

158 FERC ¶ 62,134
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Public Utility District No. 1 of Douglas County

Project No. 2149-161

ORDER AMENDING REPORTING DEADLINES

(Issued February 24, 2017)

1. On February 13, 2017, Public Utility District No. 1 of Douglas County, Washington, licensee for the Wells Hydroelectric Project No. 2149, filed a request to modify multiple reporting deadlines for Federal Energy Regulatory Commission (Commission) approval. The project is located on the Columbia River in Douglas, Okanogan, and Chelan counties, Washington. The project occupies land administered by the U.S. Department of the Interior and the U.S. Army Corps of Engineers.

License Requirements and Background

2. Article 406 of the project license¹ requires the licensee to report on the implementation and results of the following plans required by the May 27, 2010 Aquatic Settlement Agreement: White Sturgeon Management Plan; Bull Trout Management Plan; Pacific Lamprey Management Plan; Resident Fish Management Plan; Aquatic Nuisance Species Management Plan (Nuisance Species Plan); and Water Quality Management Plan. The reports must be filed with the Commission by May 31 annually.

3. The updated Nuisance Species Plan² includes provisions to file a report or memorandum for the preceding calendar year by April 1 annually. Additionally, Article 401(b) requires the licensee to file an annual water temperature report with the Commission by April 30 of the subsequent year. Each of these reports must be developed in consultation with the Aquatic Settlement Work Group.

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

² Order Approving and Modifying Aquatic Nuisance Species Management Plan Pursuant to License Article 405 (143 FERC ¶ 62, 159), issued May 30, 2013).

License's Request

4. The licensee requests that the deadlines of the abovementioned reporting requirements be consolidated so that all reports would be due to the Commission by May 31 annually. The licensee asserts that the proposed May 31 deadline would better align with other agencies' requirements and would simplify the deadline tracking processes.

Consultation

5. The proposed modification was discussed and approved at a February 9, 2017 Aquatic Settlement Work Group meeting. No objections or concerns were presented.

Discussion and Conclusion

6. The licensee's request would improve reporting consistency. The reports have not identified any significant issues under the current license, and the proposed deadline does not extend beyond what the consulting parties have deemed reasonable. Moreover, consolidating the deadlines would better enable the licensee to report on related management activities concurrently if it chooses to do so. The proposed reporting modifications appear reasonable and should be approved.

The Director orders:

(A) Public Utility District No. 1 of Douglas County's request to modify various reporting deadlines, filed with the Federal Energy Regulatory Commission (Commission) on February 13, 2017 for the Wells Hydroelectric Project No. 2149, is approved. The licensee must file its White Sturgeon, Bull Trout, Pacific Lamprey, Resident Fish, Aquatic Nuisance Species, Water Quality, and Water Temperature management reports with the Commission by May 31 annually.

(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 Federal Power Act, 16 U.S.C. § 8251 (2012), and the Commission's regulations at 18 CFR § 385.713 (2016). The filing of a request for hearing 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
Chief, Aquatic Resources Branch
Division of Hydropower Administration
and Compliance