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IN REPLY REFER TO:

FEDERAL ENERGY  
REGULATORY COMMISSION

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
Northwest Regional Office  
911 N.E. 11th Avenue  
Portland, Oregon 97232-4169



MAR 30 2007

Magalie R. Salas, Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E., Room 1A  
Washington, DC 20426

RE: COMMENTS on Scoping Document 1 for the Wells Hydroelectric Project  
(P-2149-131)

Dear Ms. Salas:

Thank you for the opportunity to review and provide comments on the subject document. Although the Bureau of Indian Affairs (BIA) has not yet been actively engaged in pre-relicensing efforts implemented by Douglas County Public Utility District (DCPUD), we have reviewed the Preliminary Application Document (PAD) for the Wells Hydroelectric Project (Project) as well as a substantial number of meeting minutes, draft study proposals, discussions, and agreements contained on DCPUD's website and in the PAD appendices. Pursuant to Integrated Licensing Process (ILP) regulations, the BIA now intends to engage in the process and we look forward to working with DCPUD, the Federal Energy Regulatory Commission (Commission) and other stakeholders in developing a project best adapted to a comprehensive plan for improving the waterway.

Our primary objectives for this relicensing process are to ensure that existing agreements and proposals are sufficient to mitigate the ongoing effects of the Project on tribal trust and reservation resources and to develop appropriate measures for ensuring a full accounting of Project impacts where existing agreements may not completely resolve ongoing issues. The list of studies proposed by the working groups seems appropriate based on information available to us at this time. However, we note a lack of specific information regarding ongoing impacts to stream, wetland and riparian habitats that will likely remain inundated by the Project for the term of the next license. If not for inundation by Project waters, these habitat types would perform unique and highly valuable ecological functions in support of important trust resources. As such, they will need to be identified and mitigated in-kind to the extent possible for the next license term.

To this end, we request that the Commission and DCPUD assist us by developing a strategy for quantifying Project effects (including those ongoing project effects that began during the last license term but will continue into the future) and demonstrating that those effects will be appropriately mitigated for the term of the next license. We have a specific interest in stream, riparian and wetland habitat types within the Project

boundary – including those that will continue to be inundated by the Project for the term of the next license – given the limited information provided on these resources in the PAD.

For stream and wetland habitats, this quantification may be as straightforward as utilizing aerial photos of the Columbia River and adjoining tributaries within the project boundary prior to inundation to calculate total stream miles, related habitat types (e.g., pool riffle complexes, spawning and rearing habitats), and acres of wetland and riparian areas that will continue to be inundated. These estimates can then be compared with ongoing and future mitigation efforts to demonstrate a full accounting of project impacts.

This simplified habitat evaluation process should provide an appropriate accounting of project effects in support of all existing and future agreements and any license articles that may be necessary. It is entirely possible that such an accounting of project effects will demonstrate that existing agreements and mitigation measures already implemented or proposed for the new license will fully achieve our requested no-net-impact scenario. In addition, DCPUD may realize additional benefits from this accounting if some form of “green power” designation is sought in the future.

Again, we are not attempting to mitigate for past project effects that would not continue to occur into the future (i.e., we are not seeking compensation for the past 50 years of Project impacts) and would consider measures already implemented by DCPUD during the term of the last license as partial or full mitigation provided the implemented measures are continuing to replace lost functions at a level commensurate with ongoing Project impacts. In addition, if DCPUD or the Commission has a more appropriate strategy for accomplishing this task, we would greatly appreciate any suggestions. Our intention is to simply demonstrate that ongoing or proposed agreements and measures equitably address tribal trust resource issues.

As intended by the ILP, the BIA anticipates further discussions of this proposal with DCPUD prior to completion of the proposed study plan. If a formal study request is necessary, we will utilize information developed during the study plan meetings to articulate a request pursuant to Commission regulations (18 CFR § 5.9).

