

FINAL COMMUNICATIONS PROTOCOL

Gibson Dam Hydroelectric Project FERC No. 12478

Gibson Dam Hydroelectric Company, LLC

August, 2005

INTRODUCTION

The following protocol provides a framework for documenting consultation and coordination among Participants in the licensing of the proposed Gibson Dam Hydroelectric Project (“Project”, FERC No. 12478), located near Augusta, Montana. Gibson Dam Hydroelectric Company, LLC (GDHC) holds the preliminary permit from the Federal Energy Regulatory Commission (FERC), the agency responsible for licensing and administering the Project. The proposed Project would be a ten megawatt generating facility constructed near the based of the existing US Bureau of Reclamation (Reclamation) Gibson Dam. Under FERC regulations, GDHC is required to consult with state and federal natural resource agencies, the public, Indian tribes and Non Governmental Organizations (NGOs) at prescribed points in the licensing process.

This Communications Protocol (CP) is a requirement under the “Alternative Licensing Procedure” (ALP), a recently approved alternative to the Traditional Licensing Approach for hydroelectric project licensing and licensing intended to streamline the process (CFR 18, Section 4.34(i)). Under the Traditional Approach, a license applicant prepares and files a license application that includes an Exhibit E. All activities and documents required under the National Environmental Policy Act (NEPA) including preparation of an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) are conducted by the FERC or their contractor after acceptance of the final application for original license or new license.

Under the ALP, the licensee may, with FERC direction and approval, conduct **NEPA Scoping** (the public participation process to solicit comments on environmental issues) and prepare and submit a **Preliminary Draft Environmental Assessment (PDEA)** with the license application. The PDEA replaces the Exhibit E filed under the Traditional Approach. The **Final EA**, which will serve as the basis for conditions of the new license, will be prepared by the FERC after their independent review of the PDEA and project record.

Upon written approval by GDHC and the signatories, this CP may be revised as deemed appropriate. No changes will be made to the CP without notification of the Participants. All proposed procedural changes will be distributed in writing to all Participants for review and comment. If comments represent a consensus of opinion on the proposed change(s), the Protocol will be modified, and the revised version distributed to the

Participants list. In case of a dispute over proposed changes, GDHC will convene a meeting or teleconference, to include agency, tribe, public, NGO and FERC representatives, as necessary.

PARTICIPATING in the LICENSING PROCESS

Under the ALP, the licensing process is open to the general public and their participation is encouraged. A Participant List (Attachment 1) will be compiled by GDHC and expanded as new Participants request inclusion in the ALP.

The ALP affords Participants the opportunity to interact with the licensing process at several distinct points, including: 1) public meetings; 2) coordinated meetings 3) document review and comment; and 4) access to general information regarding process, schedule, and status. GDHC will use several means to assure access to licensing material, as described in the following sections.

Public Reference Files

There will be two public reference files, one in Fairfield and the other at the FERC offices in Washington D.C. The reference files will be maintained on a monthly basis and will include, but not be limited to: semi-annual progress reports (described below), study plans and reports, preliminary data files, meeting announcements, agendas and summaries, draft and final technical reports, draft and final EA's and license applications, written correspondence and telephone discussion notes. The addresses of the Public Reference Files are:

Greenfields Irrigation District
105 W. Central Ave.
Fairfield, MT 59436

and

Federal Energy Regulatory Commission
Public Reference Room, Room 2-A
Attn: Secretary
888 First Street, N.E.
Washington, D.C. 20426

All materials in the reference files will be available for review and copying by request. All communications added to the Public Reference File will be available to the public consistent with the public records procedures set forth in the Freedom of Information Act. Most materials will also be available on the FERC website (www.ferc.gov). All material in the public reference file will also be available on the Gibson Dam Project Licensing Website described below.

The Gibson Dam Project Licensing Website

GDHC will develop and maintain a Gibson Dam Project Licensing Website at which most Project material will be made available. The Licensing Website will contain:

- Project Description and History;
- Description of the Licensing Process and ALP;
- Licensing Schedule;
- Notices of Public and Coordinated Meetings;
- Meeting Agendas and Notes;
- Draft and Final Study Requests;
- Study Results Reports;
- Public Documents Produced During Pre-Filing Consultation;
- Notices of Availability of Documents for Participant Review;
- Semi-Annual Progress Reports;
- Monthly Status Updates;
- Current Participant List;
- Tracking File (record of all licensing transactions)
- Other features, as deemed necessary.

