

APPENDIX B

**COMPLETE SET OF LICENSE
ARTICLES AND AMENDMENTS**

Current License Articles

The license for the Toledo Bend Project currently contains 57 separate license articles. FERC, through various orders amending the Toledo Bend Project, has added and modified various license articles governing the construction, operation and maintenance of the Toledo Bend Project. The initial license issued on October 14, 1963, included the standard terms and conditions of form L-6 (December 15, 1953) except for Articles 7, 14, 17, 23, 24, and 25. Additionally, the FERC added special condition articles 28 – 47 to the original license. Articles 49-54 were added to the license on April 21, 1967. Articles 55 – 56 were added to the license on February 26, 1968. On July 23, 1970, Article 57 was added to the Toledo Bend license. Article 58 was added to the license on May 23, 1979, the Article was then modified in subsequent orders dated October 21, 1979 and October 9, 1981. Articles 301-303 and 401-402 were made part of the license by an order dated August 8, 1986.

The standard article of Form L-6, Terms and Conditions of License for Unconstructed Major Project Affecting Navigable Waters and Lands of the United States, revised as of December 15, 1953, are part of the license, except those noted above.

Article 1: The entire project, as described in the order of the Commission, shall be subject to all the provisions, terms, and conditions of the license.

Article 2: No substantial change shall be made in the maps, plans, specifications, and statements described and designated as exhibits and approved by the Commission in its order as a part of the license until such change shall have been approved by the Commission. Provided, however, that if the Licensee or the Commission deems it necessary or desirable that said approved exhibits, or any of them, be changed, there shall be submitted to the Commission for approval amended, supplemental, or additional exhibit or exhibits covering the proposed changes which, upon approval by the Commission, shall become a part of the license and shall supersede, in whole or in part, such exhibit or exhibits theretofore made a part of the license as may be specified by the Commission.

Article 3: Said project works shall be constructed in substantial conformity with the approved exhibits referred to in Article 2 herein or as changed in accordance with the provisions of said article. Except when emergency shall require for the protection of navigation, life, health, or property, no substantial alteration or addition not in conformity with the approved plans shall be made to any dam or other project works under the license without prior approval of the Commission; and any emergency alternation or addition so made shall thereafter be subject to such modification and change as the Commission may direct. Minor changes in the project works or divergence from such approved exhibits may be made if such changes will not result in decrease in efficiency, in material increase in cost, or in impairment of the general scheme of development; but any of such minor changes made without the prior approval of the Commission, which in its judgment have produced or will produce any of such results, shall be

subject to such alteration as the Commission may direct. The Licensee shall comply with such rules and regulations of general or special applicability as the Commission may from time to time prescribe for the protection of life, health, or property.

Article 4: The construction, operation, and maintenance of the project and any work incident to additions or alterations, whether or not conducted upon lands of the United States, shall be subject to the inspection and supervision of the Regional Engineer, Federal Power Commission, in the region wherein the project is located, or of such other officer or agent as the Commission may designate, who shall be the authorized representative of the Commission for such purposes. The Licensee shall furnish to said representative such information as he may require concerning the construction, operation, and maintenance of the project, and of any alteration thereof, and shall notify him of the date upon which work will begin, and as far in advance thereof as said representative may reasonably specify, and shall notify him promptly in writing of any suspension of work for a period of more than one week, and of its resumption and completion. The Licensee shall allow him and other officers or employees of the United States, showing proper credentials, free and unrestricted access to, through, and across the project lands and project works in the performance of their official duties.

Article 5: Upon the completion of the project, or at such other time as the Commission may direct, the Licensee shall submit to the Commission for approval revised maps, plans, specifications, and statements insofar as necessary to show any divergence from or variations in the project area and project boundary as finally located or in the project works as actually constructed when compared with the area and boundary shown and the works described in the license or in the maps, plans, specifications, and statements approved by the Commission, together with a statement in writing setting forth the reasons which in the opinion of the Licensee necessitated or justified variations in or divergence from the approved maps, plans, specifications, and statements. Such revised maps, plans, specifications, and statements shall, if and when approved by the Commission, be made a part of the license under the provisions of Article 2 hereof.

