

134 FERC ¶ 62,041
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Public Utility District No. 1 of Chelan County

Project No. 2145-103

ORDER MODIFYING AND APPROVING AQUATIC INVASIVE SPECIES
MONITORING AND CONTROL PLAN PURSUANT TO ARTICLE 401 AND
CONDITION 5.6(2)

(Issued January 14, 2011)

1. On February 19, 2010, Public Utility District No. 1 of Chelan County (licensee) filed its Aquatic Invasive Species Monitoring and Control Plan for the Rocky Reach Project. The licensee filed this plan pursuant to license Article 401 and Water Quality Certification Condition No. 5.6(2).¹ The Rocky Reach Project is located on the mid-Columbia River in Chelan County, Washington.

REQUIREMENTS

2. License Article 401 requires the licensee to file its Aquatic Invasive Species Monitoring and Control Plan with the Commission, for its approval, within 1 year of the license issuance date (February 19, 2010).

3. Condition No. 5.6(2) of the Water Quality Certification requires that the plan be coordinated with the Washington Department of Ecology's (WDOE) Freshwater Aquatic Weed Control Program. Condition No. 5.6(2) also requires that the plan include the following components: a) signage at boat launches and distribution of education materials on aquatic invasive species and boater questionnaires to voluntary participants at Rocky Reach Reservoir boat launch sites during May 1-October 30 of each year; b) methodology and a schedule of prevention, monitoring, and control measures regarding the presence and movement of aquatic invasive species at or near project facilities; and c) an annual report of monitoring and educational activities conducted each year.

¹ See Order On Offer of Settlement and Issuing New License, 126 FERC ¶ 61,138 (Issued February 19, 2009).

LICENSEE'S PROPOSED PLAN

4. The licensee's proposed plan incorporates all of the elements required under Condition No. 5.6(2). More specifically, the licensee proposes to utilize existing kiosks and signage at boat launches within the Project to distribute educational materials during the boating season from May 1 through October 30 of each year. The licensee states that potential boat launch sites include: Lincoln Rock and Daroga State Parks, Beebe Bridge Park, Chelan Falls Park, Entiat Park, and any new boat launch sites. The licensee proposes that educational materials will consist of free pamphlets, identification cards, and signs obtained from the U.S. Fish and Wildlife Service (USFWS) and the Washington Department of Fish and Wildlife (WDFW).

5. The licensee also proposes to provide self-surveys to boaters. The licensee states that the self-surveys will request the following information from boaters: home residence; number of times the boat was launched the previous year; bodies of water where the boat has been recently launched; destination of the boat; if the boater cleans the boat, bait well, and fishing gear between launches; storage methods for the boat; and if the boater is aware of the threat of aquatic invasive species.

6. As part of the monitoring plan, the licensee proposes to monitor the entire Columbia River corridor portion of the project to the ordinary high water mark on the shoreline ever other year. Further, the licensee proposes to monitor all boat launches within the project ever year for aquatic invasive plants. The licensee proposes to conduct shoreline and boat launch monitoring via visual inspection and digital photographs from a boat. The licensee states that the monitoring would begin the first year following WDOE and the Commission's approval. The licensee also proposes to monitor all aquatic invasive plants listed on the Washington State Noxious Weed List.

7. Currently, the only known aquatic invasive plants established within the project area are Eurasian water milfoil and curly-leaf pondweed. The licensee proposes to focus its control and management of Eurasian water milfoil and curly-leaf pondweed through use of their education material and public awareness activities and monitoring activities. The licensee proposes to use adaptive management and modify their control methods, if needed, based on the results of the voluntary boater self-surveys and monitoring efforts. If more aggressive control of these invasive plants is needed at the project, the licensee states it will consider alternative control measures and discuss them within the annual report with WDOE.

8. Monitoring for aquatic invasive animals is another component of this plan. The licensee states that invasive fish species will be monitored under a separate Resident Fish Monitoring Program and conducted as detailed in Chapter 6 of the Comprehensive Plan, Attachment B to the Settlement Agreement, as included in the project license. For zebra mussels and quagga mussels, the licensee states that it began conducting horizontal

zooplankton tow net sampling downstream of the Rocky Reach dam in the early 2000s in cooperation with WDFW. The licensee proposes to extend this monitoring effort at three locations in this project area as part of this monitoring and control plan. The licensee proposes that samples will be taken at Lincoln Rock and Daroga State Parks and Chelan Falls Park two to four times annually between June and September. The licensee also proposes to deploy artificial substrates at boat launch docks and/or buoys in the project area and examine the substrates monthly from June through September. The licensee also proposes to inspect equipment regularly taken out of operation for maintenance at the Rocky Reach dam.

9. The licensee proposes by February 19 of each year to provide an annual report to WDOE summarizing the previous year's monitoring and control activities, and any needed changes to the monitoring plan to be implemented the following year, based on the previous year's results or any new scientific information. The licensee also proposes to coordinate with the WDOE and the Rocky Reach Fish Forum for any needed changes to the monitoring and control plan.

RESOURCE AGENCIES' COMMENTS

10. On January 22, 2010, the licensee received comments on its draft plan from the WDOE. All comments were incorporated by the licensee in conformance with license requirements.

DISCUSSION

11. The licensee proposes by February 19 of each year to provide an annual report to WDOE summarizing the previous year's monitoring and control activities, and any needed changes to the monitoring plan to be implemented the following year, based on the previous year's results, any new scientific information, or its coordination with WDOE and the Rocky Reach Fish Forum. In order to keep the Commission apprised of the status and monitoring and control of aquatic invasive species in the Project area, the licensee should also file the annual monitoring reports with the Commission by April 1 of each year. The report should include: 1) the previous year's monitoring and control activities; 2) any proposed and needed changes to the monitoring plan to be implemented the following year, based on the previous year's results, any new scientific information, or its coordination with WDOE and the Rocky Reach Fish Forum; and 3) documentation of consultation or comments received from WDOE and the Rocky Reach Fish Forum on the annual report and documentation of their agreement with the proposed monitoring and control measures for the following year. Also, the Commission reserves the right to require modifications to the licensee's Aquatic Invasive Species Monitoring and Control Plan based on the results of the monitoring or other available information.

CONCLUSION

12. The licensee's Aquatic Invasive Species Monitoring and Control Plan should adequately monitor and help prevent the spread of aquatic invasive species at the Project. The plan meets the requirements of Article 401 and Water Quality Certification Condition No. 5.6(2) and, as modified, should be approved.

The Commission Orders:

(A) Public Utility District No. 1 of Chelan County's (licensee) Aquatic Invasive Species Monitoring and Control Plan, filed on February 19, 2010 for the Rocky Reach Project, as modified in paragraph (B), is approved.

(B) The licensee shall file annual monitoring reports with the Commission by April 1 of each year. The report shall include: 1) the previous year's monitoring and control activities; 2) any proposed and needed changes to the monitoring plan to be implemented the following year, based on the previous year's results, any new scientific information, or its coordination with Washington Department of Ecology (WDOE) and the Rocky Reach Fish Forum; and 3) documentation of consultation or comments received from WDOE and the Rocky Reach Fish Forum on the annual report and documentation of their agreement with the proposed monitoring and control measures for the following year. Based on the monitoring results or other available information, the Commission reserves the right to require modifications to the licensee's Aquatic Invasive Species Monitoring and Control Plan.

(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 FPA, 16 U.S.C. § 8251 (2006), and the Commission's regulations at 18 C.F.R. § 385.713 (2010). 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.

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Administration and Compliance