

FEDERAL ENERGY REGULATORY COMMISSION

WASHINGTON, D.C. 20426

April 12, 2011

OFFICE OF ENERGY PROJECTS

Project No. 2149-152--Washington
Wells Hydroelectric Project
Public Utility District No. 1 of Douglas County

Alison O'Brien
Acting Regional Environmental Officer
U.S. Department of the Interior
620 SW Main Street, Suite 201
Portland, Oregon 97205

Subject: Request for concurrence with endangered species determinations

Dear Ms. O'Brien:

The Wells Hydroelectric Project (project) is located on the Columbia River in Douglas, Okanogan, and Chelan counties, Washington. We address the project's effects on threatened or endangered species and/or critical habitat in the enclosed draft Environmental Impact Statement (draft EIS). The location of the endangered species information is provided in the attachment. A draft biological assessment prepared by the Public Utility District No. 1 of Douglas County and filed on May 27, 2010, as Appendix E-7 of Exhibit E of its final license application, is available as supplemental information.

We conclude that relicensing the project with staff-recommended measures and agency mandatory conditions would have no effect on Ute ladies'-tresses, marbled murrelet, gray wolf, Canada lynx, northern spotted owl, grizzly bear, pygmy rabbit, Wenatchee Mountains checker-mallow, or showy stickweed, and is not likely to adversely affect the Columbia River bull trout distinct population segment (DPS) or its designated critical habitat.

The applicant has proposed and we are recommending continued implementation of the Wells Habitat Conservation Plan (Wells HCP). Consultation for the effects of the Wells HCP on the Columbia River bull trout DPS was completed on May 13, 2004.¹ In

¹ *Biological Opinion and Conference Opinion for the License Amendments to incorporate the Rocky Reach, Rock Island, and Wells Anadromous Fish Agreements and Habitat Conservation Plans.*

the Biological Opinion completed as part of that consultation, you indicate that reinitiating consultation would be required if: 1) the amount or extent of incidental take is exceeded; 2) new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not considered in this opinion; 3) the agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat not considered in the opinion; or 4) a new species is listed or critical habitat is designated that may be affected by the action.

Our analysis, presented in the draft EIS, did not indicate that the amount or extent of incidental take has been exceeded. Additionally, we are not aware of any new information that would identify effects on bull trout or critical habitat that were not previously considered in the opinion. We, therefore, conclude that there is no need to reinitiate consultation on the effects of the Wells HCP implementation on the Columbia River bull trout DPS.

In regard to the non-HCP measures included in the staff alternative with mandatory conditions, implementation of the Aquatic Settlement Agreement resource management plans would include protection and enhancement measures for Pacific lamprey, bull trout, white sturgeon, and other non-anadromous fish species. The Aquatic Settlement also provides for measures to enhance water quality and protect aquatic habitat from invasive aquatic nuisance species. The measures contained in the Aquatic Settlement Agreement resource management plans would generally enhance fish populations and aquatic habitat throughout the project area, and therefore, would likely cause minor beneficial effects to bull trout. No other non-HCP measures associated with relicensing would adversely affect bull trout occurring within the project area. Based on this information, we conclude that the non-HCP measures included in the staff alternative with mandatory conditions would not likely adversely affect the Columbia River bull trout DPS.

Finally, while no new species have been listed subsequent to completion of consultation on the Wells HCP, bull trout critical habitat was designated on September 30, 2010.² Thus, the effects of Wells HCP implementation on designated critical habitat for the Columbia River bull trout DPS were not previously considered. Designated critical habitat for bull trout that could be affected by relicensing the project includes 31 miles of the mainstem Columbia River downstream from Chief Joseph dam, and 1.5 miles of the lower Methow River within the project area. Critical habitat within these areas serves as foraging, overwintering, and migratory habitat for bull trout.

