

**UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION**

**PUBLIC UTILITY DISTRICT NO. 1  
OF DOUGLAS COUNTY  
(DOUGLAS PUD)**

PROJECT NO. 2149-152

**STATE OF WASHINGTON  
DEPARTMENT OF FISH & WILDLIFE'S  
NOTICE OF INTERVENTION**

Pursuant to Rule 214 of the Federal Energy Regulatory Commission's (FERC or Commission) Rules of Practice and Procedure, 18 C.F.R. § 385.214, Washington Department of Fish and Wildlife (Department) hereby files its notice of intervention in the above-captioned proceeding. The grounds for this intervention are:

**I.**

The names and addresses of the legal counsel for the Department and the Department's main staff contact are below. Copies of all orders, notices, pleadings, and correspondence related to this proceeding should be directed to:

William C. Frymire, Senior Counsel  
Attorney General of Washington  
Fish, Wildlife & Parks Division  
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Post Office Box 40100  
Olympia, Washington 98504-0100

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Email: [eldredte@dfw.wa.gov](mailto:eldredte@dfw.wa.gov)

## II.

The Department is an agency of the State of Washington with jurisdiction over fish, shellfish, and wildlife resources and charged with the duty of protecting, conserving, managing, and enhancing those resources. Wash. Rev. Code, Title 77. Pursuant to these statutory obligations, the Department brings this intervention on behalf of the citizens of the State of Washington, who, by the law of that state, own the fish and wildlife resources.

## III.

The Department is a state fish and wildlife agency which is required to be consulted in determining losses to the fish, shellfish, and wildlife resources caused by construction and operation of hydroelectric projects licensed by the federal government and to be consulted in identifying the appropriate measures to preserve and enhance those resources. Fish and Wildlife Coordination Act, 16 U.S.C. § 662(a), (b). The Department is authorized to provide recommended terms and conditions to the Commission that shall be included in any new license unless the Commission finds, in writing, that the Department's recommendations are inconsistent with applicable law. Federal Power Act, 16 U.S.C. § 803(j); 18 C.F.R. § 4.34.

## IV.

Public Utility District No. 1 of Douglas County filed an Application for New Major License pursuant to Federal Power Act, 16 U.S.C. §§ 791(a)–825(r), for a Project known as the Wells Hydroelectric Project. The existing project is located on the

Columbia River in Douglas, Okanogan, and Chelan counties, Washington. The project occupies 15.15 acres of federal land managed by the U.S. Department of the Interior and the U.S. Army Corps of Engineers.

V.

The FERC Notice of Application identifies that the existing Wells Hydroelectric Project consists of a single development with an installed capacity of 774,300 kilowatts. Average annual generation of the project is 4,364,959 megawatt-hours. In addition to providing electric service to over 18,000 customers in Douglas County, power from the Wells Project is used to meet both daily and seasonal peaks in power demand in the Pacific Northwest region and contributes to the reliability and stability of the regional electric system.

The Wells Project consists of: (1) a 1,130-foot-long and 168-foot-wide concrete hydrocombine dam with integrated generating units, spillways, switchyard and fish passage facilities; (2) a 2,300-foot-long and 40-foot-high earth and rock-filled west embankment; (3) a 1,030-foot-long and 160-foot-high earth and rock-filled east embankment; (4) eleven 46-foot-wide and 65-foot high ogee-designed spillway bays with 2 vertical lift gates (upper leaf is 46 feet by 30 feet and lower leaf is 46 feet by 35 feet); (5) five spillways modified to accommodate the juvenile fish bypass system; (6) 10 generating units each housed in a 95-foot-wide and 172-foot-long concrete structure with an installed capacity of 774.3 megawatts (MW) and maximum capacity of 840 MW; (7) five 14.4-kilovolts (kV) power transformers each connected to 2 generating

units converting the power to 230 kV; (8) two 41-miles-long 230 kV single-circuit transmission lines running parallel to each other; and (9) appurtenant facilities. The Wells Project is operated as a run-of-river facility with daily outflows to the Wells Reservoir equaling daily inflows.

Douglas PUD is not proposing any changes to project operations or the project boundary for the Wells Project. New facilities proposed by Douglas PUD include new interpretive displays, new facilities and infrastructure at the Wells and Methow fish hatcheries, new recreation facilities, and participation in a white sturgeon hatchery and rearing facility.

This Project may adversely affect fish or wildlife under the jurisdiction of the Department.

## VI.

For the above reasons, the Department has a significant interest which may be directly affected by the outcome of this proceeding, and this interest is not adequately represented by existing parties. The Department's participation in this proceeding is in the public interest.

## VII.

THEREFORE, in order that this proceeding be fully developed in accordance with the applicable law, and that the Commission have before it all the material facts relating to this project, the Commission should recognize the Department as an intervener.

As a party in the above-entitled proceedings, the Department requests the right to have notice of and appear at any and all hearings or proceedings, to produce evidence and cross-examine witnesses, to be heard through counsel in written and oral argument, to be served with copies of all pleadings, applications, and notices, and for any other such participation and relief as may be appropriate.

DATED this 23rd day of August, 2010.

Respectfully submitted:

ROBERT M. MCKENNA  
Attorney General



WILLIAM C. FRYMIRE, WSBA 16551  
Senior Counsel

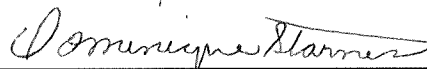
**PROOF OF SERVICE**

I certify that I served a copy of this document on all parties or their counsel of record on the date below as follows:

US Mail Postage Prepaid via Consolidated Mail Service, E-mail, or State Campus Delivery

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this 23rd day of August, 2010, at Olympia, Washington.



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Dominique Starnes  
Legal Assistant

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