

143 FERC ¶ 62,159
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Public Utility District No. 1 of Douglas County,
Washington

Project No. 2149-158

ORDER APPROVING AND MODIFYING AQUATIC NUISANCE SPECIES
MANAGEMENT PLAN PURSUANT TO LICENSE ARTICLE 405

(Issued May 30, 2013)

1. On April 30, 2013, Public Utility District Number One of Douglas County, Washington (licensee) filed, for Federal Energy Regulatory Commission (Commission) approval, an updated aquatic nuisance species management plan for the Wells Hydroelectric Project. The plan is required by Article 405 in the project license.¹ The project is located on the Columbia River in Chelan, Douglas, and Okanogan Counties, Washington.

LICENSE REQUIREMENTS AND BACKGROUND

2. Article 405, as approved, requires the licensee to file a plan for managing aquatic nuisance species in Wells Hydroelectric Project waters. The license required consultation with the National Marine Fisheries Service, U.S. Fish and Wildlife Service, Washington Department of Fish and Wildlife (WDFW), Washington Department of Ecology (Ecology), Confederated Tribes of the Colville Reservation, Confederated Tribes and Bands of the Yakama Nation, U.S. Bureau of Indian Affairs, and U.S. Bureau of Land Management in developing the plan.

3. License Article 405 also required an update to the May 27, 2010 Aquatic Settlement Agreement's Aquatic Nuisance Species Management Plan to be filed within six months of the project license. The updated plan is to be amended with specifications of Sections 4.1 and 4.2.1 of the plan.

4. In 2005, aquatic macrophytes were sampled at 369 points along 61 transects in the Wells Reservoir. Eurasian watermilfoil was the dominant species at 6.3 percent of the sites. It was found in several other samples as a non-dominant species.

¹ Order Issuing New License. 141 FERC ¶ 62,104 (issued November 9, 2012).

5. In 2005, aquatic macrophytes were sampled at 369 points along 61 transects in the Wells Reservoir. Eurasian watermilfoil was the dominant species at 6.3 percent of the sites. It was found in several other samples as a non-dominant species.

6. The licensee's 2006 coordination with the Aquatic Nuisance Species Division of the WDFW produced an ongoing monitoring program consisting of summer and early fall sampling for zebra or quagga mussel presence. A permanent substrate sampler, a result of 2007 coordination with the Center for Lakes and Reservoirs at Portland State University, samples the Wells Dam forebay throughout the year and is checked monthly. These sampling efforts have not shown any indication of zebra or quagga mussel presence.

LICENSEE'S PLAN

7. The licensee's plan includes means to prevent the spread of Eurasian watermilfoil in the event of construction activities that are related to providing recreation access. The licensee stated that contractors will be made aware of the licensee's best management practices, and all equipment would undergo thorough inspection prior to entry into the project area. Inspections would be conducted in a designated staging area away from the high water line and any storm drains that flow to project waters. The licensee proposed to conduct training and provide the necessary equipment for proper inspection. Special decontamination procedures will be required for any watercrafts or equipment that has been used in areas known to host aquatic nuisance species.

8. In its plan, the licensee proposes keeping inspection records of all watercraft and construction equipment. These records should be accessed before and after use, in or near project waters. Inspection records will include date and location of last use, dates and results of previous inspections, and date and method of the most recent cleaning.

9. The licensee proposes to continue monitoring for zebra and quagga mussels. If either species is detected, the licensee proposes to notify the appropriate regional and state agencies immediately. Photographs and samples would be taken as necessary for positive identification.

10. The licensee's plan states that, within 30 days of a positive identification of an aquatic nuisance species, the licensee will increase monitoring throughout the project area using methods developed in coordination with the Aquatic Settlement Working Group (ASWG).² The ASWG will also be consulted in developing any control or eradication activities as response measures become necessary.

² The Aquatic Settlement Working Group consists of at least one representative from each of the following agencies and organizations: U.S. Fish and Wildlife Service,
(continued)

11. If indication of any nuisance dreissenid (mussel) species presence is observed, the licensee will notify upstream and downstream operators as well as the Columbia River Basin Team.³ The licensee also intends to assist with and implement any relevant Columbia River Basin Team rapid response actions. Additionally, the licensee proposes to monitor bycatch from other project activities (including broodstock collection, northern pikeminnow removal, etc.) for evidence of nuisance species.