Need for Timely Notification and Review

For this process to succeed, it is important that the interaction opportunities are announced to the Participants, and that the Participants provide timely comment and information at each opportunity. It is also important that Participants have sufficient access to general information. In the following, we describe the protocols to address these needs.

Public Meetings and Site Visits

Meeting events (Scoping and others) to present information and obtain comments from the public and stakeholders will be held at various points during the licensing. Two public meetings will be held during the Project licensing. The first event, consisting of two “Initial Stage Consultation” meetings and a site visit, was held in Helena, Fairfield and at the Project site on March 28 & 29th. This event preceded GDHC’s decision to utilize the ALP. Notice of the meetings and site visit was placed in the Fairfield Sun Times, Choteau Acantha and the Helena Independent Record newspapers more than 15 days prior to the events. GDHC prepared a summary of the Initial Consultation meetings, and circulated it among attendees for approval. A final summary was distributed to members of the existing mailing list on August 15, 2005.

The other scheduled licensing meeting event will be the Scoping meeting and site visit, to be held during fall or winter, 2005. Notice of the Scoping meeting and site visit will be posted on the Licensing Website (described above), and published in local and regional newspapers, specifically the Helena Independent Record, Choteau Acantha, the Fairfield

Sun Times and the Great Falls Tribune. The FERC will also publish notice of the Scoping meeting and site visit in the Federal Register. All notices will be posted at least 30 calendar days in advance of the meeting date. GDHC will also serve notification of the Scoping meeting and site visit via e-mail to all those on the Project's Participant List. GDHC will transcribe the Scoping meeting on videotape, and tape copies will be available to all Participants on request.

GDHC will provide meeting facilitation at all major scheduled meetings. This will include preparation of and adherence to a detailed agenda and assignment of a meeting facilitator experienced in conducting such meetings under FERC requirements. The objective of meeting facilitation will be to focus the proceedings on the relevant issues and to guide discussions toward specific understanding and resolutions.

When GDHC solicits oral comments during meetings, those comments reflected in the approved meeting summary will be considered the speaker's formal comments if they choose not to provide written comments. Scoping Participants will be given at least 30 days notice to provide written comments on the Scoping meeting and related written material.

Coordinated Meetings

Meetings between and among licensing Participants may occur on an "as needed" basis. In such meetings, a FERC representative will normally be invited to participate by teleconference or onsite. If a GDHC representative is present at the meeting, GDHC will prepare a detailed summary of the meeting. If GDHC is not present at the meeting, the person that requested the meeting should prepare a meeting summary, as time and workload constraints allow.

Meeting Summaries.

Draft Meeting Summaries for all public and coordinated meetings will be circulated to all meeting Participants for review and comment within 15 days after the meeting. Comments will be incorporated into a Final Meeting Summary, with the goal of agreement among all Participants on its content. Deadlines for preparation of drafts, returning comments, and submittal of a final summary will be agreed upon by Participants at each meeting. Final Meeting Summaries should be mailed to GDHC at the contact address on page 6, for inclusion in GDHC's Tracking File and Licensing Website. All Draft and Final Meeting Summaries will be available on the Licensing Website and in hard copy by request.

Document Availability

Major Documents.

Throughout the licensing process, Participants will be afforded opportunity to review and comment on documents prepared in the course of the licensing process. While it is not

possible to envision an exact list of documents for review, GDHC expects the major documents shown in Table 1 to be made available prior to issuance of the new license.

Most licensing-related written material will be available in electronic format and will be distributed directly to Participants using the electronic means, primarily via CD-ROM in the form of pdf. and/or MS Word files. Much of the same material will be available through GDHC’s Gibson Dam Project Licensing Website. Participants are encouraged to review major documents and provide comments in pdf. or MS Word format. In all cases, however, Participants may request hard-copies of major documents. Written material will be distributed via standard mailing procedures, with delivery confirmation. Hard copies of Scoping Documents, the Draft Application, Preliminary Draft EA, FERC Draft EA and FERC Order Issuing New License will also be provided to the public library in Fairfield and the state library in Helena.

