

CITY OF SPOKANE DEPARTMENT POLICY AND PROCEDURE	DEPT 4100-13-06 LGL 2011-0007
TITLE: UPRIVER DAM BOAT LAUNCH EFFECTIVE DATE: February 1, 2011 REVISION EFFECTIVE DATE: March 22, 2013	

1.0 GENERAL

1.1 The City Water & Hydroelectric Services Department owns and manages the Upriver Dam facility located at 2701 North Waterworks Street, Spokane, Washington. The City of Spokane owns and manages a boat launch in order to inspect and maintain the dam facility. The boat launch is not a public access to the Spokane River.

1.2 TABLE OF CONTENTS

- 1.0 GENERAL
- 2.0 DEPARTMENTS/DIVISIONS AFFECTED
- 3.0 REFERENCES
- 4.0 DEFINITIONS
- 5.0 POLICY
- 6.0 PROCEDURE
- 7.0 RESPONSIBILITIES
- 8.0 APPENDICES

2.0 DEPARTMENTS/DIVISIONS AFFECTED

This policy shall apply to the Upriver Dam section of the Water & Hydroelectric Services Department, specifically the boat launch area within the Upriver Dam Facility.

3.0 REFERENCES

Not Applicable.

4.0 DEFINITIONS

Not Applicable.

5.0 POLICY

- 5.1 It is the policy of the Water & Hydroelectric Services Department to promote safety on the Spokane River and at the Upriver Dam facility. The Upriver Dam Facility generates over seventy million (70,000,000) kilowatts of electricity annually and is licensed by the Federal Energy Regulatory Commission (FERC). The Upriver Dam is designated as Critical Energy Infrastructure. The Water & Hydroelectric Services Department is required to comply with and maintain safety regulations under its FERC license. FERC safety requirements recommend no public access to waters downstream of boat barriers located upon a spillway.
- 5.2 The Water & Hydroelectric Services Department maintains the Upriver Dam Boat Launch in order to inspect and maintain the dam facility as well as for emergency access. The boat launch is not a public access to the Spokane River.
- 5.3 The Spokane River is a dangerous river, its flow is fast and seasonally unpredictable. The historical data establishes the "Upriver Dam Reservoir as not a safe area in which to invite the public to become involved in aquatic recreation."
- 5.4 After the closure of Boulder Beach, the Water & Hydroelectric Services Department granted limited use of the Upriver Boat Launch to persons who had pre-existing mooring facilities located on their property abutting the Spokane River, upstream of the Dam. Access has been permitted for putting in boats one time in the spring and taking them out one time in the fall.
- 5.5 The policy of the Water & Hydroelectric Services Department is to limit access to the river from the Upriver Dam Boat Launch. No new access permits will be granted.
- 5.6 It is the policy of the Water & Hydroelectric Services Department to limit and phase out public access to the Spokane River from the Upriver Dam facility by fall 2013.

6.0 PROCEDURE

- 6.1 All permission for launching boats from the Upriver Dam Boat Launch shall be terminated by fall 2013. As of fall 2013, no public boat launching will be allowed.

12-17-12

- 6.2 Property owners seeking access between January 1, 2013 and fall 2013, must verify their status as a property owner upstream from the Upriver Dam as of February 1, 2011.
- 6.3 All property owners seeking access must complete and abide by the terms contained in the attached Upriver Dam Boat Launch Permission & Policy. Permission is limited to put in once in the spring and take out once in the fall, until fall 2013, when all permission for any property owners will be terminated. Any violations of the Upriver Dam Boat Launch Permission & Policy will result in immediate termination and revocation of permission to use the Boat Launch.
- 6.4 Permission for access is non-transferrable and can be revoked without cause. Once a current property owner transfers in any way their interest in the real property, or ceases to use their mooring facilities, this permission is terminated and shall not be renewed in the future.
- 6.5 During the wind down period, from January 1, 2013 until fall 2013, any property owner seeking access shall request access in advance so adequate security can be provided by the Water & Hydroelectric Services Department, at no additional expense to the Water & Hydroelectric Services Department. All required staff shall be City of Spokane Water & Hydroelectric Services Department staff.

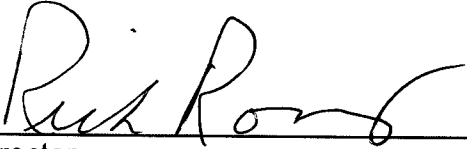
7.0 RESPONSIBILITIES

The City of Spokane Water & Hydroelectric Services Department shall administer this policy.

