

174 FERC ¶ 62,006  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Public Utility District No. 2  
of Grant County, Washington

Project No. 2114-303

ORDER AMENDING LICENSE TO MODIFY RIGHT EMBANKMENT OF THE  
PRIEST RAPIDS DAM, REVISING EXHIBIT A AND F DRAWINGS, AND  
INCORPORATING MEMORANDUM OF AGREEMENT

(Issued January 6, 2021)

1. On May 17, 2019 and supplemented on June 5, 2019, and June 26, 2020, Public Utility District No. 2 of Grant County, Washington (Grant PUD), licensee for the Priest Rapids Hydroelectric Project No. 2114,<sup>1</sup> filed a request to construct a separate embankment immediately downstream of the existing Priest Rapids dam and structurally connected to the existing embankment to improve seismic stability. The project is located on the mid-Columbia River in portions of Grant, Yakima, Kittitas, Benton, and Chelan Counties, Washington. The project occupies federal lands managed by U.S. Bureau of Reclamation (Reclamation), U.S. Bureau of Land Management (BLM), the U.S. Department of the Army (Army), U.S. Fish and Wildlife Service (FWS), and U.S. Department of Energy (DOE).

**Background**

2. The Priest Rapids Project is an integral part of the seven dam, mid-Columbia River Hydroelectric System. The project includes two hydroelectric developments: Wanapum and Priest Rapids. The Priest Rapids dam is located on the Columbia River, at river mile 397, near the community of Mattawa, Washington. The dam consists of left and right embankment sections; left and right concrete gravity dam sections; a left and right fish passage structure each with an upstream fish ladder; a gated spillway section; and a powerhouse containing 10 vertical shaft integrated Kaplan turbine/generator units with a total authorized capacity of 675 megawatts. The development also includes a fish hatchery; the Wanapum Band of Priest Rapids Indians (the Wanapum) Indian Village; and three 23-kilovolt, 6-mile-long transmission lines.

3. In 2007, Grant PUD, the Public Utility District No. 1 of Chelan County, Washington, and the Public Utility District No. 1 of Douglas County, Washington in

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<sup>1</sup> *Public Utility District No. 2 of Grant County, Washington*, 123 FERC ¶ 61,049 (2008).

coordination with the Commission, jointly conducted a Probabilistic Seismic Hazard Assessment to evaluate the ground-shaking hazards that could affect the dams owned and operated by these three public utility districts in response to the updated Federal Guidelines for Dam Safety by the Federal Emergency Management Agency. Five high-priority hazards were identified in the hazard assessment, including the right embankment of the Priest Rapids dam.

4. On May 5, 2015, the Commission directed Grant PUD to convene an independent Board of Consultants (BOC) to assess the seismic performance and post-seismic stability of the right embankment of the Priest Rapids dam. Grant PUD initiated a seismic risk analysis and found that while the existing right embankment met stability guidelines for normal and flood loading conditions, soils beneath the foundation of the embankment were potentially liquefiable in seismic conditions. Liquefaction of the foundation soils can be triggered by a significant earthquake in the vicinity of the Priest Rapids dam and could result in damage to or failure of the embankment. Consequences of an embankment failure could include significant downstream damage.

5. In July 2017 and as part of the Commission-required seismic risk analysis process, Grant PUD submitted preliminary design documents for the Priest Rapids Right Embankment Improvement Project (PRREIP) and began the environmental permit preparation and agency coordination. The final design and contract documents for the PRREIP were submitted to the Commission's Division of Dam Safety and Inspections – Portland Regional Office (D2SI-PRO) and the BOC on November 15, 2018.

### **Licensee's Application**

6. As the result of the PRREIP, Grant PUD proposes to amend its license to construct a separate embankment, immediately downstream of its existing dam and structurally connected to the existing embankment, to improve seismic stability. Grant PUD proposes to: construct a roller-compacted concrete (RCC) dam, approximately 2,200-foot-long and 25-foot-high; construct a secant pile cutoff wall along with a 150-foot-long, 25-foot-high connecting embankment; and realign a section of an existing private roadway. In addition, Grant PUD proposes to conduct the following actions: clearing and grubbing of vegetation; establishing a temporary concrete batch plant and construction staging areas; excavating aggregate source material from an existing quarry known as the Cow Creek Quarry; and installing one permanent groundwater well and one temporary surface water pump for construction water use. The existing embankment would remain in place. The work would occur at the right embankment of the existing dam but would not affect normal dam operations (including operation of the turbines, spillway, powerhouse, or fish ladders), and reservoir levels and flows would remain within normal ranges throughout the construction period. Grant PUD would also utilize best management practices (BMP), and proposes to implement the following plans as mitigation measures for the proposed amendment application: (1) Temporary Erosion and

Sedimentation Control Plan; (2) Spill Prevention, Control, and Countermeasure Plan; (3) Dust Control Plan; and (4) Traffic Control Plan.

