

APPENDIX C
MANDATORY CONDITIONS

FOREST SERVICE SECTION 4(E) CONDITIONS

TERMS AND CONDITIONS

License articles contained in the Federal Energy Regulatory Commission's (Commission) Standard Form L-1 issued by Order No. 540, dated October 31, 1975, cover those general requirements that the Secretary of Agriculture, acting by and through the USDA Forest Service, considers necessary for adequate protection and utilization of the land and related resources of the Payette and Wallowa-Whitman National Forests. Under authority of section 4(e) of the Federal Power Act (16 U.S.C. 797(e)), the following terms and conditions are deemed necessary for adequate protection and utilization of National Forest System (NFS) lands and resources. These terms and conditions are based on those resources enumerated in the Organic Administration Act of 1897 (30 Stat. 11), the Multiple-Use Sustained Yield Act of 1960 (74 Stat. 215), the National Forest Management Act of 1976 (90 Stat. 2949), and any other law specifically establishing a unit of the National Forest System or prescribing the management thereof, including the Hells Canyon National Recreation Area Act and the Wild and Scenic Rivers Act, as such laws may be amended from time to time, and as implemented by regulations and approved Land and Resources Management Plans prepared in accordance with the National Forest Management Act. Therefore, pursuant to section 4(e) of the Federal Power Act, the following conditions covering specific requirements for protection and utilization of the NFS lands shall also be included in any license issued for the Hells Canyon Complex Hydroelectric Project (Project).

Condition No. 1—Implementation of Activities on National Forest System Lands

The Licensee shall not commence implementation of habitat or ground-disturbing activities on National Forest System (NFS) lands until the USDA Forest Service has approved site-specific project designs and issued a notice to proceed.

Additional NFS Lands

If additional NFS lands are included within the Project boundary, the Licensee shall obtain a special-use authorization for occupancy and use of NFS lands added to the Project area boundary from the USDA Forest Service. Within six months of License issuance and before any habitat or ground-disturbing activities, the Licensee shall obtain from the USDA Forest Service and file with the Commission a special-use authorization for occupancy and use of NFS lands added to the Project area boundary in the License.

Additional lands authorized for use by the Licensee in a new special-use authorization shall be subject to laws, rules, and regulations applicable to the NFS. The terms and conditions of the USDA Forest Service special-use authorization are enforceable by the USDA Forest Service under the laws, rules, and regulations applicable to the NFS. The special-use authorization shall also be subject to applicable sanctions and enforcement procedures of the Commission at the request of the USDA Forest Service. Should additional NFS lands be needed for this Project over the License term, the special-use authorization shall be amended to include any additional NFS lands.

Approval of Changes on NFS Lands after License Issuance

Notwithstanding any License authorization to make changes to the Project, the Licensee shall receive written approval from the USDA Forest Service prior to making changes in the location of any constructed Project features or facilities on NFS lands, or in the uses of Project land and waters on NFS lands, or any departure from the requirements of any approved exhibits for Project facilities located on NFS lands filed by the Licensee with the Commission. Following receipt of such approval from the USDA Forest Service, and at least 60 days prior to initiating any such changes or departure, the Licensee

shall file a report with the Commission describing the changes, the reasons for the changes, and showing the approval of the USDA Forest Service for such changes. The Licensee shall file an exact copy of the report with the USDA Forest Service at the time it is filed with the Commission.

Coordination with Other Authorized Uses on NFS Lands

In the event that portions of the Project area are under federal authorization for other activities and permitted uses, the Licensee shall consult with the USDA Forest Service to coordinate such activity with authorized uses before starting any activity on NFS land that the USDA Forest Service determines may affect another authorized activity.

Site-Specific Plans

The Licensee shall prepare site-specific plans subject to review and approval by the USDA Forest Service for habitat and ground-disturbing activities on NFS lands required by the License, including activities contained within resource management plans required by the License prepared subsequent to License issuance. The Licensee shall prepare site-specific plans for activities one year in advance of implementation dates required by the License.

Site-specific plans shall include:

1. A map depicting the location of the proposed activity and GPS coordinates.
2. A description of the USDA Forest Service land management area designation for the location of the proposed activity and applicable standards and guidelines.
3. A description of alternative locations, designs and mitigation measures considered including erosion control and implementation and effectiveness monitoring designed to meet applicable standards and guidelines.
4. Draft biological evaluations or assessments including survey data as required by regulations applicable to habitat or ground-disturbing activities on NFS lands in existence at the time the plan is prepared.
5. An environmental analysis of the proposed action consistent with USDA Forest Service National Environmental Policy Act (NEPA) policy in existence at the time the plan is prepared for FERC licensed projects on NFS lands.

Cost Reimbursement

The Licensee shall provide funding to the USDA Forest Service for all costs associated with the analysis, review, inspection, and monitoring required for implementing habitat and ground-disturbing activities on NFS lands required by the License, including activities contained within resource management plans required by the License prepared subsequent to License issuance. Funding for the analysis, review, inspection, and monitoring of site-specific projects on NFS lands required by the License shall be through the use of a Collection Agreement or other instrument consistent with USDA Forest Service regulations in effect at the time the project is proposed and shall be executed by the Licensee and the Payette National Forest and/or the Wallowa-Whitman National Forest, as appropriate.

Condition No. 2—Resource Coordination

Within one year of License issuance, the Licensee shall, in consultation with and approval by the USDA Forest Service, prepare a Resource Coordination Plan (RCP) and file the plan with the Commission for approval. The RCP shall establish a process for information exchange and coordinate efforts for implementation of License conditions and ongoing Project operations and maintenance (O&M) activities impacting NFS lands. The RCP shall provide for coordination of the implementation of the

various management plans required under the License to the extent they impact NFS lands, such as but not limited to: visual resource management, cultural resource management, integrated weed management, aquatic plant management, fish and wildlife management, sensitive species management, recreation resource management, monitoring, erosion control and other resource protection plans. The RCP plan shall require the Licensee to:

1. Consult with the USDA Forest Service each year during the 60 days preceding the anniversary of the License, or as agreed to by USDA Forest Service, to evaluate the past year's activities and develop a proposed implementation schedule for the upcoming year's activities and measures required by the License for NFS lands. Within 60 days following such consultation, the Licensee shall file with the Commission evidence of the consultation with any recommendations made by the USDA Forest Service.
2. Document the requirements, tasks and methods and reports related to monitoring the effects of Project operations and facilities on natural and/or social resources and effectiveness of protection, mitigation, and enhancement measures where the monitoring is required by USDA Forest Service terms and conditions.
3. Provide a mechanism for revising implementation strategies and methods to reflect improvement in sampling procedures and/or changes in regulations or environmental conditions.
4. Identify practices for record keeping and annual reporting.
5. Include provisions for the routine updating of the RCP, including incorporation of monitoring measures identified in site-specific plans prepared under the requirements of USDA Forest Service Condition No. 1 (Implementation of Activities on NFS lands).
6. Develop a field manual identifying standard operating procedures, including cultural resource identification and reporting procedures that the Licensee and its contractors shall follow while conducting activities on NFS lands.
7. Develop a process to resolve disagreements regarding the implementation of the RCP.
8. Designate an Environmental Coordinator to coordinate the implementation of the RCP and Licensee activities with the USDA Forest Service.

Condition No. 3 – Fire Prevention Plan

Within one year of License issuance, the Licensee shall, in consultation with and approval by the USDA Forest Service and in consultation with appropriate State and local fire agencies, prepare a Fire Prevention Plan for NFS lands within the Project boundary and NFS lands adjacent to the Project boundary that are impacted by the Project and file the plan with the Commission for approval. The Fire Prevention Plan shall require the Licensee to:

1. Analyze fire prevention needs to ensure that prevention equipment and personnel are available.
2. Identify fire hazard reduction measures (e.g., eliminating ladder fuels, reducing fuel loading).
3. Provide the USDA Forest Service a list of the location of available fire prevention equipment and the location and availability of fire prevention personnel.

Condition No. 4—Sandbar Maintenance and Restoration

For the purposes of restoring and maintaining 14 acres of sandbars on or adjacent to NFS lands between Hells Canyon Dam and the confluence of the Snake and Salmon Rivers that may be affected by

the existence and/or operation of the HCC over the term of the new license (including any annual licenses issued thereafter), the Licensee shall establish a Mitigation Fund for use by USDA Forest Service to fund restoration and maintenance activities, which may include:

1. Development of a list of sites to be maintained, and a list of sites to be restored through managed sand supply based on the inventory of existing sandbars and potential restoration sites (Term and Condition Exhibit 1 attached hereto).
2. Restoration efforts by supplying sand to establish sufficient depth over designated areas between appropriate flow elevations. Maintenance will be implemented when average sand depths on treated sandbars fall below established criteria.
3. Distribution of sand on National Forest System lands above appropriate flow elevation contours to minimize annual sand loss attributable to ordinary high water.
4. Monitoring of existing sandbars and restoration areas on a five-year interval to evaluate whether maintenance and restoration objectives are being met.

Fund Administration

The Licensee shall, in a fiduciary capacity with the USDA Forest Service as the beneficiary, establish and maintain an independent interest-bearing account for the purpose of funding mitigation and enhancement projects undertaken pursuant to this Condition. The financial institution where the interest-bearing account shall be established must be insured by the Federal Deposit Insurance Corporation (FDIC) and the terms of the escrow agreement shall be approved in advance by the USDA Forest Service, Chief Financial Officer. The Fund's principal shall be invested in interest-bearing securities of the U.S. Treasury. The Licensee shall bear the cost of all reasonable administrative, legal, and overhead costs associated with the management of the account and shall not assess any such costs against the account or against the USDA Forest Service. The USDA Forest Service will designate an official with the authority to direct payment to the USDA Forest Service for specific project work in furtherance of the purposes of the Fund. The account shall be administered at the sole discretion of the USDA Forest Service. The Licensee and the USDA Forest Service will collaborate on development of public information to communicate the benefits of the projects being completed under this Fund.

Quarterly Reports

The financial institution shall provide quarterly reports, at a minimum, to the USDA Forest Service Chief Financial Officer, showing account activity during the period, the amounts of principal and interest income.

Annual Reports

The Licensee shall submit to FERC and the USDA Forest Service, Chief Financial Officer written annual reports that reflect the amounts of payments deposited into and disbursed from the Fund. On each anniversary of the Mitigation Fund's establishment, and every year thereafter, the Licensee shall provide an annual independent audit of the Fund and submit the results of the audit to the USDA Forest Service, Chief Financial Officer. The USDA Forest Service will provide information to the Licensee annually concerning how funds have been expended in furtherance of the purposes of the Fund.

Timing and Schedule of the Licensee's Contributions to the Fund

Within one year of the order issuing the new license, the Licensee shall establish the Mitigation Fund and shall contribute \$937,000.00 annually (in 2006 dollars adjusted for inflation in accordance with Exhibit 2 attached hereto) to the Fund for the first 10 years of the license. The USDA Forest Service may begin to draw from the Fund on the date of the first anniversary of the new license. The Licensee shall be

responsible for no further contributions to the Fund. The contributions shall be nonrefundable, except that any balance resulting from the Licensee's contributions, including any accrued interest, remaining in the Fund on the date that the next license order for the Project is issued shall be returned to the Licensee. A final independent audit of the Fund shall be made by the Licensee to determine the final principal and interest remaining in the Fund to be returned to the Licensee. Based on the results of the audit, USDA Forest Service shall make the final disbursement to the Licensee.

Condition No. 5—Integrated Wildlife Habitat Program and Wildlife Mitigation and Management Plan

Within one year of License issuance, the Licensee shall, in coordination with the USDA Forest Service, prepare an Integrated Wildlife Habitat Program (IWHP) and Wildlife Mitigation and Management Plan (WMMP) as defined in FERC AIR TR-1, for lands within the Project boundary and NFS lands adjacent to the Project boundary that are impacted by the Project, and file the plan with the Commission for approval. The goal of the IWHP and WMMP is to specify programmatic and stewardship goals and measurable objectives, policies, guidelines and administrative procedures, including monitoring and adaptive management that provide terrestrial and botanical resource protection, mitigation and enhancement measures to lands as described above. The Licensee shall be responsible to implement the IWMP and WMMP. In addition to incorporating all USDA Forest Service terrestrial and botanical conditions approved by FERC, the IWMP and WMMP shall require the Licensee to:

1. Develop and implement a monitoring program to estimate the status and trends of the terrestrial habitats being managed and determine whether management practices support those resources goals or should be changed. The monitoring program shall include a process to establish baseline biological conditions for the resources that will be managed and monitored.
2. Develop and implement an adaptive management process, including protocols and schedules to monitor implementation and effectiveness of the terrestrial and botanical resource protection, mitigation and enhancement measures, and adapt implementation measures as needed to meet resource-specific goals and objectives. Adaptive management shall be based on periodic monitoring cycles tailored to each resource objective related to a specific mitigation or management action.
3. The IWHP and WMMP shall be prepared in coordination with the USDA Forest Service. The Licensee shall include with the plans documentation of coordination, copies of comments and recommendations on the completed plans after it has been prepared and provided to the USDA Forest Service, and specific descriptions of how the USDA Forest Service comments are addressed by the plans. The Licensee shall allow a minimum of 60 days for the USDA Forest Service to comment and to make recommendations prior to filing the plans with the Commission for approval. If the Licensee does not adopt a recommendation, the filing shall include the Licensee's reasons, based on Project-specific information.

Condition No. 6—Land Acquisition and Management Plan

Within one year of License issuance, the Licensee shall in coordination with the USDA Forest Service prepare a Land Acquisition and Management Plan (LAMP) that shall be incorporated into the Licensee's Integrated Wildlife Habitat Program (IWHP) and Wildlife Mitigation and Management Plan (WMMP) and file the LAMP with the Commission for approval.

