

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Public Utility District No. 1 of Douglas County,
Washington

Project No. 2149-152

ORDER GRANTING EXTENSION OF TIME

(Issued October 15, 2013)

1. On September 6, 2013, Public Utility District No. 1 of Douglas County, Washington, licensee for the Wells Hydroelectric Project, FERC No. 2149, filed an extension of time request to conduct its adult bull trout passage evaluation study (study) pursuant to various mandatory conditions of the Order Issuing New License.¹ The project is located on the Columbia River in Chelan, Douglas, and Okanogan counties, Washington.

LICENSE REQUIREMENTS

2. Various mandatory conditions of the project license require the licensee to conduct an adult bull trout passage evaluation study at off-project hatchery collection facilities, also referred to as the Twisp Weir adult bull trout study. These mandatory conditions include section 6.5 of the Washington State Department of Ecology's Water Quality Certification (Appendix A of the license), section 4.7 of the U.S. Fish and Wildlife Service's (FWS) Federal Power Act section 18 Fishway Prescription (Appendix B of the license), and term and condition number 11 of the FWS' Incidental Take Statement under section 7 of the Endangered Species Act (Appendix C of the license), and are incorporated into the license by ordering paragraphs D, F, and H, respectively.

3. The study is intended to assess adult bull trout behavior and passage success in relation to the operation of the Twisp Weir facility. Specifically, the licensee must conduct a one-year radio telemetry study with 10 adult, migratory bull trout and utilize fixed receiver stations location upstream and downstream of the collection facilities to evaluate passage and determine whether bull trout passage performance standards are being met. If the study data indicate that performance standards were not met in year one of the study, the licensee must repeat the study a second year. Should the performance standards not be met after year two of the study, the licensee must develop, implement

¹ Order Issuing New License, 141 FERC ¶ 62,104 (issued November 9, 2012).

and evaluate additional measures in consultation with the FWS, Wells Habitat Conservation Plan Coordinating Committee, and the Aquatic Settlement Work Group,² until the FWS determines that the fish passage performance standard has been achieved. The study must be conducted within one year of the license issuance, or November 8, 2013.

LICENSEE'S REQUEST

4. The licensee is requesting, on behalf of the FWS, that the deadline for conducting the study be postponed until year five of the license term, or, November 8, 2017. The licensee states that deferring the study for four years, as recommended by the FWS, would allow it to combine the study with a bull trout passage study that is scheduled to take place at Wells Dam during year five of the license term. According to the licensee, consolidating both studies would provide a more comprehensive analysis of project impacts to bull trout in the upper Columbia River region, and would also require the use of fewer study fish than two independent studies, thus reducing handling impacts on federally-protected bull trout.

AGENCY CONSULTATION

5. The licensee included its consultation record with the FWS and the Aquatic Settlement Work Group in its filing with the Commission. Meeting minutes from the Aquatic Settlement Work Group meeting dated July 10, 2013 indicate that all members of the work group approve the licensee's request. Additionally, the FWS requested that the study be deferred by letter dated June 27, 2013 and filed with the Commission on July 22, 2013. In the same letter, the FWS reiterated the Aquatic Settlement Work Group's concurrence with the request. This letter was also included as part of the licensee's filing.

DISCUSSION

6. The licensee's request to defer its adult bull trout passage evaluation study at off-project hatchery collection facilities from year one of the license term to year five of the license term is reasonable, and will streamline efforts to assess project impacts to bull trout in the upper Columbia River region. The licensee has completed the necessary

² The Aquatic Settlement Work Group includes representatives from the FWS, National Marine Fisheries Service, U.S. Bureau of Land Management, Washington Department of Fish and Wildlife, Washington State Department of Ecology, the Confederated Tribes of the Colville Reservation, the Confederated Tribes and Bands of the Yakima Nation, and the licensee.

consultation with the resource agencies, including those whose mandatory conditions require the study. The licensee's request should be approved.

The Director orders:

(A) The deadline to complete the adult bull trout passage evaluation study at off-project hatchery collection facilities, as required in part by ordering paragraphs D, F, and H of the license for the Wells Hydroelectric Project, is extended until November 8, 2017.

(B) This order constitutes final agency action. Any party may file a request for rehearing of this order within 30 days from the date of its issuance, as provided in section 313(a) of the FPA, 16 U.S.C. § 8251 (2012), and the Commission's regulations at 18 C.F.R. § 385.713 (2013). The filing of a request for rehearing does not operate as a stay of the effective date of this order, or of any other date specified in this order. The licensee's failure to file a request for rehearing shall constitute acceptance of this order.

Thomas J. LoVullo
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Division of Hydropower Administration
and Compliance