### **Pre-Filing Consultation and Public Notice**

7. As required by Commission regulations, the license amendment application for the proposed amendment was prepared using a three-stage consultation process with the appropriate resource agencies and other stakeholders. Details of the proposed action, including the opportunity to review and comment on an applicant-prepared draft environmental assessment (APEA) were provided to the Priest Rapids Coordination Committee (PRCC).<sup>2</sup>

8. The PRCC was established as required by the project's license to oversee the activities associated with anadromous fish at the project. Grant PUD also provided the draft applicant-prepared environmental assessment (APEA) to the owners and users of the upstream and downstream access routes, including: DOE, Simon Martinez Livestock, Inc., Bonneville Power Administration (BPA), Pacific Power, U.S. Army, and telecommunication companies. Comments on the APEA and the proposal to amend the project's license were received from DOE, Army, Washington DFW, the Wanapum, and the Yakama Nation and filed with the Commission as part of the licensee's proposal to amend the license.

9. On June 6, 2019, the Commission issued a public notice of the amendment application. This notice set a 30-day period during which interventions, comments, and protests could be filed, ending on July 8, 2019. In a filing on June 27, 2019, Reclamation – Pacific Northwest Region said it had no comments. The Washington DFW filed a notice of intervention on June 21, 2019 and the Wanapum filed a motion to intervene on July 8, 2019.<sup>3</sup>

### **Discussion**

10. On September 24, 2020, Commission staff issued a draft Environmental Assessment (EA) for the amendment, evaluating the potential effects of the proposal and identifying environmental measures to mitigate or reduce potential impacts. Comments

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<sup>2</sup> The PRCC comprises of representatives from the following: National Marine Fisheries Service (NMFS), FWS, Washington Department of Fish and Wildlife (Washington DFW), Colville Confederated Tribes, Confederated Tribes of the Yakama Nation (Yakama Nation), Confederated Tribes of the Umatilla Indian Reservation, and the Wanapum.

<sup>3</sup> Timely, unopposed motions to intervene are automatically granted by rule 214 of the Commission's regulations. See 18 C.F.R. § 385.214 (2020).

on the draft EA were filed by: FWS (October 22, 2020); DOE, Richland Operations Office (October 23, 2020); NMFS (October 28, 2020); U.S. Environmental Protection Agency (October 30, 2020); and Grant PUD on November 9 and November 20, 2020. Comments received for the draft EA are addressed in this final EA.

### **Section 18 Fishway Prescription**

11. Section 18 of the Federal Power Act provides for the Commission to require the construction maintenance and operation by a licensee of such fishways as may be prescribed by the Secretary of the U.S. Department of Interior or the Secretary of Commerce, as appropriate. No fishway prescriptions were filed by Interior or Commerce for this amendment application.

### **Endangered Species Act**

12. Section 7(a)(2) of the Endangered Species Act (ESA) of 1973<sup>4</sup> requires federal agencies to ensure their actions are not likely to jeopardize the continued existence of federally listed threatened and endangered species or result in the destruction or adverse modification of their designated critical habitat. These species include: Upper Columbia River (UCR) spring-run Chinook salmon, UCR steelhead, bull trout, Ute ladies' tresses (*Spiranthes diluvialis*), Umtanum desert buckwheat, northern wormwood (*Artemisia campestris var. wormskioldii*), Northern wormwood, the Columbia Basin pygmy rabbit, gray wolf, North American Wolverine, and the yellow-billed cuckoo.

13. The proposed action is located within critical habitat for the UCR spring-run chinook salmon, UCR steelhead, and bull trout. However, the Commission staff has determined that the proposed action may affect, but is unlikely to adversely affect, UCR spring-run Chinook salmon, UCR steelhead, and bull trout. On September 24, 2020, Commission staff issued a letter to FWS and NMFS requesting concurrence with its determination on aquatic species. In its response filed December 1, 2020, FWS agreed that the proposed action would result in insignificant or discountable effects to bull trout and its designated critical habitat. Therefore, FWS concurred with a determination that the proposed action "may affect, but unlikely to adversely affect" bull trout based on the information provided in the draft EA. FWS noted that its concurrence is conditioned on the implementation of measures described in the draft EA. NMFS stated in its response filed October 28, 2020, that it concurred with our determination that the proposed action may affect but is unlikely to adversely affect UCR spring-run salmon, UCR steelhead, or designated critical habitat for these species.