The review period for major documents will be no less than 30 days, unless longer periods are required by FERC regulations, or if individual agencies formally request more review time.

Table 1. Major documents to be made available for review during Gibson Dam Project licensing.

Document Name	Expected Date of Issue	Description
Scoping Document I (SD1)	Fall, 2005	A document describing the Project, licensing process, and environmental and economic issues related to licensing
Draft Application for License	July 2006	Documents describing various design and operation aspects of the project, as proposed for licensing
Preliminary Draft EA	July 2006	Accompanies Draft Application, describes existing environment, licensing impacts and mitigation proposals.
Study Plans	August – December, 2005	Describe detailed objectives, methods and required reporting for various environmental field and office studies

Study Reports	Variable, depending on resource category	Present results of the environmental studies, usually on an annual basis
Final application for License	April 2007	Incorporates comment on Draft Application

Minor Documents and Correspondence.

Throughout the licensing process, GDHC will communicate frequently with Participants, individually and collectively. These communications may include written material such as meeting notices and summaries or other small documents relevant to the communications. Minor documents (with exception of Status Reports) will become part of the public record after review, editing and approval by participating parties. Transfer of minor documents will be primarily in the form of e-mail, often with attached files, and via the Licensing Website (Table 2). GDHC will follow certain e-mail transmittals with a phone message check to assure that the messages were received and in readable format.

Table 2. Document Transfer and Availability

Document Type	Primary Source	Backup Source
Meeting Notices	Web and e-mail with Attachment	Hard-copy*
Meeting Summaries	Web and e-mail with Attachment	Hard-copy
Correspondence**	Web or e-mail with Attachment	Hard-copy
Status Reports	Web or e-mail with Attachment	Hard-copy

*Hard-copies of all documents will be available by request.

**GDHC will maintain a Tracking File to document all Project-related incoming and outgoing correspondence and other communications. The Tracking File will be updated monthly and will be available on the Licensing Website.

COMMUNICATIONS PROTOCOLS

In this section, we describe conditions governing communications among licensing Participants. The Protocols are intended to assure that interactions are appropriate, effective and properly documented.

Written Communications.

All written communications that need to be part of the public record, including comment letters, progress reports, fax communications, meeting summaries, and teleconference summaries, or in which any party intends to become part of the formal record, should be mailed to:

Steven C. Marmon, Project Manager
Gibson Dam Hydroelectric Co., LLC
3633 Alderwood Ave.
Bellingham, WA 98225

All written communications must have the following clearly displayed on the first page, preferably in the “Subject” line of the correspondence:

Gibson Dam Hydroelectric Project (FERC No. 12478)

Written communications must display deadlines for comments or other actions (when applicable) and should reference the corresponding activity of the licensing process associated with the written communication (for example., “Comments on Scoping Document I”, “Summary of Study Planning Meeting”, etc.) in the “Subject” line of the correspondence. Communications must indicate where to submit responses, when applicable. Copies of all written communications will be placed in the Public Reference File. A distribution mailing list will be sent with each formal correspondence or document that shows all recipients who were sent a copy.

The Commission will from time to time advance the number following the Project number to indicate a different licensing action phase (for example, FERC No. 12478-001, 12478-002, etc.) Participants should check Commission and GDHC correspondence closely to assure that the proper Project numbers are identified when referencing a particular document.

Teleconference Communications

Periodic teleconference calls among licensing Participants and/or the FERC may occur on an “as-needed basis”. If possible given time and workload constraints, Participant contact with the FERC on substantive issue should be briefly summarized and distributed to the Participant list. Participants will be noticed and given the opportunity to participate in any communications GDHC makes with the FERC on substantive matters concerning the licensing. Documentation of teleconference calls between GDHC and the FERC will be included in the Public Reference File, with a summary written by the party initiating the call.

Inter/Intra Resource Agency Staff Communications.

