



August 6, 2009

Files: 0322335 & 4002645

Maureen DeHaan
Generation Resource Management
BC Hydro
6911 Southpoint Dr
Burnaby BC V3N 4X8

Dear Maureen DeHaan:

Re: Seven Mile Power Development – Pend d’Oreille River

Reference is made to your email of August 5, 2009 requesting a variance to the Deputy Comptroller’s Order dated December 18, 2006 which regulates discharges from the Seven Mile Power Development on the Pend d’Oreille River.

Enclosed is my Order, dated today, authorizing additional discharge from the Seven Mile Power Development for one day in August 2009 to allow the safe passage of a barge on the Columbia River.


Section 92 of the *Water Act* gives the recipient of this notice the right to appeal my decision. Information on filing an appeal can be found on the Environmental Appeal Board Web site at: <http://www.eab.gov.bc.ca/>.

A right of appeal from my decision lies to the Environmental Appeal Board. Notice of any appeal must (1) be in writing; (2) include grounds for the appeal; (3) be directed by registered mail to the Chair, Environmental Appeal Board, PO Box 9425 Stn Prov Govt., V8W 9V1 or personally delivered to the office of the board at 4th Floor, 747 Fort Street in Victoria, BC V8W 3E9; (4) be delivered within 30 days of receiving this letter, and (5) be accompanied by a fee of \$25, payable to the Minister of Finance.

Yours truly,

Pieter Bekker
Deputy Comptroller of Water Rights

Enclosure

Ministry of Environment	Office of the Deputy Comptroller of Water Rights Water Stewardship Division Management and Standards Branch Website: www.cnv.gov.bc.ca/wsd	Mailing Address: PO Box 9340 Stn Prov Govt Victoria BC V8W 9M1 Telephone: 250-952-6791 Facsimile: 250-356-0605	Location: 3 rd Floor, 395 Waterfront Cres Victoria BC V8T 5K7 
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ORDER

Water Act

Sections 87 and 88

File No: 0322335, 4002645

WHEREAS British Columbia Hydro and Power Authority (“BC Hydro”) is the operator of the Seven Mile Power Development, in respect of which it holds Final Water Licences 113790, 113791, 113922 and Conditional Water Licence 111911; and

WHEREAS the total maximum diversion rate authorized under the water licences for Seven Mile Power Development is 1,473 m³/s (52,000 cfs), and

WHEREAS BC Hydro submitted the Seven Mile Project Water Use Plan which recommended operating parameters and procedures for the Seven Mile Power Development to provide fisheries and recreation benefits, and

WHEREAS the Deputy Comptroller of Water Rights accepted the Seven Mile Project Water Use Plan dated December 8, 2006, and

WHEREAS on December 18, 2006, the Deputy Comptroller ordered BC Hydro to regulate discharges from Seven Mile Power Development in accordance with Schedule A of that Order, for the protection of fisheries values.

WHEREAS Schedule A of the December 18, 2006 Order requires BC Hydro, from June 1 to August 31, to make best efforts to limit the instantaneous discharge from Seven Mile Power Development to flows less than the total authorized maximum rate of the Waneta Power Development which is 931.9 m³/s (32,910 cfs.)

WHEREAS BC Hydro has made a specific request to exceed the maximum authorized discharge capacity of Waneta Power Development to allow the safe passage of a barge transporting power generation equipment up the Canadian Section of the Columbia River, and

WHEREAS the discharge from Seven Mile Power Development is anticipated to exceed the maximum authorized discharge at Waneta Power Development by 5,000 cfs for a period of 4 to 6 hours on the day the barge is scheduled to pass Garden Rapids.

WHEREAS the barge arrival has been delayed by approximately one week.

I HEREBY ORDER THAT:

The order issued July 31, 2009 is revoked.

For an approximately 4 to 6 hour period on a day between August 10 and August 24, 2009, the discharge from BC Hydro's Seven Mile Power Development may exceed the maximum authorized discharge at Waneta Power Development by an anticipated 5,000 cfs to provide safe passage for a barge transporting power generation equipment on the Columbia River.

The ramp-up and ramp-down rate is not to exceed 1,250 cfs every 15 minutes.

With respect to the maintenance and provision of records, BC Hydro must:

- a) Keep records of:
 - i. Actual inflows to Seven Mile Reservoir;
 - ii. Daily and hourly Seven Mile Reservoir elevations;
 - iii. Seven Mile turbine discharge;
 - iv. Total discharge from Seven Mile Power Development;

- b) Provide a written report to the Comptroller within 30 days of exercising the authority granted in this Order, summarizing the records for the day the barge passed by Garden Rapids, two days previous and two days following.

BC Hydro must conduct fish and fish habitat monitoring activities as follows:

- Monitoring of suspended larval sturgeon, prior to, during, and following the additional release of water (if required) through the use of passive D-ring drift nets, as currently being implemented in the Waneta area by Golder Associates Ltd.;
- TGP spot measurements upstream and downstream of Waneta Dam prior to, during, and following the additional release of water (if required) to confirm or deny TGP levels as a result of spill.

Results must be summarized in memo format, and provided to fisheries agencies and the Comptroller upon finalization.

DATED at Victoria, British Columbia, this 6th day of August 2009.



Pieter Bekker
Deputy Comptroller of Water Rights