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<sup>4</sup> 16 U.S.C. § 1536(a) (2018).

14. Commission staff has also determined that the proposed action would have no effect on the Columbia basin pygmy rabbit, gray wolf, North American wolverine, Ute ladies'-tresses, Umtanum desert buckwheat, yellow-billed cuckoo, and northern wormwood. On September 24, 2020, Commission staff issued a letter to FWS and NMFS requesting concurrence with its determination regarding terrestrial species. In its response filed December 1, 2020, FWS concurred with our no effect determination for these terrestrial species.

### **Magnuson-Stevens Fishery Conservation and Management Act**

15. Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act<sup>5</sup> requires federal agencies to consult with NMFS on all actions that may adversely affect Essential Fish Habitat (EFH) <sup>6</sup> identified under the Act. In its October 28, 2020 filing, NMFS determined that the proposed action would not adversely affect EFH and that consultation under this Act was not required.

### **National Historic Preservation Act**

16. Under section 106 of the National Historic Preservation Act (NHPA)<sup>7</sup> and its implementing regulations,<sup>8</sup> federal agencies must take into account the effect of any proposed undertaking on properties listed or eligible for listing on the National Register of Historic Places (defined as historic properties) and afford the Advisory Council on Historic Preservation (Advisory Council) a reasonable opportunity to comment on the undertaking. This generally requires the Commission to consult with the State Historic Preservation Officer (SHPO) to determine whether and how a proposed action may affect historic properties, and to seek ways to avoid or minimize any adverse effects.

17. To satisfy these responsibilities, the Commission executed a Memorandum of Agreement (MOA) with the Washington SHPO on January 14, 2020 and March 5, 2020, respectively. The Wanapum signed the MOA on February 20, 2020 as an invited signatory. The U. S. Army's Yakima Training Center (YTC), DOE's Richland Operations Office, and Grant PUD are concurring parties to the MOA. On December 20, 2019, the Commission notified the Advisory Council of the undertaking and asked

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<sup>5</sup> 16 U.S.C. 1801 (2018).

<sup>6</sup> 50 C.F.R. § 600 (2020).

<sup>7</sup> 54 U.S.C. § 306108 et seq. (2018). The National Historic Preservation Act was recodified in Title 54 in December 2014.

<sup>8</sup> 36 C.F.R. pt. 800.5(a)(2)(vii).

whether it intended to participate pursuant to 36 C.F.R. Part 800.6. No comments were received from the Advisory Council.

18. The MOA sets forth measures to be carried out to mitigate adverse effects to historic properties, resolve disputes, and amend or terminate the agreement. Ordering paragraph (B) requires Grant PUD to implement the MOA.

19. The MOA states that the Commission would ensure that proposed mitigation is carried out by the licensee in consultation with the Washington SHPO. These measures include: (1) providing monetary support for the development of the Washington Information System Architectural and Archaeological Records Data interface for historic district enhancements and a paid internship; (2) restoring the site within two years of completion of construction for the Priest Rapids Right Embankment Project; (3) monitoring and reporting on cultural resources for unanticipated discoveries during project construction; (4) containing all work to the identified project area boundaries to avoid effects to National Register eligible properties identified as 45BB00160, 45YA00151, and 45YA00153, along with fencing of the National Register-eligible property 45YA01720; and (5) mitigating traditional cultural properties identified by the Wanapum. This satisfies the Commission's NHPA obligations.

#### **Additional Mitigation Measures**

20. As we've said, Grant PUD proposes to develop and implement the following four plans: (1) Temporary Erosion and Sedimentation Control; (2) Spill Prevention, Control, and Countermeasure; (3) Dust Control; and (4) Traffic Control Plans. The Temporary Erosion and Sedimentation Control Plan visually depicts the licensee's intended erosion control measures that would be implemented during construction. This includes staging areas to be used during various stages of construction, sediment stockpile location, and temporary access roads. The plan would be consistent with the Washington State Department of Ecology's Stormwater Management Manual for Eastern Washington.

