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March 3, 2006

*Submitted via email per Ecology request to:  
dpee461@ecy.wa.gov*

David Peeler  
Water Quality Program Manager  
Washington State Department of Ecology  
P.O. Box 47600  
Olympia, WA 98504-7600

**SUBJECT: Avista's Comments RE: Washington Department of Ecology's January 2006 Spokane River Water Quality Managed Implementation Plan Draft Proposal**

Dear Mr. Peeler:

Avista appreciates this opportunity to provide comments on the Department of Ecology's January 2006 Spokane River Water Quality Managed Implementation Plan Draft Proposal (MIP Draft Proposal). Avista has participated in the Spokane River Collaboration over the past year in the hope that the end result would be a comprehensive, watershed-based agreement addressing dissolved oxygen (DO) issues in the Spokane River and Lake Spokane. We understood that this was the goal of all the participants, including Ecology, and were pleased to join in a comprehensive proposal submitted by the Spokane River NPDES Permit holders, which outlined a multi-jurisdictional, multi-faceted, coordinated plan to create a healthier Spokane River.

We appreciate Ecology's efforts to refine certain elements of that implementation scenario in its MIP Draft Proposal. At the same time, we believe the TMDL presents an opportunity to help resolve DO issues within a broader watershed context. To that end, Avista's preference is that the link and coordination between the TMDL process and the relicensing process be made explicit where possible. Avista believes the on-going collaborative TMDL process provides an appropriate forum and unique opportunity to address DO issues of concern in a holistic and comprehensive way, potentially leading to earlier implementation and better coordination of water quality improvement measures.

As you may recall, Avista proposed to participate in the TMDL implementation scenario submitted last November with the NPDES permit holders in several specific ways.

Summarized below are some of the items reflecting Avista's efforts to provide Ecology with reasonable assurance that the Project will comply with the relevant water quality standards and requirements:

- Implement a reasonable and feasible DO enhancement program for the discharge at Long Lake Dam during the first ten-year phase of the implementation plan;
- Contribute financially to sediment-reduction activities within the non-point source control element of the implementation plan;
- Support efforts to reduce the negative impacts of septic tanks on Lake Spokane DO levels;
- Participate in the joint development of a monitoring program designed to measure progress toward improving the biological health of the Spokane River;
- Assist in developing a plan and engineering recommendations to implement a reasonable and feasible aeration/oxygenation program, if it is found to be necessary, to enhance DO levels in Lake Spokane in order to adequately support the biological health of designated aquatic life uses;
- If requested by Ecology, contribute to a lake aeration/oxygenation program in lieu of the tailrace DO enhancement program, and
- Participate in the development of a Use Attainability Analysis and/or site specific criteria for waterbodies subject to the TMDL that continue to not meet the TMDL targets after implementation of the first phase of measures.

Like the NPDES Permit holders, however, Avista would expect sufficient assurances through this agreement to justify committing to significant voluntary investments in water quality enhancement measures. Without such assurances, prudence requires Avista to defer any such commitments until the Section 401 Certification and federal relicensing processes are completed, which could be longer than this TMDL adoption process.

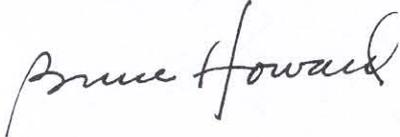
In addition to these general concerns about the MIP Draft Proposal, Avista offers the following comments regarding Ecology's discussion of the instream flow issues related to the TMDL. The MIP Draft Proposal should clarify that a minimum release from Post Falls Dam, located in Idaho, is being considered within the context of the Federal Energy Regulatory Commission (FERC) process to relicense the Project. The current license requirement is to release a minimum of 300 cfs or inflow to Lake Coeur d'Alene, whichever is less.

Avista's relicensing proposal is to increase this release to 600 cfs (as measured at the McGuire gage downstream), which would be reduced to 500 cfs in dry years, as indicated by a draft of greater than three inches of Coeur d'Alene Lake during August or early September. Avista also proposed monitoring of downstream flows and water temperatures. CE-QUAL modeling and other analysis during the relicensing consultation process indicated that the minimum flow proposal strikes the appropriate balance between optimizing rainbow trout habitat and avoiding water quality detriment due to temperature increases.

Minimum releases from Post Falls dam may be determined through the 401 Certification process for the Post Falls Dam, or by FERC through the relicensing proceeding. The resulting release requirement may or may not include any prescriptive "adaptive management process."

Avista remains committed to working with Ecology and other Collaboration participants to continue exploring how Avista's participation in the MIP can best achieve our mutual goals of improving the amount of DO in the Spokane River and protecting existing and attainable beneficial uses that form the basis for Washington State and the Spokane Tribe's water quality standards.

Respectfully submitted,

A handwritten signature in black ink that reads "Bruce Howard". The signature is written in a cursive style with a large, prominent initial "B".

Bruce Howard

cc: Bill Ross  
John Spencer