

ORIGINAL



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2496

FILED
SECRETARY OF THE
COMMISSION

2010 MAR 22 A 10:19

FEDERAL ENERGY
REGULATORY COMMISSION

March 17, 2010

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

Re: Wells Hydroelectric Project No. 2149
Comments on Draft License Application

Dear Kimberly D. Bose:

The Washington State Department of Ecology (Ecology) has worked closely with Douglas County Public Utility District (PUD), tribes and other federal and state fish management agencies to develop an Aquatic Settlement Agreement. We believe this document to a great extent supports the resources covered under our responsibilities and we intend to use it as the basis of our Clean Water Act Section 401 Certification.

Several small items will need to be addressed:

- 1) Hatcheries: Any hatcheries required under the License must receive a separate NPDES permit from Ecology in order to be operated.
- 2) Spills containment: Upgrades to the PUD's spill containment system need to be completed. It is our understanding that this will be done by April 1, 2010, well ahead of issuance of the 401 certification and Final License.
- 3) Shoreline, Recreation and Wildlife Plans: If FERC requires that the PUD modify or upgrade any of these plans, Ecology should be among the agencies consulted, particularly with respect to water quality standards and the designated uses of aesthetics, aquatic life, recreation, and wildlife.

If you have any questions, please call me at (509) 454-7864.

Sincerely,

Patricia S. Irle
Hydropower Projects Manager
Water Quality Program

By Certified Mail 7009 2250 0004 4956 0124

c: Shane Bickford, Douglas PUD
G. Thomas Tebb, Ecology CRO Regional Director
Charles McKinney, Ecology WQ Manager
Jeff Lewis, Ecology SEA Manager
Clynda Case, Ecology SEA

