

## **1.0 PURPOSE OF ACTION AND NEED FOR POWER**

On July 28, 2005, Avista Corporation (Avista) filed two applications with the Federal Energy Regulatory Commission (the Commission or FERC) for new licenses for its five hydroelectric developments on the Spokane River in Washington and Idaho. The applications are for the Spokane River Hydroelectric Project (referred to as the “Spokane River Developments”) and the Post Falls Hydroelectric Project (referred to as the “Post Falls Project”), with both collectively referred to as “the Projects.” The Projects consist of five hydroelectric developments located in Kootenai and Benewah counties, Idaho, and in Spokane, Lincoln, and Stevens counties, Washington, in and near the city of Spokane, Washington (Figure 1.0-1). The Post Falls Project, the farthest upstream development, is located in Idaho; it has an installed capacity of 14.75 megawatts (MW). The Post Falls Project, as proposed by Avista, has an annual generation of 77,262 megawatt-hours (MWh). The Spokane River Developments consist of the four lower river developments, which are located in Washington; they have an installed capacity of 122.9 MW. The Spokane River Developments, as proposed by Avista, have an annual generation of 795,903 MWh. Avista proposes no new capacity.

The Post Falls Project occupies approximately 308 acres of submerged land administered by the Bureau of Land Management (BLM) and 54 acres of land administered by the U.S. Department of Agriculture (USDA) Forest Service, Coeur d’Alene National Forest. Within the Post Falls Project boundary are 5,996 acres of lands owned by the United States and held in trust for the Coeur d’Alene Indian Tribe. However, establishment of exact ownership acreage has never been settled because of ordinary high-water mark disputes that have yet to be settled in court. Also within the Project boundary, approximately 1,593 acres are owned by the State of Idaho as part of Heyburn State Park. The Spokane River Developments do not occupy any federal or tribal lands. Currently, all five hydroelectric developments are operating under a single combined license issued by the Commission on August 17, 1972. That license will expire on August 1, 2007.

### **1.1 PURPOSE OF ACTION**

The Commission, under the authority of the Federal Power Act (FPA), may issue licenses with terms from 30 to 50 years for the construction, operation, and maintenance of jurisdictional hydroelectric projects. The Commission is considering whether to issue new licenses to Avista for the Projects. The purpose of the proposed projects is to provide continued, uninterrupted, low-cost electrical

