



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1201 NE Lloyd Boulevard, Suite 1100
PORTLAND, OREGON 97232-1274

May 12, 2011

VIA ELECTRONIC FILING

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

Subject: Wells Hydroelectric Project, FERC Project number 2149-152, ESA concurrence.

Dear Secretary Bose:

We received the Commission's letter dated April 12, 2011 requesting concurrence with endangered species determinations regarding the Upper Columbia River (UCR) spring Chinook Evolutionary Significant Unit (ESU) and UCR steelhead Distinct Population Segment (DPS) and designated critical habitat for the UCR spring Chinook and UCR steelhead. The Commission determination is that relicensing the project with staff-recommended measures and agency mandatory conditions, the proposed Federal action would not likely adversely affect (NLAA). NMFS respectfully disagrees with this determination. Although the prospective Federal action includes continuation of the existing Habitat Conservation Plan (HCP) as part of the license terms and conditions to avoid and minimize adverse effects of the project on listed species and designated critical habitat, the very nature of the project causes some unavoidable "take" of listed species, and adversely affects designated critical habitat.

Wells is a large and complex hydroelectric project. Although we previously consulted on the HCP and issued an Incidental Take Statement (ITS), NMFS needs additional time beyond the 30 day allowance for an NLAA concurrence to diligently analyze: 1) the continued effects of the HCP on the listed species; 2) the combined effects of the HCP and new Aquatic Settlement Agreement on designated critical habitat (critical habitat was de-listed during the previous HCP process and then subsequently re-designated); 3) the effects of the new Aquatic Settlement Agreement on the UCR spring Chinook ESU and UCR steelhead DPS; and 4) the effects of HCP and Aquatics Settlement Agreement on Southern Resident Killer Whales and their designated critical habitat (listed since the 2003 HCP).



Many of the analyses have already been done, and we anticipate that this consultation will consist of reviewing prior and existing analyses and minimal new analysis to develop a current effects determination and ITS for the prospective Wells relicense. We expect to issue a biological opinion within 135 days.

Sincerely,

A handwritten signature in blue ink that reads "Keith Kirkendall". The signature is written in a cursive style and is positioned above the typed name.

Keith Kirkendall, Chief
FERC and Water Diversions Branch
Hydro Division

CC: Wells Service list


UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Douglas County Public Utility District)	Wells Hydroelectric Project
Douglas County PUD)	FERC No. P-2149-152

CERTIFICATE OF SERVICE

I hereby certify that I have this day served, by electronic or first class mail, a letter to Kimberly D. Bose, Federal Energy Regulatory Commission, from the National Marine Fisheries Service, regarding National Marine Fisheries Services' ESA Concurrence for the Wells Hydroelectric FERC Project No. P-2149-152 and this Certificate of Service to each person designated on the official service list compiled by the Commission in the above captioned proceeding.

Dated on May 12, 2011



Bonnie J. Hossack