

## **RESOLUTION NO. 1775**

### **A RESOLUTION SUPPORTING A PROCESS TO EVALUATE POTENTIAL ENLOE DAM REMOVAL**

**WHEREAS**, on July 9, 2013, the Public Utility District No. 1 of Okanogan County (the District) received a license from the Federal Energy Regulatory Commission (FERC) authorizing the District to generate electricity from Enloe Dam, and

**WHEREAS**, on November 19, 2018, the District decided against pursuing generation at Enloe Dam “based on the complexity, risk and considerable cost involved in restoring power generation” and “in the best interests of the ratepayers, considering the current availability of cheaper sources of power,” and

**WHEREAS**, on August 13, 2019, FERC terminated the District’s license, and

**WHEREAS**, the District has memorialized criteria under which it would consider dam removal in a letter dated July 21, 2014, as well as on its website, including the requirement that any dam removal proposal would need to provide (1) a lead agency that would take all responsibility and liability for removal of Enloe Dam, (2) a firm source of funding that would pay for all costs associated with removal of Enloe Dam, and (3) a comprehensive and independent feasibility assessment that collects and evaluates scientific data for removal of Enloe Dam, including, but not limited to a comprehensive sediment analysis approved by the Washington State Department of Ecology, determination of whether anadromous fish can pass above Enloe Dam, plan for management of new fish populations, delineation of suitable habitat for fish above Enloe Dam with current data, approval from the Canadian Government to allow new fish populations, and a scoping process for the public and interested parties, and

**WHEREAS**, the District has not been able to support past and current efforts by dam removal proponents that are fragmented, non-comprehensive, and advocacy based, as it is imperative that the District’s decision-making is informed by independent analyses that satisfy the District’s criteria and meet a true public interest test, and

**WHEREAS**, the District has recently been presented a memorandum (herein, “Memo”) funded by Resource Legacy Fund and drafted by attorney Richard Roos-Collins dated May 10, 2022, describing a process to evaluate removal of Enloe Dam, and

**WHEREAS**, the Memo analyzes potential liabilities arising from dam removal along with strategies to avoid and manage such liabilities through a three-phase process: Design Phase, Permitting Phase and Implementation Phase, and

**WHEREAS**, the Memo recommends that a Project Manager undertake a Feasibility Study in the Design Phase to gather information to determine feasibility, develop a comprehensive plan as necessary for permitting and liability management, and determine cost and funding availability, such that at the end of the Design Phase a go/no-go decision can be made regarding removal of Enloe Dam, and

**WHEREAS**, The Board finds that the process described in the Memo is consistent with the District's criteria regarding proposals to engage in discussions regarding removal of Enloe Dam and desires to authorize District staff to collaborate with the Project Manager in undertaking the Feasibility Study described in the Memo.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of Public Utility District No. 1 of Okanogan County, after review of Richard Roos-Collins' Memo dated May 10, 2022, hereby determines that the process described in the Memo is consistent with the District's criteria for proposals to evaluate the removal of Enloe Dam.


**BE IT FURTHER RESOLVED** that District staff is authorized to collaborate with the Project Manager on the Design Phase of a Feasibility Study to evaluate removal of Enloe Dam, as such Enterprise is described in Richard Roos-Collins Memo dated May 10, 2022, and that staff is further directed to provide progress updates to the Commission at regular intervals. Specific requirements of the Memo essential to the District's ability to effectively collaborate on this process are:

- That a Project Manager acceptable to critical stakeholders will serve as a single point of contact for the District, and that the Project Manager will be responsible for facilitating a disciplined process and organizing the structure for stakeholder participation.
- That the Project Manager engages an engineering firm that has the capacity to serve as the prime contractor, and that will prepare a project design that advances beyond conceptual to a material level of completion. The firm should manage all aspects of the design phase and also have extensive experience in dam removal to ensure that an independent, credible approach is developed that can withstand peer review.

**BE IT FURTHER RESOLVED** that the District acknowledges this Resolution may be used as support for obtaining design phase funding as long as the grant proposal is consistent with the above-listed criteria.

**ADOPTED BY THE COMMISSION OF PUBLIC UTILITY DISTRICT NO. 1 OF OKANOGAN COUNTY, WASHINGTON**, at an open public meeting this 25th day of July 2022.

  
Jerry Asmussen, President

  
William C. Colyar, Vice President

ATTEST:

  
Scott Vejraska, Secretary

APPROVED as to form:

  
Heidi E. Appel, General Counsel