1. The purpose of the LAMP is to describe the Licensee's land acquisition and management of habitat mitigation parcels as described in the FLA, FERC's AIR TR-1 and other License

conditions. The LAMP shall include but not be limited to the following elements: Program goals and objectives (TR-1 Sections 1.2: #1)

- a. Parcel and conservation easement acquisition criteria (TR-1 Appendix 1) and/or new criteria developed by the IWMP Work Group (TR-1)
 - b. Implementation schedule for land (habitat) acquisition and improvement (TR-1 Sections 1.2: #4)
 - c. Desired habitat conditions (TR-1 Sections 1.2: #2)
 - d. Comprehensive best management practices and programs (TR-1 Sections 1.2: #6)
 - e. Priorities and procedures for habitat restoration of parcels in degraded condition (TR-1 Sections 1.2: #4)
 - f. Priorities and procedures for maintaining functioning habitat on the acquired parcels (TR-1 Sections 1.2: #4)
 - g. Procedures for effectiveness monitoring in determining whether the desired habitat conditions and trends are being achieved (TR-1 Sections 1.2: #7)
 - h. Apply adaptive management practices when objectives and trends are not achieved (TR-1 Sections 1.2: #9)
 - i. Provision for the program's periodic review and revision, as necessary (TR-1 Sections 1.2: #11)
2. The LAMP shall be prepared in coordination with the USDA Forest Service. The Licensee shall include with the LAMP documentation of coordination, copies of comments and recommendations on the completed LAMP after it has been prepared and provided to the USDA Forest Service, and specific descriptions of how the USDA Forest Service comments are addressed by the plan. The Licensee shall allow a minimum of 60 days for the USDA Forest Service to comment and to make recommendations prior to filing the LAMP with the Commission for approval. If the Licensee does not adopt a recommendation, the filing shall include the Licensee's reasons, based on Project-specific information.
 3. The Licensee shall acquire 56.3 acres of riparian habitat to mitigate continuing Project impacts to riparian vegetation on the Snake River below Hells Canyon dam. The Licensee shall include the above riparian habitat mitigation into its land acquisition program.
 4. Within two years of License issuance, the Licensee shall, in coordination with the USDA Forest Service, assess the shoreline erosion sites identified in the FLA, Technical Report E.3.2-42 and, where warranted and feasible, design and install control measures to correct active shoreline erosion problems at its source, including planting the sites with native riparian vegetation, maintaining the control measures in a functioning condition and monitor control measure effectiveness. For those sites where control measures are deemed infeasible, the acreage of these sites shall be added to the Licensee's riparian acquisition program. In addition, the Licensee shall survey for new shoreline erosion sites every 5 years, and implement control measures when deemed warranted and feasible.

Condition No. 7—Exotic and Invasive Vegetative Management

Within one year of License issuance, the Licensee shall prepare and implement a cooperative Integrated Weed Management Plan (IWMP) for the prevention, suppression, containment, endeavor to eradication and control of invasive non-native plant species, including noxious weeds in and adjacent to the Project area. The intent of this plan is to enhance and promote the coordinated management of

noxious weeds with entities responsible for weed management in Hells Canyon. The plan includes the following:

1. The IWMP shall be developed cooperatively with a Licensee established Noxious Weed Advisory Board. The Board shall be comprised of entities responsible for weed management, including the USDA Forest Service. The Licensee shall include provisions to update the plan in 5 year intervals to keep the plan contemporary with new weed management science and practices.
2. The IWMP shall require the Licensee to (FLA E.3.3.3.2.1.2 pages E.3-690 & E.3-691):
 - a. Develop communication and coordination protocols for the Licensee and the Noxious Weed Advisory Board members, including:
 - 1) Defining participants roles and responsibilities
 - 2) Schedules for annual reports and work plan, meeting, review and updates
 - b. Define the geographic scope of the plan's implementation efforts
 - c. Identify noxious weed management goals and objectives
 - d. Develop weed species and habitat overview/descriptions
 - 1) Location description/mapping of populations using Geographic Information Systems
 - 2) Current site (habitat) condition
 - 3) Data gap; identify and implement needed site-specific surveys and methodology, as appropriate
 - e. Create the Hells Canyon Cooperative Weed Management Area (CWMA)
 - f. Describe the desired conditions
 - g. Make recommendations for site-specific management consistent with federal state and county laws and regulations
 - h. Schedule for periodic inventory using common inventory and mapping protocols
 - i. Develop Best Management Practices (BMP) that pertain to all ground disturbing projects and proactive prevention measures to stop new infestations, consistent with Federal and State initiatives
 - j. Develop and implement an effectiveness monitoring program
 - k. Modify practices when objectives and trends are not achieved
3. The IWMP shall be prepared in coordination with the USDA Forest Service. The Licensee shall include with the plan documentation of coordination, copies of comments and recommendations on the completed IWMP after it has been prepared and provided to the USDA Forest Service, and specific descriptions of how the USDA Forest Service comments are addressed by the IWMP. The Licensee shall allow a minimum of 60 days for the USDA Forest Service to comment and to make recommendations prior to filing the IWMP with the Commission for approval. If the Licensee does not adopt a recommendation, the filing shall include the Licensee's reasons, based on Project-specific information.

Condition No. 8—Terrestrial Threatened and Endangered Species

Within one year of License issuance, the Licensee shall, in coordination with the USDA Forest Service, and USFWS, if appropriate, prepare a Threatened and Endangered Species Management and Monitoring Strategy for the long-term protection, management and enhancement of Threatened and Endangered species and their habitats on NFS lands affected by the Project. The strategy shall be incorporated into the WMMP and filed with Commission for approval. The strategy shall address those measures required by the USFWS as a result of consultation under the Endangered Species Act (ESA) for the protection, management, enhancement, and monitoring of Threatened and Endangered species and their habitats.

The USDA Forest Service shall be provided the opportunity to participate in the ESA consultation process. To the extent that any such measures shall be implemented on NFS lands, the Licensee shall coordinate with the USDA Forest Service on such implementation.

Condition No. 9—Sensitive Species Management

Within one year of License issuance, the Licensee shall, in coordination with the USDA Forest Service prepare a Sensitive Species Management Plan (SSMP) that shall be incorporated into the WMMP and filed with the Commission for approval. The goal of the WMMP is to provide for the protection, management, enhancement and monitoring of currently identified and any new (per paragraph 1 below) Sensitive species and their habitat on NFS lands affected by the Project. The SSMP shall require the Licensee to:

1. In consultation with USDA Forest Service, conduct additional Sensitive species surveys when new species are listed on the Regional Forester Sensitive Species list that are known to exist in the Hells Canyon Project area. When there are Project-related activities that may have an impact on the newly listed species or their habitat, surveys will be conducted. The Licensee shall prepare a draft biological evaluation for Regional Forester Sensitive Species as per USDA Forest Service Condition No. 1 Implementation of Activities on National Forest System lands.
2. Conduct monitoring every two years for all Sensitive confirmed sites for the first six years of the License term and at three-year intervals thereafter to determine habitat condition and trend. The need for continued monitoring will be evaluated after year six of the new License term.
3. Protect and/or restore Sensitive sites/habitats that are declining in condition, as a result of Project-related impacts, as determined through monitoring as set out in paragraph 2 above.
4. Update the Sensitive Species Management Plan to address revisions to the Regional Forester sensitive species list over the License term.

Condition No.10—Mountain Quail Habitat Enhancement

The Licensee shall implement the Mountain Quail Habitat Enhancement program proposed in the Final License Application (FLA, 2003). Measures proposed for NFS lands shall be subject to Condition No. 1 Implementation of Activities on National Forest System lands.

Condition No. 11—Transmission Line Management

Within one year of License issuance, the Licensee shall, in consultation with and approval by the USDA Forest Service, develop a transmission line operation and maintenance plan which shall be incorporated into the WHMMP and filed with the Commission for approval. The goal of the plan is to provide communication and coordination between the Licensee and the USDA Forest Service in

implementing, monitoring, and adapting all resource specific restoration, protection, and management actions associated with the transmission line occupying NFS lands.

Condition No. 12—Recreation Management

Within one year of License issuance, the Licensee shall finalize the Hells Canyon Complex Comprehensive Recreation Management Plan (Recreation Plan) and file the Recreation Plan with the Commission for approval. The Recreation Plan shall be inclusive of appropriate License requirements and also address Project-related recreation resources located on NFS lands within the existing Project boundary or as otherwise ordered by the Commission. The Recreation Plan shall include provisions for adaptive management to address changing recreation needs and preferences and shall be updated as appropriate every six years in conjunction with filing the Commission Form 80. The Licensee shall implement the Recreation Plan.

The Recreation Plan shall be prepared in coordination with the USDA Forest Service and other appropriate entities. The Licensee shall include with the Recreation Plan documentation of coordination, copies of comments and recommendations on the completed Recreation Plan after it has been prepared and provided to the USDA Forest Service, and specific descriptions of how the USDA Forest Service comments are addressed by the Recreation Plan. The Licensee shall allow a minimum of 60 days for the USDA Forest Service to comment and to make recommendations prior to filing the Recreation Plan with the Commission for approval. If the Licensee does not adopt a recommendation, the filing shall include the Licensee's reasons, based on Project-specific information.

The Recreation Plan shall include an annual implementation schedule, consultation, and approval procedures and include:

1. Measures to adequately address USDA Forest Service resource concerns and standards of quality (e.g. Meaningful Measures) throughout the License term.
2. The following measures proposed by the Licensee in the Draft Recreation Plan (FLA, 2003):
 - a. Litter and Sanitation Plan (E.5.4.3.1, E.5.4.4.1.2)
 - b. Public Safety Program (E.5.4.3.1.2)
 - c. Local Law Enforcement (E.5.4.3.1.3, E.5.4.4.1.4)
 - d. Road Maintenance (E.5.4.3.1.4, E.5.4.4.1.6)
 - e. Boat Moorage on HCC Reservoirs (E.5.4.4.1.1)
 - f. Information and Education (I&E) Plan (E.5.4.4.1.3)
 - g. Recreation Adaptive Management Plan (E.5.4.4.1.5)
 - h. Performance of Operation and Maintenance at Applicant-Enhanced BLM and USFS Reservoir-Related Recreation Sites (E.5.4.4.1.7)
 - i. Enhancement of Eagle Bar Dispersed Recreation Site (E.5.4.4.2.1)
 - j. Development of Site Plan for Big Bar Recreation Site (E.5.4.4.2.1)
 - k. Enhancement of Boat Ramp and Associated Facilities at Big Bar Recreation Site (E.5.4.4.2.2)
 - l. Development of Site Plan and Enhancement of Eckels Creek Dispersed Recreation Site (E.5.4.4.2.4)

- 3 The Licensee shall implement the Comprehensive Road Management Plan proposed in the FLA as it pertains to NFS lands to meet the existing standards, designs and operations and maintenance plan guidelines established in the Hells Canyon Scenic Byway Management Plan (USFS, 1993). The Licensee shall maintain Hells Canyon Dam (HCD) Road for safe and reasonable use by the public including access to Hells Canyon Creek Visitor Center, parking lot, and boat launch and also including dispersed parking between the HCD and the visitor center.
- 4 To address adaptive management the Licensee shall:
 - a. Develop a comprehensive recreation monitoring plan that includes evaluation of recreation use, preferences and trends
 - b. Report recreation use information to the USDA Forest Service and other interested entities as it becomes available, including annual reporting of use occurring at Licensee fee parks
 - c. Coordinate with the USDA Forest Service to establish trigger points that indicate a need for additional development or improvements at USDA FS sites identified in the Recreation Plan
 - d. Provide for appropriate expansion of existing recreation facilities or development of new Project related recreation facilities and for other recreational opportunities on NFS lands commensurately with Project-related use pursuant to the Recreation Plan
5. The Licensee shall develop and implement a Vegetation Management Plan for all developed sites on NFS lands identified in the Recreation Plan. The Vegetation Management Plan shall include a schedule and procedures for maintenance, including planting, fertilizing, mulching, watering, thinning, staking, mowing, trimming, spraying and/or weeding, etc., for each developed site.
6. The Licensee shall every six years in conjunction with FERC Form 80 requirements conduct visitor satisfaction surveys in the HCC. Details of the survey content and implementation will be coordinated with the USDA Forest Service and other applicable entities to ensure that the level of detail and applicability of information is consistent with previous surveys and analysis. When practicable these surveys should endeavor to duplicate the survey protocols developed by Whittaker and Shelby, 2002, and presented in the Licensee's Technical Report E.5-4, FLA 2003) during the first survey periods.

Condition No. 13—Big Bar

Within three years of License issuance the Licensee shall, in coordination with the USDA Forest Service, develop a site development plan for the Big Bar Recreation Area (Big Bar Development Plan, BBDP) and file the plan with the Commission for approval. The BBDP shall address specific facility elements needed at Big Bar Section C as well as possible future expansion opportunities on other sections of Big Bar that shall be addressed as part of the adaptive management component of the Comprehensive Recreation Management Plan. The BBDP shall include a site plan, design drawings; detailed erosion and sediment control measures, and a schedule for implementation and maintenance.

The Licensee shall include with the BBDP documentation of coordination, copies of comments and recommendations on the completed site plan after it has been prepared and provided to the USDA Forest Service, and specific descriptions of how the USDA Forest Service comments are addressed by the site plan. The Licensee shall allow a minimum of 60 days for the USDA Forest Service to comment and to make recommendations prior to filing the BBDP with the Commission for approval. If the Licensee

does not adopt a recommendation, the filing shall include the Licensee's reasons, based on Project-specific information.

The BBDP shall require the Licensee to develop a campground facility on the southern portion of Big Bar Section C within five years of License issuance. The campground shall be development level "3" which is characterized by moderate site modification with design of improvements generally based on use of native materials. (FSM 2300, 2330) Primary development at Big Bar shall include, but not be limited to, approximately 15 to 20 universal campsites with parking spurs, picnic tables and fire rings, centrally located vault toilets, potable water, hardened access roads, xeric landscaping and meeting accessibility (ADA) requirements. The Licensee shall be responsible for all costs associated with the campground development.

The Licensee shall perform O&M at this facility as described in Condition No. 18 (See O&M Condition.)

Condition No. 14—Eagle Bar

Within three years of License issuance, the Licensee shall implement the site plan proposed in the draft Recreation Plan (FLA 2003), for Eagle Bar. Elements of the site plan include reconstructing the boat ramp, designating parking for boat ramp use and trailhead access, designating campsites with picnic shelters and fire rings, constructing a vault toilet, constructing a fishing pier using ADA guidelines and standards, and providing potable water.

The Licensee shall perform O&M at this facility as described in Condition No. 18 (See O&M Condition.)

Condition No. 15—Eckels Creek

Within three years of License issuance the Licensee shall implement the site plan proposed in the draft Recreation Plan (FLA 2003), for the Eckels Creek Dispersed Site. Designated sites shall be established to limit resource damage to the site, and shall be delineated using boulders and other natural features. The site shall be graveled and contain two to three single unit picnic/camp sites. Sites shall include one fire ring each (ADA) and one table each (ADA). A single-vault toilet shall be installed near the roadside that can be used by both overnight campers and by trail users parking to access Eckels Creek trail across the road.

The Licensee shall perform O&M at this facility as described in Condition No. 18 (See O&M Condition.)