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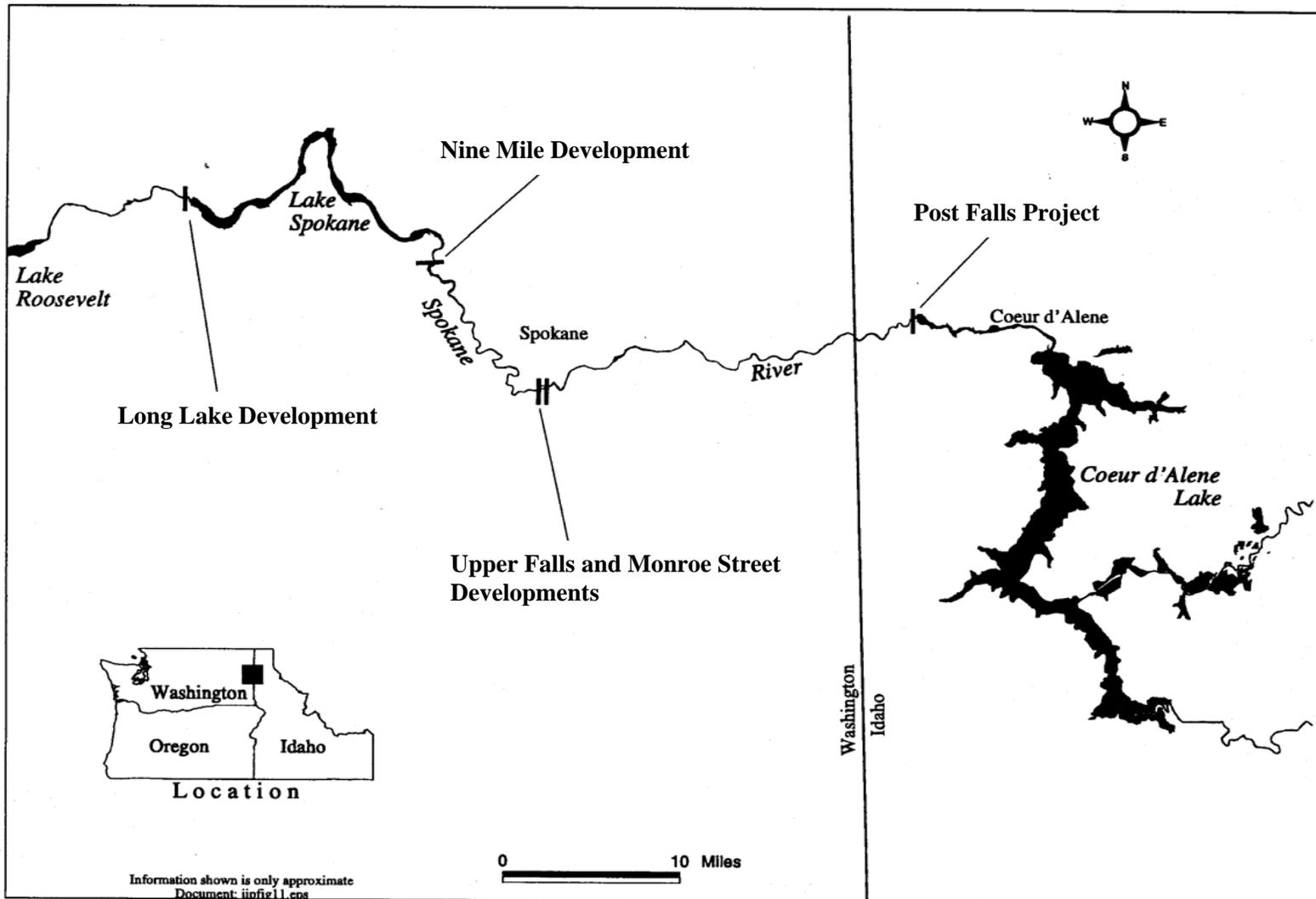


Figure 1.0-1. Location map - Spokane River and Post Falls Hydroelectric Projects

energy generation for the benefit of governmental, industrial, and residential customers in the region, while balancing the needs of resources and other public interests in the area.

The Commission must decide whether to issue a new license and what conditions to place on any license issued. In deciding whether to authorize the continued operation of the Project and related facilities in compliance with the FPA and other applicable laws, the Commission must determine that the Project will be best adapted to a comprehensive plan for improving or developing a waterway. In addition to the power and developmental purposes for which licenses are issued (e.g., flood control, irrigation, and water supply), the Commission must give equal consideration to the purposes of energy conservation; the protection of, mitigation of damage to, and enhancement of fish and wildlife (including related spawning grounds and habitat); the protection of recreational opportunities; and the preservation of other aspects of environmental quality.

Commission staff (staff) prepared this final environmental impact statement (FEIS) to ensure that the Commission makes an informed licensing decision and to comply with the National Environmental Policy Act of 1969 (NEPA), as amended, the Council on Environmental Quality (CEQ) guidelines implementing NEPA, and the Commission's regulations.

In this FEIS, we assess the effects of operating the Projects (1) with no changes or enhancements to the current facilities or operations (No-Action Alternative); (2) as proposed by Avista (Proposed Action); (3) as proposed by Avista with additional modified environmental measures (Avista's proposal with modifications, or the Staff Alternative); and (4) as proposed under the Staff Alternative with Mandatory Conditions. The No-Action Alternative represents baseline environmental and economic conditions for comparison with other alternatives. Other alternatives considered but eliminated from detailed analysis include (1) federal governmental takeover and operation of the Projects; (2) issuance of a non-power license upon expiration of the current Project license; (3) retirement of the Projects; and (4) implementation of a natural hydrograph alternative for the Post Falls Project.

The principal issues addressed in the FEIS involve (1) reservoir operations related to power generation and other purposes; (2) Project releases for protection of native fish populations and other purposes; (3) water quality; (4) fishery management and protection needs; (5) protection and enhancement of wildlife habitat; (6) potential effects on threatened and endangered species; (7) recreational access and facility improvements; (8) protection of cultural and historic resources; (9) waterway bank erosion; and (10) aesthetic flows and aesthetic resources.

