

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

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

**Project No. P-2149-152**

**STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY'S  
MOTION TO INTERVENE**

The State of Washington, Department of Ecology (Ecology) respectfully moves the Commission, pursuant to 18 C.F.R. §§ 385.210 and .214, for the authorization to intervene in the above-entitled matter. Ecology is filing this motion for intervention in response to the Commission's August 10, 2010, Notice of Application and August 19, 2010, Errata Notice for the Wells Hydroelectric Project No. 2149-152. The reasons in support of Ecology's right to participate in this matter are:

**I.**

Ecology is the agency created to administer the State of Washington's Water Management Program, including its comprehensive water quality and water rights programs, and to present the views and recommendations of the state regarding any federal license or permit relating thereto at any proceeding, negotiation, or hearing in such regard conducted by the federal government. Wash. Rev. Code 90.48.260; Wash. Rev. Code 43.21A.020; Wash. Rev. Code 43.27A.090; Wash. Rev. Code 90.03.010; Wash. Rev. Code 90.54.010; Wash. Rev. Code 90.58.010; 16 U.S.C. § 803(a); and 16 U.S.C. § 821. Ecology has the responsibility to issue the Section 401 certification under the Clean Water Act which is required for the Commission to issue a permit. *See* Wash. Rev. Code 90.48.260. Ecology also has the responsibility for issuing National Pollution Discharge Elimination System

permits, certifying compliance with the Coastal Zone Management Act (CZMA) and enforcing the state Shoreline Management Act (SMA). Ecology also has statutory responsibilities in the matters of environmental review and coordination, pursuant to the State Environmental Policy Act (SEPA). Wash. Rev. Code 86.16.010, *et seq.*; Wash. Rev. Code 90.48.260; Wash. Rev. Code 90.48.010, *et seq.*; Wash. Rev. Code 90.58.020, *et seq.*; Wash. Rev. Code 43.21C.010, *et seq.*

## II.

On May 27, 2010, the Public Utility District No. 1 of Douglas County (Douglas PUD), Washington, filed an application for a 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, Docket No. 2149-152. The existing project is located on the Columbia River in the State of Washington.

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 mile-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.

### III.

The interest of Ecology as the state regulatory agency that is solely responsible for water quality, water resources, SEPA, SMA, and CZMA compliance is not adequately represented by any other party in the proceeding. It is in the public interest that the state agency responsible for compliance with these laws be heard before the Commission on matters that affect those interests involving this project. Ecology desires to monitor and stay informed about the nature of this project and to participate herein to the full extent authorized under Commission rules so it can fulfill its responsibilities under the above laws.

### IV.

Therefore, good cause having been shown, Ecology respectfully requests pursuant to Commission rules that it be permitted to intervene in the above-entitled proceedings and be made a party thereto. It 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, through written and oral argument, to be served henceforth with copies of all pleadings, applications, and notices, and for such other participation and relief as may be appropriate. Ecology requests that the following individuals be added to the service list to receive filings and notice on behalf of Ecology for this proceeding and consent to receiving such service electronically.

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RESPECTFULLY SUBMITTED this 3rd day of September, 2010.

ROBERT M. MCKENNA  
Attorney General

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I, Sonia A. Wolfman, hereby certify that on the 3<sup>rd</sup> day of September, 2010, copies of State of Washington, Department of Ecology's Motion to Intervene were served via electronic and U.S. mail to all parties on the official service list, in accordance with the rules of the Federal Energy Regulatory Commission.

/s/ Sonia A. Wolfman  
SONIA A. WOLFMAN