Condition No. 16—Deep Creek Stairway

Within one year of License issuance, the USDA Forest Service shall complete a condition and safety inspection of Deep Creek Stairway/Trail #218. Upon completion of the safety inspection, the Licensee, USDA Forest Service and Idaho Department of Fish and Game shall coordinate and mutually agree upon measures to correct any deficiencies noted in the inspection. The Licensee shall implement the measures identified within two years of License issuance.

The Licensee, in coordination with the USDA Forest Service shall develop an O&M Plan and implementation schedule which provides for O&M and replacement as necessary at this facility. The Licensee shall not be required to assume the ownership of the Stairway/Trail Structure.

If repairing the Stairway/Trail appears to be economically unfeasible, other alternatives for access to Deep Creek will be explored with the Licensee, USDA Forest Service and Idaho Department of Fish and Game.

Condition No. 17—Parking Areas

Within two years of License issuance, the Licensee shall develop or improve and maintain parking and signing at four USDA Forest Service roadside parking areas along the Hells Canyon Reservoir. The parking areas are located adjacent to the paved Hells Canyon Road that connects Oxbow and Hells Canyon Dam. The four locations are Allison Creek, Kinney Creek, Eckels Creek, and Deep Creek. The improvement work includes developing surfaced parking lots large enough for two to four vehicles and providing information/interpretive signing.

The Licensee shall perform O&M at this facility as described in Condition No. 18 (See O&M Condition.)

Within five years of License issuance, the Licensee shall replace the toilet at Deep Creek.

Condition No. 18—Operations and Maintenance

For the term of the License, the Licensee shall perform the Operations and Maintenance necessary to meet USDA Forest Service Standards, Meaningful Measures as amended over the License term for Eagle Bar, Eckels, Big Bar, parking areas along Hells Canyon Reservoir, Black Point Viewpoint, and dispersed areas on NFS lands within the project boundary pursuant to the Recreation Plan.

Condition No. 19—Hells Canyon Reservoir Drawdown

For the term of the License, the Licensee shall manage reservoir levels to minimize impacts on recreation resources during the summer. Maximum draw down during the recreation season is presently limited to five feet from full pool elevation. If, based on operational modifications ordered by the Commission or system emergencies, the reservoir is drawn down for protracted periods below five feet from full pool elevation, the Licensee shall reconstruct or modify boat launching facilities to provide access to the reservoir.

Condition No. 20—Reservoir Trail Maintenance

Within one year of License issuance and over the remaining term of the License, the Licensee shall perform trail maintenance for the USDA Forest Service trails as shown in the table below.

USDA Forest Service Trails to be Maintained by Idaho Power

Trail Name	Beginning at	Ending at
Deep Creek Trail to Oxbow Creek (Trail # 219)	Eagle Bar	Deep Creek
Kinney Creek Trail (Trail # 221)	Road 545	Junction of Trail 222
Mid-Slope Trail (Trail # 222)	Junction of Trail 221	Eckels Creek
Eckels Creek Trail (Trail # 223)	Road 545	Junction of Trail 222
Allison Creek Trail (Trail # 514)	Road 545	Junction of Trail 222
Stud Creek Trail (Trail # 1781)	Hells Canyon Creek	Stud Creek
McGraw Creek Trail Loop (Trail #1879)	Junction of Trail #1890	Junction of Trails #1884
Bench Trail to McGraw Creek Trail Junction (Trail #1884)	Junction of Trail #1879	Milepost 2
HC Reservoir Trail to Leep Creek (Trail # 1890)	Copper Creek TH	Leep Creek

The Licensee shall maintain the trails according to Forest Service standards (Trail and Specification Handbook EM7720.103 specifications for trails) or as otherwise mutually agreed upon.

Within one year of License issuance, the Licensee in coordination with the USDA Forest Service shall develop a plan that addresses the future management of the HC Reservoir Trail (Trail #1890) from Leep Creek mile 4.3 to its terminus mile 8.1.

Within five years of License issuance, the Licensee in coordination with the USDA Forest Service and the DOI Bureau of Land Management shall develop a plan that addresses the future management of the McGraw Creek trail (#1879A, 3.9 miles).

The HC Reservoir Trail and McGraw Creek plans shall be prepared in coordination with the USDA Forest Service and other appropriate entities. The Licensee shall include with the plans documentation of coordination, copies of comments and recommendations on the completed plans after they have been prepared and provided to the USDA Forest Service, and specific descriptions of how the USDA Forest Service comments are addressed by the plans. The Licensee shall allow a minimum of 60 days for the USDA Forest Service to comment and to make recommendations prior to filing the plans with the Commission for approval. If the Licensee does not adopt a recommendation, the filing shall include the Licensee's reasons, based on Project-specific information.

Condition No. 21—Hells Canyon Creek Launch Site and Reservoir Facilities

Within one year of License issuance, the Licensee shall prepare a plan for the USDA Forest Service site referred to as HC Creek Launch Site (HCCLS) and file the HCCLS Plan to the Commission for approval.

The HCCLS Plan shall be prepared in coordination with the USDA Forest Service. The Licensee shall include with the HCCLS Plan documentation of coordination, copies of comments and recommendations on the completed HCCLS Plan after it has been prepared and provided to the USDA Forest Service, and specific descriptions of how the USDA Forest Service comments are addressed by the HCCLS Plan. The Licensee shall allow a minimum of 60 days for the USDA Forest Service to comment and to make recommendations prior to filing the HCCLS Plan with the Commission for approval. If the Licensee does not adopt a recommendation, the filing shall include the Licensee's reasons, based on Project-specific information.

The HCCLS Plan will address the items listed below:

1. Develop potable water and associated grey water disposal system at the Hells Canyon Creek Visitor Center if the proposed potable water/grey water disposal system is not developed at the Eagle Bar Site. The Licensee shall perform 100% of the O&M of these items as described in Condition No. 18 Operations and Maintenance.
2. The Licensee shall lead a cooperative effort with the USDA Forest Service and other partners to provide a sanitary cleaning system (SCAT) capable of cleaning portable human waste carry out systems within the Hells Canyon Reservoir area. The Licensee's responsibility will consist of providing a location on or within their lands/parks for the device and annual O&M for these items for the term of the License.
3. Elements of the HCCLS Plan will address safety issues at the boat launch and may include modifying the existing ramp and/or evaluating the possibility of relocating it. The Licensee shall be responsible for costs associated with the boat launch enhancement and a schedule for implementation and maintenance.
4. The Licensee shall within one year of License issuance repair the footing on the ramp at the launch site.

5. Upon License issuance and for the remaining term of the License, the License shall maintain the existing level of Licensee staffing (as referenced in MOU No. 99-Mu-11061600-556 with Modification No. 001) at the Hells Canyon Creek Launch site and Visitor Center.
6. The Licensee shall be 100% responsible for the maintenance of the following items upon License issuance: the road to, parking areas, vault toilets, and ramps associated with the area know as the Hells Canyon Creek Launch for the life of the License.

Condition No. 22—Aesthetic Improvements to the Hells Canyon Dam Site and Recreation Portal

Within one year of License issuance, the Licensee shall, in coordination with the USDA Forest Service, develop an Aesthetic Improvement Plan (AIP) for enhancing the upper deck, and entrance and egress areas of Hells Canyon Dam that will be incorporated into the Scenery Management Plan and file the AIP with the Commission for approval. Alterations may include changes in fencing material, color of materials, screening of stop blocks, parking, signage, pedestrian walkways, interpretation, viewing areas and landscaping provided that such alterations are consistent with the FERC approved security plan for the Dam. A schedule for implementation, to be conducted by the Licensee, shall be included in the AIP.

Condition No. 23—There is no Condition No. 23

Condition No. 24—Aesthetics Resource Management

Within one year of License issuance, the Licensee shall, in coordination with the USDA Forest Service, prepare a Scenery Management Plan (SMP) for NFS lands within the Project boundary and adjacent to the Project boundary that are affected by the Project and file the SMP with the Commission for approval. The Licensee shall implement the SMP.

The Licensee shall include with the SMP documentation of coordination, copies of comments and recommendations on the completed plan after it has been prepared and provided to the USDA Forest Service, and specific descriptions of how the USDA Forest Service comments are addressed by the SMP. The Licensee shall allow a minimum of 60 days for the USDA Forest Service to comment and to make recommendations prior to filing the SMP with the Commission for approval. If the Licensee does not adopt a recommendation, the filing shall include the Licensee's reasons, based on Project-specific information.

The SMP shall include the following measures proposed by the Licensee in the FLA:

1. E.6.1.6 Existing Transmission Lines and Associated Service Roads.
2. E.6.4.3.1 Design Standards and Guidelines for Physical Structures.
3. E.6.4.3.2 Design Standards and Guidelines for Landscaping.
4. E.6.4.3.3 General Aesthetic Clean-Up and Implementation.
5. E.6.4.3.4 Replacement of Guardrails and Jersey Barriers.
6. E.6.4.3.5 Mitigation of Contrast from Project Facilities.
7. E.6.4.3.6 Enhancement of Others Facilities

Process for Modification of Visual Resources

A process for evaluating the licensee's proposed modification to Project facilities and landscaping, in terms of their effect on visual resources, including consulting with agencies, will be

developed through consultation with the USDA Forest Service. This SMP will consider compliance with the desired landscape character and scenic integrity level standards from all identified special places or key observation points from which the modifications can be seen as identified in Technical Report E.6.3. included in the FLA.

Condition No. 25—Cultural Resource Management

Within one year of License issuance, the Licensee shall, in coordination with the USDA Forest Service, Idaho SHPO, Oregon SHPO, Bureau of Land Management, and appropriate Native American Tribes, will finalize a Historic Properties Management Plan (HPMP) for cultural resources within the area of potential effect (APE) for the Project, which is defined as extending from the high water-mark line to 0.1 mile inland on the reservoirs within the Project boundaries and from the river shoreline to 100 meters inland on the free flowing section of the Snake River below Hells Canyon Dam to the confluence of the Salmon River, and file the HPMP with the Commission for approval.

The HPMP shall be prepared in coordination with the USDA Forest Service. The Licensee shall include with the HPMP documentation of coordination, copies of comments and recommendations on the completed HPMP after it has been prepared and provided to the USDA Forest Service, and specific descriptions of how the USDA Forest Service comments are accommodated by the HPMP. The Licensee shall allow a minimum of 60 days for the USDA Forest Service to comment and to make recommendations prior to filing the HPMP with the Commission for approval. If the Licensee does not adopt a recommendation, the filing shall include the Licensee's reasons, based on Project-specific information.

The HPMP will provide for the protection, management, and interpretation of historic properties within the HCC Project area and for the mitigation of Project-related impacts to historic properties.

The HPMP will include the following:

1. Provisions for an adaptive management strategy that will allow the HPMP to accommodate unforeseen challenges and changes in conditions that may affect historic properties. The HPMP will also include an evaluation and amendment process to insure that the document can be updated and revised as necessary to respond to changing technology and conditions, including changes in site eligibility as defined by regulation 36 C.F.R. 800 as amended.
2. Explanation of how consultation and the other requirements of 36 C.F.R. 800 as amended will be met.
3. Provisions for the evaluation of all future Project-related developments, including PM&E measures, for the compliance with the requirements of Section 106 of the National Historic Preservation Act (NHPA). The HPMP will provide a process to allow for revisions to the Project APE for future undertakings.
4. Provisions for a process for determining when and under what circumstances new survey, or resurvey of previously examined areas may be required. Recognizing the longevity of the license, the HPMP will provide for opportunities to conduct additional survey, if necessary, over the course of the license. Following the requirements of Section 106, the document will also provide guidelines for determining when archaeological inventories may be necessary on new Project lands added to the Project boundary.
5. Conduct additional inventories on newly exposed lands from shoreline erosion or increased reservoir draw down on NFS lands as circumstances allow or in cases where planned draw downs will occur over an extended period of time.
6. Provisions for the development of a detailed monitoring plan that will implement regular monitoring and assessment of all historic properties (cultural resources determined eligible

or potentially eligible for the NRHP) within the APE to monitor site condition and assess the possible need for the implementation of mitigation or protection measures on historic properties being adversely affected by Project operations. The monitoring program will commence within 1 year of approval of the HPMP, and will be the primary vehicle to collecting the additional data necessary to identify sites that may be adversely affected by Project operations, so that appropriate mitigation measures can be initiated.

7. Documentation shall, at a minimum, consist of a detailed description of the current site condition with accompanying photos and specific attention to determining adverse effects and possible needs for immediate protection or mitigation. If it is determined that the original site recordation is deficient, then the following elements will be added to the site monitoring protocol, as appropriate: mapping (GPS, hand drawn site map, clearly defined site boundaries), updating or completion of the appropriate SHPO form(s) and a detailed narrative describing the site, its contents and archaeological context.
8. The monitoring plan shall include a provision to use an established and recognized photographic protocol on some select rock art sites to be determined through coordination with the USDA Forest Service.
9. Provisions for the development of site specific treatment plans (treatment plans) and an implementation schedule for any sites that may need mitigation or treatment as a result of adverse effects from Project-related operations to sites on NFS lands within the APE. Treatment plans will be completed in consultation with the USDA Forest Service, appropriate agencies, Tribes and SHPOs for sites located on NFS lands within a mutually agreed upon timeframe. The treatment plans will employ archaeologically/scientifically sound methods of testing, oral histories, remote sensing, excavation, preservation, and stabilization. The treatment plans will emphasize site conservation and preservation oriented ethic that stress in-place protection and preservation over data recovery. Treatment plans will also provide for flexible mitigation alternatives that are responsive to the specific qualities for which a site is eligible, and which recognize the traditional archaeological data recovery may not always be the only or best mitigation alternative.
10. Make all collected data related to cultural resources on NFS lands available to the Payette and Wallowa-Whitman National Forests consistent with 36 C.F.R. 800 as amended, subject to provisions of any ARPA permit issued for study or inventory purposes.
11. Provisions for the establishment of a Cultural Resources Advisory Group (CRAG) that will provide an organized forum for continued consultation and coordination between the Licensee and agencies, Tribes and the SHPOs, in the implementation of the HPMP.
12. Provisions for the curation of any artifacts recovered during IPC-sponsored research conducted in conjunction with testing, mitigation, or treatment, in a facility that meets the requirements of 36 C.F.R. 79.
13. The revised HPMP will include all the provisions previously specified within the draft HPMP submitted as part of the Final License Application (Hells Canyon FLA Technical Report Appendix E.14-15), unless otherwise replaced or modified by the provisions listed above.