21. The Spill Prevention, Control and Countermeasure Plan will be implemented to protect soils and surface waters from the release of fuels, lubricants, hydraulic oils, and other fluids used during construction. The plan will include provisions for dedicated locations for storage, refueling activities, secondary containment, reporting of spills, and stockpiling of equipment to contain any spills before they have a significant impact on the environment.

22. The Dust Control Plan will be implemented to monitor and control levels of construction-related airborne dust during project construction. Airborne dust from native soils may also be generated during the movement of large trucks and heavy machinery used to transport materials to and from the construction site or along access roads. While high levels of dust is expected to be generated during construction, the proposed plan and

BMPs would be employed to minimize the potential effect to air quality. Grant PUD will submit the plan to the Yakima Regional Clean Air Agency, consistent with permit requirements, for approval.

23. The proposed Traffic Control Plan: describes the different project access routes and lists owners for various segments of these routes; identifies existing users and uses of all proposed access routes; establishes a traffic operations plan for all access routes during each phase of construction; and identifies a traffic control strategy to minimize disruptions to access route owners and users. Construction for the project is expected to last 18-24 months and occur during scheduled work hours. In addition, the plan also discusses traffic control strategy. While additional passenger cars and truck traffic would impact those who regularly use the roads near the construction area, the proposed BMPs and Traffic Control Plan would help mitigate adverse effect and manage construction access. However, we recommend that Grant PUD consider any applicable Hanford Site management plan, which include the Hanford Site Revegetation Manual and the Hanford Site Biological Resources Management Plan and comply with the terms of any land use agreement it enters into with DOE.

24. In the June 26, 2020 filing, Grant PUD discusses the potential additional post-construction repair work that would be necessary following construction to completely repair the downstream access road if activities cause damages that cannot be remedied via the methods described in the Traffic Control Plan. The road segments discussed in this filing include those owned by the DOE, Army YTC, and the additional section of the roadway that will be needed to transport other equipment and staff to and from the Cow Creek Quarry.

25. This order requires Grant PUD to provide a plan, if necessary, to repair and modify the parts of access roads that was not already considered in the Traffic Control Plan, for Commission review and approval. Grant PUD is also required to provide documentation of its consultation with DOE and Army YTC and other stakeholders in the development of the plan. This plan would address work, if needed, to the DOE and Army YTC access roads.

### **Revised Exhibits**

26. The licensee filed a revised Exhibit A on May 17, 2019, describing the entire project with the new addition to the right embankment at the Priest Rapids dam. The Exhibit A conforms to the Commission's rules and regulations and should be approved. Ordering paragraph (C) of this order approves the revised exhibit.

27. The licensee also included two revised Exhibit F drawings showing the new embankment with its May 17, 2019 filing. We have reviewed the drawings and have determined that they adequately show the approved project facilities. The drawings also

conform to the Commission's rules and regulations and should be approved. Ordering paragraph (D) of this order requires the licensee to file the approved exhibit drawings in electronic file format.

### **Conclusion**

28. Commission staff reviewed the amendment application, other information already on file, and the information provided the resource agencies to determine whether the proposed amendment would affect environmental resources at the project. The final EA discussed the potential impacts to geology and soils, water quantity and flow, fisheries and aquatic resources, botanical, wildlife, wetland resources, threatened and endangered species, cultural and historic resources and recreation.

29. Terrestrial resources would be locally affected during construction; however, Grant PUD would mitigate the effects, resulting in no significant, long-term effects.<sup>9</sup> Similarly, Grant PUD is not proposing any changes to its minimum flow or reservoir elevation requirements, so aquatic impacts would be limited.<sup>10</sup> The short-term effects to recreation are expected to be minimal and no permanent effects would result from the PRREIP.<sup>11</sup> The proposed BMPs would limit effects associated with noise and vibration during and after construction, and with the implementation of these measures there would be a temporary impact on the area surrounding the project area.<sup>12</sup> Long-term beneficial effects to soils and geology are expected as a result of the seismic stabilization that the PRREIP would provide. We found that the RCC dam and secant pile cut off wall have been engineered to maintain structural stability of the Priest Rapids dam in the event of an earthquake and this benefit would offset short-term adverse effects to soils.<sup>13</sup>

30. In addition, any potential short-term impacts associated with the repair work along the DOE road and maintenance and repair work along the Army YTC road are expected to be minimal, given that they will occur within the existing disturbed footprint and shoulder areas of the existing roadways, and planned implementation of the TESCP and SPCC Plan that will minimize potential for erosion created by stormwater and

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<sup>9</sup> See 36-37 of the Final EA

<sup>10</sup> See 39-40 of the Final EA.