## 1.2 NEED FOR POWER

Avista, an investor-owned utility supplying electricity to residential, wholesale, commercial, and industrial users, owns and operates the 14.75-MW Post Falls Project and the 122.9-MW Spokane River Developments. Avista provides energy to more than 325,000 electric and 300,000 natural gas customers in a 30,000-square-mile service area that covers parts of four western states (Washington, Idaho, Oregon, and Montana) with a variety of energy resources.

The Projects include developments that operate both in run-of-river mode and with regulated reservoirs. The Projects are operated in a coordinated manner to contribute to Avista's electric generating resources.

Avista also operates the Clark Fork Hydroelectric Project facilities, including the 466-MW Noxon Development and the 257-MW Cabinet Gorge Development, totaling 723 MW of licensed nameplate capacity. On the Spokane River, Avista also operates the Little Falls Hydroelectric Project, which has a nameplate rating of 32 MW. These three Avista hydroelectric facilities, together with Avista's five Spokane River Projects, provide about 892 MW of hydro capacity (Avista, 1999). Energy from the eight developments accounts for 451 average MW (aMW)<sup>1</sup>, or about 36 percent of Avista's 1,270-aMW resource portfolio in 2004.

The balance of Avista's firm generation resources are coal-fired thermal plants, gas-fired combustion turbine plants, purchases from independent power producers, and wholesale power purchases. Additionally, Avista participates in the Northwest Energy Efficiency Alliance, a non-profit consortium of energy providers and related industries involved in developing markets for energy-efficiency products and services, and in several regional energy conservation, audit, and weatherization programs. Avista's energy conservation and efficiency programs serve residential, commercial, and industrial customers by providing technical assistance, incentives, and education about the wise use of energy. Generally, its programs have been divided into three local portfolios: commercial/industrial, limited income, and residential. Avista continues to work to provide cost-effective conservation programs to customers. During the last 26 years, Avista has acquired 111 aMW of energy through the implementation of its conservation programs (Avista, 2005).

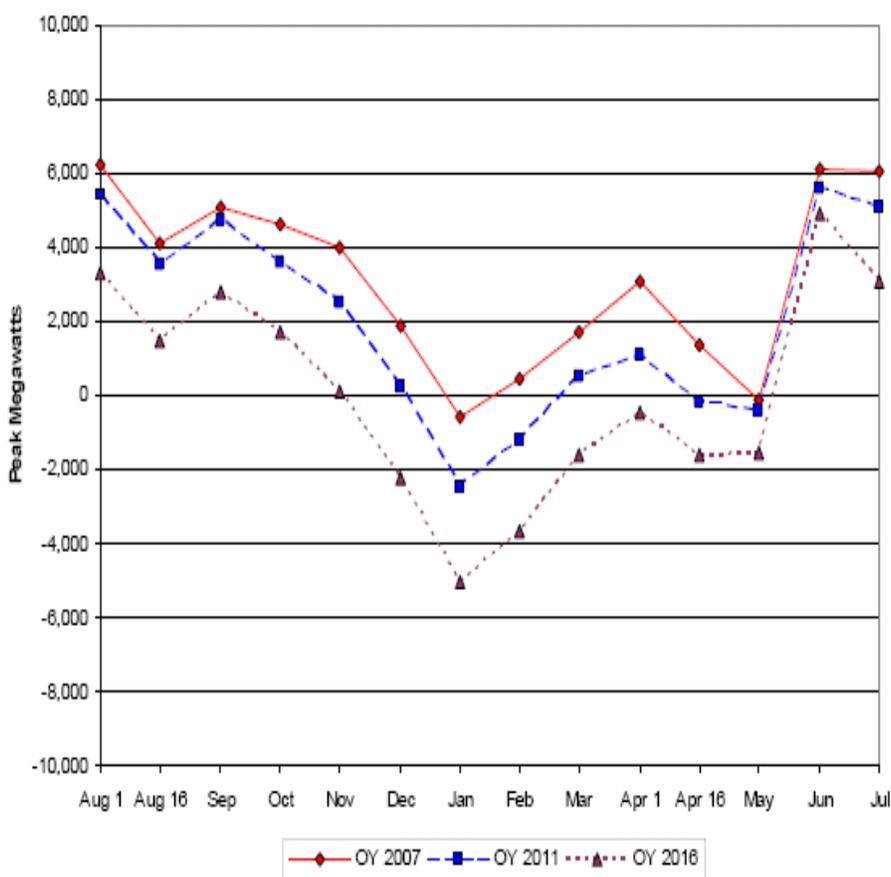
The Bonneville Power Administration's (BPA's) *2006 Pacific Northwest Loads and Resources Study* (the 2006 White Book) is a snapshot of overall Pacific Northwest regional conditions as of March 31, 2006, and incorporates load,