Article 6: For the purpose of determining the stage and flow of the stream or streams from which water is to be diverted for the operation of the project works, the amount of water held in and withdrawn from storage, and the effective head on the turbines, the Licensee shall install and thereafter maintain such gages and stream-gaging stations as the Commission may deem necessary and best adapted to the requirements; and shall provide for the required readings of such gages and for the adequate rating of such stations. The Licensee shall also install and maintain standard meters adequate for the determination of the amount of electric energy generated by said project works. The number, character, and location of gages, meters, or other measuring devices, and the method of operation thereof, shall at all times be satisfactory to the Commission and may be altered from time to time if necessary to secure adequate determinations, but such alteration shall not be made except with the approval of the

Commission or upon the specific direction of the Commission. The installation of gages, the ratings of said stream or streams, and the determination of the flow thereof, shall be under the supervision of, or in cooperation with, the District Engineer of the United States Geological Survey having charge of stream-gaging operations in the region of said project, and the Licensee shall advance to the United States Geological Survey the amount of funds estimated to be necessary for such supervision or cooperation for such periods as may be mutually agreed upon. The Licensee shall keep accurate and sufficient record of the foregoing determinations to the satisfaction of the Commission, and shall make return of such records annually at such time and in such form as the Commission may prescribe.

Article 8: In the construction and maintenance of the project, the location and standards of roads and trails, and other land uses, including the location and condition of quarries, borrow pits, spoil disposal areas, and sanitary facilities, shall be subject to the approval of the department or agency of the United States having supervision over the lands involved.

Article 9: Insofar as any material is dredged or excavated in the prosecution of any work authorized under the license, or in the maintenance of the project, such material shall be removed and deposited so it will not interfere with navigation, and will be to the satisfaction of the district Engineer, Department of the Army, in charge of the locality.

Article 10: In the construction and maintenance of the project works, the Licensee shall place and maintain suitable structures and devices to reduce to a reasonable degree the liability of contact between its transmission lines, and telegraph, telephone, and other signal wires or power transmission lines constructed prior to its transmission lines and not owned by the Licensee, and shall also place and maintain suitable structures and devices to reduce to a reasonable degree the liability of any structures or wires falling and obstructing traffic and endangering life on highways, streets, or railroads.

Article 11: The Licensee shall make provision, or shall bear the reasonable cost, as determined by the agency of the United States affected, of making provision for avoiding inductive interference between any project transmission line or other project facility constructed, operated, or maintained under the license, and any radio installation, telephone line, or other communication facility installed or constructed before or after construction of such project transmission line or other project facility and owned, operated, or used by such agency of the United States in administering the lands under its jurisdiction. None of the provisions of this article is intended to relieve the Licensee from any responsibility or requirement which may be imposed by other lawful authority for avoiding or eliminating inductive interference.

Article 12: The Licensee shall clear such portions of transmission line rights-of-way across lands of the United States as are designated by the officer of the United States in charge of the lands; shall keep the areas so designated clear of new growth, all refuse, and inflammable material to the satisfaction of such officer; shall trim all branches of trees in contact with or

liable to contact the transmission line; shall cut and remove all dead or leaning trees which might fall in contact with the transmission line; and shall take such other precautions against fire as may be required by such officer. No fires for the burning of waste material shall be set except with the prior written consent of the officer of the United States in charge of the lands as to time and place.

Article 13: Timber on lands of the United States cut, used, or destroyed in the construction and maintenance of the project works or in the clearing of said lands shall be paid for in accordance with the requirements of and at the current stumpage rates applicable to the sale of similar timber by the agency of the United States having jurisdiction over said lands; and all slash and debris resulting from the cutting or destruction of such timber shall be disposed of as the officer of such agency may direct.

Article 15: Whenever the United States shall desire to construct, complete, or improve navigation facilities in connection with the project, the Licensee shall convey to the United States, free of cost, such of its lands and its rights-of-way and such right of passage through its dams or other structures, and permit such control of pools as may be required to complete and maintain such navigation facilities.

Article 16: The Licensee shall furnish free of cost to the United States power for the operation and maintenance of navigation facilities at the voltage and frequency required by such facilities and at a point adjacent thereto, whether said facilities are constructed by the Licensee or by the United States.

