BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Petition of PUGET SOUND ENERGY For an Accounting Order Authorizing Accounting Treatment Related to Payments for Major Maintenance Activities	DOCKET UE-130583 *(Consolidated)*
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION, Complainant, v. PUGET SOUND ENERGY Respondent.	DOCKET UE-130617 *(Consolidated)*
In the Matter of the Petition of PUGET SOUND ENERGY For an Accounting Order Authorizing Accounting the Sale of the Water Rights and Associated Assets of the Electron Hydroelectric Project in Accordance with WAC 480-143 and RCW 80.12..	DOCKET UE-131099 *(Consolidated)* Declaration of Russell C. Ladley
In the Matter of the Application of PUGET SOUND ENERGY, INC., For an Order Authorizing the Sale of Interests in the Development Assets Required for the Construction and Operation of Phase II of the Lower Snake River Wind Facility.	DOCKET UE-131230 (*Consolidated*) DECLARATION OF RUSSELL C. LADLEY

Law Office
PUYALLUP TRIBE
3009 PORTLAND AVENUE
TACOMA, WA 98404
(253) 573-7877

1 Russell C. Ladley, under penalty of perjury, declares as set forth below:

2 I am over the age of 18 years and competent to be a witness herein.

3 I am the Resource Protection Manager in the Department of Fisheries for the Puyallup Tribe of Indians. I have worked in the Fisheries Department for the Tribe for twenty-six years. I have been conducting salmonid research, monitoring and associated field work at Electron and the associated drainages and habitat areas for twenty-six years. I make this declaration based upon my training and experience as the Resource Protection Manager for the Puyallup Tribe, my direct knowledge of the Resource Enhancement Agreement ("REA") and the negotiations leading up to the execution of the REA, and my direct personal knowledge of the conditions and operations at Electron Dam and its associated facilities.

4 The Electron Facility presents a particular challenge to operators of the facility for several site specific conditions including, but not limited to, a high silt and bed load volumes, high gradient and significant flood risk with large debris, and the presence of three species listed under the Endangered Species Act.

5 Due to the complicated site and habitat conditions, there are a significant number of additional costs associated with operating the Electron Facility.

6 The sediment and debris load in the river leads to the fish ladder needing consistent cleaning approximately two times a year. Each time it needs to be cleaned of debris, which could be even more in heavy precipitation years, costs $3,000 - $5,000. See Attachment 1.

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7 During years of high flows or a significant flood, access to the fish ladder gets washed out and the only access road needs to be repaired. Since the execution of the REA, flood years have happened on three occasions. Attached as Attachment 2 is the costs associated with one road washout totaling $250,000. Currently there are three areas along the access road that are in danger of washout and damage significant enough to block access, requiring repair, should the river experience high or a flood flow.

8 The sediment load in the river also gives rise to a need for the operator to excavate sediment around the dam.

9 The flume, although it is currently in need of replacement, remains at risk of damage and washout due to the steep and unstable slopes surrounding its location. In my recollection this has happened roughly half a dozen times since the execution of the REA.

10 The operator must also develop a reliable gauging system to measure the minimum instream flow required below the diversion. During the entire life of the REA, the gauging system has not been effective.

11 Part of the downstream trap and haul operations requires PSE to constantly maintain operations in the facility's forebay. A large part of the maintenance involves cleaning off the net that isolates the forebay and prevents fish from entering the penstocks where they will be pulverized. The net has a large surface area and requires cleaning every few days or even more often depending on the sediment and debris delivery rates. In addition to cleaning, holes in the net must be repaired often and immediately to prevent fish from entering the penstocks or becoming trapped in the forebay. If regular maintenance is not done, the net becomes ineffective as it is riddled with holes and becomes silted in to the bottom.

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12 The net is the primary apparatus designed to prevent fish from migrating into an area of the forebay where they are drawn into the penstocks and experience certain death. Furthermore, fish migrating beyond the net that do not enter the penstocks can have their migration delayed for significant periods of time as they become trapped in the forebay, which can contribute to reduced survival rates and/or mortality.

13 Furthermore, operations at the downstream trap and haul require skilled and trained staff. Preferably a Fisheries Biologist. As part of the REA, PSE and the Tribe, through a meeting of the joint technical committee, agreed to identify and count all listed species that entered the forebay and its fish trap. This includes both adult and juvenile fish and this requires biological training. It is my understanding that none of the individuals working under Electron LLC and who are responsible for operations have such experience or training. This type of monitoring will also be required under any permits obtained, which are currently lacking, to comply with the Endangered Species Act.