8.0 APPENDICES

- Upriver Dam Boat Launch Permission & Policy

APPROVED BY:

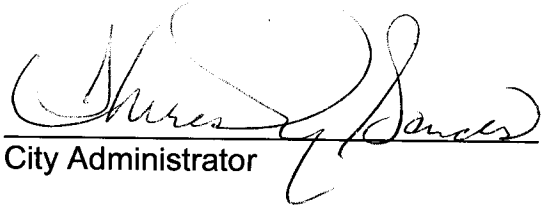


Director
Utilities Division

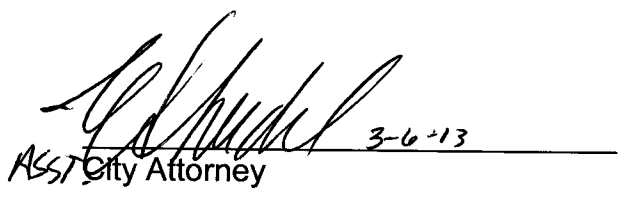
3/7/13

Date

12-17-12


City Administrator

3/1/2013
Date

 3-6-13
ASSY City Attorney

3-6-13
Date

UPRIVER DAM BOAT LAUNCH PERMISSION & POLICY

1. SITE/PREMISES: The Upriver Dam Boat Launch is not a public access. It is owned and operated by the City of Spokane for the City of Spokane Water & Hydroelectric Services Department Personnel to access the Upriver Dam. The Upriver Dam Premises are located at 2701 N. Waterworks Avenue, Spokane WA 99212. The term "City" herein includes the City of Spokane, the City Water & Hydroelectric Services Department, and their officers, agents or employees.

2. ACCESS: This has been limited to property owners with pre-existing mooring facilities upstream of the Dam. Owners are permitted to launch one boat in the spring and take one boat out in the fall. This access is non-transferrable and has only been granted to current property owners as of the date of the initial policy. **ALL PUBLIC NON-CITY ACCESS WILL BE TERMINATED BY FALL 2013.**

3. BOAT OWNER REQUESTING ACCESS

_____ ["Permittee"] desires to launch one boat using the City of Spokane's Upriver Dam boat launch. Permittee understands this site is not open to or accessible by the public, and is property reserved solely for Water & Hydroelectric Services Department/City exclusive use. Permittee understands that the City has made no effort to assure the suitability or safety of the site for Permittees' purposes.

4. PERMISSION: Permission is granted for one launch/take out per year per boat per property owner. Any exception due to an unforeseen emergency must have advance written approval of the Water Director. This permission policy must be signed annually and verification of current property ownership must be established annually by a copy of the ownership deed and positive identification. **ANY GRANTED PERMISSION WILL TERMINATE BY FALL 2013.**

THIS PERMISSION IS NON-TRANSFERRABLE, CAN BE REVOKED WITHOUT CAUSE, AND WILL TERMINATE BY FALL 2013.

5. CONDITIONS: By signing this form, Permittee hereby agrees to accept the following conditions:

- A. Permittee agrees to abide by all applicable local, state and federal laws and requirements in connection with the enjoyment of this permission granted herein.
- B. Permittee accepts full and complete responsibility for his/her actions or omissions, and those of any other parties on the Site with them.
- C. Permittee promises to take all precautions for his/her own safety and anyone else on site with them and promise at all times to use the premises in a safe and sanitary manner.
- D. Permittee has made a full inspection of the premises and accepts the same in existing condition "as-is", without warranty of suitability and waive all claims for loss or liability for bodily injury or property damage against the City in connection with enjoyment of permission granted.
- E. Permittee agrees to indemnify the City from all risk of loss or liability in connection with Permittees' enjoyment of permission granted. This indemnification extends to claims of Permittee as well as anyone with them and any and all other third party claims to the extent permitted by law.
- F. Permittee agrees to provide the City advance written notice of any special needs or conditions.
- G. Permittee agrees to pay any billings therefore within thirty (30) days, unpaid balances to accrue interest at one percent (1%) per month after thirty (30) days.

6. VIOLATIONS: Any violation of this policy will result in immediate termination and revocation of permission to use the Boat Launch.

12-11-12

7. NON-TRANSFERRABLE PERMISSION: This permission is granted to the undersigned individual(s) who has verified his/her status as a property owner upstream from the Upriver Dam as of February 2011 only. This permission does not run with the property. Once the property owner transfers in any way his/her interest in the property or ceases to use the mooring facilities on his/her property, this permission is terminated and shall not be renewed in the future.

I UNDERSTAND THE TERMS AND CONDITIONS CONTAINED IN THE UPRIVER DAM BOAT LAUNCH PERMISSION AND POLICY AND AGREE TO ABIDE HEREWITH.

I ALSO UNDERSTAND THAT I HAVE BEEN GIVEN NOTICE THAT ANY PERMISSION TO USE THE UPRIVER DAM BOAT LAUNCH WILL TERMINATE BY FALL 2013.

DATED: _____

PERMITTEE: _____

NAME PRINTED: _____

ADDRESS: _____

PHONE: _____

EMAIL: _____

PERMITTEE: _____

NAME PRINTED: _____

ADDRESS: _____

PHONE: _____

EMAIL: _____

APPROVED: _____
Name/ Signature

Approved at to Legal Form:

TITLE: _____
City of Spokane Water &
Hydroelectric Services Department

Assistant City Attorney

DATE: _____

VERIFICATION: _____
(Attach a copy of the verification to this permission form)

20____ launch/take out permission is for the following schedule:

TIME OF LAUNCH/TAKE OUT: _____.

Permission may be revoked by the City Water & Hydroelectric Services Director at any time without cause.