Article 18: The United States specifically retains and safeguards the right to use water in such amount, to be determined by the Secretary of the Army, as may be necessary for the purposes of navigation on the navigable waterway affected; and the operations of the Licensee, so far as they affect the use, storage and discharge from storage of waters affected by the license, shall at all times be controlled by such reasonable rules and regulations as the Secretary of the Army may prescribe in the interest of navigation, and as the Commission may prescribe for the protection of life, health, and property, and in the interest of the fullest practicable conservation and utilization of such waters for power purposes and for other beneficial public uses, including recreational purposes; and the Licensee shall release water from the project reservoir at such rate in cubic feet per second, or such volume in acre-feet per specified period of time, as the Secretary of the Army may prescribe in the interest of navigation, or as the Commission may prescribe for the other purposes hereinbefore mentioned.

Article 19: The Licensee shall interpose no objection to, and shall in no way prevent, the use by the agency of the United States having jurisdiction over the lands of the United States affected, or by persons or corporations occupying lands of the United States under permit, of water for fire suppression from any stream, conduit or body of water, natural or artificial, used by the Licensee in the operation of the project works covered by the license, or to the use by said parties of water

for sanitary and domestic purposes from any stream or body of water, natural or artificial, used by the Licensee in the operation of the project works covered by the license.

Article 20: The Licensee shall be liable for injury to, or destruction of, any buildings, bridges, roads, trails, lands, or other property of the United States, occasioned by the construction, maintenance, or operation of the project works or of the works appurtenant or accessory thereto under the license. Arrangements to meet such liability, either by compensation for such injury or destruction, or by reconstruction or repair of damaged property, or otherwise, shall be made with the appropriate department or agency of the United States.

Article 21: The Licensee shall allow any agency of the United States without charge, to construct or permit to be constructed on, through, and across the project lands, conduits, chutes, ditches, railroads, roads, trails, telephone and power lines, and other means of transportation and communication not inconsistent with the enjoyment of said lands by the Licensee for the purposes stated in the license. This article shall not be construed as conferring upon the Licensee any right of use, occupancy, or enjoyment of the lands of the United States other than for the construction, operation, and maintenance of the project as stated in the license.

Article 22: There is reserved to the appropriate department or agency of the United States, or of the State or county involved, the right to take over, maintain, and supervise the use of any project road as a public road after construction of the project works is completed.

Article 26: The Licensee, its successors and assigns shall, during the period of the license, retain the possession of all project property covered by the license as issued or as later amended, including the project area, the project works, and all franchises, easements, water rights, and rights of occupancy and use; and none of such properties necessary or useful to the project and to the development, transmission, and distribution of power there from will be voluntarily sold, transferred, abandoned, or otherwise disposed of without the approval of the Commission: Provided, that a mortgage or trust deed or judicial sales made there under, or tax sales, shall not be deemed voluntary transfers within the meaning of this article. In the event the project is taken over by the United States upon the termination of the license, as provided in Section 14 of the Act, or is transferred to a new licensee under the provisions of Section 15 of the Act, the Licensee, its successors and assigns will be responsible for and will make good any defect of title to or of right of user in any of such project property which is necessary or appropriate or valuable and serviceable in the maintenance and operation of the project, and will pay and discharge, or will assume responsibility for payment and discharge, of all liens or encumbrances upon the project or project property created by the Licensee or created or incurred after the issuance of the license: Provided, that the provisions of this article are not intended to prevent the abandonment or the retirement from service of structures, equipment, or other project works in connection with replacements thereof when they become obsolete, inadequate, or inefficient for further service due to wear and tear, or to require the Licensee, for the purpose of transferring the project to the

United States or to a new licensee, to acquire any different title to or right of user in any of such project property than was necessary to acquire for its own purposes as Licensee.

Article 27: The terms and conditions expressly set forth in the license shall not be construed as impairing any terms and conditions of the Federal Power Act which are not expressly set forth herein.

Articles 28 - 47 are listed in FPC Order Issuing License (Major) dated October 14, 1963

Article 28: The Licensees shall commence construction of the proposed project works within two years of the effective date of this license, shall thereafter in good faith and with due diligence prosecute such construction, and shall complete construction of such project works within six years from the effective date of this license.

Article 29: The Licensees shall within one year from the date of completion of the project, file with the Commission revised Exhibits F and K to define the final project boundary in accordance with the rules and regulations of the Commission. Licensees shall cooperate with the Forest Service in fixing the project boundary on Forest lands.