As discussed in the draft EIS, continued implementation of the Wells HCP would ensure that the survival rates of upstream and downstream migrating bull trout are improved compared to the survival rates that occurred prior to the start of Wells HCP

² 75 FR (63898–64070)

implementation in 2004. Maintenance of these improved survival rates over the term of the Wells HCP would be ensured through periodic re-evaluation of survival rates and adaptive management provisions included in the Wells HCP. As a result, we find that the condition of the freshwater migration corridor would be improved compared to conditions that existed prior to the Wells HCP, and that this improved condition would be maintained for the term of the HCP. Implementation of the six Aquatic Settlement Agreement resource management plans would include protection and enhancement measures for Pacific lamprey, bull trout, white sturgeon, and other non-anadromous fish species. The Aquatic Settlement Agreement also provides for measures to enhance water quality and protect aquatic habitat from invasive aquatic nuisance species. The measures contained in the plans would generally enhance fish populations and aquatic habitat throughout the project area. Enhanced populations of fish species as a result of habitat improvements and hatchery supplementation would provide additional foraging opportunities for bull trout. No other measures associated with relicensing would significantly affect bull trout designated critical habitat within the project area. Based on this information, we conclude that relicensing the project under the staff alternative with mandatory conditions would not likely adversely affect any designated critical habitat for the Columbia River bull trout DPS.

Based on these determinations, we do not believe there is a need to initiate formal consultation for the Columbia River bull trout DPS or its designated critical habitat. Please tell us in writing within 30 days from the date of receipt if you do or do not concur with our assessment.

Should you need to informally discuss concerns before making your determination or wish to initiate teleconference with all parties on this issue, please contact Matt Cutlip at (503) 552-2762. Please file your response electronically via the Internet. See 18 C.F.R. 385.2001(a)(1)(iii) and the instructions on the Commission's website (<http://www.ferc.gov/docs-filing/efiling.asp>). For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov; call toll-free at (866) 208-3676; or, for TTY, contact (202) 502-8659. Although the Commission strongly encourages electronic filing, your response may also be paper-filed. To paper-file, mail an original and seven copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, D.C. 20426. Please put the docket number, P-2149-152 on the first page of your response.

If you have any questions, please contact me at (202) 502-6797.

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Sincerely,

Jennifer Hill, Chief
Northwest Branch
Division of Hydropower Licensing

Attachment: Location of endangered species information

Enclosure: Draft EIS

cc: Public Files
Service List

ATTACHMENT

Location of endangered species information in the enclosed draft EIS and final license application needed to complete consultation on the Wells Project (FERC No. 2149)

Description of the Action	<p>Information describing the general project location is found in the license application Exhibit A, section 1.0 (pages A-2 through A-3), a description of the federal lands affected by the project is provided in section 8.0 (page A-28), and project boundary maps are provided in Exhibit G of the license application.</p> <p>The proposed action, described in <i>Proposed Action and Alternative</i>, section 2.0 of the draft EIS, consists of the applicant's proposal, section 2.2 (pages 31-36) as modified by staff, section 2.3 (pages 37-40), and with additional modifications specified in NMFS' and Interior's section 18 fishway prescriptions, section 2.2.4 (page 40).</p>
Description of the Listed Species, Critical Habitat, and Essential Fish Habitat	<p>In the Affected Environment, section 3.3.1.1, <i>bull trout</i>, (pages 75-80) and section 3.3.3.1, <i>Threatened and Endangered Species</i>, (pages 157-161) of the draft EIS, we summarize available background information on species biology, habitat requirements, abundance, and distribution within the project area and surrounding areas; and summarize the results of surveys conducted by the applicant.</p>
<p>Description of affected area and</p> <p>Description of the effects of the project, including cumulative effects</p>	<p>In the Aquatic Resources Environmental Effects, section 3.3.1.2 (pages 82-119) and Threatened and Endangered Species Environmental Effects, section 3.3.3.2 (pages 161-169) of the draft EIS we provide a description of the geographic area that may be affected by the proposed action; an evaluation of the potential direct and indirect effects on species and critical habitat of the proposed action and alternatives; and evaluation of measures proposed by the applicant and recommended by staff to reduce, avoid, minimize, or enhance endangered species.</p> <p>Cumulative effects are specifically addressed in section 3.3.1.3 of the draft EIS (pages 119-123).</p> <p>We make our determination of effects on federally listed species in section 1.3.3, <i>Endangered Species Act</i> (pages 9-10).</p>
Relevant Reports	<p>A list of relevant reports and other relevant information on the action, listed species, or critical habitat that form the basis of our assessment of effects to threatened or endangered species are</p>

	<p>included in the license application, Exhibit E, Section 7.0, <i>References</i>, (pages 260 through 288) and section 7.0 of the draft EIS, <i>Literature Cited</i> (pages 255-271). Copies of the reports prepared by the applicant, including pre-application studies and survey results have already been filed with your office.</p>
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Document Content(s)

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