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<sup>1</sup> An average megawatt (aMW) is a unit of electrical consumption or production over a year. It is equivalent to the energy produced by the continuous use of 1 MW of capacity served over a period of 1 year. One aMW is equivalent to 8,760 MWh, or 8.76 gigawatt-hours (BPA, 2005).

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contract, and resource estimates provided by BPA, federal agencies, public utilities, cooperatives, and investor-owned utilities (BPA, 2006). Figure 1.2-1 illustrates how the monthly peak firm MW deficit could grow to as much as 5,085 MW by operating year 2016.<sup>2</sup> For the month of January (a peak-demand month for the region), the total regional firm load is projected to be 38,205 MW in 2016, and total net power resources are expected to be 33,148 MW. The colder winter months are most susceptible to deficits; April and May also may experience deficits.



**Figure 1.2-1. Regional firm monthly capacity surplus/deficit projections**  
*Source: BPA, 2006*

<sup>2</sup> An operating or energy year begins August 1 and ends July 31.

The average annual regional firm load is expected to rise from 20,637 aMW in 2007 to 23,418 aMW in 2016, excluding the load associated with exports. Additionally, energy exports are expected to decrease from 1,002 aMW in 2007 to 691 aMW in 2016. In general, the regional firm load is projected to be 21,650 aMW in 2007 and 24,119 aMW in 2016. Total net power resources are expected to grow from 23,667 aMW in 2007 to 24,114 aMW in 2016, resulting in a surplus of firm power of 2,017 aMW in 2007 and a deficit of 5.6 aMW in 2016. These BPA projections indicate a continued need for power in the Pacific Northwest.

The Projects are part of the 250 developments in the Columbia River system. The amount and timing of water released from the Columbia River system projects substantially affect both hydroelectric generation and the other benefits provided by the system (e.g., transportation, irrigation, and natural resource protection). The efficient management of this complex hydroelectric and water resource system is facilitated by the Pacific Northwest Coordination Agreement (PNCA). Most public and private utilities and federal generators in the region, including Avista, are parties to the PNCA. The PNCA provides for the coordination of water releases from the participating hydroelectric projects to optimize energy production and other benefits.

The Projects fall under the purview of the PNCA and operates in coordination with other developments in the system. The amount of storage water provided by the Projects, however, is very small compared to the many other, much larger storage reservoirs in the Columbia River system, including Flathead Lake on the Flathead River, Lake Pend Oreille on the Clark Fork-Pend Oreille River system, the Canadian storage reservoirs on the upper Columbia River, Lake Roosevelt (formed by Grand Coulee Dam) on the main stem of the Columbia River, and the Snake River storage reservoirs.

Avista, through its resource planning process for the states of Washington and Idaho, regularly prepares comprehensive forecasted energy requirements and files integrated resource plans to the Washington (state) Utilities and Transportation Commission and Idaho Public Utilities Commission. Through this planning process, Avista anticipates that the overall growth in electricity sales will average 3.4 percent per year between now and 2023. By 2013, an energy shortfall of 411 aMW is projected for the year, and an energy shortfall of as much as 556 aMW could occur in January—the month with the largest energy shortfall.<sup>3</sup>

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<sup>3</sup> Avista uses an 80-percent confidence level for energy planning to account for abnormal monthly weather patterns and below-average monthly hydroelectric capability. Avista also maintains operating reserves in accordance with industry standards.

Similarly, on an annual basis, Avista forecasts surplus capacity through 2009. By 2013, a capacity shortfall of as much as 432 aMW is expected for the year, and a 547-aMW shortfall could occur in December—the month with the largest capacity shortfall.

