

RESOLUTION NO. 8375

A RESOLUTION APPROVING AND ADOPTING GENERAL  
LAND/WATER USE POLICIES


Recitals:

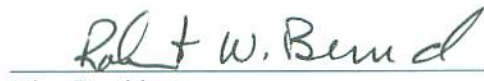
1. The District owns certain property within the FERC-licensed boundaries of the Project; and
2. Under the terms of its license, the District is required to adopt certain policies for public access, public use and enforcement of general land/water use policies; and
3. Adoption of the interim policies provides essential guidance to staff as they draft a Shorelines Management Plan for public review; and
4. Specifically, the interim guidance is intended to facilitate the drafting of a Shorelines Management Plan that will:
  - a) Establish public access to project lands and waters as a clear priority; and
  - b) Eliminate inconsistencies in how Grant PUD authorizes, monitors, and enforces use of Grant PUD owned properties; and
  - c) Include a vision and plan for the protection and enhancement of Crescent Bar Island, as a product of broad public involvement; and
  - d) Lower liability, risk, and costs associated with managing Grant PUD properties; and
  - e) Comply with applicable local, state, and other federal regulations by establishing clear enforcement and corrective action guidance.
5. The interim guidance does not limit or constrain, in any way, the Commission's authority to modify policies proposed in the Shorelines Management Plan following public review and prior to submittal to the Federal Energy Regulatory Commission.

NOW, THEREFORE, BE IT RESOLVED by the Commission of Public Utility District No. 2 of Grant County, Washington, that the Interim Land/Water Use Policies as described in Attachment No. 1 be adopted.

PASSED AND APPROVED by the Commission of Public Utility District No. 2 of Grant County, Washington, this 4<sup>th</sup> day of May, 2009.

  
\_\_\_\_\_  
President

ATTEST:  
  
\_\_\_\_\_  
Secretary

  
\_\_\_\_\_  
Vice President

  
\_\_\_\_\_  
Commissioner

  
\_\_\_\_\_  
Commissioner

**Attachment No. 1**  
**Resolution No. 8375**  
**Interim Project Land and Water Use Policy Guidance**

**Public Access Guidance**

To develop a Shorelines Management Plan (SMP) consistent with the requirements of the FERC license, it is our preference that Grant PUD promotes policies that permit public access, wherever possible, consistent with safety considerations to Project Lands and adjacent Project Waters. The following policies apply to public access to Project Lands and Waters, subject to the provisions of relevant FERC license requirements:

- Public access to Project Lands and Waters should be non-exclusive wherever possible, and shared by all members of the public.
- Public access and recreational use of Project Lands and Waters shall be without regard to race, color, sex, religious creed, or national origin and with consideration of the needs of disabled individuals.
- Use of Project Lands and Waters by tribal members shall be accommodated.

**Public Use Guidance**

Use of Project Lands and Waters by the public for recreational purposes is supported by Grant PUD. It is the intent of the Grant PUD Commission to ensure Project Lands are available for broad, general public use and that the SMP reflect this preference. This includes all lands owned in fee by Grant PUD. Compared to non-project use actions taken under the original license, Commission acknowledges that this guidance, if adopted into the SMP and fully implemented, could result in changes to existing uses, activities, leases and permits.

Grant PUD staff shall consider the following guidance as public use policies affecting Project Lands and Waters are incorporated into the SMP:

- Public use of Project Lands and Waters shall be non-exclusive wherever possible and shared by all members of the public.
- Existing uses of Project Lands that were permitted or authorized during the term of the original license for the Project shall be evaluated for consistency with the guidance set forth herein and the requirements of the new FERC license for the Project.
- Existing uses of Project Lands being made pursuant to prior permits, leases, or other written authorizations from Grant PUD that allow such uses to continue during all or part of the term of the new FERC license, as determined by Grant PUD, shall be allowed to continue consistent with the provisions of, and only for the time period specified in, such written authorizations.

- Other existing uses, including existing uses being made pursuant to prior written authorizations from Grant PUD following the expiration of the time period specified in such written authorizations, generally should not be allowed to continue unless: (1) Grant PUD determines that such use is consistent with the policies set forth in the SMP and the requirements of the new FERC license for the Project; and, (2) the user obtains written authorization for such use from Grant PUD in accordance with any applicable requirements of the approved SMP for the Project.

The SMP forwarded to the Grant PUD Commission should also include provisions for the following:

- Excavation, destruction, defacement, removal, or disturbance of any sites, materials, or artifacts having archaeological or historical value or significance is prohibited.
- All construction activities are prohibited, except by special written authorization issued by Grant PUD and upon successful obtainment of all necessary local, state and/or federal authorizations and permits, consistent with the requirements of the approved SMP for the Project.
- All refuse and litter shall be removed from the Project or placed in litter containers marked as such. Refuse, sewage, waste, hazardous liquids or chemicals, or similar materials shall not be disposed of or burned on or in Project Lands or Waters.
- Destruction, defacement, or removal of any vegetation, rock, sand, soil, minerals, or Grant PUD property located on Project Lands is prohibited, without written permission from Grant PUD.

### **Plan to Protect and Enhance Crescent Bar Island**

Implementation of the policies, goals, and objectives of the FERC approved SMP are intended to satisfy the requirement to protect and enhance Grant PUD owned properties at Crescent Bar Island. Specifically, measures to improve public recreation use, wildlife habitat, and protection of the scenic quality of this section of the Mid-Columbia River will occur upon expiration of the 2012 lease with the Port of Quincy. Grant PUD will ensure that any future uses or land use agreements at Crescent Bar will adequately fulfill these improvement measures, along with other relevant safety, health, Project operation, and related management objectives.

Grant PUD staff shall conduct, as part of the public education and outreach process associated with finalizing the Shoreline Management Plan, a public visioning exercise to solicit comments and ideas to help determine a preferred vision for future uses on Crescent Bar Island.

### **Guidance Regarding Enforcement of General Land and Water Uses**

The Commission recognizes the importance of fair and consistent implementation of any land and/or water use policies it may adopt. The Commission takes compliance with its FERC license and the land and water use policies adopted in the SMP seriously. As a result, the Commission expects Grant PUD staff, under the direction of the General Manager, to act with appropriate discretion to enforce its FERC license and the adopted and approved SMP in cooperation with local, state, and federal regulators and law enforcement entities.

### **Expiration**

This interim guidance will expire upon final adoption by the FERC Commission of the Shorelines Management Plan, as approved and forwarded by the Grant PUD Commission.