Written communications, meetings, telephone conversations, or other types of communications within or between State or Federal resource agency staff concerning the Gibson Dam Project licensing are not subject to the scheduling, notification, and documentation requirements of previous sections this CP. It is understood that such communications will not be part of the licensing record unless they are submitted to the Commission by a participating agency. However, in the spirit of openness reflected in this CP, GDHC encourages agencies to submit records of such meetings and communications to the Contact Address on page 6 as often as possible during the licensing.

Communication with Commission Staff

We believe that it is FERC's intent not to limit communications with staff prior to the time that the license application is accepted by FERC. After the application is accepted and if ex-parte rules are invoked, the FERC staff will advise all parties that it cannot discuss the merits of the licensing with any party individually; all discourse regarding the merits of the Project must be held in conferences to which all parties have been invited. FERC staff may, however, discuss procedural issues with Participants. We therefore expect ex-parte communication to be managed and documented by FERC staff as appropriate.

Oral Communications and e-mails.

Oral communications (i.e. telephone conversations) between GDHC and any Participant will be documented by GDHC in writing (see "Contact Logs", below) if communications regard substantive aspects of the project licensing. Similarly, e-mails between GDHC and any Participant on substantive Project aspects will also be documented. All written communications distributed by parties to the protocol shall enclose or attach a distribution list for that communication that identifies all recipients of that communication. The cc list on an e-mail message can serve as the distribution list.

Contact Logs

Contact log sheets will be utilized to document all oral communications among the Participants, if between an agency and GDHC or the FERC. A contact log sheet will also be kept of communications between the FERC and GDHC. Contact log sheets will include all information pertinent to the communication, [(i.e., individual(s) involved, title(s), date of communication, subject of communication, issues discussed, action to be taken)]. GDHC requests that all substantive communications be summarized via e-mail or letter, to the extent practicable.

DISPUTE RESOLUTION

we believe that dispute resolution should be an ongoing part of consultation and that only in cases in which the dispute has become intractable should some defined procedure be undertaken. Our experience has been that, with sufficient communication and negotiation, disputes may be avoided or resolved in almost all cases.

If, however, disputes on study plans, impact analysis methods and other technical issues occur and cannot be resolved, the situation will be brought to FERC's attention. If the participants are unable to resolve such disputes, current FERC licensing guidelines may require resolution by the Director of the Office of Energy Projects (OEP).

Disputes between an agency and the FERC on measures to Protect Mitigate and Enhance construction or operating conditions are addressed under Federal Power Act (FPA) Sections 10(a) and 10(j) in a formal dispute resolution process undertaken by the FERC. Any such dispute resolution will proceed under full notification from the FERC as to the process, schedule and responsibilities of the parties involved.

SEMI-ANNUAL PROGRESS REPORTS

GDHC will file with the Commission every six (6) months, a progress report that will summarize the Project status at the end of the previous 6-month reporting period. Each report will include the following for the forgoing 6-month period:

- An updated log of oral and written communications;
- Descriptions of all major action taken on the project;
- Copies of all comment letters and other written correspondence, including those with the Commission staff;
- Copies of all meeting summaries and teleconferences call records, including those with Commission staff;
- Schedule for the next 6-month licensing period, including action items;
- Other information pertinent to the licensing.

Each 6-month progress report will be placed in the Project Public Reference Files and on the Licensing Website. Each Participant will receive a copy of the cover letter submitting the progress report to the Commission along with a log of all communications filed for that period. Any Participant may request a copy of any item on the log from GDHC.

COMMUNICATIONS PROTOCOL APPROVAL

GIBSON DAM HYDROELECTRIC PROJECT

FERC No. 12478

I have read and agree to follow this Communications Protocol proposed by GDHC and Borough of Sitka Electric Department to guide communications and information exchange between the Participants in the ALP for the Project .

SIGNATURE:

AGENCY/ORGANIZATION:

DATE:

I accept the conditions of this communication protocol

I do not accept the conditions of this communication protocol

Reasons, if any: _____

Please mail to:

Steven C. Marmon, Project Manager
Gibson Dam Hydroelectric Co., LLC
3633 Alderwood Ave.
Bellingham, WA 98225