area requires review and approval by local and/or County Planning Boards with subsequent review by the Washington State Department of Ecology.

Floodplain Management Permits and/or Critical Areas Ordinances

Local government also reviews shoreline uses in frequently flooded areas, geographically unstable areas, wildlife habitats, aquifer recharge areas and wetlands.

For further information Applicants may contact:

Clark County Community Development Office
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
Tel: (360) 397-2375

Cowlitz County Department of Building and Planning
207 Fourth Avenue North
Kelso, WA 98626
Tel: (360) 577-3052

Skamania County Planning & Community Development
P.O. Box 790
Stevenson, WA 98648
Tel: (509) 427-3900

APPENDIX D

GENERAL CONDITIONS OF SHORELINE USE PERMITS

GENERAL CONDITIONS OF SHORELINE USE PERMITS

The following general conditions will appear in each Shoreline Use Permit. Because these conditions may be revised from time to time, PacifiCorp recommends that the Applicant contact PacifiCorp in advance of completing a Permit application.

1. Use of Permittee's Structure. This Permit authorizes only the Authorized Construction, if applicable, and the private non-commercial use of the Permittee's Structure for recreational purposes. Any alterations, additions, relocations, or other substantial changes to the permitted uses must be approved in writing by PacifiCorp in advance.
2. Rights Reserved. Notwithstanding any other provision in this Permit, Permittee's authorization shall be subject to PacifiCorp's right to operate the reservoir in any manner permitted under its FERC license, or subsequent FERC Order (including any Order approving acts already taken by PacifiCorp). PacifiCorp assumes no obligation to maintain or control levels of water in the Project. Permittee shall have no claim against PacifiCorp for injury or damage to persons or property caused by fluctuating reservoir levels, changes in expected seasonal water levels, or any other water level operation approved by FERC. This Permit is subject to any order, regulation, or rule of FERC or any other governmental agency having jurisdiction, which now is in effect or may hereafter be made affecting the reservoir or structures herein described. In the event of a conflict between requirements in this Permit and the requirements set forth in the Shoreline Management Plan, the requirements in the Shoreline Management Plan control this Permit.
3. Term. This Permit shall be valid for a period of ___ years, commencing upon the date of mutual execution of this Permit and expiring on ____, 20__, unless sooner terminated as provided herein. In no event will the term of this Permit extend beyond the end of the existing Project FERC license, unless approved in writing by PacifiCorp.
4. Termination. This Permit may be terminated upon any of the following events:
 - a. Revocation. PacifiCorp may revoke this Permit without notice at any time in the event of a material breach, or if PacifiCorp, in its sole discretion, determines that revocation is required to protect public safety, or prevent the likelihood of irreparable harm. Revocation of this Permit shall be confirmed by written notice mailed to Permittee at the notice address specified herein within fifteen (15) days after such revocation has occurred. If Permittee disputes that cause existed for revocation, PacifiCorp will consider any written documentation submitted by Permittee within fifteen (15) days of the above notice explaining why the Permit should be reinstated. Violation of a covenant or condition of this Permit (whether resulting in revocation or not) may be cause for denying Permittee's subsequent application for any Non-Project Use.
 - b. Abandonment. In the event Permittee abandons Permittee's Structure, PacifiCorp may, in addition to all other remedies, terminate this Permit, take possession of the Permittee's Structure and exclude Permittee from Permittee's Structure.
 - c. Frustration or Change of Condition. If the enactment or adoption of any law, ordinance, regulation, order, condition, or other governmental requirement

relating to PacifiCorp's Project Operations makes further performance impractical or frustrates the purpose of this Permit, PacifiCorp shall have the right to terminate this Permit by giving Permittee thirty (30) days' prior written notice.

- d. Surrender. Permittee may surrender this Permit upon written notice to PacifiCorp.
 - e. Events Upon Expiration or Termination. Upon expiration or termination of this Permit, if requested by PacifiCorp, Permittee shall promptly remove Permittee's Structure and restore the affected area to PacifiCorp's reasonable satisfaction at Permittee's sole expense, or else PacifiCorp may restore the site and Permittee agrees to pay all associated costs incurred thereof. This provision shall survive expiration or termination of this Agreement.
5. Notice Address. Wherever in this Permit notice is required, such notice shall be in writing and transmitted by United States mail, national express carrier (such as UPS or Federal Express) or by personal delivery to the following addresses, or such other address as either Party may, designate for that purpose upon notice to the other Party:

PacifiCorp:
[PacifiCorp address]

Permittee:
[Permittee address]