<sup>11</sup> See 51-52 of the Final EA.

<sup>12</sup> See 56-57 of the Final EA.

<sup>13</sup> See 22-23 of the Final EA



impacts associated with spills from equipment.<sup>14</sup> Moreover, through implementation of its BMPs, Grant PUD would also decrease the probability of its proposed action affecting the availability of water to residents of the WIV.

31. The most significant effects would be expected to cultural and historic resources, which as discussed above, should be mitigated by the implementation of the MOA. Based upon the information provided by Grant PUD, and staff's independent analysis, Commission staff found that authorizing the licensee's proposed action would be in the public interest and would not constitute a major federal action significantly affecting the quality of human environment.

32. In order to ensure that no significant effects ensue, the final EA concluded that implementing specific measures proposed by Grant PUD including: (1) the Temporary Erosion and Sedimentation Control Plan (ordering paragraph (J)); (2) the Spill Prevention, Control, and Countermeasure Plan (ordering paragraph (F)); (3) the Dust Control Plan (ordering paragraph (G)); (4) the Traffic Control Plan (ordering paragraph (H)); and (5) an Access Road Repair and Replacement Plan (ordering paragraph (I)) would minimize and mitigate for these effects.

33. We reviewed the amendment application and the revised exhibit drawings included with the application and conclude that the proposed modifications would not adversely affect the safety of the project when constructed, operated, and maintained in accordance with the Commission's standards and oversight. The modified dam will constitute a substantial enhancement to the safety of the project, particularly the residents of the Wanapum Indian Village, located immediately downstream of the right embankment. Grant PUD has already convened a Board of Consultants to review and provide input on the design of the proposed modifications.

The Director orders:

(A) Public Utility District No. 2 of Grant County, Washington's amendment application to modify the right embankment for the Priest Rapids Dam for the Priest Rapids Hydroelectric Project No. 2114, filed on May 17, 2019, and supplemented on June 5, 2019, and June 26, 2020, as modified by ordering paragraphs (B) through (L) is approved.

(B) The Memorandum of Agreement executed between the Federal Energy Regulatory Commission by signature on January 24, 2020, the Washington State Historic Preservation Officer by signature on March 5, 2020, and the Wanapum Band of Priest

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<sup>14</sup> See 26 of the Final EA.

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Rapids Indians on February 20, 2020, is approved and made part of the license for the Priest Rapids Hydroelectric Project No. 2114.

(C) The Exhibit A filed by the Public Utility District No. 2 of Grant County, Washington on May 17, 2019 is approved, superseding the previous Exhibit A.

(D) The following Exhibit F drawings filed on May 17, 2019 for the Priest Rapids Hydroelectric Project No. 2114, conform to the Commission's rules and regulations, and are approved and made part of the license as labeled and numbered below. This order supersedes the previous Exhibit F-1 (drawing no. P-2114-1042) and deletes it from the license.

Exhibit	FERC Drawing No.	Drawing Title	Drawing Filename <sup>15</sup>
F-1	P-2114-1234	Priest Rapids Development General Plan	Priest Rapids Plan
F-44	P-2114-1235	Priest Rapids Development Plans and Sections	Priest Rapids Sections

(E) Within 45 days of the issuance date of this order, as directed below, the licensee must file the approved exhibit drawings in electronic file format.

The licensee must prepare digital images of the approved exhibit drawings in electronic format. Prior to preparing each digital image, the licensee must add the FERC Project-Drawing Number (i.e., P-2114-1234, *etc.*) in the margin below the title block of the corresponding approved drawing. The licensee must **label and file the Exhibit F drawing as Critical Energy Infrastructure Information (CEII) material under 18 CFR § 388.113** (The submission should be comprised of: 1) a public portion consisting of a cover letter; and 2) a CEII portion containing only the Exhibit F drawings). Each drawing must be a separate electronic file, and the file name must include: FERC Project-Drawing Number, FERC Exhibit Number, Drawing Filename, date of this order, and file extension in the following format [P-2114-1234, F-1, Priest Rapids Plan, MM-DD-

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<sup>15</sup> The licensee must use these exact drawing titles when filing the electronic file format drawings required in ordering paragraph (E). Commission staff shortened the drawing title due to filename character limits. There is no need to modify the titles as they appear on the drawings.