Condition No. 26—Project Boundary Modification

Within one year of License issuance, the Licensee shall provide the USDA Forest Service with a map and aerial photos depicting the approximate location of the project boundary together with Geographic Information System (GIS), compatible with USDA Forest Service GIS, shapefiles with Metadata for the project boundary on National Forest System lands. The

project boundary GIS data will be positionally accurate to ± 40 feet, in order to comply with National Map Accuracy Standards for maps at a 1:24,000 scale. At locations on National Forest System lands where the project boundary has been surveyed and monuments placed on the ground, monuments shall be logged using a Global Positioning System (GPS) with accuracies meeting National Standard for Spatial Data Accuracy (NSSDA) standards. This data shall be used to geo-reference the project boundary within the GIS

Condition No. 27—Reservation of Authority

The Licensee shall implement, upon order of the Commission, such additional measures as may be identified by the Secretary of Agriculture, pursuant to the authority provided in Section 4(e) of the Federal Power Act, as necessary to ensure the adequate protection and utilization of the public land reservations under the authority of the USDA Forest Service.

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Exhibit 1—Sandbar Inventory

River Mile	Bar Type		1964 (1000s ft ²)	1973 (1000s ft ²)	1982 (1000s ft ²)
246.91	CM	HCD-Launch	5		
246.9	CM	HCD-Launch	5		
246.9	CM	HCD-Launch	5		
245.8	CM	(Stud Ck)	15	5	
245.7	CM	Lamont Spr.	15		
245.3	CM	Square Beach	15	5	5
244.7	S	Brush Creek	25	15	15
244.6	CM		5	5	
244.2	CM	Fawn Bar	5		
244	CM		5	5	5
243.4	CM	Chimney Bar (Moose)	5		
243.3	R	Cactus Camp	15		
243.1	CM	Warm Springs	15		
242.91	CM		5		
242.9	R		5		
242.5(.6)	CM	(Daily Bar)	5	5	5
242.2 (1)	R	Battle Creek	15		
241.9 (.8)	CM	Sand Dunes	5		
241.6	CM	Birch Springs	0	5	
241.3	R	Wild Sheep	5		
241	CM		5		
240.7	CM		5	5	
240	S		5		
238.7	CM		5		
238.5	CM		5		
238.3	CM		5		
237	CM	Dry Gulch	5		
236.6	R	Hastings	5		
236.4	CM		5		
236.3	CF		5	5	
236(.2)	CM	Saddle Creek	5		
235.8	R		5		
235.5	CM		5		
235.1	CM	Bernard Creek	5	5	
234.02	CM		5		
234.01	CM		5		
234	CM		5		
231.3(.4)	CM	Rush Creek	5		
230.9	CM		5		
230.5	CM		5		
229.8	R	Johnson Bar Landing	35	25	15
229.7	CM		5		
229.3	CF		5		
229.2(.3)	S	Sheep Creek Cabin	5		
229.1	R		5		

River Mile	Bar Type		1964 (1000s ft²)	1973 (1000s ft²)	1982 (1000s ft²)
229	S	Steep Creek	5	5	
228.8	R		15		
228.7	CF		15	5	5
228.6	CM	Yreka Bar	5		
228.5	CM	Upper Yreka Bar	5		
228.4	CM		5		
228.1	R	(Upper Sand Ck)	15		
228.01	CM		5		
228	CM		10		
227.9	CF	Sand Creek	5		
227.8	R		5		
227.6	CM		5	5	
227.5	R	Pine Bar	35	35	25
227.4	CF		5		
227.3	CF		5		
226.8	R		5		
226(.2)	R	(Lower Quartz Ck)	15	5	5
225.9	CM		5		
224.6	R	No Name	5		
224.4	R		15	5	
224.3	CM	Dry Gulch	5	5	
223.6(.8)	CM	Temperance	5		
223.1	CM		5		
223	CF		5		
222.9	CM	Hominy Bar 1	25		
222.8	CF	Hominy Bar 2	15		
222.4 (.6)	R	Salt Creek	35	35	35
222.2	CM	Two Corral	25		
222.1	R	(toad Bar)	15	5	
222	CM	Gracie Bar	5	5	
221.7	CM		5	5	5
221.6	S		5		
221.5(.4)	R	Half Moon Bar	25	5	
220.8	R	Kirkwood Ranch	35	25	25
220.6	CM		5		
220	CM	Yankee Bar	5	5	5
219.9(.6)	R	(Russell Bar)	25		
218.6	CM		15		
218.5	CM		5		
218.3	CM	Cat Gulch	5		
218.2	CM		5	5	
218.1	CM		5		
217.9	CM		5	5	
217.4 (.2)	CM	(Corral Ck)	15		
216.9(.7)	R	(Trail Ck)	25		
216.4	R	Fish Trap Bar	35	35	35
216.2	R	Upper Pittsburg	15		
215.7	R	Klopton Ck	5		

River Mile	Bar Type		1964 (1000s ft²)	1973 (1000s ft²)	1982 (1000s ft²)
215.6	CM	Wilson Eddy/Tin Shed	15		
215.3	CM		15		
214.71(.8)	S	Pittsburg Admin	25	35	25
214.7	R	Pittsburg Admin	35	15	25
213.91	MC		5		
213.9	CM		15	15	5
213.2	CM		5		
213.11	CM		5		
213.1	CM		5		
212.6	CM		5	5	5
212.5	S		5		
212.4	R		15	5	
212.3	CM		5		
211.91	CM		5	5	5
211.9	CM	McCarty Creek	25	15	5
211.8	CF		5		
211.7	CM		5		
211.6	CM		5		
211.4	CF		5	5	5
211.2	CM		5	5	
210.7(.8)	CM	(Big Canyon)	5		
210.6(.4)	CM	(Lower Big Canyon)	5		
210.21	CF		5	5	
210.5	CM	(Elk Calf Camp)	5	5	
210.4(.0)	CM	Somers Range	5	5	5
210.3	CM		15	5	5
209.9	CM	Camp Creek	15	5	5
209.7	CM		5		
209.2	CF		5	5	5
208.3	R	Jones Creek	15	5	5
208.2	R	Lookout Creek	25		
206.9	CM		5	5	
206.8	CM		5	5	
205.9	CM		5	5	
205.51	CF		5	5	
205.5	CM		5	5	
205.3	R		15		
204.8	CF		5	5	
204.6	CM		5		
204.5	CM	Bob Creek	5	5	5
203.4	CF		15		
203.1	CM		5		
202.81	R		5		
202.41	CM		5	5	
201.9	S	Bar Creek	15	5	5
200.7	CM		5		
200.1	CM		5	5	5
199.5	CF		5		

River Mile	Bar Type		1964 (1000s ft²)	1973 (1000s ft²)	1982 (1000s ft²)
199.2	CM		5		
199.1	CF		5		
199	S	Deep Creek Camp	5	5	5
198.5(.4)	CM	Robinson Gulch	5	5	5
198.3(.1)	CF	Dug Creek	15	5	
197.7	CF		5		
197.4	R		15		5
194.9	CM		5		
194.1	CM		5		
194	CM		5	5	5
193.8(.6)	R	(Mary Camp)	25	15	5
192.7	CM		5		
192.4	CF	China Bar	15	15	15
192.2	CM		5	5	5
192.1	CM		5	5	5
190.9	CM		35	25	15
190.3	CM		5		
190.2	CM		5		
189.6	CM		5	5	5
189.2	CF		5		
188.7	CM		5		
188.5	CF		5	5	5
188.4	CF		5		

Private Land on Idaho Side of River

River Mile	Bar Type		1964 (1000s ft²)	1973 (1000s ft²)	1982 (1000s ft²)
218.8	CM	Kirby Creek Lodge	35	35	35
207.8	CM		5	5	
207.5	S	Marlboro B	5	5	5
207.4	CF		5		
207.3	S		5	5	5
206.7	S		5	5	5
206.3(.1)	R	High Range	25		
206	R		5	5	
205.8	CF	Getta Creek	5	5	5
205.7	R		5	5	
205.1(.0)	CF	(Ragtown Bar)	25	15	15
204.81	CM		35	35	
204.4	CF		5		
204.2(.0)	S	Cat Ck	15	15	
203.9	S		15	5	5
203.5	CM		5	5	5
202.9	CM	Wolf Creek Camp	5		

River Mile	Bar Type	1964 (1000s ft²)	1973 (1000s ft²)	1982 (1000s ft²)	
202.8	S	5	5	5	
202.5	CM	5	5	5	
202.4	CM	5	5		
201.61	CM	5			
201.6	CM	5			
201.5	R	15	5	5	
201.2	CM	(Hitchcock Ranch)	35	25	25
201.1	CM		15	15	5
201	R	(Hitchcock Ranch)	15	5	5
200.9	R	Dry Cr Camp	15		
200.3	CM		5	5	5
199.4	CF		5		
199.3	CF		5		
199.21	CM	Deep Creek	5	5	
199.13	CF		5		
199.12	CF		5		
198.7	CM		15	5	
197.3	CM		5		
195.3	CM	Warm Springs Rapids	15	15	15
195	CM		5	5	5
194.7	CM		5		
194.31	CM		5		
194.3	CM		5		
194.2	CM		5		
194.11	CM		5	5	5
194.01	CM		5	5	5
193.5	CM		5	5	
193.3	CM		5	5	
192.21	CM		5	5	
190.8	CF		5	5	
190	CM		5	5	5
189.8	CM		5		
189.7	CM		5		
189.3	CM		5	5	5
188.6	CM		5		
188.4	CF				
188.3	CM	Salmon Mouth			

Exhibit 2—Escalation of Costs

Unless otherwise indicated, all costs or payment amounts specified in dollars shall be deemed to be stated as of the year 2006, and IPC shall escalate such sums as of January 1 of each following year (starting in January 2007) according to the following formula:

$$AD = D \times \frac{NGDP}{IGDP}$$

WHERE:

- AD = Adjusted dollar amount as of January 1 of the year in which the adjustment is made.
- D = Dollar amount prior to adjustment.
- IGDP = GDP-IPD for the third quarter of the year before the previous adjustment date (or, in the case of the first adjustment, the third quarter of the year before the Effective Date).
- NGDP = GDP-IPD for the third quarter of the year before the adjustment date.
- “GDP-IPD” = the value published for the Gross Domestic Product Implicit Price Deflator by the U.S. Department of Commerce, Bureau of Economic Analysis in the publication *Survey of Current Business*, Table 7.1 (being on the basis of 1987 = 100), in the third month following the end of the applicable quarter. If that index ceases to be published, any reasonably equivalent index published by the Bureau of Economic Analysis may be substituted by the Parties. If the base year for GDP-IPD is changed or if publication of the index is discontinued, the Parties shall promptly make adjustments or, if necessary, select an appropriate alternative index to achieve the same economic effect.

INTERIOR SECTION 4(E) CONDITIONS

The Department of the Interior (Department) has reviewed the notice of application Ready for Environmental Analysis and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions for the Hells Canyon Hydroelectric Project, FERC Project No. 1971-079, located on the Snake River in Wallowa and Baker Counties, Oregon, and Adams and Washington Counties, Idaho. Because a Draft Environmental Impact Statement (DEIS) or Draft Environmental Assessment (DEA) has not yet been issued by the Federal Energy Regulatory Commission (Commission), this response contains preliminary comments, recommendations, terms and conditions, and prescriptions only. The Department reserves the right to amend these preliminary comments, recommendations, terms and conditions, and prescriptions, if warranted, based on the results of new information and conclusions developed during the Commission's environmental analysis.

The preliminary comments, recommendations, terms and conditions, and prescriptions herein are provided in accordance with the provisions of the Fish and Wildlife Coordination Act (16 U.S.C. §661 *et seq.*), the Federal Power Act (FPA), (16 U.S.C. § 791 *et seq.*), the Endangered Species Act (ESA), (16 U.S.C. §1531 *et seq.*), the Federal Land Management and Policy Act (FLPMA), (43 U.S.C. § 1701 *et seq.*), and the National Environmental Policy Act (NEPA) (42 U.S.C. § 4321 *et seq.*). The Department does not intend to object to the issuance of a new license for the Hells Canyon Hydroelectric Project (Project), provided our comments, recommendations, terms and conditions, and prescriptions are incorporated into the new license.

Modified Condition No. 1—Activities on or Affecting Bureau of Land Management Administered Lands

- (A) The Licensee shall consult with the Bureau of Land Management (BLM) to identify and resolve any potential conflicts with BLM policy and direction prior to initiating activities on BLM-administered lands that is beyond the scope of the Project license or for which the Licensee has not otherwise obtained BLM approval.
- (B) The Licensee shall cooperate with the BLM to obtain the appropriate rights-of- way or permits for use or access to BLM-administered lands prior to engaging in any activity that has the potential to affect other federally authorized activities on those lands.
- (C) The Licensee shall receive written approval from BLM prior to changing the location of any Project feature or facility located on BLM-administered lands. The Licensee shall also receive written approval for any actions which are inconsistent with activities authorizing use or occupancy of BLM-administered lands according the new license. Following BLM approval and at least 90 days prior to any change or departure, the Licensee shall file a report with the Federal Energy Regulatory Commission (Commission) and with the BLM, describing the change, reasons for the change, and demonstrating BLM approval of the change.
- (D) The Licensee shall prepare site-specific plans for approval by the BLM for any ground disturbing activities on BLM-administered lands required by the license, including activities outlined in BLM resource management plans (RMP). RMPs prepared subsequent to issuance of the license shall be developed in reference to license articles that may be affected as a consequence of RMP implementation. The Licensee's site-specific plans shall include:
 - i. a map depicting the location of the proposed activity;
 - ii. a description of the land classification, designation, current management, applicable standards and guidelines, and current monitoring for the area of proposed activity;

- iii. a description of alternative locations, designs, and mitigations for the proposed activity; and
- iv. data from surveys, biological evaluations, or consultation required by regulation for ground- or habitat-disturbing activity on BLM-administered lands available at the time the plan is prepared;
 - (1) When surveys indicate that activities may affect an Endangered Species Act (ESA) listed or proposed listed species or their habitat, the Licensee shall evaluate the impacts of the action on the species or habitat and submit this evaluation to the BLM.
 - (2) When surveys indicate an activity may affect a BLM sensitive species or their habitat, the Licensee shall evaluate the impact of the action and submit conclusions to the BLM for review and approval. BLM reserves the authority to require mitigation for impacts to BLM sensitive species or their habitat.
- (E) The Licensee shall file a Safety During Construction Plan with the Commission 60 days prior to initiating any ground-disturbing activity on BLM-administered lands. This plan will identify potential hazard areas and measures to protect public safety, particularly for construction activities near public roads, trails, recreation sites, and BLM-administered facilities.

The Licensee shall perform daily (or according to a schedule otherwise agreed by the BLM) inspections of Licensee's construction operations on BLM-administered lands while construction is in progress. The Licensee shall document these inspections and provide documentation to the BLM on a schedule agreed by the Licensee and BLM. Inspections must evaluate fire plan compliance, public safety, and environmental protection. The Licensee shall act immediately to address any necessary corrections identified by BLM.

