



# 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:

August 5, 2011

USFWS Reference: 13260-2011-I-0067

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

Re: Formal Consultation under the Endangered Species Act  
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:

On July 21, 2011, our office received your letter stating that the Draft Environmental Impact Statement (DEIS) and Draft Biological Assessment (BA) for the relicensing of the Wells Hydroelectric Project (Project) represents the best available data on the effects of the Project on bull trout and its critical habitat. The Federal Energy Regulatory Commission (Commission) further stated that it did not intend to prepare a final BA for the relicensing of the Project. Also, the Commission requested initiation of formal consultation on the Project with the U.S. Fish and Wildlife Service (Service) and a biological opinion by December 1, 2011.

We do not concur with your conclusion, the DEIS and draft BA lack the most recent information on the effects of the Project on bull trout critical habitat. As discussed in our May 9, 2011 letter to the Commission, the Commission's draft BA does not include a thorough analysis of the effects of the Project on bull trout critical habitat, and that this analysis must be included in the final BA. For example, the draft BA states:

*"Bull trout critical habitat was designated by USFWS in 2005 (70 FR 56212). Designated critical habitat for bull trout does not occur in the Wells Project. However, new critical habitat was proposed January 14, 2010 (75 FR 2270) to include all of the Wells Project waters except the Okanogan River. USFWS submission of a final bull trout critical habitat designation to the federal register is due September 30, 2010. Therefore, the proposed action will have no effect on designated bull trout critical habitat, and should not adversely affect or modify proposed bull trout critical habitat."*

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Now that critical habitat has been identified in the project area, the Commission is required to analyze the effects of the Project on the primary constituent elements (PCEs) of critical habitat in the final BA for the Project. The following are the PCEs for bull trout: 1) springs, seeps, groundwater sources, and subsurface water connectivity (hyporheic flows) to contribute to water quality and quantity and provide thermal refugia; 2) migration habitats with minimal physical, biological, or water quality impediments between spawning, rearing, overwintering, and freshwater and marine foraging habitats, including but not limited to permanent, partial, intermittent, or seasonal barriers; 3) an abundant food base, including terrestrial organisms of riparian origin, aquatic macroinvertebrates, and forage fish; 4) complex river, stream, lake, reservoir, and marine shoreline aquatic environments, and processes that establish and maintain these aquatic environments, with features such as large wood, side channels, pools, undercut banks and unembedded substrates, to provide a variety of depths, gradients, velocities, and structure; 5) water temperatures ranging from 2 to 15°C (36 to 59°F), with adequate thermal refugia available for temperatures that exceed the upper end of this range; 6) in spawning and rearing areas, substrate of sufficient amount, size, and composition to ensure success of egg and embryo overwinter survival, fry emergence, and young-of-the-year and juvenile survival; 7) a natural hydrograph, including peak, high, low, and base flows within historic and seasonal ranges or, if flows are controlled, minimal flow departure from a natural hydrograph; 8) sufficient water quality and quantity such that normal reproduction, growth, and survival are not inhibited; and 9) sufficiently low levels of predatory (e.g., lake trout, walleye, northern pike, smallmouth bass); interbreeding (e.g., brook trout); or competing (e.g., brown trout) species that, if present are adequately temporally and spatially isolated from bull trout.

Pursuant to 50 CFR 402.12, initiation of consultation may occur once the Service determines that the BA is adequate and complete. In order for that to occur, the draft BA must be revised to include an analysis of the effects of the Project on the PCEs of bull trout critical habitat. Once this final BA has been accepted and deemed adequate, the Service will notify the Commission by letter that the information needs have been sufficiently met to start formal consultation on the project. Section 7 allows the Service up to 90 calendar days to conclude formal consultation with the Commission and an additional 45 calendar days to prepare our biological opinion. We have assigned a log number (13410-2011-F-0090) to this consultation. Please refer to that number in future correspondences on this consultation.

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](mailto:Stephen_Lewis@fws.gov)).

Sincerely,



Jessica L. Gonzales  
Assistant Project Leader

cc:

Shane Bickford, 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