In addition to the above comments, please refer to the following specific comments on SD-1:

1. Page 4, section 1.0 Introduction: Include a discussion of Confederated Colville Tribes Reservation lands inundated or affected by the Project.
2. Page 6, section 2.1 Purpose of Scoping, bullet 3: In addition to cumulative effects, direct and indirect Project effects should also be discussed. The discussion of direct and indirect effects should differentiate between effects that have occurred in their entirety in the past and effects that will continue to occur into the future.
3. Page 10, section 3.2 Alternatives to the Proposed Action: Please elaborate on the evaluation of replacement power. Other types of power generating facilities (e.g., wind) could be used to offset some of the lost generation without increasing

airborne pollution. In addition, reduced impacts on aquatic and terrestrial resources should be compared to any related increases in airborne related pollution from fossil fuel stations.

4. Page 10, 3.3 No Action: Under this scenario, please discuss those impacts that would also continue into the future under "baseline" environmental conditions. Project effects continuing into the future under the no action alternative do not simply go away because of an ecologically arbitrary license term. We foresee no objections to the Commission's baseline definition if the snapshot of environmental conditions identified in the Environmental Analysis includes ongoing Project effects and the Commission does not limit its environmental evaluation of the proposed action and alternatives simply to additive impacts. The proposed action and alternatives must fully account for ongoing Project effects regardless of whether they were initiated during the term of the last license or will occur for the first time as a result of the new license.
5. Page 12, section 4.1.1 Resources That Could be Cumulatively Affected: Effects to cultural resources, terrestrial and other aquatic species and habitats can also be cumulatively affected from Project related erosion, noxious weeds, and aquatic nuisance species. Both primary effects (e.g., erosion) and secondary effects (e.g., increased and improved access to cultural resource sites) should be evaluated.
6. Page 12, section 4.1.2 Geographic Scope: The geographic scope for aquatic resources should also include those tributaries to the Columbia River inundated or otherwise affected by the Project.
7. Page 12, section 4.1.3 Temporal Scope: Please clarify the temporal scope. SD-1 states that the scope will look 30 to 50 years into the future but also indicates that a historical discussion will be included. The historical discussion should be clarified and the Commission should take measures to ensure that ongoing impacts are appropriately identified.
8. Page 13, section 4.2.1 Aquatic Resources: We assume that issues not identified by an asterisk (\*) will be analyzed for site-specific effects only. Based on this assumption, the following issues should also be analyzed for cumulative effects: aquatic and wetland plant communities; aquatic invasive species; effects on white sturgeon; and effects on resident fish.
9. Page 16, Aquatic Resources, lamprey: The Environmental Analysis should also estimate the amount and type of historic lamprey habitats in the project area to help define appropriate sideboards for potential mitigation measures.
10. Page 16, Aquatic Resources, sturgeon: The Environmental Analysis should similarly discuss historic sturgeon habitat and address potential measures to mitigate Project impacts to sturgeon.
11. Page 18: Fourth bullet should also include information that would help to characterize continuing Project effects.
12. Page 22, List of Comprehensive Plans: The Project HCP should be included on this list.

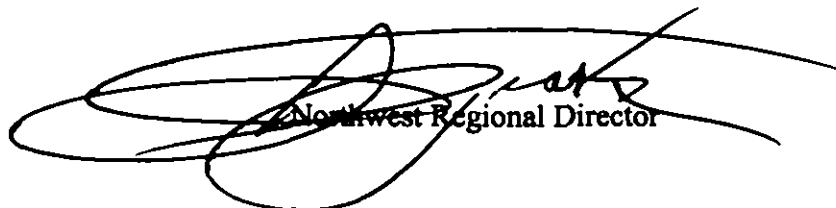
Thank you for the opportunity to provide comments and to engage in this process. Please add the following individuals to your mailing list for this project:

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Hydropower Program Manager  
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For additional information, please contact Bob Dach at (503) 231-6711.

Sincerely,



Northwest Regional Director