Article 30: The Licensees shall, for the conservation and development of fish and wildlife resources, construct, maintain, and operate, or arrange for the construction, maintenance, and operation of such facilities and comply with such reasonable modifications of the project structures and operation as may be ordered by the Commission upon its own motion or upon the recommendation of the Secretary of the Interior or the Louisiana Wild Life and Fisheries Commission or the Texas Game and Fish Commission, or the Forest Service after notice and opportunity for hearing and upon findings based on substantial evidence that such facilities and modifications are necessary and desirable, reasonably consistent with the primary purpose of the project, and consistent with the provisions of the Act.

Article 31: Whenever the United States shall desire, in connection with the project, to construct fish and wildlife facilities or to improve the existing fish and wildlife facilities at its expense, the Licensees shall permit the United States or its designated agency to use, free of cost, such of Licensees' lands and interests in lands, reservoirs, waterways and project works as may be reasonably required to complete such facilities or such improvements thereof. In addition, after notice and opportunity for hearing, the Licensees shall modify the project operation as may be prescribed by the Commission, reasonably consistent with the primary purpose of the project, in order to permit the maintenance and operation of the fish and wildlife facilities constructed or improved by the United States under the provision of this article. This article shall not be interpreted to place any obligation on the United States to construct or improve fish and wildlife facilities or to relieve the Licensees of any obligation under the license.

Article 32: The Licensees shall cooperate with the University of Texas, Louisiana State University, Northwestern Louisiana State College, and the National Park Service in a program

for the survey and salvage of historical and archeological data (including relics and specimens) in the project area.

Article 33: The Licensees shall do everything reasonably within their power and shall require their employees, contractors, and employees of contractors to do everything within their power both independently and upon the request of officers of the agency concerned to prevent, make advance preparations for suppression, and suppress fires on the lands to be occupied or used under the license. The Licensees shall be liable for and pay the costs incurred by the United States in suppressing fires caused from the construction, operation, or maintenance of the project works or of the work appurtenant or accessory thereto under the license.

Article 34: So far as consistent with proper operation of the project, the Licensees shall allow the public free access to a reasonable extent, to project waters and adjacent lands owned by the Licensees for the purpose of full public utilization of such lands and water for navigation and recreational purposes, including fishing and hunting, and shall allow to a reasonable extent for such purposes the construction of access roads, wharves, landings, and other facilities on its lands the occupancy of which may in appropriate circumstances be subject to payment of rent to the Licensees in a reasonable amount; Provided, that the Licensees may reserve from public access, such portions of the project waters, adjacent lands, and project facilities as may be necessary for the protection of life, health, and property, and provided further, that the Licensee's consent to the construction of access roads, wharves, landings, and other facilities shall not, without its express agreement, place upon the Licensee any obligation to construct or maintain such facilities. These facilities are in addition to the facilities that the Licensees may construct and maintain as required by the license.

Article 35: The Licensees shall construct, maintain, and operate or arrange for the construction, maintenance and operation of such recreational facilities including modifications thereto, such as access roads, wharves, launching ramps, beaches, picnic and camping areas, sanitary facilities and utilities, as may be prescribed hereafter by the Commission during the term of this license upon its own motion or upon recommendation of the Secretary of the Interior or interested State agencies, after notice and opportunity for hearing and upon findings based upon substantial evidence that such facilities are necessary and desirable, and reasonable consistent with the primary purpose of the project. The Licensees shall, within one year from the date of issuance of the license, file with the Commission for approval their proposed recreational use plan for the project. The plan shall be prepared after consultation with appropriate Federal, State, and local agencies, and shall include recreational improvements, which may be provided by others in addition to the improvements the Licensees plan to provide.

Article 36: The Licensees shall within six months of the date of issuance of this license submit for Commission approval a plan for clearing the reservoir area and upon approval, the clearing shall be done to the satisfaction of the Commission's representative.

Article 37: The reservoir operation schedule shall be adjusted to accommodate the recreation use of the reservoir area as far as such adjustment is compatible with the primary purpose of the project and requirements of downstream releases.

Article 38: The Licensees shall be responsible for and shall minimize soil erosion and siltation on lands adjacent to the stream resulting from construction and operation of the project. The Commission upon request, or upon its own motion, may order the Licensees to construct and maintain such preventive works to accomplish this purpose and to revegetate exposed soil surface as the Commission may find to be necessary after notice and opportunity for hearing.

