



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
1201 NE Lloyd Boulevard, Suite 1100  
PORTLAND, OREGON 97232-1274

F/NWR5

VIA ELECTRONIC FILING

September 17, 2007

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, D.C. 20426

Re: Submission of the Anadromous Fish Agreement and Habitat Conservation Plan  
for the Wells Hydroelectric Project No. 2149-075 for consideration as a  
Comprehensive Plan

Dear Secretary Bose:

Pursuant to Section 2.19 of the Commission's regulations, 18 C.F.R. § 2.19 (2006), the National Marine Fisheries Service (NMFS) references the previously filed Anadromous Fish Agreement and Habitat Conservation Plan for the Wells Hydroelectric Project (Wells HCP) and supporting documents, which can be found online at the Federal Energy Regulatory Commission's (FERC) eLibrary. NMFS requests that the Wells HCP be accepted FERC as a comprehensive plan. The Wells HCP establishes a beneficial use of the associated waterway, the Upper Columbia River, through conservation of Chinook salmon, steelhead, sockeye salmon and coho salmon (Plan Species), and therefore may constitute a comprehensive plan pursuant to Section 10(a)(2)(A) of the Federal Power Act.

### **Background**

NMFS is authorized to develop habitat conservation plans in connection with the issuance of incidental take permits (ITP) pursuant to Section 10 of the Endangered Species Act (ESA). The Wells HCP is the result of over nine years of planning and negotiations between NMFS, Public Utility District No. 1 of Douglas County, Washington, the Confederated Tribes of the Colville Reservation, the Confederated Tribes and Bands of the Yakama Indian Nation, the Washington Department of Fish and Wildlife, the United States Fish and Wildlife Service and other participants. The Wells HCP was approved and incorporated into the existing license for the Wells Project pursuant to the FERC's orders of June 21, 2004 and November 23, 2004 (107 FERC ¶ 61,280; 107 FERC ¶ 61, 283; 109 FERC ¶ 61,208).



Consistent with the requirements for comprehensive plans at 18 CFR § 2.19(b)(1), the Wells HCP is intended to be a comprehensive and long-term adaptive management plan for Plan Species and their habitat as affected by the Wells Project. In particular, the objective of the Wells HCP is to achieve “No Net Impact” for each Plan Species affected by the Wells Project, and to maintain the same for the duration of the HCP Agreement. No Net Impact will be accomplished through fish passage at the Project, hatchery programs, and fish habitat restoration work along tributary rivers and streams occupied by Plan Species. The attached documentation for the Wells HCP includes a description of the standards applied, the data relied upon and the methodology used in preparing the plan, the ESA Section 10 ITP Biological Opinion, the ESA Section 7 Biological Opinion for the 2004 license amendment for the HCP, and the HCP FEIS.

### **Relationship Between the Wells HCP and Recovery Planning**

Implementation of the HCP is a cornerstone of recovery efforts for Upper Columbia River (UCR) spring Chinook and UCR steelhead, and as such, has been imbedded in the recovery plan proposed by the Upper Columbia Salmon Recovery Board (UC Recovery Plan) (UCSRB 2006). The HCP directly supports the UC Recovery Plan by addressing three of the four primary recovery areas - hydropower operations, hatchery practices, and habitat degradation. Harvest is not addressed in the HCP.

#### *Hydropower*

The UC Recovery Plan and the Wells HCP call for direct passage impacts to be reduced to achieve survival standards at the Wells Project. Direct impacts due to hydropower operation will be reduced by implementing actions such as passage improvements and predation reduction at the Wells Project. The mutual goals of UC Recovery Plan and the Wells HCP in regard to hydropower operations are being achieved at the Wells Project, because survival standards are met for UCR steelhead and UCR spring Chinook with new operational measures currently being tested.