- (F) The Licensee shall consult with BLM to prepare a Spoils Disposal Plan prior to initiating any ground disturbing activity on BLM-administered lands. Upon BLM approval, the plan shall be filed with the Commission. The plan shall address disposal and/or storage of waste soil and/or rock materials (spoils) generated by road maintenance, slope failures, and construction projects. The plan shall include provisions for:
 - i. identifying and characterizing the nature of the spoils in accordance with applicable BLM regulations;
 - ii. identifying sites for the disposal and/or storage of spoils to prevent surface or groundwater contamination; and
 - iii. developing and implementing stabilization, slope reconfiguration, erosion control, reclamation, and rehabilitation measures.
- (G) The Licensee shall file a Hazardous Substances Plan for oil and hazardous substance storage, spill prevention, and clean up with the Commission prior to initiating activities on or that may affect BLM-administered lands adjacent to the Project. At least 90 days prior to submission to the Commission, the Licensee shall provide a copy of the plan to the BLM for its review and approval. At a minimum, the plan shall:
 - i. outline procedures for reporting and responding to releases of hazardous substances, including names and phone numbers of all emergency response personnel and their assigned responsibilities; and
 - ii. identify and locate a cache of hazardous spill cleanup equipment sufficient to contain any spill from the Project.

- iii. include procedures for notifying the BLM as to the nature, time, date, location, and action taken for any spill affecting BLM administered lands. On a semi-annual basis, the Licensee shall provide the BLM information on the location of spill cleanup equipment on BLM-administered lands and the location, type, and quantity of oil and hazardous substances stored in the Project area on BLM-administered lands. The Licensee shall inform BLM immediately as to the nature, time, date, location and action taken for any spill affecting BLM administered lands.
- (H) The Licensee shall avoid disturbing all public land survey monuments and BLM boundary markers. In the event a marker or monument is destroyed by action or omission oversight of the Licensee, depending on the type of monument destroyed, the Licensee shall reestablish the monument according to (1) procedures outlined in the "Manual of Instructions for the Survey of the Public Land of the United States," (2) specifications of the County Surveyor, and/or (3) BLM specifications.. The Licensee shall ensure that official survey records affected are amended as required by law.
- (I) The Licensee shall maintain Project-related improvements and facilities on BLM-administered lands to BLM standards of repair, orderliness, neatness, sanitation, and safety. The Licensee shall comply with all applicable Federal, State, and local laws, regulations, including but not limited to, the Federal Water Pollution Control Act, 33 U.S.C. § 1251 *et seq.*, the Resources Conservation and Recovery Act, 42 U.S.C. § 6901 *et seq.*, the Comprehensive Environmental Response, Control, and Liability Act, 42 U.S.C. § 9601 *et seq.*, and other relevant environmental laws, public health and safety laws, and other laws relating to the sighting, construction, operation, maintenance of any facility, improvement, or equipment.
- (J) The Licensee shall restore BLM-administered lands to a condition satisfactory to the BLM prior to surrender of the Project license or abandonment of Project facilities, consistent with the Federal Power Act and Commission regulations. At least one year prior to filing an application for license surrender, the Licensee shall file a restoration plan approved by the BLM with the Commission. The restoration plan shall identify any capital improvements that will be removed, restoration measures, time frames, and costs. In addition, the Licensee shall commission an audit to assist the BLM in determining whether the Licensee has the financial ability to fund the decommissioning and restoration work specified in the plan.

As a condition of any transfer or surrender of the license or sale of the Project, the Licensee shall ensure that the cost of surrender and restoration will be borne by the Licensee or transferee. Any license amendment that authorizes use of BLM-administered lands shall be subject to such conditions the BLM deems necessary to protect and utilize affected BLM reservations.

- (K) The Licensee shall indemnify, defend, and hold the United States harmless for any costs, damages, claims, liabilities, and judgments arising from past, present, and future action or oversight of the Licensee relating to use and/or occupancy of BLM-administered lands necessary for Project maintenance and operation and so authorized by the license. The indemnification and hold harmless provision applies to any action or oversight of the Licensee, heirs, assigns, agents, employees, affiliates, subsidiaries, fiduciaries, contractors, or lessees authorized to use or occupy Project lands and/or facilities that result in: (1) violation of law and regulation, including but not limited to the Comprehensive Environmental Response Compensation and Liability Act, Resource Conservation and Recover Act, Oil Pollution Act, Clean Water Act, and the Clean Air Act; (2) judgments, claims, demands, penalties, or fees assessed against the United States; (3) costs, expenses,

and damages incurred by the United States; or (4) the release or potential release of any solid waste, hazardous substances, pollutants, or contaminants in any form in the environment.

Modified Condition No. 2—Consultation with the Bureau of Land Management

Commencing five years after a new license is issued and unless otherwise provided, the Licensee shall prepare and submit an annual, written report summarizing progress on implementing articles of the license that affect recreation, cultural, aquatic, and terrestrial resources administered by BLM on BLM lands within and adjacent to the Project boundary. The Licensee shall provide the report to BLM allowing a minimum of 60 days for review and to make recommendations prior to filing the report with the Commission. If the Licensee does not agree with or adopt a recommendation and does not negotiate a mutually agreeable alternative, the filing shall document the Licensee's rationale. The BLM reserves the right, after notice, comment and administrative review, to require changes to Project operation through revision of Mandatory Conditions.

Modified Condition No. 3—Travel and Access Management

Within three years of the issuance of the new license or on an alternate schedule agreed to by BLM and the Licensee, the Licensee in consultation with the BLM shall develop and file with the Federal Energy Regulatory Commission (Commission) an integrated Travel and Access Management Plan for Project lands and for lands administered by the Bureau of Land Management (BLM) affected by the Project. The Travel and Access Management Plan (TAMP) shall be incorporated into the Comprehensive Recreation Management Plan (CRMP) and coordinated with the Integrated Wildlife Habitat Program (IWHP) and Wildlife Mitigation and Management Plan (WMMP). The TAMP is intended to be a planning document to increase the effectiveness and efficiency of efforts to manage, maintain, and enhance travel and access to not only Project lands but also lands within the vicinity of the Project and assist in the assessment of the Licensee's role and responsibilities with regard to travel and access to the Project. The TAMP is also intended to foster coordination, cooperation and integration of efforts between the Licensee and the various federal, state, and local authorities with jurisdiction or authority over roads, trails or lands within the Hells Canyon area.

The TAMP shall be developed collaboratively in consultation with the BLM and other relevant state and federal agencies, including the U.S. Forest Service, Idaho Department of Parks and Recreation, the Oregon Department of Parks and Recreation, and members of the Recreation Resource Work Group (RRWG).

Documentation and a description of the consultation process including responses to any written comments received during the consultation process will be included as an appendix to the TAMP. The TAMP shall be based on the best data and information available and is intended to be an adaptive plan subject to amendment and revision during the term of the new license.

The purpose of the Travel and Access Management Plan is to provide transportation maintenance and management, provide for public safety, improve habitat effectiveness on the winter range, protect sensitive wildlife and plant populations from human interference during critical periods of the year, manage vehicle access and numbers consistent with resource goals, coordinate off-highway vehicle (OHV) management between Federal land use agencies and IPC, manage noxious weeds, improve aquatic connectivity, and protect cultural resources. The TAMP, at a minimum, shall include provisions to:

- (i) Identify management goals and objectives consistent with BLM resource protection for BLM-administered lands affected by the Project;
- (ii) Identify Licensee responsibilities for road management and maintenance for roads which it has assumed responsibility, and for roads on BLM-administered lands affected by the

Project as determined by the data and factual information developed during the consultation and planning process. At a minimum, the following roads will be addressed in the TAMP:

Road Name	State	Holder	Location	Est. Road Miles
Snake River Road	OR	Baker County	Huntington (RM 328*) to Swedes (RM 304) then inland to Richland	41
Homestead Road	OR	Baker County and Wallow County	Oxbow (RM 271) to Copper Creek (RM 261)	10
Oxbow Road	OR	Idaho Power Company	Oxbow (RM 271) to Oxbow bridge (RM 284)	13
Hells Canyon road	ID	Idaho Power Company	Oxbow (RM 271) to TNTY** (RM 267)	4
Brownlee Road	ID	Idaho State	Oxbow bridge (RM 284) to NETA** (RM 286)	2
Olds Ferry Road and beyond	ID	Weiser Road District	Weiser (RM 351) to ROCK** (RM 320)	31
Total				

* River Mile

** 4-digit code of most distant BLM dispersed site

With regard to the Olds Ferry Road, for the 11-mile section of the road between the end of the existing pavement and Steck Recreation Site, the TAMP shall consider the need for an upgrade of that road to AASHTO (American Association of State Highway and Transportation Officials) standard M147-65, along with appropriate maintenance to preserve the improved road surface. This evaluation shall include a consideration of the appropriateness of Licensee cooperation among others, in any funding for a road upgrade and maintenance for the license term. The evaluation shall also include the identification and potential acquisition of any grants available for a road upgrade and maintenance for the license term.

- (iii) Within five years of the Commission's approval of the TAMP or on an alternate schedule agreed to by the BLM, the Licensee shall replace culverts to provide aquatic connectivity and re-connect riparian function and structure on all class 1 and 2 streams where shotgun culverts are located along: a) Hells Canyon Road: 14 culverts (13 full barriers and 1 partial) b) Brownlee Road: 4 culverts (4 full barriers).
- (iv) Following the Commission's approval of the TAMP, the Licensee shall begin implementation of the provisions of the TAMP relating to the non-motorized use of trails connecting recreation sites along the Oregon side of Hells Canyon Reservoir. Implementation shall follow a schedule identified in the TAMP. As part of the TAMP, the Licensee shall also conduct a feasibility study relative to the development of a trail system along the Oregon side of the Hells Canyon, Brownlee, and Oxbow reservoirs connecting Farewell Bend State Park to Hells Canyon National Recreation Area,
- (v) Within five years of the Commission's approval of the TAMP, the Licensee shall have evaluated Best Management Practices (BMP) and implemented measures, on those roads for which the licensee is responsible under the TAMP, to:
 - a) Maintain and improve roads to reduce potential for road failure as a consequence of reservoir fluctuation and/or weather;

- b) Mitigate for soil erosion;
 - c Monitor road use and increased/decreased use of roads for recreation access;
 - d) Manage OHV use on and off roads within the Project and adjacent BLM-administered lands affected by the project. The Licensee shall assume responsibility for a proportion of the costs, as provided for in the TAMP, to implement and administer mitigation measures for impacts from OHV users on adjacent BLM-administered lands affected by OHV use as a result of the Project. Costs associated with these measures may include interpretive, directional and regulatory signs, road and trail closures (including fencing, berms, and rehabilitation of unauthorized routes), trail maintenance, use supervision and enforcement;
 - e) Construct barriers, guardrails and other safety measures that are aesthetically pleasing;
 - f) Identify and implement seasonal road closures as necessary to protect wildlife and decrease big game/vehicle interactions;
 - g) Identify and implement road closures as needed;
 - h) Prevent sidecasting; and
 - i) Identify and implement BMPs for maintenance necessary to protect cultural resources, control the spread of noxious weeds, protect sensitive plants and threatened and endangered species, minimize soil erosion, and protect aquatic resources;
- (vi) Within five years of the Commission's approval of the TAMP, the Licensee shall develop a road atlas for all access and service roads in the rim-to-rim study area using a geographic information system. The intent is to provide spatially based information regarding roads and sensitive resources. The atlas should provide spatial and temporal information regarding existing and proposed road maintenance activities and the potential to impact at-risk resources and further reduce conflicts between road-related activities and sensitive resources. The GIS database should be accessible to all parties who administer resources affected by the action. The plan shall accommodate unrestricted access by the BLM for purposes necessary to manage and administer BLM lands and resources that are impacted by Project operations. The plan shall include provisions as necessary to restrict vehicular access to Project roads in locations and at times when access could cause damage to BLM-administered lands and resources. For example, access restrictions may be necessary during times of the year in order to protect nesting habitat for listed or sensitive wildlife species.

The Licensee shall consult the BLM for a list of times and locations when road access restrictions should be in effect. The plan shall include provisions for the maintenance of crossings and rights-of-way (ROW) required by and consistent with permit requirements for power lines, penstocks, ditches, and pipelines. The Licensee shall consult with the BLM prior to erecting any signs on BLM-administered lands that are necessary for operation or maintenance of the Project or related Licensee facilities. The Licensee must obtain approval from the BLM specific to the location, design, size, color, and content of signs. The Licensee shall be responsible for maintaining all Licensee erected signs to neat and presentable standards.

The TAMP shall be prepared in coordination with the BLM and the other parties described above. The Licensee shall include with the Plan submitted to the Commission documentation of coordination and copies of comments and recommendations on the Plan.

The Licensee shall allow a minimum of 60 days for the BLM to comment and to make recommendations prior to filing the Plan with the Commission for approval. The Plan submitted to the Commission shall include all recommendations submitted by the BLM. If the Licensee does not agree with a recommendation made by BLM, the filing will include the Licensee's reasons for disagreeing with the BLM recommendation, based on Project-specific information. The Commission may consider the Licensee's comments on the BLM recommendations in its decision adopting or modifying the final Plan. The Licensee shall implement the Plan as approved by the Commission.

Modified Condition No. 4—Law Enforcement and Emergency Services

Within five years of license issuance or on an alternate schedule agreed to by BLM and the Licensee, the Licensee shall develop, and thereafter will begin implementation of, a Law Enforcement and Emergency Services Plan (LEESP) that includes provision for coordination and cooperative funding of law enforcement and emergency services personnel with jurisdiction within the Hells Canyon Hydroelectric Project (Project). The LEESP is intended to be a planning document to increase the effectiveness and efficiency of law enforcement and response for medical and other emergencies and foster coordination and cooperation between the Licensee and the various federal, state and local authorities with jurisdiction over law enforcement and emergency services in the Hells Canyon area.

The LEESP shall be developed collaboratively in consultation with the BLM and other relevant state, federal and local authorities, including the U.S. Forest Service, relevant Idaho and Oregon departments of law enforcement and emergency services, relevant local and county governments, and members of the Recreation Resource Work Group (RRWG). Documentation and a description of the consultation process including responses to any written comments received during the consultation process will be included as an appendix to the LEESP. The LEESP shall be based on the best data and information available and is intended to be an adaptive plan subject to amendment and revision during the term of the new license.