Avista operates the Projects in concert with its other facilities and programs to minimize the overall cost of power production. Without these Projects, Avista would be faced with replacing the Project’s energy and capacity at costs reflecting the value of new resource acquisition.

In summary, if licensed, the power from the Projects would continue to be useful in meeting Avista’s needs as well as part of the local and regional need for power. The Projects help displace fossil-fueled electric power generation that the region now uses, thereby conserving non-renewable fossil fuels and reducing the emission of noxious byproducts caused by fossil-fuel combustion.

### 1.3 INTERVENTIONS

On January 13, 2006, the Commission issued a notice accepting Avista’s applications to relicense the Post Falls Project and Spokane River Developments. This notice set a 60-day period, which ended on March 14, 2006, during which interventions and protests could be filed. In response to that notice, the following entities filed motions to either intervene or intervene and protest:

<u>Entity</u>	<u>Type</u> <sup>4</sup>	<u>Filed Date</u>
American Whitewater	I	March 1, 2006
Washington Department of Fish and Wildlife (WDFW)	I	March 3, 2006
Sierra Club	I/P	March 7, 2006
USDA Forest Service (Post Falls only)	I	March 8, 2006
Center for Environmental Law and Policy (CELP)	I/P	March 9, 2006
Washington Department of Ecology (WDOE)	I	March 9, 2006
State of Idaho	I	March 10, 2006
Spokane Canoe and Kayak Club and Northwest Whitewater Association (NWA)	I	March 13, 2006
Friends of the Centennial Trail	I	March 13, 2006
City of Post Falls, Idaho	I	March 13, 2006
Hagadone Hospitality Co.	I	March 14, 2006
U.S. Department of the Interior (DOI)	I	March 14, 2006
The Lands Council	I/P	March 14, 2006
Coeur d’Alene Tribe of Indians	I/P	March 14, 2006

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<sup>4</sup> “I” filings were Motions to Intervene; “I/P” filings were Motions to Intervene and Protest.

<u>Entity</u>	<u>Type</u> <sup>4</sup>	<u>Filed Date</u>
Spokane River Association	I	March 14, 2006
Idaho Rivers United	I	March 15, 2006
Washington State Parks and Recreation Commission (WSPRC)	I	March 15, 2006
Kootenai County, Idaho	I	March 15, 2006
Washington Department of Natural Resources (WDNR)	I	March 15, 2006
Washington Interagency Committee on Outdoor Recreation	I	March 15, 2006
Spokane Mountaineers, Inc.	I	March 15, 2006
Lake Spokane Protection Association	I	March 15, 2006
City of Coeur d'Alene, Idaho	I	March 20, 2006

On May 5, 2006, the Commission published a notice granting late intervention status to the eight entities listed above that filed after March 14.

#### **1.4 SCOPING PROCESS**

Avista conducted the NEPA scoping process as part of the Alternative Licensing Process (ALP) and formally initiated public scoping on May 6, 2003, with the release of Scoping Document 1 (SD1). SD1 invited the public to provide comments on the Projects either through written or oral testimony. Two public scoping meetings were held in Spokane, Washington, on June 3, 2003. A court reporter recorded all comments and statements made at the scoping meetings. All comments and statements have been made part of the Commission's public record for the Projects.

In addition to the comments received at the scoping meetings, 67 individuals provided written comments during the 60-day comment period concluding July 6, 2003. The following entities also provided written comments:

<u>Commenting Entity</u>	<u>Date of Letter</u>
Coeur d'Alene Lakeshore Owner's Association	May 27, 2003
Idaho Nature Conservancy	May 28, 2003
Coeur d'Alene Chamber of Commerce	May 28, 2003
Kootenai County Assessor	May 29, 2003
Post Falls Area Chamber of Commerce	May 30, 2003
Kidd Island Bay Restoration and Conservation Project	May 30, 2003
Rivermill Investments, LLC.	June 2, 2003
The Greater Squaw Bay Association	June 11, 2003