COVENANTS OF PERMITTEE

- 6. Hazardous Conditions at the Hydroelectric Project. Permittee acknowledges that the Project may contain serious hazards (hidden or not) to persons and property, including but not limited to: rapid changes to water level of the reservoir and its tributaries, cold temperatures, swift currents, floating and underwater hazards, and slope instability. Permittee accepts the risk that natural and manmade water conditions may pose to life and property. Permittee acknowledges that PacifiCorp makes no representation or warranty as to the present or future condition of Project Lands, including Project Lands in the vicinity of the Permittee's Structure, or their suitability for any purpose. Permittee accepts the conditions of the Project Lands in their present condition, and assumes all risk of loss and damage to Permittee's person, property, and rights under this Permit including, without limitation, loss and damage caused by fire, flooding (resulting from natural causes or PacifiCorp's Project Operations) or acts of third parties.
- 7. Compliance with Other Laws. Permittee covenants that Permittee's Structure has complied, and will maintain compliance with the standards of conduct set forth in local, state, and federal laws.
- 8. Nuisance Prohibited. Permittee covenants that neither Permittee's Structure nor Permittee's use thereof shall endanger health, create a nuisance, or otherwise be incompatible with PacifiCorp's Project Operations or with the scenic, recreational, and other environmental values of the Project.
- 9. Duty to Supervise Guests. Permittee shall be responsible for ensuring that all persons using the Permittee's Structure comply with the requirements of this Permit.
- 10. Hazardous Project Features. Permittee acknowledges the potential safety hazards posed

by Project features (including but not limited to canals, spillways, dams, turbines, fish rearing facilities, and electrical facilities). Permittee hereby agrees not to enter, nor to permit its guests, agents, or family members to enter onto Project features without permission from PacifiCorp.

11. No Ownership Right Created. Permittee agrees not to assert any claim of ownership to PacifiCorp's water rights or any interest in real property by virtue of its use and enjoyment pursuant to this Permit. This provision shall survive the expiration or termination of this Permit.

INSURANCE/INDEMNITY/ASSUMPTION OF RISK

12. Insurance. Prior to entering upon PacifiCorp's property pursuant to this Permit, Permittee shall procure, and shall thereafter continuously maintain, with a carrier satisfactory to PacifiCorp, comprehensive liability insurance for bodily injury and property damage, with a combined single limit of _____, to protect against and from all loss by reason of injury to persons or damage to property of third persons based upon or arising out of Permittee's exercise of the permission granted under this Permit. Such insurance shall contain provisions or endorsements (1) naming PacifiCorp as an additional insured, (2) providing that such insurance is primary with respect to the interests of PacifiCorp and that any other insurance maintained by PacifiCorp is excess and not contributory insurance with the insurance required hereunder, (3) containing a cross liability or severability of interest clause, and (4) providing that such insurance coverage shall not be canceled or materially altered without ten (10) days' prior written notice to PacifiCorp. Permittee shall provide written proof of compliance with the foregoing in a form satisfactory to PacifiCorp prior to using or occupying Permittee's Structure and prior to the expiration of each policy year thereafter during the term of this Permit. The liability insurance may be part of a homeowner's policy, a rider to a policy, or an independent policy for the structure or use being permitted.
13. RELEASE OF CLAIMS FOR COMPLIANCE WITH LAWS. PERMITTEE HEREBY WAIVES AND RELEASES ANY CLAIM OR ACTION AT LAW OR EQUITY AGAINST PACIFICORP ARISING AS THE RESULT OF PACIFICORP'S COMPLIANCE WITH ANY ORDER, RULE, OR REGULATION OF FERC OR ANY OTHER GOVERNMENTAL AGENCY HAVING JURISDICTION.
14. INDEMNIFICATION. PERMITTEE EXPRESSLY ASSUMES ALL RISK IN CONNECTION WITH ITS USE OF THIS PERMIT. PERMITTEE SHALL INDEMNIFY, PROTECT, AND HOLD HARMLESS PACIFICORP AND ITS DIRECTORS, OFFICERS, REPRESENTATIVES, EMPLOYEES AND AGENTS (HEREINAFTER COLLECTIVELY "PACIFICORP INDEMNIFIED PARTIES") AGAINST AND FROM ANY AND ALL CLAIMS, DEMANDS, SUITS, LOSSES, COSTS AND DAMAGES OF EVERY KIND AND DESCRIPTION, INCLUDING ATTORNEYS' FEES AND/OR LITIGATION EXPENSES, BROUGHT OR MADE AGAINST OR INCURRED BY THE PACIFICORP INDEMNIFIED PARTIES RESULTING FROM, ARISING OUT OF, OR IN ANY WAY CONNECTED WITH ANY ACT, OMISSION, FAULT OR NEGLIGENCE OF PERMITTEE, ITS EMPLOYEES, AGENTS, REPRESENTATIVES OR CONTRACTORS, THEIR EMPLOYEES, AGENTS OR REPRESENTATIVES IN THE PERFORMANCE OR NONPERFORMANCE OF PERMITTEE'S OBLIGATIONS UNDER THIS PERMIT

OR IN ANY WAY RELATED TO THIS PERMIT EXCEPT TO THE EXTENT THAT SUCH CLAIM, DEMAND, LOSS, CAUSE OF ACTION, OR COSTS ARISES FROM PACIFICORP'S GROSS NEGLIGENCE OR WILLFUL MISCONDUCT. PERMITTEE ASSUMES ALL RISK OF DAMAGES TO SAID USE OR TO THE PROPERTY USED OR STORED IN CONNECTION THEREWITH RESULTING FROM RESERVOIR LEVEL FLUCTUATIONS, WAVES CAUSED BY WIND OR VESSELS, OR ANY OTHER CAUSE. THIS PROVISION SHALL SURVIVE EXPIRATION OR TERMINATION OF THIS AGREEMENT.