The LEESP may include provisions for law enforcement presence, other types of public contact personnel presence, enhanced emergency communication and response procedures, public safety and security, protection measures for natural resources, recreation resources, and heritage resources within the Project generally. The LEESP shall also address medical response measures, including the need for, number, placement, and time availability of quick response units and certified "first responders." At a minimum, the LEESP shall provide for three strategically placed certified "first responders" and associated quick response units during all high use periods. For the purposes of the LEESP, "first responders" shall mean persons who have completed sufficient emergency training (approximately 40 hours of certified instruction under applicable Oregon and Idaho standards) to provide stabilization and evaluation in an emergency situation; and "quick response units" shall mean a first responder along with some basic emergency equipment.

Licensee shall develop and implement the original LEESP and subsequent revisions as provided for in the LEESP.

The LEESP should include provisions to coordinate with the local counties and the Bureau of Land Management (BLM) to assess law enforcement needs and establish triggers to determine when and/or if additional law enforcement personnel are necessary to patrol BLM-administered lands that are impacted by the Project. This evaluation should include an assessment of the need for additional federal law enforcement. If additional law enforcement on BLM-administered lands is necessary over the period of the new license as a result of the operation, maintenance or use of the project, the LEESP shall contain provisions to assure adequate law enforcement, including funding for additional personnel (county, state, or federal) to the BLM and other law enforcement jurisdictions.

The LEESP shall include provisions for coordination with the BLM to evaluate the need for enhanced fire protection on IPC lands and BLM-administered lands affected by the project, including monitoring, evaluation, and appropriate management changes necessary to prevent recurring human-caused fires that affect BLM-administered lands. If monitoring demonstrates an increased need for fire prevention, detection, and suppression as a result of licensee activities in connection with the operation and maintenance of the Project, the LEESP shall contain provisions for 100% of the costs of these activities to be funded by the Licensee. Licensee shall not be responsible for fires caused by third parties regardless of whether such fires originate on or within the project.

The Licensee shall continue to implement actions necessary for the safe and legal use and access of Project reservoirs and facilities according Protection, Mitigation, and Enhancement Measure (PM&E) 5.4.3.1.3 on p. 283 and PM&E 5.4.4.1.4 on p. 290 in the Technical Report, Appendix E, of the Final License Application dated July 2003 (FLA).

The Licensee shall implement law enforcement provisions of the Baker County Settlement Agreement dated October 3, 2003.

The LEESP shall be prepared in coordination with the BLM and the other parties described above. The Licensee shall include with the Plan submitted to the Commission documentation of coordination and copies of comments and recommendations on the Plan. The Licensee shall allow a minimum of 60 days for the BLM to comment and to make recommendations prior to filing the Plan with the Commission for approval. The Plan submitted to the Commission shall include all recommendations submitted by the BLM. If the Licensee does not agree with a recommendation made by BLM, the filing will include the Licensee's reasons for disagreeing with the BLM recommendation, based on Project-specific information. The Commission may consider the Licensee's comments on the BLM recommendations in its decision adopting or modifying the final Plan. The Licensee shall implement the Plan as approved by the Commission.

Modified Condition No. 5—Historic Properties Management Plan

- (A) Within one year of license issuance, the Licensee shall file a revised final Historic Properties Management Plan (HPMP) with the Federal Energy Regulatory Commission (Commission). The plan shall be revised in consultation with the Bureau of Land Management (BLM), U.S. Forest Service, Oregon and Idaho State Historic Preservation Offices (SHPO) and Tribal governments. A draft of the revised plan shall be submitted to the BLM, providing for review and comment before completion of the final plan for submission to the Commission. As new historic properties are identified or additional Project effects are documented, site-specific monitoring, protection or mitigation measures shall be incorporated into HPMP updates, and subject to BLM review and comment.

The Licensee shall include with the HPMP submitted to the Commission documentation of consultation and copies of comments and recommendations on the HPMP. The Licensee shall allow a minimum of 60 days for the BLM to comment and to make recommendations prior to filing the HPMP with the Commission for approval. The HPMP submitted to the Commission shall include all recommendations submitted by the BLM. If the Licensee does not agree with a recommendation made by the BLM, the filing will include the Licensee's reasons for disagreeing with the BLM recommendation, based on project-specific information. The Commission may consider the Licensee's comments on the BLM recommendations in its decision adopting or modifying the final HPMP. The Licensee shall implement the HPMP as approved by the Commission.

- (B) The Licensee shall prepare and submit annual reports to BLM describing its activities involving BLM-administered cultural resources.

- (C) The Licensee shall conduct periodic reviews of the HPMP focusing on the degree to which protection and mitigation measures are contributing to cultural resource maintenance and protection on BLM administered lands. The review shall include consultation with and comments from signatories to the Programmatic Agreement. A formal report of the review shall be prepared by Licensee and submitted to the BLM and Commission.
- (D) In addition to following the Guidelines for an HPMP as described by the Commission and Advisory Council on Historic Preservation (ACHP), the revised HPMP will provide for the following:
- i. Development of site-specific plans for evaluating eligibility, monitoring, protection and mitigation of historic properties on BLM land in consultation with and subject to review and approval of the BLM. Plans shall be submitted to the Commission before implementation. The following plans and actions shall be included:
 1. Determinations of National Register Eligibility

During the license term, Licensee shall complete investigations necessary to determine eligibility for cultural resource properties on BLM-administered lands. Evaluations shall be completed within three years of discovery of any newly identified properties. Evaluation work plans shall be developed in consultation with BLM, SHPOs and Tribes, allowing at least 60 days for review and comment on proposed work plans. Final evaluation work plans shall be subject to prior BLM and SHPO approval.

Within five years of license issuance, Licensee shall complete evaluations of the National Register eligibility for Section 106 purposes for specific BLM heritage properties documented at the time of License issuance. These include the following sites: 35 BA 894, BK 489 (HC-6). An eligibility evaluation report for each site shall be submitted to BLM, Tribes and SHPO, allowing at least 60 days for review and comment before completion of the final report. Eligibility determinations shall be subject to the approval of BLM and the SHPO, prior to submission to the Commission. In addition, the Licensee shall endeavor to relocate, evaluate for significance and record the following sites in Idaho: 19N4W17/01; and 10WN557.
 2. Site Monitoring

Within two years of issuance of a new project license, Licensee shall develop and submit a site monitoring program with data collection methods, timing, priorities and schedules for eligible and potentially eligible sites affected by the Project on BLM administered lands. The program will be developed in consultation with BLM and SHPOs, and subject to a minimum of 60 day review and comment, before submission of the final for approval by the BLM and SHPO. Methods and data collected for the initial monitoring program shall be standardized and quantifiable so as to provide adequate data for comparison of changes to site content, condition and impacts. At a minimum, documentation shall map site boundaries; update site records; provide a detailed description of the site, describe observed impacts; and provide recommendations for site protection or mitigation of any adverse effects. The monitoring protocol should describe how effects discovered during monitoring will be mitigated. Schedules, priorities and the list of sites identified for subsequent monitoring cycles will be adjusted based on initial results, and shall be prepared by Licensee in consultation with and subject to the approval of

BLM. Licensee shall update the monitoring program to incorporate new historic properties on BLM administered lands as they are identified. Monitoring reports and updated site records shall be provided to BLM at the end of each calendar year. The Licensee shall include the following known sites in the initial monitoring cycle: 35 BA 893; IPCBD 97-02; IPCBD 97-03; IPCBD 00-70; IPCBD 00-74; IPCBD 00-75; 10 WN 451, 10 AM 516, IPCBD 97-15, IPCBD 00-52, IPCBD 00-53, IPCBD 00-54, and IPCBD 00-61.

3. Site Protection and Stabilization

The Licensee shall prepare and implement site-specific plans for protection or stabilization of known or newly identified historic properties (including traditional cultural properties) on BLM land that are affected by Project operations. The Licensee shall develop the treatment plans in consultation with BLM, SHPOs, and Tribes, allowing a minimum of 60 days for review and comment on a draft prior to development of final plans. Plans shall be subject to BLM and SHPO approval.

Plans shall a) assess need for, feasibility of, and alternative methods for protection, stabilization or restoration of affected, eligible properties, b) identify treatment objectives, priorities, and implementation schedule and c) be responsive to the criteria under which a site is considered eligible for the National Register. The Licensee shall maintain the site protection measures until the treatment has achieved objectives and has been assessed as no longer needed in consultation with BLM and SHPO.

If monitoring results or condition assessments indicate that protection measures are needed, the Licensee shall prepare site-specific feasibility plans for protection or stabilization for six sites on BLM administered lands. Licensee shall complete the protection or stabilization measures, if feasible, for the following sites: 10WN 451, IPCBD 97-15, IPCBD 00-52; IPCBD 00-53, IPCBD 00-54, and IPCBD 00-61. Licensee shall conduct post treatment efficacy monitoring and provide a report of results to the BLM.

4. Data Recovery

When in-place protection is not technically feasible, the Licensee shall develop and implement plans to recover data from affected eligible historic properties on BLM administered lands impacted by the Project. Plans shall be developed and implemented in consultation with the Advisory Council on Historic Preservation (ACHP) as necessary, BLM, SHPOs, and Tribes, allowing a minimum of 60 days for review and comment on proposed plans.

Within five years following issuance of a new project License, the Licensee shall prepare plans to stabilize or recover data from IPCBD 97-03, and to recover data from IPCBD 00-75. Data recovery plans shall be responsive to the criteria under which the site is considered eligible to the National Register. Licensee shall assess protection alternatives and feasibility for stabilization prior to implementing data recovery at IPCBD 97-03. The Licensee shall implement the stabilization, if feasible, and/or data recovery plans for IPCBD 97-03 within ten years of issuance of the project license.

ii. Curation:

The Licensee shall arrange and fund long term curation, at a repository meeting federal curation standards, for collections and documentation resulting from Licensee's studies of BLM administered resources in the APE. The Licensee shall comply with the curation standards and requirements established by 36 C.F.R. 79, the curation repository and the Oregon and Idaho SHPOs.

iii. Plan for updated inventories within the APE; including:

If, over the period of the License, flow management or Project operations result in newly exposed, previously unsurveyed lands with potential for discoverable sites in the project APE, the Licensee shall inventory BLM administered lands and provide a report to BLM on known and newly identified sites.

The Licensee shall ensure that all surveys and documentation meet federal and state agency requirements, and shall consult with the BLM on the design of any new field inventories on BLM administered lands. The Licensee shall provide a minimum of 60 days for BLM review and comment on draft survey reports and site forms for BLM administered land. Final reports shall be subject to BLM approval.

iv. Interpretation and Education Plan

Licensee shall consult with BLM, SHPO and Tribes on the development and implementation of any cultural Interpretive and Educational plan(s) proposed by Licensee on BLM administered lands' in the APE. Interpretative facilities or protection signage proposed on BLM lands shall be subject to prior BLM approval.

v. Prior to requesting BLM approval on any plan or project which would potentially affect Native American historic or prehistoric properties, sacred sites, or properties of traditional cultural and religious importance on BLM administered land, the Licensee shall provide a minimum of 60 days for BLM to consult with affected Tribes.

vi. The Licensee shall make records available to BLM of cultural resource data gathered by Licensee for inventory, evaluation, monitoring, or site mitigation on BLM administered land.

vii. The Licensee should document procedures for maintaining confidentiality and security of sensitive site data and records protected under the ARPA and NHPA;

viii. The Licensee should outline procedures for protecting historic properties during emergency undertakings; including how emergency undertakings will be defined, and how the BLM will be notified and consulted when BLM lands are involved.

ix. The Licensee shall immediately notify BLM if any human remains, funerary items, sacred objects or objects of cultural patrimony, as defined in the Native American Graves Protection and Repatriation Act (NAGPRA) are discovered on BLM administered land within the APE and Project. Discovery and stop work requirements shall be described, in accordance with 43 C.F.R.10, for inadvertent discoveries of Native American human remains and other items subject to NAGPRA on federal lands.

x. The Licensee shall immediately notify BLM of any discovery of previously unidentified cultural resources encountered during Licensee Project work on BLM lands.

Modified Condition No. 6—Comprehensive Recreation Management Plan (CRMP)

Within one year of license issuance, the Licensee shall prepare a Comprehensive Recreation Management Plan (CRMP) for the Project. The CRMP shall include but not be limited to provisions for:

1. Developing and implementing the recreation conditions;
2. Consultation with the Recreation Resource Work Group (RRWG), which may include but will not be limited to: U.S. Forest Service (USFS), BLM, Idaho Department of Parks and Recreation, Idaho Department of Fish and Game, Oregon Department of Fish and Wildlife, Oregon Parks and Recreation Department, and the Oregon and Idaho counties around the Hells Canyon Complex.
3. A decision making structure that involves all RRWG participants;
4. Implementing provisions of the Project CRMP according to the Americans with Disabilities Act;
5. Developing a framework for monitoring that incorporates a feedback loop and trigger points for adaptive management;
6. Monitoring recreation use and preferences. Monitoring methodology will be coordinated with the BLM to ensure that the level of detail and applicability of information is consistent with methodology identified in item 8 below.
7. Protocols for consultation with agencies;
8. Changes in recreation impacts at dispersed recreation sites will be monitored by periodic aerial photography. This effort will be supplemented by annual on-site examinations of the sites by litter and sanitation crews who will record any obvious newly-created impacts.
9. Law enforcement; and
10. A process to reassess need for capital and operations and maintenance (O&M) every 6th year. The CRMP would establish a “base” condition against which changes resultant of mitigations or adaptive management provisions could be compared. The CRMP shall include provisions for a range of recreation experiences in a variety of settings over the entire Hells Canyon Complex; will identify recreation facility needs; identify and correct public health and safety issues as they arise. The CRMP will identify the relevance of visitor contact, resource patrols, public outreach, interpretation, and information to best improve compliance with management goals.

The CRMP will assess use and resource conflicts at dispersed recreation sites and provide mitigation for impacts to the BLM reservation. The CRMP will identify and implement actions to mitigate impacts, including measures to limit or prohibit recreation use when necessary.

The CRMP will also define acceptable operational and maintenance standards for recreation facilities and enhancements, and will define monitoring and data collection standards used to evaluate facility condition, resource conflicts, public safety, levels of use, need for new or expanded facilities, and public satisfaction with recreation their recreation experience on Project and BLM-administered lands..

The CRMP shall be prepared in coordination with the BLM and other appropriate parties. The Licensee shall include with the Plan submitted to the Commission documentation of coordination and copies of comments and recommendations on the Plan. The Licensee shall allow a minimum of 60 days for the BLM to comment and to make recommendations prior to filing the Plan with the Commission for approval. The CRMP submitted to the Commission shall include all recommendations submitted by the BLM. If the Licensee does not agree with a recommendation made by BLM, the filing will include the Licensee’s reasons for disagreeing with the BLM recommendation, based on project-specific information.

