

# Avista Dam Relicensing Factsheet

## Commenting on the Draft License Application

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**Please Note:** This is intended for informational purposes only and does not constitute legal advice.

“The life of every river sings its own song, but in most the song is long since marred by the discords of misuse.” -- Aldo Leopold, Sand County Almanac (1966)

### Introduction

Avista owns six dams on the Spokane River. Five of the six are operated under a federal license that will expire in 2007. As a result, Avista is preparing to file for a new federal license this summer and is now circulating a draft application for public comment. This Fact Sheet explains the relicensing process and how to comment on Avista’s draft documents.

### What is the FERC relicensing process?

Non-federal hydroelectric facilities on most rivers and streams in the United States are under the jurisdiction of the Federal Energy Regulatory Commission (FERC). Although rivers are owned by the public, non-federal entities (such as private utilities, municipalities, and individuals) may apply for limited-term licenses for the privilege of operating a hydropower dam on the river. It is FERC’s responsibility to issue licenses for these facilities, when appropriate, and determine license conditions for periods of 30 to 50 years. These licenses stipulate conditions that ensure the dam is operated in a safe fashion and minimize its impact on the environment.

In the past, FERC's primary goal had been to promote hydro dams as a means to harness a river's power generation potential, often without regard for environmental impacts. However, in 1986, the Federal Power Act (which governs the relicensing process) was amended to require FERC to balance competing interests when it licenses hydropower projects. FERC is now required to consider not only the power generation potential of a river, but also to give **equal consideration** to energy conservation, protection of fish and wildlife, protection of recreational opportunities, and preservation of other aspects of environmental quality.

When a dam license expires, the dam owner must apply to FERC for a new license. The relicensing process allows FERC, state and federal resource agencies, conservation groups, and the general public to reconsider appropriate operations and land management for each project, taking into account current social and scientific knowledge. In its evaluation of environmental impacts, FERC must prepare an Environmental Impact Statement (EIS) or Environmental Assessment (EA), investigate the environmental consequences of a proposed hydropower project, and compare the impacts with those of alternatives to the suggested action.

## **Why should I care? What do dams do to rivers?**

*Dams Modify River Flows* – Dams alter the natural flow of rivers impacting water quality, fish habitat, and aesthetic features (such as waterfalls). Many hydroelectric dams will at times divert a large percent of a river to generate electricity. Larger dams with reservoirs often reduce the high springtime flows needed to flush river ecosystems.

*Dams Block Rivers* – Dams block the migration of fish and other organisms. Dams also block the natural flushing of gravel, sediment, wood debris, and nutrients downstream, which are often needed to provide for healthy fish and wildlife habitat. Altering a river's ability to transport sediment may cause downstream erosion of river banks and beaches. Accumulated sediment behind dams can reduce water storage capacity and degrade water quality.

*Dams Alter Water Temperatures and Water Quality* – Dams often increase water temperature by diverting significant amounts of water and slowing the natural river flow. Conversely, dams can alter water temperatures on a daily basis. Water stored in reservoirs behind dams is often oxygen starved, which can kill fish and other organisms within the reservoir and downstream when water is released from the dam.

*Dams Kill Fish* – Flows from dams can reduce dissolved oxygen in reservoirs and rivers that fish and other aquatic organisms need

*Dams Impact Recreational and Aesthetic Values* – Rivers with significant hydroelectric diversions are often unable to support self-sustaining native fish populations, which restricts recreational fishing. Low river flows generally reduce recreational opportunities and aesthetic values, with adverse impacts on local tourism-based economies.

## **What dams are being relicensed by FERC?**

Five of Avista's six dams on the Spokane River are currently going through the FERC relicensing process. These include Post Falls dam, Upper Falls dam, Monroe Street dam, Nine Mile dam, and Long Lake dam. Little Falls dam (owned by Avista) and Upriver dam (owned by the City of Spokane) are not part of this relicensing. The relicensing will dictate how these five dams will be operated for the next 30 to 50 years.

## **Where are we at in the FERC process?**

Avista's current license expires on July 31, 2007. They must file a final license application with FERC by July 31, 2005.