Article 39: The operation of any navigation facilities, which may be constructed as a part of or in connection with any dam or diversion structure constituting a part of project works, shall at all times be controlled by such reasonable rules and regulations in the interest of navigation, including the control of the level of the pool caused by such dam or diversion structure, as may be made from time to time by the Secretary of the Army. Such rules and regulations may include the construction, maintenance, and operation by the Licensees at their own expense of necessary remedial works as may be required in the interests of navigation as directed by the Secretary of the Army.

Article 40: The Licensees shall for the protection of navigation construct, maintain, and operate at its own expense such lights and other signals on fixed project structures in or over navigable waters of the United States as may be directed by the Secretary of the Department in which the Coast Guard is operating.

Article 41: When and if an authorized navigation project is constructed through the Toledo Bend Dam and Reservoir, the Licensees shall permit the Federal Government to locate the navigation channel through the Toledo Bend Reservoir without restriction as to location; to deposit within that portion of the reservoir that inundates the valley lands and at a reasonable distance from the navigation channel all spoil materials resulting from the construction and future maintenance dredging of the navigation channel; to construct a navigation lock with adjoining movable and overflow dams in the upper portion of the inundated reservoir lands as may be necessary to provide a navigation pool through the Toledo Bend Reservoir; the above rights to be reserved at no cost to the Federal Government.

Article 42: The Commission reserves the right to determine at a later date what transmission lines and appurtenant facilities, if any shall be included in this license as part of the project works.

Article 43: The Licensees shall install additional capacity or make other changes in the project as directed by the Commission, to the extent that it is economically sound and in the public interest to do so, after notice and opportunity for hearing.

Article 44: The Licensees shall, after notice and opportunity for hearing, coordinate the operation of the project, hydraulically and electrically, with such other power systems and in such a manner as the Commission may direct in the interest of power and other beneficial public uses of water resources, an on such conditions concerning the equitable sharing of benefits by the Licensees as the Commission may order.

Article 45: The Licensees shall pay to the United States the following annual charges:

- (i) ~~For the purpose of reimbursing the United States for the cost of administration of Part I of the Act, a reasonable annual charge in accordance with the provision of Part II of the Commission's regulations as in effect from time to time. The authorized installed capacity for such purpose is 108,000 horsepower; and (amended to 124,000 horsepower by Order Amending License issued August 8, 1986). Revised to read;~~ *For the purpose of reimbursing the United States for the cost of administration of Part I of the Act, a reasonable amount as determined in accordance with the provisions of the Commission's regulations in effect from time to time. The authorized installed capacity for that purpose is 81,000 kW; effective the first day of the month in which this order is issued (Order Amending License and Revising Annual Charges, issued January 13, 2005).*
- (ii) ~~For the purpose of recompensing the United States for the use, occupancy, and enjoyment of its lands, exclusive of transmission line right-of-way \$84,000.—~~ *For the purpose of recompensing the United States for the use, occupancy and enjoyment of approximately 35,000 acres of its lands, an amount to be hereafter determined by the Commission (amended Order Approving Exhibit K issued May 27, 1983).*

Article 46: The Licensees shall, prior to commencement of construction of the spillway structure, make hydraulic model tests of such structure, together with the approach and outlet channels under both flood flow and normal operating conditions.

Article 47: No lease of the project or any part thereof whereby the lessee is granted the occupancy, possession, or use of the project, or any part thereof, shall be made without prior written approval of the Commission; and the Commission may, if in its judgment the situation warrants, require that all the conditions of the license, of the Act, and of the rules and regulation of the Commission shall be applicable to such property so leased to the same extent as if the lessee were the licensee: Provided, that the provisions of this article shall not apply to the leases of lands or buildings or other property while not required to achieve the purposes of this license.

Order Approving Recreational Use Plan and Modifying License issued on April 21, 1967 modified the license to include Articles 48 – 54.

Article 48: The Licensees shall with respect to future planning of recreational development and use at the project, file within five years follow the date of issuance of this order, for Commission approval, a revised recreational use plan in conformance with the then applicable requirements of the Commission's Regulations under the Federal Power Act, provided for public recreational needs for that period of the license following the first ten years of project operation. Simultaneously therewith Licensees shall advise the Commission of their plans for financing the construction, operation, maintenance and replacement of all recreation facilities needed for optimum development and use of recreational resources of the project during the entire period of the license. The revised recreation use plan as required herein shall include the licensees' proposals for land acquisition of all additional land needed for recreational purposes.