<u>Commenting Entity</u>	<u>Date of Letter</u>
City of Coeur d'Alene	June 25, 2003
Rockford Bay Terrace Community, Inc.	June 26, 2003
U.S. Fish and Wildlife Service (USFWS)	June 27, 2003
Leisurehaven Floathouses Inc.	June 28, 2003
The Hagadone Corporation	July 1, 2003
WDOE	July 1, 2003
BLM	July 1, 2003
USDA Forest Service	July 2, 2003
Kootenai County Sheriff's Department	July 3, 2003
Department of the Army	July 3, 2003
Idaho Department of Parks and Recreation (IDPR)	July 3, 2003
The Lands Council	July 6, 2003
WDFW	July 6, 2003
Coeur d'Alene Tribe	July 7, 2003
Sierra Club, Upper Columbia River Group	July 7, 2003
Idaho Rivers United	July 7, 2003
Bureau of Indian Affairs (BIA)	July 8, 2003

Written and oral comments were summarized and addressed in Scoping Document 2 (SD2) issued on June 14, 2004. SD2 presented an expanded list of resource issues and alternatives to be examined in the NEPA analysis. The issues included potential effects on (1) geology and soils; (2) water quality and quantity; (3) aquatic resources; (4) terrestrial resources; (5) threatened and endangered species; (6) cultural resources; (7) recreation and aesthetics; and (8) socioeconomics. The alternatives included (1) Avista's preliminary proposed action, (2) no action, and (3) other alternatives that may be proposed by agencies, tribes, other governmental or non-governmental organizations (NGOs), or other parties.

## **1.5 AGENCY CONSULTATIONS**

In addition to the formal NEPA scoping described in the previous section, significant opportunities for public involvement were integrated into the Projects' relicensing process. Opportunities began upon commencement of the ALP process, when a Plenary Group of stakeholder organizations was formed to participate in and generally oversee the ALP and the desired development of a settlement agreement. The Plenary Group held its first meeting on May 21, 2002, and at that time established five additional work groups to focus on issues within major resource areas: water resources; fisheries; terrestrial resources; recreation,

land use, and aesthetic resources; and cultural resources. The work groups met approximately monthly for almost 3 years to define issues, review and approve study plans and results, and recommend environmental measures to be included into the intended Settlement Agreement and incorporated into Avista's Proposed Action. Some, but not all, of the work groups' recommendations are included in Avista's Proposed Action presented in this FEIS.

On May 18, 2006, the Commission issued a notice soliciting recommendations, terms, conditions, and prescriptions for the Projects. This notice set July 17, 2006, as the deadline for these filings. In response to the notice, the following entities filed recommendations, preliminary terms and conditions, and preliminary prescriptions:

<u>Commenting Entities</u>	<u>Type</u>	<u>Dated Filed</u>
Kootenai County	10(a)	July 14, 2006
USDA Forest Service	10(a), 4(e)	July 14, 2006 <sup>5</sup>
Center for Justice (Sierra Club)	10(a)	July 17, 2006
City of Post Falls, Idaho	10(a)	July 17, 2006
WDOE	10(a)	July 17, 2006
CELP	10(a)	July 17, 2006
NWA	10(a)	July 17, 2006
State of Idaho	10(a), 10(j)	July 17, 2006
The Lands Council	10(a)	July 17, 2006
WDFW	10(j)	July 18, 2006
Department of Interior (BIA, USFWS, BLM, National Park Service [NPS])	4(e), 10(j), 10(a), section 18	July 18, 2006 <sup>6</sup>
City of Coeur d'Alene	10(a)	July 19, 2006

## **1.6 ALTERNATIVES TO AGENCY MANDATORY TERMS AND CONDITIONS AND ADMINISTRATIVE LAW JUDGE FINDINGS**

In DOI's July 18, 2006 filing, the BIA filed 15 preliminary 4(e) conditions applicable to the Post Falls Project. In a filing of August 17, 2006, to DOI's Office of Environmental Policy and Compliance and the Commission, Avista filed 12 alternative conditions to DOI's preliminary section 4(e) conditions. Of the 12 alternative conditions, only four involved Avista proposing any new measures;

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<sup>5</sup> The USDA Forest Service also provided modified preliminary recommendations, terms, and conditions in a letter filed on August 21, 2006. On May 3, 2007, the USDA Forest Service stated that its filing of August 21, 2006, contains its final recommendations, terms, and conditions.