Late in February, Avista released its draft license application for a 90-day comment period. The draft license application includes a description of current project operations, proposed project operations, and a Preliminary Draft Environmental Assessment, which is required to examine the environmental impacts of the project. The draft license

application serves as the basis for the final license application that will be filed with FERC.

Avista has sponsored an effort to achieve a settlement agreement among the many stakeholders who care about the dams, the Spokane River and Lake Coeur d'Alene. That process has been ongoing for about 3 years. It is not clear at this time whether a settlement will be reached.

### **Can anyone comment on the draft license application?**

Yes! It is important for river users, rate payers, and others to express their opinion regarding Avista's proposal. This is one of the only chances to do so for the next 30 to 50 years.

### **Where can I get a copy of the draft license application?**

The Preliminary Draft Environmental Assessment is online at [www.avistautilities.com/resources/relicensing/spokane/assets/2005-0067.pdf](http://www.avistautilities.com/resources/relicensing/spokane/assets/2005-0067.pdf). The remaining license exhibits are online at [www.avistautilities.com/resources/relicensing/spokane/assets/draft\\_exhibits.pdf](http://www.avistautilities.com/resources/relicensing/spokane/assets/draft_exhibits.pdf).

Hard copies or CDs of the documents can be obtained by calling Cherie Hirschberger at Avista (509-495-4486).

### **What are the deadlines to comment?**

May 23, 2005 for the Preliminary Draft Environmental Assessment  
May 26, 2005 for the remaining license application exhibits.

Avista is not required to consider any late comments.

### **How and where should I submit comments?**

Indicate in the subject line of your letter: "Comments to Draft License Application for Spokane River Project, FERC Project No. 2545." Also, indicate that you want a copy of any responses to comments.

Mail hard copies of comments to:

Bruce Howard  
Avista Corporation  
1411 East Mission  
P.O. Box 3727  
Spokane, Washington 99220-3727

Comments can be emailed to: [bruce.howard@avistacorp.com](mailto:bruce.howard@avistacorp.com)

A copy of your comments should also be sent to FERC by sending them to:

Honorable Magalie Roman Salas, Secretary  
Federal Energy Regulatory Commission  
888 First Street NE  
Washington DC 20426

Also, share your comments with the Governor of your state.

If you are in Washington, send a copy of your comments to:

Governor Christine Gregoire  
Office of the Governor  
PO Box 40002  
Olympia, WA 98504-0002

Or fax to (360) 753-4110

If you are in Idaho, send a copy of your comments to:

Governor Dirk Kempthorn  
700 West Jefferson, 2nd Floor  
PO Box 83720  
Boise, Idaho 83720-0034

Or fax to (208) 334-2175

### **What can I comment on?**

This is the formal process of commenting on the draft license application. You are free to comment on any aspect of the draft license application and its supporting documents. This includes the adequacy of the studies, whether there is a need for more information or studies, whether you think the mitigation measures (called “PM&Es”) are adequate, and any other PM&Es you think need to be included. However, be clear – if you want Avista to study something, state so clearly. If you want them to develop a new PM&E, state it clearly. This is the time to tell Avista and FERC what is missing from the process.

Make sure to indicate in your comments whether you are a customer of Avista and how you utilize the river (fish, boat, swim, bike, jog, raft, bird watch, walk, own a riverfront business, etc.).

Commenting on the draft license application does not interfere with the ability of the parties to eventually reach a settlement in this process. However, commenting does ensure that your issues will be “on the record” with FERC if a settlement is not reached.

## **What are the next steps?**

Avista will consider the comments received and submit its final license application by the end of July. Once this occurs, the process becomes much more formal. If there is not a settlement agreement, FERC will likely, on its own initiative or upon the request of the parties, require Avista to more thoroughly study the impacts of its project.

## **So, in a nutshell, what is and is not in the draft license application?**

### *What's good?*

- Avista will study and implement measures to address total dissolved gas (TDG) at Post Falls and Long Lake dams. High levels of TDG adversely impacts fish causing something much like the bends. This is a good commitment.
- Avista proposes a number of actions to improve their recreational facilities along the Spokane River and Coeur d'Alene Lake, including recreational/interpretive sites, boat ramps, and river access sites.
- Avista proposes to provide limited water quality monitoring and evaluation of effects of project operations.
- Avista proposes to provide additional flows in the Spokane River during parts of the year to protect trout spawning and other life-stages.

