



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
Spokane District  
Wenatchee Field Office  
915 Walla Walla Avenue  
Wenatchee, Washington 98801

IN REPLY REFER TO:

August 3, 2015

Okanogan PUD Board of Commissioners  
P.O. Box 912  
Okanogan, WA 98840

Certified Return Receipt: 7009 2820 0000 6696 9006

Dear Okanogan PUD Board of Commissioner:

On April 10, 2015, we sent our Regional Pacific Northwest Solicitors Office a memorandum and supporting materials asking for legal advice regarding whether the Bureau of Land Management (BLM) is responsible for removing Enloe Dam (the Dam) if the current owner, Okanogan Public Utilities District (Okanogan PUD), decides to decommission the Dam.

Our question was whether removal of the Dam is BLM's responsibility because the Dam is located on BLM administered land within the boundary of the hydroelectric project licensed by the Federal Energy Regulatory Commission (FERC) and within the BLM right-of-way (ROW) for the project. The most current ROW was issued on November 1, 2013 to the Okanogan PUD for the Enloe Hydroelectric Project (WAOR-45490), pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C § 1761).

Based on all available information (current and historical) and solicitor opinion, BLM has determined that the current ROW grant clearly answers this question. In the event that FERC were to issue an order decommissioning the Project, the ROW could be "terminated," at which point the plain language of the ROW would direct that Okanogan PUD would have the obligation to remove the Dam (and other structures) and to restore the land to its original condition.

"Upon termination of the grant, whether by default, abandonment, or the running of the term, Holder shall remove its personal property or improvements of any kind and restore the land to its original condition, within six months. Improvements not removed shall be considered abandoned and disposed of accordingly. Holder shall remain liable for costs of removal and/or restoration of the land."

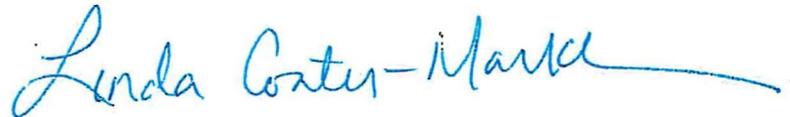
BLM has also determined that although the Dam was constructed prior to the current ROW and by an entity other than Okanogan PUD, this is immaterial to Okanogan PUD's obligations to remove the Dam under the current ROW. The ROW authorizes Okanogan PUD to continue to occupy public lands with the Dam and to operate the Dam, and also clearly requires it to remove the Dam upon termination of the ROW.

Please note that given these determinations, BLM would still very much want to be involved in any decommissioning that occurs before FERC. We would expect that our involvement would lead to

collaborative outcomes that may benefit any resources that we, and other partners, would wish to protect or improve during any such decommissioning.

As previously stated to the Okanogan PUD Board of Commissioners, BLM stands ready to support the Okanogan PUD in whichever direction it decides to take with respect to the Enloe Dam (whether electrification or decommission).

Sincerely,



Linda Coates-Markle  
Field Manager

CC

Scott Vejraska

Steve Houston

Ernie Bolz