Article 49: The Licensees shall file with the Commission within 12 months of the date of issuance of this order, and at 12-month intervals thereafter, reports on their progress for acquisition of project lands required for project recreation purposes covered by Licensees' Recreational Use Plan as approved herein; such reports to be filed until all land acquisitions are completed.

Article 50: The Licensees shall file for Commission approval the following plans, prepared in accordance with Section 4.12 of Regulations under the Federal Power Act, pertaining to recreational development of project lands and waters:

- ~~(a) Within six months following the date of issuance of this order a drawing illustrating the plan of development for the tailrace area to accommodate fishermen and other recreation users, and~~ *(Order issued on July 23, 1970, deleted this paragraph from the license)*
- (b) Prior to construction, drawings illustrating any substantial changes in design of the functional type site plans for the licensees' recreational development sites which would materially alter the type, quality, or quantity of recreation service or opportunity provided.

Article 51: The Licensees shall file for information of the Commission, following preparation by the Forest Service, function plans for the development of recreational use sites on Federally-owned lands within the Sabine National Forest serving project-created recreational opportunities.

Article 52: The Licensees shall construct and have available for public use, by the time the water surface reaches full pool in the process of initial Toledo Bend Reservoir filling, recreation facilities at the tailrace area, and at all other recreational use sites and facilities scheduled for development for use during the first year of project operation as specified in the Recreational Use Plan. *Order issued on July 23, 1970 extended the scheduled deadline for development of recreation site to June 1, 1972, except for the tailrace area schedule of development, which is covered by Article 57.*

Article 53: The Licensees shall, not later than June 1, 1969, file for Commission approval as part of the Recreational Use Plan, a reservoir zoning plan which shall be prepared in cooperation with appropriate Federal agencies and with the Texas Park and Wildlife Department, the Louisiana State Parks and Recreation Commission, and the Louisiana Wildlife and Fisheries Commission. This plan shall include the reservation of project lands and waters for hunting, fishing, and other wildlife purposes after first considering areas reserved for general recreation, efficient operation of the project, and public safety. *Order issued on July 23, 1970 extended the scheduled deadline for filing the reservoir zoning plan to December 31, 1971.*

Article 54: The Licensees shall, within one year following the date of issuance of this order, advise the Commission of their plans for financing the development, operation, maintenance, and replacement of recreation facilities at the project for the first ten years of project operation.

Order Approving Reservoir Clearing Pan and Modifying License, issued on February 26, 1968 modified the license to include Articles 55 and 56.

Article 55: The licensees shall take such measures as may be necessary for control of mosquitoes at the project, and shall seek, in this regard, the recommendations of the United States Public Health Service and of the Public Health Departments of the States of Louisiana and Texas. In the event of licensees' failure to undertake effective control measures, the Commission reserves the right to order, after notice and opportunity for hearing, licensees to take appropriate measures for the control of mosquitoes at the project.

Article 56: The licensees shall upon application for approval of any revision to the Recreational Use Plan in accordance with Article 48, submit, as a part thereof, plans showing any post-impoundment clearing that may be needed to provide for the safe use of public recreation facilities and adjacent project waters. The licensees shall at all times be prepared to undertake additional reservoir clearing operations in the interests of navigation, recreation, fish and wildlife resources, public health safety, or the operation of the project as may be found necessary or desirable by the Commission after notice and opportunity for hearing.

Order Modifying License and Extending Time for Development of Recreation Sites and for Filing of Supplemental Recreational Use Plan and Reservoir Zoning Plan, issued on July 23, 1970 modified license to include Article 57, deleting paragraphs from license as well as changing previously ordered deadlines (changes annotated in above paragraphs).

Article 57: The licensees shall file a plan for development of recreational fishing use of the tailrace area which meets the requirements for Exhibit R in Section 4.41 of the Commission's Rules and Regulations not later than April 21, 1972, the date on which revisions to the recreation

use plan required by Article 48 are also due. In developing the tailrace recreation plan, the licensees shall conduct studies on the patterns of water discharge through the tailrace channel, including the discharges, velocities, and rates of change in vertical elevations; on the systems required to warn and protect the public against hazards in the tailrace area; and on the present and anticipated angler use in fishermen days and fish harvest in the tailwater canal.