<sup>6</sup> DOI requested an extension on its filing and was granted a 1-day extension.

the other eight alternative conditions requested DOI to delete the corresponding BIA condition in its entirety with the alternative asking that no condition be imposed at all. There were no alternatives proposed by Avista regarding the USDA preliminary 4(e) conditions. On September 1, 2006, Avista filed reply comments to recommendations, terms, and conditions filed by all parties, including DOI, on the Projects (Avista, 2006a).

On August 17, 2006, Avista also filed a request with DOI for a hearing on disputed issues of material fact with respect to six of the preliminary conditions filed by DOI with FERC under section 4(e) conditions. Pursuant to section 241 of the Energy Policy Act of 2005, Pub. L. No. 109-58, § 241, 119 Stat. 594, 674-75 (Aug. 8, 2005) (EPAAct), codified at 16 United States Code (U.S.C.) §§ 797(e), 811, and the underlying procedural regulations published in 70 Federal Register (FR) 69804 (November 17, 2005) (promulgated in 43 CFR Part 45), “[t]he license applicant and any party to the proceeding shall be entitled to a determination on the record, after opportunity for an agency trial-type hearing of no more than 90 days, on any disputed issues of material fact with respect to such conditions.” 16 U.S.C. § 797(e).

In its request for hearing, Avista identified 38 proposed issues of disputed material fact for hearing. Notices of intervention and responses to Avista’s hearing request were then filed by the Coeur d’Alene Tribe, the State of Idaho, and the Upper Columbia River Group of the Sierra Club.

On October 2, 2006, BIA filed an answer responding to Avista’s hearing request. In its answer, BIA contended that most of Avista’s proposed issues of disputed material fact were inappropriate for hearing because they failed to meet the 43 CFR 45.1(a)(1) requirement that each hearing issue be disputed, material, and factual. BIA also argued that several of Avista’s proposed issues were actually questions of policy and/or alternative conditions, and therefore beyond the scope of the proceeding. The Coeur d’Alene Tribe and the Sierra Club also took the position that most of Avista’s proposed issues did not meet the requirements to be identified for hearing.

On October 10, 2006, DOI’s Office of Environmental Policy and Compliance referred the matter to the DOI Office of Hearings and Appeals, Departmental Cases Hearings Division, pursuant to 43 CFR 45.25(a). The case was then assigned to Administrative Law Judge (ALJ) Andrew S. Pearlstein.

Between October 13, 2006, and December 3, 2006 the ALJ, Avista, BIA, Coeur d’Alene Tribe, and Sierra Club participated in several pre-hearing activities, including a prehearing teleconference, a period of discovery and direct testimony of witnesses, and a scheduled site visit.

The hearing convened in Spokane, Washington, on December 4, 2006, and continued through December 8, 2006. Avista, BIA and the Coeur d'Alene Tribe jointly, and the Sierra Club filed post-hearing briefs, including proposed supporting and ultimate findings of fact, on December 22, 2006, and reply briefs on December 29, 2006.

On January 8, 2007, the ALJ filed his final findings of fact in the case. His findings focused on alleged environmental effects and impacts of the continued operation of the Post Falls Project on the Coeur d'Alene Reservation, where the parties have raised disputed issues of material fact relating to conditions proposed by the BIA to monitor and mitigate those alleged impacts. Those effects include impacts or alleged impacts on water quality, fisheries, aquatic vegetation, wetlands, erosion, and the Coeur d'Alene Tribe's cultural resources. Avista generally denied that the Project causes adverse impacts to the reservation, while BIA and the tribe generally alleged that the Project does cause such impacts.

An abbreviated summary of the ALJ's findings of fact with respect to each of the issues identified for hearing follows.

***Coeur d'Alene Lake and Tributary Shoreline Erosion Control:*** (a). The Project is responsible for about 50 percent of erosion in the lower tributaries, and 30 percent in the lake. (b). The Project increases boating activity on the reservation.

***Water Quality Standards and Water Quality Monitoring:*** (a). The Project affects plant growth and distribution in the shallow southern end of the lake; and increases temperature and reduces dissolved oxygen (DO) in that area. (b). The Project does not significantly increase eutrophication in the lake as a whole. (c). The Project has no effect, or a negligible effect, on the amount of metals that dissolve in the lake. (d). The Project does not have potential effects on the metal parameters listed, but may have effects on the organic parameters in the southern end of the lake.

