



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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FEDERAL ENERGY  
REGULATORY COMMISSION

October 8, 2010

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

RE: COMMENTS and RECOMMENDATIONS – Notice of Application Ready for Environmental Analysis and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions for the Wells Hydroelectric Project No. 2149, Columbia River, Washington

Dear Ms. Bose:

The Washington State Department of Ecology (Ecology) has reviewed the Application Ready for Environmental Analysis and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions for the Wells Hydroelectric Project No. 2149, located on the Columbia River in Washington State. The application was prepared by the owner, Douglas Public Utility District No. 1 (PUD).

Ecology has been a participant of the development of an Aquatic Settlement Agreement (ASA), led by the project owner, the PUD. This document covers water quality, plus aquatic life in the reservoir (bull trout, white sturgeon, Pacific lamprey, and the remaining resident fish). Signatories include Ecology, the PUD, United States Fish and Wildlife Service (USFWS), Confederated Tribes of the Colville Reservation (Colvilles), Confederated Tribes and Bands of the Yakama Nation (Yakamas), and Washington State Department of Fish and Wildlife (WDFW). Another plan (Habitat Conservation Plan (HCP)) was developed and is being implemented among the fish management agencies to cover five salmonids covered under a separate, for spring Chinook, summer/fall Chinook, Sockeye, Coho and steelhead.

Under the Clean Water Act, Section 401, Ecology has mandatory conditioning authority over water quality, including impacts to aquatic life. Ecology has on the whole been satisfied with the studies performed and plans developed to address water quality standards and expects to issue a 401 certification based mainly on the contents of the ASA and HCP. However, due to the inherent uncertainty in the content of the final Environmental Assessment (EA), we prefer to wait to issue the certification shortly after the draft EA is issued.



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In addition to the ASA and HCP, we understand that the PUD has prepared, in consultation with other entities, a Wildlife and Botanical Management Plan. We request that FERC include as a term of its license for the Wells Project that Ecology be consulted on any future modifications to this Plan. We base this in part due to our authorities under the CWA, which allow us to address propagation and protection of fish, shellfish and wildlife in connection with water bodies (WAC 173-201A). In addition, the State Shorelands Management Act (RCW 90.58) requires local jurisdictions to develop Shoreline Master Programs and provides Ecology with the authority to review these Programs (plans). The Act emphasizes accommodation of appropriate uses that require a shoreline location, protection of shoreline environmental resources and protection of the public's right to access and use the shorelines (RCW 90.58.020).

We would like to express our support of a 50-year license for this Project based on the following reasons:

- 1) The aquatic management plans provide strong, clear goals and objectives, with the flexibility via adaptive management to meet these goals in cases of new or changing circumstances.
- 2) Synchronizing the Wells relicensing process with other mid Columbia PUDs would put undue staffing burdens on state agencies that are consulting on the multiple relicensing processes.
- 3) Coordinating the relicensing of three of the largest projects in the nation at the same time will significantly compound that burden without providing any corresponding benefits.
- 4) Experience on relicensing the Rocky Reach and Priest Rapids provide will provide federal and state staff experience to be applied to the Wells Project.
- 5) Support for a 50-year term was an essential element considered during the negotiation of the Aquatic Settlement Agreement. Stakeholders wanted a longer term to ensure that the benefits of the project were available for the longest term possible.

If you have any questions, please contact me at (509) 457-7107.

Sincerely,



Charles McKinney  
Section Manager  
Water Quality Program

cc: Sonia Wolfman, AAG  
Service List