14 In addition to daily operations, the forebay is periodically drained during facility maintenance outages to remove sediment. This is not only a sediment management expense, but requires significant staffing to prevent fish mortality during the times the water is lowered.

15 I am familiar with other projects related to Electron Hydro LLC's principals. The preliminary permit issued for White River Hydro, LLC, was cancelled by FERC in September 2013 for failure to submit the progress reports required under the permit. This information is available on FERC's website. Black Canyon Hydro's preliminary permit is still in the approval process which typically require significant studies being performed as

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to feasibility and impacts and mitigation requirements. . Black Creek Hydro is a small, 3.8 megawatt facility that lacks any of the challenges of the Electron Dam, as described above.

16 The Puyallup Tribe receives an annual payment from PSE to cover fisheries mitigation expenses including, rearing, tagging, transport and monitoring. These payments have been adjusted annually on a CPI index. The payment given in 2014 was $274,015.

17 I certify under penalty of perjury under 28 U.S.C. § 1746 that the foregoing is true and corrected. Signed at Tacoma, Washington within the Puyallup Reservation this 27th day of August, 2014.

Russell C. Ladley
Resource Protection Manager
Puyallup Tribe of Indians

LAW OFFICE
PUYALLUP TRIBE
3009 PORTLAND AVENUE
TACOMA, WA 98404
(253) 573-7877

Menzel Road Building Company

P.O. Box 207
(360) 897-6875
South Prairie, WA 98385

Date	Invoice #
4/12/2012	2012-1027

Bill To	Ship To
Russ Ladley Puyallup Tribe of Indians Fisheries Department 6824 Pioneer Way East Puyallup, WA 98371	

Terms	Project

Description	Qty	Rate	Amount
60 TON LOWBOY March 28th: Move in the 270 excavator from the Eatonville Tree Farm to the junction of the 62 road and the 51 road, 3 1/2 hours April 11th: Return the 270 excavator to Eatonville, 3 1/2 hours TOTAL HOURS: 7	7	135.00	945.00
JD 270LC EXCAVATOR March 28th: Walk machine in from the gate on the 62 road. Clear logs, brush and debris to fish ladder from access road, 3 1/2 hours April 2nd: Remove debris grate and begin cell excavation, 3 hours April 3rd: Finish excavating the cells. Load generator, 6 1/2 hours April 4th: Excavate river channel at the inlet of the ladder. Place debris grate. Walk machine back out to the gate for lowboy pickup, 3 1/2 hours (NOTE: Access road looked to soft to risk damaging access road.) TOTAL HOURS: 16 1/2	16.5	126.00	2,079.00
LABORER March 28th: 2 men. Load trash pump, welder, tools, and supplies and move in from the King Creek shop. Assist operator clearing brush and debris from the access road. Weld flat plate to the bucket teeth. Prep for cell excavation. Pickup 4"x6" beams from hardware store for inlet sealing, 12 1/2 hours April 2nd: 2 men. Remove debris grate. Hand shovel rock from down stream inlet. (Note: Excavator could not reach here because of bad angle. Rock and debris was 4 feet deep.) Place 4"x6" beams and seal off inlets, 13 hours April 3rd: Place and operate trash pump. Spot operator during cell excavation. Disconnect generator and assist operator loading it. Transport generator to the King Creek shop, 6 1/2 hours April 4th: Assist operator placing debris grate. Pull 4"x6" beams from inlets. Load trash pump and tools and return to shop. Haul your generator to the Puyallup Fish Hatchery, 10 1/2 hours TOTAL HOURS: 42 1/2	42.5	48.00	2,040.00
		Balance Due	$5,064.00

Southworth
& Sons, Inc.

General Contractor
Lic. #SO-UT-HI*212JD

50620 Enumclaw Chinook Hwy.
Enumclaw, WA 98022-2016
(360) 663-2215
FAX (360) 663-2571

COPY

Invoice

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Date:	11-15-13
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Sold To:
PUYALLUP TRIBE OF INDIANS
3009 E PORTLAND AVE
PUYALLUP, WA 98404
ATTN: RUSS LADLEY

Ship To:
62 ROAD
FISH POND INTAKE CLEANOUT

ITEM	QUANTITY	UNIT	DATE	DESCRIPTION	UNIT PRICE	AMOUNT
1	5.0	HRS		MOBILIZATION IN/OUT	120.00	600.00
2	8.0	HRS		EXCAVATOR - JOHN DEERE 200	125.00	1000.00
3	8.0	HRS		LABORER	50.00	400.00
				SUBTOTAL	295.00	2000.00
				WSST @ 7.9%		158.00

COMMENTS:

TOTAL $2,158.00