The Commission may consider the Licensee's comments on the BLM recommendations in its decision adopting or modifying the final CRMP. The Licensee shall implement the Plan as approved by the Commission.

Modified Condition No. 7—Litter and Sanitation Plan

Within one year of license issuance, the Licensee shall develop and implement a litter and sanitation plan for the Project, including but not limited to: supplying dumpsters with appropriate frequency of service in appropriate locations near lands administered by the Bureau of Land Management (BLM) along the Homestead, Oxbow, and Snake River Roads, installation of permanent vault toilets at appropriate dispersed recreation sites, insuring the provision of at least one floating restroom on each reservoir, subject to capital and O&M funding provided by the Oregon State Marine Board, and by implementing a routine litter pickup program that is adequate to mitigate the litter problem. If monitoring indicates that a floating restroom is not feasible in the future at any of the Project's reservoirs, then the Licensee, with the concurrence of the BLM and the Commission, shall no longer be required to maintain a floating restroom on such reservoir(s). Parameters to determine appropriate locations for dumpsters, floating restrooms and vault toilets, and adequacy of litter program will be identified within the Litter and Sanitation Plan. Operation and maintenance (O&M) for this plan will be the responsibility of the Licensee. This plan will be incorporated into the Comprehensive Recreation Management Plan (CRMP).

The Licensee shall continue existing actions regarding litter and sanitation measures as described in Final License Application dated July 2003 (FLA).

The Licensee shall implement the litter and sanitation provisions of the Baker County Settlement Agreement dated October 3, 2003.

The Plan shall be prepared in coordination with the BLM and other appropriate parties. The Licensee shall include with the Plan submitted to the Commission documentation of coordination and copies of comments and recommendations on the Plan. The Licensee shall allow a minimum of 60 days for the BLM to comment and to make recommendations prior to filing the Plan with the Commission for approval. The Plan submitted to the Commission shall include all recommendations submitted by the BLM. If the Licensee does not agree with a recommendation made by BLM, the filing will include the Licensee's reasons for disagreeing with the BLM recommendation, based on project-specific information. The Commission may consider the Licensee's comments on the BLM recommendations in its decision adopting or modifying the final Plan. The Licensee shall implement the Plan as approved by the Commission.

Modified Condition No. 8—Boat Moorage on Project Reservoirs

Within one year of license issuance, the Licensee shall develop a Project Boat Moorage Plan and submit this plan to the Commission for approval. The Plan shall be implemented within three years of Commission approval. The Plan shall provide a minimum of one moorage facility at Westfall, Bob Creek section C, Airstrip, and Copper Creek on Hells Canyon Reservoir; and Oxbow Boat Launch and Carter's Landing on Oxbow Reservoir. If monitoring indicates a need for additional moorage at these sites, they should be provided in accordance with the Plan.

The purpose of the BLM condition for boat moorage is to mitigate impacts to terrestrial and aquatic resources from trampling and removal of vegetation, shoreline erosion, and soil compaction. Moorage facilities shall be developed to meet standards of the Oregon State Marine Board (OSMB) or States Organization for Boating Access (SOBA) and shall incorporate the Americans with Disabilities Act (ADA) Access guidelines from the United States Access Board. Operation and maintenance (O&M) of the moorage facilities shall become the responsibility of the Licensee.

The Plan shall be prepared in coordination with the BLM and other appropriate parties. The Licensee shall include with the Plan submitted to the Commission documentation of coordination and copies of comments and recommendations on the Plan. The Licensee shall allow a minimum of 60 days for the BLM to comment and to make recommendations prior to filing the Plan with the Commission for approval. The Plan submitted to the Commission shall include all recommendations submitted by the BLM. If the Licensee does not agree with a recommendation made by BLM, the filing will include the Licensee's reasons for disagreeing with the BLM recommendation, based on project-specific information. The Commission may consider the Licensee's comments on the BLM recommendations in its decision adopting or modifying the final Plan. The Licensee shall implement the Plan as approved by the Commission.

Modified Condition No. 9—Airstrip, Bob Creek section C, and Westfall

Within ten years of license issuance, the Licensee shall file for Commission approval an Enhancement Plan for the BLM sites Airstrip, Bob Creek section C, and Westfall and submit this plan to the Commission for approval. The Plan shall include three site plans and design drawings; a discussion of how the needs of the disabled were considered in the planning and design of each facility; detailed erosion and sediment control measures; and a schedule for implementation and maintenance. Elements of the site plans would include provisions for Americans with Disabilities Act (ADA) accessibility, boat moorage, and one camp host site for all three sites. The provision of a public potable water source in the vicinity of these BLM camp sites shall be evaluated in the Plan and implemented if feasible.

Operations and maintenance (O&M) for facilities included in this Plan shall be the responsibility of the Licensee.

The Plan shall be prepared in coordination with the BLM and other appropriate parties. The Licensee shall include with the Plan submitted to the Commission documentation of coordination and copies of comments and recommendations on the Plan. The Licensee shall allow a minimum of 60 days for the BLM to comment and to make recommendations prior to filing the Plan with the Commission for approval. The Plan submitted to the Commission shall include all recommendations submitted by the BLM. If the Licensee does not agree with a recommendation made by BLM, the filing will include the Licensee's reasons for disagreeing with the BLM recommendation, based on project-specific information. The Commission may consider the Licensee's comments on the BLM recommendations in its decision adopting or modifying the final Plan. The Licensee shall implement the Plan as approved by the Commission.

Modified Condition No. 10—Swede's Landing

Within four years of completing the low water boat ramp and associated campground facilities at Private Dude's Cove, the Licensee shall prepare, fund and implement a plan, in coordination with BLM, to rehabilitate the BLM lands currently known as Swede's Landing. The plan shall address riparian habitat restoration, public safety and control, and revegetation of the site, along with assessing current and future uses of the site.

If the low water boat ramp and associated campground facilities at Private Dude's Cove are not developed within two years of license issuance, an enhancement plan for the BLM Swede's Landing Site will be developed within three years of license issuance. The Plan shall include provisions for enhanced campsites with kitchen areas, improved Americans with Disabilities Act (ADA) accessibility, enhancement of Quicksand Creek riparian area and rehabilitation, replacement of existing toilets, replacement of jersey barriers with a more aesthetic barrier, and shade shelters. The Plan shall include an implementation schedule. Operation and maintenance of the campsite facilities shall become the responsibility of the Licensee.

The Licensee shall implement the road maintenance provisions of the Baker County Settlement Agreement dated October 3, 2003.

The Plan shall be prepared in coordination with the BLM and other appropriate parties. The Licensee shall include with the Plan submitted to the Commission documentation of coordination and copies of comments and recommendations on the Plan. The Licensee shall allow a minimum of 60 days for the BLM to comment and to make recommendations prior to filing the Plan with the Commission for approval. The Plan submitted to the Commission shall include all recommendations submitted by the BLM. If the Licensee does not agree with a recommendation made by BLM, the filing will include the Licensee's reasons for disagreeing with the BLM recommendation, based on project-specific information. The Commission may consider the Licensee's comments on the BLM recommendations in its decision adopting or modifying the final Plan. The Licensee shall implement the Plan as approved by the Commission.

Modified Condition No. 11—Spring Recreation Site Enhancement

Within three years of license issuance, or on an alternative schedule to be agreed to by the Bureau of Land Management (BLM), the licensee shall develop an enhancement plan for the BLM site referred to as Spring Recreation Site and submit this plan to the Commission for approval. The Plan shall be based on the best data and information available and is to be an adaptive plan, subject to amendment and revision during the term of the new license. The Plan is intended to be a planning document which will assess the current condition of the site, the nature and extent of its current, and anticipated future, use and contain provisions to address any current deficiencies and prepare for any increases in use that may occur in the future. The Plan shall include an implementation and maintenance schedule for any measures proposed by the Plan. The Plan may explore options for funding that may be available through a cooperative venture between the licensee and third-party sources through recreational or similar grants.

The licensee shall develop the Spring Recreation Plan in consultation with the Recreation Resource Work Group (RRWG) and the BLM. The licensee shall submit a draft of the Spring Recreation Plan to members of the RRWG for review and comment. Documentation and a description of the consultation process including responses to any written comments received during the consultation process will be included as an appendix to the Plan.

The Plan shall include provisions, among others, addressing the need for, and feasibility of, the following measures:

- • Redesign vehicle circulation and relocate portions of the interior road;
- • Increase parking capacity for day use boat trailer parking;
- • Define camping sites, add electric and water hookups where appropriate;
- • Improve tent camping areas including parking and ADA toilets;
- • Surface new and existing roads and parking areas with asphalt;
- • Develop overflow parking;
- • Retrofit the existing boat launch and boat ramp to be ADA accessible;
- • Design access from boat ramps to boarding docks with accessible grade according to Oregon State Marine Board ADA design;
- • Replace boat dock system to minimize ongoing maintenance and to better accommodate reservoir drawdowns and refill;

- • Improve fish cleaning station to minimize ongoing maintenance, reduce offensive odors, and to meet DEQ septic requirements;
- • Retrofit water system throughout site. Develop an irrigation system for vegetation;
- • Upgrade one RV space for a campground host including shade and septic system; and
- • Landscape site to maximize shade and reduce dust. Install shade structures where appropriate.

The Plan shall provide for the Licensee's assumption of the responsibility associated with the operation and maintenance of existing and new facilities at this site, and, to the extent allowed by applicable law, the transfer and assignment to the Licensee of any use fees associated with this site for the life of the new license.

The Spring Recreation Plan shall be prepared in coordination with the BLM and the other parties described above. The Licensee shall include with the Plan submitted to the Commission documentation of coordination and copies of comments and recommendations on the Plan. The Licensee shall allow a minimum of 60 days for the BLM to comment and to make recommendations prior to filing the Plan with the Commission for approval. The Plan submitted to the Commission shall include all recommendations submitted by the BLM. If the Licensee does not agree with a recommendation made by BLM, the filing will include the Licensee's reasons for disagreeing with the BLM recommendation, based on Project-specific information. The Commission may consider the Licensee's comments on the BLM recommendations in its decision adopting or modifying the final Plan. The Licensee shall implement the Plan as approved by the Commission.

Modified Condition No. 12—Steck Recreation Site

Within one year of license issuance, or on an alternative schedule agreed to by the Bureau of Land Management (BLM), the Licensee shall develop an Enhancement Plan for the BLM site referred to as Steck Recreation Site and submit this plan to the Commission for approval. The Plan shall be based on the best data and information available and is to be an adaptive plan, subject to amendment and revision during the term of the new license. The Plan is intended to be a planning document which will assess the current condition of the site, the nature and extent of its current use and anticipated future use, and contain provisions to address any current deficiencies and prepare for any increases in use that may occur in the future. The Plan shall include an implementation and maintenance schedule for any measures proposed by the Plan. The Plan may explore options for funding that may be available through a cooperative venture between the Licensee and third-party sources through recreational or similar grants.

The Licensee shall develop the Plan in consultation with members of the Recreation Resource Work Group (RRWG) and the BLM. The Licensee shall submit a draft of the Enhancement Plan to the RRWG for review and comment. Documentation and a description of the consultation process including responses to any written comments received during the consultation process will be included an appendix to the Plan.

The Plan shall include provisions, among others, addressing the need for, and feasibility of, communication capabilities for emergency and other necessary purposes to meet such needs based on site requirements; separate day-use facilities with shade structures, tables, cement pads, and grills, and an additional public information kiosk.

The Plan shall provide for the Licensee's assumption of the responsibility associated with the operation and maintenance of existing and new facilities at the site, and, to the extent allowed by applicable law, the transfer and assignment to the Licensee of any use fees associated with this site for the life of the new license.

The Steck Enhancement Plan shall be prepared in coordination with the BLM and the other parties described above. The Licensee shall include with the Plan submitted to the Commission documentation of coordination and copies of comments and recommendations on the Plan. The Licensee shall allow a minimum of 60 days for the BLM to comment and to make recommendations prior to filing the Plan with the Commission for approval. The Plan submitted to the Commission shall include all recommendations submitted by the BLM. If the Licensee does not agree with a recommendation made by the BLM, the filing will include the Licensee's reasons for disagreeing with the BLM recommendation, based on Project-specific information. The Commission may consider the Licensee's comments on the BLM recommendations in its decision adopting or modifying the final Plan. The Licensee shall implement the Plan as approved by the Commission.

Modified Condition No. 13—Jennifer's Alluvial Fan

Within two years of license issuance, the Licensee shall file for Commission approval an Enhancement Plan for the BLM site referred to as Jennifer's Alluvial Fan Site for the project. The plan shall include a site plan, design drawings; a discussion of how the needs of the disabled were considered in the planning and design; detailed erosion and sediment control measures; and a schedule for implementation and maintenance. The plan shall include, but not be limited to provisions for a toilet, information kiosk with map, and barriers to delineate the site and prevent expansion of vehicle impacts, and improvement of access from Olds Ferry Road. The Plan shall be prepared in coordination with BLM and members of the Recreation Resource Working Group. The Licensee shall include with the Plan submitted to the Commission documentation of coordination and copies of comments and recommendations on the Plan. The Licensee shall allow a minimum of 60 days for the BLM to comment and to make recommendations prior to filing the Plan with the Commission for approval. The Plan submitted to the Commission shall include all recommendations submitted by the BLM. If the Licensee does not agree with a recommendation made by BLM, the filing will include the Licensee's reasons for disagreeing with the BLM recommendation, based on Project-specific information. The Commission may consider the Licensee's comments on the BLM recommendations in its decision adopting or modifying the final Plan. The Licensee shall implement the Plan as approved by the Commission. The Licensee shall assume the responsibility associated with operation and maintenance of new facilities at this site for the life of the new license.

Modified Condition No. 14—Idaho Dispersed Sites

Within five years of license issuance, the Licensee shall develop and implement a Plan for the BCHB(2).¹⁴¹ The Plan shall include a provision for a five vehicle gravel parking lot to be constructed adjacent to the primary paved Hells Canyon Road. The parking lot shall incorporate a barrier (such as natural boulders) to prevent motorized vehicle use from causing further damage to adjacent uplands. The Plan shall also include provisions for a portable toilet that will be available on a seasonal basis and the improvement of an existing trail leading from the parking area to nearby rock bluffs, if necessary. The BCHB(2) site will be designated as a day-use only facility.