12. The licensee's plan includes strategies for public outreach via signage and literature distribution. Outreach will target local communities and recreation sites/activities within the project area. Signage will be posted at boat ramps and project recreation areas. Literature will be obtained from such state resource agencies as WDFW and Ecology and be distributed at Pateros, Brewster, Bridgeport, and Wells Dams visitor centers.

REPORTING

13. The licensee proposes submitting a draft annual report to the ASWG before filing the final annual report with the commission. This plan will include all aquatic nuisance species activities as well as any deviations from the Aquatic Nuisance Species Management Plan. The licensee proposes to prepare a memorandum, rather than a full report, in years when no significant activities occur.

CONSULTATION

14. The licensee conducted extensive consultation with the Aquatic Settlement Working Group prior to filing the updated plan. Numerous conference calls

Washington Department of Ecology, Washington State Department of Fish and Wildlife, Confederated Tribes of the Colville Reservation, Confederated Tribes and Bands of the Yakama Indian Nation, and the licensee. The U.S. Bureau of Land Management has elected to waive regular participation, but it receives all documents and reserves the right to participate as desired. The U.S. Bureau of Indian Affairs participates intermittently as an observer, but it receives all documents and reserves the right to participated as desired.

³ The Columbia River Basin Team is comprised of 100th Meridian Initiative partners primarily from Washington, Oregon, Montana, Idaho, Wyoming, and British Columbia. This includes, but is not limited to, the U.S. Fish and Wildlife Service, Columbia River Intertribal Fish Commission, representatives from Washington, Oregon, Montana, Idaho, Wyoming, and British Columbia state/province resource agencies, and partners representing the University of Notre Dame, Oregon State University, Portland State University, and the University of Texas at Arlington.

transcriptions and email conversations were included in Appendix B of the plan and demonstrated support for the plan as proposed.

DISCUSSION

15. The licensee proposes to file an annual report or memorandum, based on the amount of pertinent activity conducted throughout the year, with the Commission. The licensee also states that it would provide a draft of the annual report to the ASWG prior to filing with the Commission. However, the licensee should allow the ASWG at least 30 days to provide any comments regarding the report or memorandum. The licensee should address each comment or recommendation by either incorporating them into the final annual report or including reasons containing project-specific information why the comment or recommendation was not adopted.

16. The licensee's plan does not identify a deadline to file its annual report or memorandum with the Commission. In order to allow the licensee sufficient time to provide the draft report to the ASWG and to incorporate their feedback, the licensee should file its annual aquatic nuisance species report, for the preceding calendar year, with the Commission by April 1. The licensee's report should include any comments from ASWG as well as the licensee's response to the comments. The Commission should reserve the right to make changes to the plan based on the results of the annual reports. Upon Commission approval, each plan or recommended measure becomes a requirement of the license, and the licensee shall implement the plan or measure.

CONCLUSION

17. The licensee's updated aquatic nuisance management plan, as modified, should be approved.

The Director orders:

(A) Public Utility District Number One of Douglas County's (licensee) updated Aquatic Nuisance Species Management Plan (plan), filed April 30, 2013 pursuant to Article 405 for the Wells Hydroelectric Project No. 2195, as modified by paragraph (B), is approved.

(B) The licensee shall file its annual aquatic nuisance species report or memorandum, for the preceding calendar year, with the Federal Energy Regulatory Commission (Commission) by April 1. The licensee's report or memorandum shall include any comments from Aquatic Settle Working Group (ASWG). The licensee shall allow the ASWG at least 30 days to provide any comments regarding the report or memorandum. The licensee shall address each comment or recommendation by either incorporating them into the final annual report or including reasons containing project-specific information why the comment or recommendation was not adopted.

(C) This order constitutes final agency action. Any party may file a request for rehearing of this order within 30 days from the date of its issuance, as provided in section 313(a) of the Federal Power Act, 16 U.S.C. § 8251(2006), and the Commission's regulations at 18 CFR § 385.713 (2013). The filing of a request for rehearing does not operate as a stay of the effective date of this order, or of any other date specified in this order. The licensee's failure to file a request for rehearing shall constitute acceptance of this order.

Thomas J. LoVullo
Chief, Aquatic Resources Branch
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and Compliance

Document Content(s)

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