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YYYY.TIFF]. All digital images of the exhibit drawings must meet the following format specification:

IMAGERY:	black & white raster file
FILE TYPE:	Tagged Image File Format, (TIFF) CCITT Group 4 (also known as T.6 coding scheme)
RESOLUTION:	300 dots per inch (dpi) desired, (200 dpi minimum)
DRAWING SIZE:	22" x 34" (minimum), 24" x 36" (maximum)
FILE SIZE:	less than 1 megabyte desired

(F) *Spill Prevention, Control, and Countermeasure Plan.* At least 30 days prior to the start of construction, the licensee must file, for Commission approval, its Spill Prevention, Control, and Countermeasure Plan. The plan must, at a minimum, describe the licensee's measures to protect soils and water quality from contamination by fuels, lubricants, and other oils by using dedicated storage and refueling areas, and secondary containment. The Commission reserves the right to require changes to the plan. Upon Commission approval, the licensee must implement the plan, including any changes required by the Commission.

(G) *Dust Control Plan.* At least 30 days prior to the start of construction, the licensee must file, for Commission approval, its Dust Control Plan. The plan, at a minimum, must include a description of: the licensee's methods to monitor levels of airborne dust; proposed actions to limit dust production from roads, stockpiles, and other disturbed soils; equipment or methods used to limit dust releases from stationary and mobile equipment; and airborne dust thresholds and actions to be taken if monitoring indicates the exceedance of those levels.

The licensee must prepare the plan in consultation with and obtain approval from the Yakima Regional Clean Air Agency. The Commission reserves the right to require changes to the plan. Upon Commission approval, the licensee must implement the plan, including any changes required by the Commission.

(H) *Traffic Control Plan.* The Traffic Control Plan, included as Appendix D to the licensee's amendment application on May 17, 2019, is approved. The licensee must implement the plan to mitigate impacts to traffic and manage construction access associated with the proposed amendment.

(I) *Access Road Repair and Replacement Plan.* The licensee must consult with the U.S. Department of Energy (DOE) and the U.S. Army, Yakima Training Center (YTC) during the licensee's use of the parties' access roads. If during the use of these roads the consulted parties determine further repairs caused by the licensee's construction activities are necessary, the licensee must develop an Access Road Repair and Replacement Plan for review and approval by the DOE and YTC. The licensee must file

the plan, for Commission review, no later than 15 days after it is approved by the DOE and YTC, and the filing must include evidence of consultation with the DOE and YTC in determining the necessity of, development, and approval of the plan.

(J) *Contract Plans and Specifications.* At least 60 days prior to the start of any construction, the licensee must file final design documents with the Secretary of the Commission, preferably through eFiling. The licensee must also submit two hard copies of the documents to the Division of Dam Safety and Inspections (D2SI)-Portland Regional Engineer. The design documents must include: final plans and specifications, supporting design report, Quality Control and Inspection Program, Temporary Construction Emergency Action Plan, Soil Erosion and Sediment Control Plan, and documentation of all comments provided by the Board of Consultants (BOC) with the disposition of each BOC comment. The licensee may not begin construction until the D2SI-Portland Regional Engineer has reviewed and commented on the documents, determined that all preconstruction requirements have been satisfied, and authorized start of construction.

(K) *Cofferdam and Deep Excavation Construction Drawings.* Should construction require cofferdams or deep excavations, the licensee must: (1) have a Professional Engineer who is independent from the construction contractor, review and approve the design of contractor-designed cofferdams and deep excavations prior to the start of construction; and (2) ensure that construction of cofferdams and deep excavations is consistent with the approved design. At least 30 days before starting construction of any cofferdams or deep excavations, the licensee must file the approved cofferdam and deep excavation construction drawings and specifications, and the letters of approval with the Secretary of the Commission, preferably through eFiling. The licensee must also submit two hard copies of the documents to the Commission's Division of Dam Safety and Inspections-Portland Regional Engineer.

(L) This order constitutes final agency action. Any party may file a request for rehearing of this order within 30 days of the date of its issuance, as provided in section 313(a) of the Federal Power Act, 16 U.S.C. § 825I (2018), and the Commission's regulations at 18 C.F.R. § 385.713 (2020). The filing of a request for rehearing does not operate as a stay of the effective date of this order, or of any other date specified in this

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order. The licensee's failure to file a request for rehearing shall constitute acceptance of this order.

Kim A. Nguyen, Chief  
Environmental and Project Review Branch  
Division of Hydropower Administration  
and Compliance

Document Content(s)

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