***Protection of Cultural Resources:*** (a). The Project has caused an increase in pothunting of cultural resources on the reservation. (b). Avista's survey of cultural resources was adequate to identify those resources for the intended purposes. (c). The Project may affect cultural resources within the 100-foot buffer zone.

***Salmonid Fisheries:*** The Project has had only minor impacts on the decline of native salmonid fish in the lake, which are dwarfed by the devastating impacts of non-Project factors, primarily the introduction of non-native species and the degradation of tributary spawning habitat.

***Aquatic Weed Management:*** (a). The Project is a cause of the increase in growth and spread of Eurasian watermilfoil in the lake. (b). It is not feasible to totally eradicate Eurasian watermilfoil from the lake, but it is feasible to control it in a limited area such as the south end of the lake on the reservation.

***Wetland and Riparian Habitat Replacement and Maintenance:*** (a)(1). The Project has reduced the total acreage of wetlands on the reservation and has impaired the functioning of those wetlands. (2). The Project has reduced the occurrence of certain culturally important plants. (3). Human activities unrelated to the Project have not reduced wetlands on the reservation. (4). The wetlands on the Project are in equilibrium with the summer lake level, but not with natural ecological processes.

Specifics of the ALJ findings can be found in Chapter 3.0, under relevant resource areas, titled “Environmental Consequences,” subheading “Administrative Law Judge Findings.”

## **1.7 PUBLIC AND AGENCY INVOLVEMENT SINCE RELEASE OF THE DEIS**

The Commission issued and distributed the draft environmental impact statement (DEIS) to the public on December 28, 2006. The U.S. Environmental Protection Agency’s (EPA’s) Notice of Availability was published in the Federal Register on January 5, 2007. The notice stated that the DEIS was available for a 60-day public comment period ending March 6, 2007. Based on requests from the public, FERC held two public meetings in Spokane, Washington, on February 8, 2007, to collect comments on the DEIS.

During the public comment period, over 225 written public comments were received from the general public. During this same period, the Commission also received comments from the following federal and state agencies, tribes, and NGOs:

<u>Commenting Entity</u>	<u>Date Filed</u>
Washington Department of Archaeology & Historic Preservation	January 30, 2007
WSPRC	February 21, 2007
USDA Forest Service	February 22, 2007
WDOE	February 23, 2007
Coeur d’Alene Lakeshore Property Owner’s	February 28, 2007
Spokane Mountaineers	February 28, 2007
NWA	March 4, 2007
Spokane Tribal Natural Resources	March 5, 2007
BIA	March 5, 2007

<u>Commenting Entity</u>	<u>Date Filed</u>
Avista Utilities	March 6, 2007
Center for Justice / Sierra Club / CELP	March 6, 2007
City of Post Falls	March 6, 2007
IDPR	March 6, 2007
Idaho Department of Environmental Quality (IDEQ)	March 6, 2007
Idaho Department of Fish and Game (IDFG)	March 6, 2007
Inland Northwest Water Resources	March 6, 2007
Lake Spokane Protection Association	March 6, 2007
The Lands Council	March 6, 2007
WDFW	March 6, 2007
EPA	March 6, 2007
City of Spokane	March 6, 2007
Coeur d'Alene Tribe	March 6, 2007
Cave Bay Community Services, Inc.	March 13, 2007
Whitworth Water District No. 2	March 13, 2007
Spokane County Water Quality Advisory Committee	March 14, 2007
City of Coeur d'Alene	March 19, 2007
Avista Utilities	March 29, 2007
Center for Justice / Sierra Club / CELP	April 19, 2007
Avista Utilities	April 23, 2007
Avista Utilities	April 26, 2007

The Commission has summarized in Appendix A the comments received from these entities and the general public, has provided responses to those comments, and has indicated whether (and how) we have modified the text of the EIS.

In addition to receiving agency comments on the DEIS, the Commission also conducted a teleconference on March 20, 2007, to discuss the preliminary 10(j) provisions submitted by each agency. Based on the findings of the ALJ and the results of the teleconference, additional information and modified 10(j) and 4(e) conditions were submitted by various agencies for consideration in the FEIS. These final conditions have been discussed in the appropriate sections of this EIS.