



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Washington Fish and Wildlife Office

Central Washington Field Office

215 Melody Lane, Suite 119

Wenatchee, WA 98801

IN RESPONSE REPLY TO:

May 5, 2011

USFWS Reference: 13260-2011-I-0067

Hydrologic Unit Code: 17-02-00-18-07

Re: Response to Letter Requesting Concurrence for ESA Consultation on the Relicensing of the Wells Hydroelectric Project (FERC No. 2149)

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

Dear Ms. Bose:

This letter responds to your Draft Environmental Impact Statement (DEIS), dated April 2011, and your request for concurrence on the Federal Energy Regulatory Commission's (Commission) "no effect" and "not likely to adversely affect" determinations for species covered under section 7 of the Endangered Species Act (ESA) on the relicensing of the Wells Hydroelectric Project (Project) (FERC No. 2149). On April 12, 2011, the Commission sent its letter to the U.S. Fish and Wildlife Service (Service) regarding a request for concurrence on the "no effect" determination for Ute ladies'-tresses (*Spiranthes diluvialis*), marbled murrelet (*Brachyramphus marmoratus*), gray wolf (*Canis lupus*), Canada lynx (*Lynx canadensis*), northern spotted owl (*Strix occidentalis caurina*), grizzly bear (*Ursus arctos horribilis*), pygmy rabbit (*Brachylagus idahoensis*), Wenatchee Mountains checker mallow (*Sidalcea oregano*), and the showy stickseed (*Hackelia venusta*). The Commission's request further concluded a determination of "may affect, not likely to adversely affect" for the Columbia River distinct population segment of bull trout (*Salvelinus confluentus*) and its designated critical habitat. The draft Biological Assessment (BA) developed by the non-federal representative for this proceeding, Public Utility District No. 1 Douglas County (Douglas PUD), also concludes that the proposed action may affect bull trout, and would have no effect on designated critical habitat.

While the Service acknowledges the Commission's "no effect" determination for the aforementioned species above, we do not concur with the Commission's "may affect, not likely to adversely affect" determination for the bull trout; since there may be adverse effects to this species over the term of a new 30-50 year license for the Project and the project area contains critical habitat for this species. Douglas PUD conducted a preliminary analysis of critical habitat for bull trout through the use of the Service's *Matrix of Pathway Indicators* in its BA. However, bull trout critical habitat in the project area had not been designated at the



time the draft BA was filed with the Commission. A complete analysis of bull trout critical habitat should be included in the final BA, now that critical habitat has been designated in the project area. Accordingly, the Service recommends that the Commission initiate formal consultation for the relicensing of the Project through Douglas PUD.

Section 7 allows the Service up to 90 calendar days to conclude formal consultation with your agency and an additional 45 calendar days to prepare our biological opinion. We expect no undue delays regarding the issuance of our biological opinion for this relicensing and will work with Douglas PUD to ensure the timely issuance of the new license for this Project.

As a reminder, the ESA requires that after initiation of formal consultation, the federal action agency may not make any irreversible or irretrievable commitment of resources that limits future options. This practice insures agency actions do not preclude the formulation or implementation of reasonable and prudent alternatives that avoid jeopardizing the continued existence of endangered or threatened species, or destroying or adversely modifying their designated critical habitats.

If you have questions or concerns about this consultation or the consultation process in general, please feel free to contact Steve Lewis of my staff via telephone (509/665-3508 ext. 14) or email (Stephen_Lewis@fws.gov).

Sincerely,



Jessica L. Gonzales
Assistant Project Leader

cc:

Bill Dobbins, Douglas County Public Utility District, East Wenatchee, WA
Dennis Beich, Washington Department of Fish and Wildlife, Ephrata, WA
Bryan Nordlund, National Marine Fisheries Service, Portland, OR
Bob Rose, Yakama Nation, Yakima, WA
Bob Heinith, Columbia River Intertribal Fish Commission, Portland, OR