Order Approving Revised Exhibit R and Granting Intervention, issued on May 23, 1979 modified the license to include Article 58. (According to the Commission's issued orders, there are three separate Articles numbered 58 added to the license each pertaining to different issues and/or resource, the Article 58's were included as additions not modifications).

Article 58: The Sabine River Authority of Louisiana (SRAL) shall retain ultimate responsibility for project related public recreation development within the State of Louisiana. As a part of the Form 80-Licensed Recreational Report, the SRAL shall also file a report on the current status of development of public recreational facilities at the Toledo Bend project within the State of Louisiana. The Commission reserves the right to require SRAL to develop recreational facilities or acquire additional lands that may be necessary in the future to provide adequate public recreation opportunities at the project.

Order Approving Use of Project Lands, issued on October 31, 1979 modified the license to include Article 58.

Article 58: Prior to the commencement of any construction or development of any project works or other facilities at the project, the Licensee shall consult and cooperate with the State Historic Preservation Officer (SHPO) to determine the need for, and extent of, any archeological or historic resource surveys and any mitigative measures that may be necessary. The Licensee shall provide funds in a reasonable amount for such activity. If any previously unrecorded archeological or historic sites are discovered during the course of construction, construction activity in the vicinity shall be halted, a qualified archeologist shall be consulted to determine the significance of the sites, and the Licensee shall consult with SHPO to develop a mitigation plan for the protection of significant archeological or historic resources. If the Licensee and the SHPO cannot agree on the amount of money to be expended on archeological or historic work related to the project, the Commission reserves the right to require the Licensee to conduct, at its own expense, any such work found necessary.

Order Approving Exhibit R, issued on October 9, 1981 modified the license to include the third Article 58 as well as Article 59.

Article 58: The Licensees shall, prior to the commencement of any construction of recreation facilities at the project consult with the appropriate State Historic Preservation Officer (SHPO) about the need for any cultural resource survey and salvage work. The Licensees shall make available funds in a reasonable amount for any such work as required. If any previously unrecorded archeological or historic sites are discovered during the course of construction or development of any project works or other facilities at the project, construction activity in the vicinity shall be halted, a qualified archeologist shall be consulted to determine the significance of the sites, and the Licensee shall consult with SHPO to develop a mitigation plan for the protection of significant archeological or historic resources. If the Licensee and the SHPO cannot agree on the amount of money to be expended on archeological or historic work related to the project, the Commission reserves the right to require the Licensee to conduct, at its own expense, any such work found necessary.

Article 59: During development of any recreational site within the project boundary, that involves shoot range facilities. Licensees shall consult with the U.S. Fish and Wildlife Service and the Texas Parks and Wildlife Department in determining the design of such facilities.

Order Amending License, issued August 8, 2006 modified the license to include Articles 301 – 303 as well as 401-402.

~~Article 301: The licensee shall commence construction of project works within two years from the issuance date of the license and shall complete construction of the project within four years from the issuance date of the license.~~

~~Article 302: The licensee shall at least 60 days prior to construction, submit one copy to the Commission's Regional Director and two copies to the Director, Division of Inspections, of the final contract drawings and specifications for pertinent features of the project, such as water retention structures, powerhouse, and water conveyance structures. The Director, Division of Inspections, may require changes in the plans and specifications to assure a safe and adequate project.~~

~~Article 303: The licensee shall within 90 days of completion of construction file, for approval by the Commission, revised Exhibits A, F, and G to describe and show the project as built.~~

Articles 301 -303 removed from license per Order Amending License and Revising Annual Charges, issued January 13, 2005.

Article 401: The licensee shall discharge a continuous minimum flow of 144 cubic feet per second from the spillway of the Toledo Bend Project. This flow may be temporarily modified if required by operating emergencies beyond the control of the licensee, and for short periods upon

mutual agreement amount the licensee, the Texas Parks and Wildlife Department, and the Louisiana Department of Wildlife and Fisheries.

Article 402: The licensee, in cooperation with the Louisiana Department of Environmental Quality, Louisiana Department of Wildlife and Fisheries, Texas Department of Water Resources, and Texas parks and Wildlife Department, shall develop dissolved oxygen (DO) monitoring plan. The plan shall include provisions for the rapid alteration of project operation to ensure maintenance of state DO standards immediately downstream of the low-flow sluiceway. The plan shall be filed with the Commission for approval within 6 months from the date issuance of the license. Comments from the aforementioned agencies on the plan shall be included in the filing.