USE AND MAINTENANCE

15. Waste Facilities Prohibited. The storage or disposal of garbage or waste on Project Lands is prohibited. The discharge of human waste (directly or indirectly) onto Project Lands, including the Project reservoir, from any watercraft, from adjacent land, or otherwise, is prohibited. If at any time violations of the above occur, Permittee agrees to immediately correct the same.
16. Hazardous and Toxic Materials Prohibited. Permittee shall not store gasoline, oil, or hazardous or toxic materials on Permittee's Structure or on Project Lands. Permittee shall comply in all material respects with all existing federal, state and local environmental laws, regulations, and ordinances ("Environmental Laws") and shall not use, store or release any hazardous or toxic materials in violation of any Environmental Laws. Overwater fueling of watercraft within the Project is not allowed. All such fueling must be on land and greater than fifty feet (50') from any water body. In the event of any spill or release of any hazardous or toxic materials, Permittee shall immediately report, remedy and correct any such spill, release or violation in compliance with all applicable Environmental Laws and shall immediately notify PacifiCorp thereof. PERMITTEE COVENANTS AND AGREES TO PROTECT AND INDEMNIFY PACIFICORP FROM ANY AND ALL LIABILITY, LOSS, COST, DAMAGE, OR EXPENSE, INCLUDING ATTORNEYS' FEES, RESULTING FROM PERMITTEE'S FAILURE TO COMPLY WITH ANY PROVISION(S) IN THIS PARAGRAPH. The covenants contained within this paragraph shall survive the expiration or termination of this Permit.
17. Stray Property. If Permittee's Structure strays from its permitted location and requires removal from another location, Permittee shall be responsible for retrieving such property promptly or shall be liable for costs of removal incurred by others, including PacifiCorp.
18. Permit Tag. A Permit Tag provided by PacifiCorp shall be posted at a designated place on the Permittee's Structure and maintained in that same location at all times.
19. Emergency Access. Permittee agrees to permit emergency access to Permittee's Structure to PacifiCorp, its agents or employees, emergency services, law enforcement personnel and general public utilizing the reservoir.
20. Disturbances to Wildlife and Water Quality. Any time Permittee observes death or distress of fish or wildlife, or water quality problems, in or around Permittee's Structure, Permittee must cease any potentially disturbing activities and immediately contact PacifiCorp and the Washington State Department of Fish and Wildlife.

21. Duty to Maintain; Inspection. Permittee must construct and maintain Permittee's Structure in a safe and sound condition. Permittee's Structure is subject to inspection by PacifiCorp or its representatives. If such inspection reveals inadequate or improper maintenance or conditions which deviate from the plans approved herein, Permittee shall immediately correct such conditions at Permittee's sole cost and expense.
22. Human Habitation Prohibited. Human habitation, including short-term occupation such as camping, on Permittee's Structure is prohibited.

MISCELLANEOUS

23. Assignment. This Permit is transferable if ownership of Permittee's Structure is transferred. The new owner must notify PacifiCorp within thirty (30) days of change in ownership. Until notification is given, the original Permittee shall remain liable for compliance with the terms of the Permit. So long as Permittee is in compliance with the terms of the Permit, PacifiCorp shall allow assignment of this Permit under the existing terms and for the remaining term of this Permit, provided Permittee and the new owner both sign an Assignment of Permit form similar to that shown in an exhibit to be attached to the Permit.
24. Dispute Resolution. In the event of any legal dispute between the Parties arising from this Permit, Permittee agrees to accept service of process by First Class Mail at its address provided herein. PacifiCorp accepts service of process at CT Corporation System, 388 State Street, Suite 420, Salem, OR 97301, or such other address as PacifiCorp may designate.
25. Choice of Law. This Permit will be governed by and construed in accordance with the laws of the state of Washington without regard to conflicts of law provisions thereof.
26. Legal Fees. The prevailing Party shall pay all costs and expenses, including reasonable attorneys' fees, arising before or after litigation is instituted, in case a Party shall resort to legal proceedings to enforce any of the terms or covenants of this Permit or to remove Permittee's Structure for breach of said terms and covenants.

SPECIFIC PERMIT CONDITIONS

In addition to the above General Conditions, Permits will contain Specific Permit Conditions applicable to the specific proposed use.

Permittee agrees to the Specific Conditions attached to this Permit (which contain Best Management Practices and specific requirements for the Permitted Use).