Within one year of the completion of this project, the Licensee shall develop and implement a litter and sanitation plan for BCHB(2) and for other Idaho Dispersed Sites, including, but not limited to, WILS¹⁴², and BICB¹⁴³, consistent with Condition No. 7 (Litter and Sanitation Plan).

¹⁴¹ BCHB is the acronym used by IPC to refer to Site No. 2 Below Hells Canyon Bridge. The site is located .01 miles below the Bridge across Hells Canyon Reservoir, on the Idaho side of the Snake River.

¹⁴² WILS is the acronym used by IPC to refer to Williamson Creek. The site is primarily a boat-in camp located on the Idaho side of Oxbow Reservoir approximately 5.9 miles upstream of Oxbow Dam.

The Plan shall be prepared in coordination with BLM and members of the Recreation Resource Working Group. The Licensee shall include with the Plan submitted to the Commission documentation of coordination and copies of comments and recommendations on the Plan. The Licensee shall allow a minimum of 60 days for the BLM to comment and to make recommendations prior to filing the Plan with the Commission for approval. The Plan submitted to the Commission shall include all recommendations submitted by the BLM. If the Licensee does not agree with a recommendation made by BLM, the filing will include the Licensee's reasons for disagreeing with the BLM recommendation, based on Project-specific information. The Commission may consider the Licensee's comments on the BLM recommendations in its decision adopting or modifying the final Plan. The Licensee shall implement the Plan as approved by the Commission. The Licensee shall assume the responsibility associated with operation and maintenance of new facilities at these sites for the life of the new license.

Modified Condition No. 15—Oxbow Boat Launch and Carter's Landing

Within one year of license issuance, the Licensee shall, in consultation with the BLM, prepare an Enhancement Plan for each of the BLM sites referred to as Carter's Landing and Oxbow Boat Launch and file the Plans with the Commission for approval. Each Plan shall include a site plan, design drawings; a discussion of how the needs of the disabled were considered in the planning and design of each facility; detailed erosion and sediment control measures; and a schedule for implementation and maintenance. The Carter's Landing plan will include, but not be limited to, provisions for enhanced campsites with kitchen areas, improved Americans with Disabilities Act (ADA) accessibility, boat moorage, and shade shelters. Oxbow Boat Launch plan will include improved boat ramp, boarding floats, improved Americans with Disabilities Act (ADA) accessibility, and enhanced parking. The Licensee shall assume the responsibility associated with operation and maintenance of new facilities at these sites for the life of the new license.

The Plan shall be prepared in coordination with the BLM and other appropriate parties. The Licensee shall include with the Plan submitted to the Commission documentation of coordination and copies of comments and recommendations on the Plan. The Licensee shall allow a minimum of 60 days for the BLM to comment and to make recommendations prior to filing the Plan with the Commission for approval. The Plan submitted to the Commission shall include all recommendations submitted by the BLM. If the Licensee does not agree with a recommendation made by BLM, the filing will include the Licensee's reasons for disagreeing with the BLM recommendation, based on project-specific information. The Commission may consider the Licensee's comments on the BLM recommendations in its decision adopting or modifying the final Plan. The Licensee shall implement the Plan as approved by the Commission.

Modified Condition No. 16—Oasis

Within two years of license issuance, or on an alternative schedule to be agreed to by the Bureau of Land Management (BLM), the Licensee shall develop an Enhancement Plan for the BLM site referred to as Oasis and submit this plan to the Commission for approval. The Plan shall be based on the best data and information available and is to be an adaptive plan, subject to amendment and revision during the term of the new license. The Plan is intended to be a planning document which will assess the current condition of the site, the nature and extent of its current, and anticipated future, use and contain provisions to address any current deficiencies and prepare for any increases in use that may occur in the future. The

WILS is located on IPC and private land.

¹⁴³ BICB is the acronym used by IPC to refer to Boat-in Camping Area #2. The site is primarily a boat-in camp located on the Idaho side of Oxbow Reservoir approximately 8.5 miles upstream of Oxbow Dam. BICB is located on BLM-managed land.

Plan shall include an implementation and maintenance schedule for any measures proposed by the Plan. The Plan may explore options for funding that may be available through a cooperative venture between the licensee and third-party sources through recreational or similar grants.

The Licensee shall develop the Enhancement Plan in consultation with members of the Recreation Resource Work Group (RRWG) and the BLM. Within eighteen months of license issuance, the licensee shall submit a draft of the Enhancement Plan to the RRWG for review and comment. Documentation and a description of the consultation process including responses to any written comments received during the consultation process will be included as an appendix to the Plan.

The plan shall include provisions, among others, addressing the need for, and feasibility of, enhanced restrooms, parking, vehicle control, day use activities, foot trail, and signing.

The Plan shall provide for the Licensee's assumption of the responsibility associated with the operation and maintenance of existing and new facilities and, to the extent allowed by applicable law, the transfer and assignment to the Licensee of any use fees associated with this site for the life of the new license.

The Oasis Enhancement Plan shall be prepared in coordination with the BLM and the other parties described above. The Licensee shall include with the Plan submitted to the Commission documentation of coordination and copies of comments and recommendations on the Plan. The Licensee shall allow a minimum of 60 days for the BLM to comment and to make recommendations prior to filing the Plan with the Commission for approval. The Plan submitted to the Commission shall include all recommendations submitted by the BLM. If the Licensee does not agree [sic]

Modified Condition No. 17—Copper Creek

Within two years of license issuance, the Licensee shall file for Commission approval an Enhancement Plan, including an evaluation of potential effects to cultural resources, for the BLM site referred to as Copper Creek. Development and implementation shall be consistent with Section 106 of the National Historic Preservation Act (NHPA) and the requirements for the National Environmental Policy Act (NEPA). Depending on findings of these evaluations, the plan may include provisions for a road system serving designated campsites with picnic shelters and fire rings, trailhead parking, equestrian staging area, boat moorage and mitigations for soil erosion around point near mouth of Copper Creek. Enhancement design shall mitigate impacts to terrestrial and aquatic resources, i.e. trampling and removal of vegetation, shoreline erosion and soil compaction. If it is determined that enhancing the site would require substantial cultural site mitigation, the Licensee would consult with BLM to determine alternative actions that would preserve the integrity of cultural sites.

The Licensee shall assume the responsibility associated with the operation and maintenance of this site for the life of the new licensee.

The Plan shall be prepared in coordination with the BLM and other appropriate parties. The Licensee shall include with the Plan submitted to the Commission documentation of coordination and copies of comments and recommendations on the Plan. The Licensee shall allow a minimum of 60 days for the BLM to comment and to make recommendations prior to filing the Plan with the Commission for approval. The Plan submitted to the Commission shall include all recommendations submitted by the BLM. If the Licensee does not agree with a recommendation made by BLM, the filing will include the Licensee's reasons for disagreeing with the BLM recommendation, based on project-specific information. The Commission may consider the Licensee's comments on the BLM recommendations in its decision adopting or modifying the final Plan. The Licensee shall implement the Plan as approved by the Commission.

Modified Condition No. 18—Low Water Boat Launch

If, within one year of license issuance, the Licensee has not constructed a Low Water Boat Launch at Private Dude's Cove and if BLM Condition No. 10 for Swedes Landing has not been implemented, then the following shall be implemented:

Within the second year after license issuance, the Licensee shall file for Commission approval a Low-Water Boat Launch Plan. The plan shall include provisions to find a suitable location at or near Swedes Landing, develop a site plan and implement the site plan for a low water boat launch. The Plan shall include site plan design drawings; a discussion of how the needs of the disabled were considered in the planning and design; detailed erosion and sediment control measures; and a schedule for implementation and maintenance. The Licensee shall assume the responsibility associated with operation and maintenance of this site for the life of the new license.

The Plan shall be prepared in coordination with the BLM and other appropriate parties. The Licensee shall include with the Plan submitted to the Commission documentation of coordination and copies of comments and recommendations on the Plan. The Licensee shall allow a minimum of 60 days for the BLM to comment and to make recommendations prior to filing the Plan with the Commission for approval. The Plan submitted to the Commission shall include all recommendations submitted by the BLM. If the Licensee does not agree with a recommendation made by BLM, the filing will include the Licensee's reasons for disagreeing with the BLM recommendation, based on project-specific information. The Commission may consider the Licensee's comments on the BLM recommendations in its decision adopting or modifying the final Plan. The Licensee shall implement the Plan as approved by the Commission.

INTERIOR—SECTION 18 PRESCRIPTIONS

Guidance for the Prescription of Fishways Pursuant to Section 18 of the FPA (USFWS 2002c).

Reservation of Authority to Prescribe Fishways

The Service has prepared its prescriptions for fishways in response to the proposals being considered by the Commission in this proceeding involving the proposed relicensing of the Hells Canyon Hydroelectric Project, FERC No. 1971. If any proposal is modified as a result of licensing or after licensing, then the Department, through the Service, will require adequate opportunity to reconsider each prescription and make modifications it deems appropriate and necessary for submittal to the Commission. Therefore, the Service requests that the Commission include the following condition in any license it may issue for the Project, Commission No. 1971:

Authority is reserved for the Department of the Interior, as delegated to the U.S. Fish and Wildlife Service, to prescribe the construction, operation, and maintenance of fishways at the Hells Canyon Hydroelectric Project, Project No. 1971, as appropriate, including measures to determine, ensure, or improve the effectiveness of such fishways, pursuant to Section 18 of the Federal Power Act, as amended. This reservation includes, but is not limited to, authority to prescribe fishways for spring/summer Chinook salmon, summer steelhead trout, Pacific lamprey, bull trout, redband trout, fall Chinook salmon, white sturgeon, and any other fish to be managed, enhanced, protected, or restored to the Snake River Basin during the term of the license.

Modified Section 18 Fishway Prescription

1.0. Upstream and Downstream Fishways for Bull Trout

To provide for the safe, timely and effective upstream passage of adult and subadult bull trout at the Hells Canyon Project, the Licensee shall continue to rehabilitate, operate, and monitor the Hells Canyon Dam trap and haul fishway and modify the existing structure as described in the Preferred Alternative to the Additional Information Request—Aquatic Resources Number 1 (AIR AR-1) to the Hells Canyon Complex Final License Application. A second phase of the passage prescription is to construct a trap similar in operation and design to the Hells Canyon trap to provide for the safe, timely and effective upstream passage of adult and sub-adult bull trout at the base of Oxbow Dam. The future fishway/trap at the base of Oxbow Dam shall include measures and operations necessary to provide adequate attraction flow to safely and rapidly attract bull trout into the Oxbow trap for collection and transport upstream. Final documentation of what flows and/or mechanisms are necessary for effective fish collection at Oxbow Dam will occur in the amendment to the Bull Trout Passage Plan when the trigger criteria to pass bull trout upstream of Oxbow Dam has been met. All upstream facilities prescribed herein shall be designed and operated to meet the anadromous passage facility guideline and criteria established by NOAA Fisheries (NOAA Fisheries 2004).¹⁴⁴

To provide for safe, timely and effective downstream passage of migrating adult and sub-adult bull trout from bull trout bearing (a tributary that supports all life stages of bull trout) tributaries into the reservoirs of the Hells Canyon Complex (Pine Creek, Indian Creek, and the Wildhorse River), the Licensee shall construct operate, maintain and monitor permanent weirs and trap and haul fishways near the mouths of these tributaries for the downstream passage and transport of adult and subadult bull trout

¹⁴⁴ Ibid

to a suitable release point downstream of Hells Canyon Dam. The period of facility operation will be determined through the bull trout passage planning process and may be adapted based on information gathered through future monitoring efforts to meet the biological needs of bull trout in each identified tributary system. All downstream facilities prescribed herein shall be designed and operated to meet the anadromous passage facility guideline and criteria established by NOAA Fisheries (NOAA Fisheries 2004).¹⁴⁵

Implementation of Fishway Prescription

To implement the above prescription, the Licensee shall, within 1 year of license issuance, in consultation with the Service, the Oregon Department of Fish and Wildlife, the Idaho Department of Fish and Game, and the affected consulting parties develop and file with Federal Energy Regulatory Commission (Commission), a Bull Trout Passage Plan. The Bull Trout Passage Plan shall be submitted to the consulting agencies for a 60-day period for review and comment period for approval prior to submittal to the Commission for approval and implementation. The Bull Trout Passage Plan shall include: 1) final engineering design plans of the Hells Canyon upstream trap fishway modification, 2) final engineering design plans of the Pine Creek monitoring weir and trap fishway including a schedule to construct the fishway within two years of license issuance; 3) specific protocols for the period of operation, location of release point and handling of all lifestages of bull trout and other fish captured for these two facilities; 4) provisions for transport of bull trout between Pine Creek and Hells Canyon Dam, 5) an assessment of monitoring necessary to evaluate the potential and risk of introductions of deleterious pathogens, and 6) a Post-construction monitoring plan. The Bull Trout Passage plan shall also include description of specific triggers related to the timeline of construction and implementation of the Oxbow upstream trap fishway, the Indian Creek permanent weir and trap fishway, and the Wildhorse River weir and trap fishway. The Plan will include specific monitoring necessary to determine when established triggers have been satisfied. Triggers that establish the timeline of construction and implementation of these facilities shall be based on the status of bull trout within these tributaries in terms of their abundance, the potential for hybridization with non-native brook trout, the potential of the fishways to contribute towards recovery, and habitat conditions necessary to support bull trout. The Bull Trout Passage Plan shall contain a provision that within 1 year of meeting the trigger criteria for one of these facilities, as determined by the consulting agencies, an Amendment to the Bull Trout Plan shall be filed that contains specifications for the period of operation, location, design, construction and operation of the facility, a provision for transport of captured fish to their designated release points, and establish suitable protocol and release point for handling all life-stages of bull trout and other fish captured in the facilities. The Amendment for each facility shall be submitted to the consulting agencies for a 60-day review and comment period for approval prior to submittal to the Commission for approval and implementation. Construction of passage facilities shall begin within 2 years of meeting trigger criteria, unless another timeframe is mutually agreed upon by the consulting agencies.

A Post-construction Monitoring Plan shall be developed for the Hells Canyon upstream fishway and Pine Creek weir and trap and shall be included with the Bull Trout Passage Plan. The Post-construction Monitoring Plan shall be to describe the evaluation and monitoring necessary to determine the effectiveness of each facility. Such a plan will be part of each Amendment to the Bull Trout Passage Plan that initiates Commission approval of each fishway as trigger criteria are met. The Post-construction monitoring plan shall include operation and maintenance (O&M) procedures (including operator training and supervision) of each facility as they are constructed to insure effective operation. The O&M procedures shall include provisions for prior notification and coordination with the consulting agencies regarding maintenance scheduling or emergency operations that affect the functioning of each fishway.

¹⁴⁵ Ibid