### *What's bad?*

- Avista proposes nothing to address Long Lake water quality (temperature or dissolved oxygen). They claim it is not any of their responsibility. Avista must propose structural and/or operational changes to their dams to address these water quality concerns.
- Avista proposes nothing to address the sedimentation of Nine Mile and Long Lake reservoirs. They claim it is not any of their responsibility. Avista should propose measures to address the impacts of increased sedimentation on recreation, wildlife, water quality, and fishery resources.
- Avista proposes minimum aesthetic flows of 200 cfs will be provided for Upper Spokane Falls only from 10 am to ½ hour after sunset from Memorial Day to September 30. These flows may be cut-off if the water level is below 600 cfs at the Spokane USGS gauge. Avista should eliminate the 600 cfs cut-off, explore providing more water, and expand the period that water is running through the waterfalls.
- Avista failed to study and consider the economic benefits of a restored Spokane River – water quality, fisheries, waterfalls, recreation, etc.

- Avista indicates they are exploring whether or not to separately relicense Post Falls dam. Separating Post Falls dam from the rest of licensing process could “water down” the environmental evaluation that is necessary to understand how all of Avista’s dams impact the river. Also, separately licensing may eliminate mitigation options that are available, such as providing additional flows to mitigate for poor water quality in Long Lake.
- Avista’s studies have not adequately assessed the impacts of Post Falls dam’s operation on wetlands surrounding Lake Coeur d’Alene, as well as lake short and tributary erosion. Additional studies are needed to understand these impacts. Avista must ensure that the operations of Post Falls dam do not further sedimentation and heavy metals contamination downstream into the Spokane River.

*What needs some changes?*

- Avista proposes a minimum instream flow of 600 cfs to be released from Post Falls dam, which may be reduced to 500 cfs at Avista’s discretion. This cut-off to 500 cfs is solely designed to benefit private dock owner on Coeur d’Alene Lake.
- Increased flows are good, but some experts believe a minimum flow of at least 700 cfs is needed for native Spokane River trout and additional flows will benefit water quality in Long Lake Reservoir.
- Avista proposes to provide paddling flows in late spring and fall and for one or more weekends in August only “when possible.” It is uncertain when the flows in August will occur. Avista has not provided a solid commitment to provide these flows. Also, the new kayak park will need a minimum flow of 1,000 cfs, which will not be available for much of the late summer under this current proposal.

**What should I tell Avista to do?**

Avista must recognize that healthy ecosystems are essential for the well-being of our community -- from both an environmental and an economic perspective. This is particularly important in the Spokane River Basin where we share waters with both Idaho and Washington states. Avista must find a way to recognize and protect both upstream and downstream environmental values. This includes:

- Operating their dams to ensure the protection and restoration of the ecological integrity of Lake Coeur d’Alene and the Spokane River.
- Operating Post Falls dam to ensure the protection and restoration of wetlands on Lake Coeur d’Alene.

- Operating Post Falls dam to ensure the reduction of sediment erosion, especially in the Coeur d'Alene River, in order to reduce loading of toxic metals into the Lake and the Spokane River.
- Discharging enough water from Post Falls dam to protect water quality and fisheries in the Spokane River.
- Committing to the implementation of the Coeur d'Alene Lake Management Plan.
- Recognizing the rights and interests of the Coeur d'Alene Tribe, the largest property owner on the Lake.
- Addressing the sedimentation and dissolved oxygen problems in Long Lake Reservoir.
- Increasing the amount and timing of water flowing through our beautiful downtown waterfalls.
- Considering the economic value of restored water quality, fish habitat, and waterfalls.

For more information about how you can help restore the Spokane River, contact:

**Sierra Club Upper Columbia River Group**  
**Spokane River Project**  
**P.O. Box 413**  
**Spokane, Washington 99210**  
**509 456-3376**  
**[spokaneriver@earthlink.net](mailto:spokaneriver@earthlink.net)**