#### *Hatchery*

The objective of the UC Recovery Plan and the HCP is to improve hatchery practices by increasing the abundance of the natural adult population, while ensuring appropriate spatial distribution, genetic stock integrity, and adult spawner productivity consistent with the recovery needs of UCR steelhead and UCR spring Chinook. Plans for achieving the mutual goals of the UC Recovery Plan and the Wells HCP are currently under discussion in the Hatchery Committee of the Wells HCP, with improvements being implemented as plans are finalized.

#### *Habitat*

Improving tributary habitat is the objective of implementing the Tributary Conservation Plan of the Wells HCP. The UC Recovery Plan calls for local habitat groups (in cooperation with local landowners) to prioritize and coordinate the implementation of a wide spectrum of habitat actions within specific streams occupied by UCR steelhead and spring Chinook. The Wells HCP provides funding for habitat improvements, as well as establishes a Habitat Committee to prioritize expenditure of designated funds.

**Conclusion**

Accordingly, the Wells HCP meets the applicable criteria and should be accepted as a comprehensive plan pursuant to the Commission's regulations. In addition, pursuant to Section 10(a)(2)(A) of the Federal Power Act, the Commission should consider the extent to which the Wells Project is consistent with the Wells HCP in issuing a new license for the Project. At the appropriate time, NMFS will enter into ESA consultation with FERC regarding any proposed new license for the Wells Project.

If there are any questions, or if you need additional information, please contact Bryan Nordlund at (360) 534-9338 or Bryan.Nordlund@noaa.gov.

Sincerely,



Keith Kirkendall, Chief  
FERC and Water Diversions Branch  
Hydropower Division

Cc: Wells HCP Coordinating Committee  
Service List

**Referenced Documents**

Anadromous Fish Agreement and Habitat Conservation Plan, Wells Hydroelectric Project, FERC Project No. 2149. March 26, 2002.

Supporting Document A: Aquatic Species and Habitat Assessment: Wenatchee, Entiat, Methow, and Okanogan Watersheds (1998).

Supporting Document B: Biological Assessment and Management Plan (BAMP): Mid-Columbia Hatchery Program (1998).

Supporting Document C: Briefing Paper: Estimating Survival of Anadromous Fish through the Mid-Columbia PUD Hydropower Projects (2002).

Supporting Document D: Tributary Plan, Project Selection, Implementation and Evaluation (1998).

Section 7 Consultation Biological Opinion and Magnuson Stevens Fishery Conservation and Management Act Consultation on the Federal Energy Regulatory Commission's Approval of the Proposed Anadromous Fish Agreement and Habitat Conservation Plan License Amendment for the Wells Hydroelectric Project License (FERC No.2149). NMFS Consultation No. F/NWR/2003/01578. March 3, 2004

Biological Opinion, Unlisted Species Analysis, and Magnuson-Stevens Fishery Conservation and Management Act Consultation for Proposed Issuance of a Section 10 Incidental Take Permit to Public Utility District No. 1 of Douglas County for the Wells Hydroelectric Project (FERC No. 2149) Anadromous Fish Agreement and Habitat Conservation Plan Action Agency: NMFS. Log Number: F/NWR/2002/01896. August 12, 2003

Anadromous Fish Agreements and Habitat Conservation Plans - Final Environmental Impact Statement for the Wells, Rocky Reach, and Rock Island Hydroelectric Projects in December 2002.

### **Reference**

Upper Columbia Salmon Recovery Board. 2006. Proposed Upper Columbia Spring Chinook Salmon, Steelhead, and Bull Trout Recovery Plan. June 2006.

[http://www.nwr.noaa.gov/Salmon-Recovery-Planning/Recovery-Domains/Interior-Columbia/Upper-Columbia/upload/Proposed\\_UC\\_Plan.pdf](http://www.nwr.noaa.gov/Salmon-Recovery-Planning/Recovery-Domains/Interior-Columbia/Upper-Columbia/upload/Proposed_UC_Plan.pdf)

