

139 FERC ¶ 62,226
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Public Utility District No. 1 of Chelan County, Washington

Project No. 2145-102

ORDER MODIFYING AND APPROVING ENTIATQUA TRAIL
IMPLEMENTATION PLAN

(Issued June 14, 2012)

1. On December 28, 2011, as supplemented on June 7, 2012, Public Utility District No. 1 of Chelan County (licensee), licensee for the Rocky Reach Hydroelectric Project (FERC No. 2145), filed the results of the Entiatqua Trail Feasibility Study pursuant to paragraph (B) of the Order Modifying and Approving Revised Recreation Management Plan.¹ The project is located on the Columbia River in the City of Entiat, in Chelan County, Washington.
2. Ordering Paragraph (B) requires the licensee to complete the proposed Entiatqua Trail Feasibility Study identified in the approved plan and file the study results with the Commission along with documentation of agency consultation. The licensee shall conduct the study in consultation with the City of Entiat, Washington State Department of Transportation, C&C Railway, Washington Department of Fish and Wildlife (WDFW), Washington State Parks and Recreation Commission (WSPRC), National Park Service (NPS), and U.S. Bureau of Land Management (BLM).
3. If the study finds that the required trail can be built, the licensee's filing shall include specific information about the development of the trail, including a description of soil erosion and sediment control measures, a discussion of how the needs of the disabled were considered in the planning and design of the trail, provision for trash clean-up and removal, and identification of the entity (ies) responsible for construction, operation, and maintenance of the trail. If the study finds that the required trail cannot be built, the licensee's filing shall include, for Commission approval, a plan and schedule for a reasonable alternative, including, as appropriate, a description of soil erosion and sediment control measures to be used where ground-disturbing activities are proposed, a discussion of how the needs of the disabled were considered in the planning and design of the alternative facility, a provision for trash clean-up and removal, and identification of

¹ 133 FERC ¶ 62,040, issued October 12, 2010.

the entity(ies) responsible for construction, operation, and maintenance of the alternative facility, design drawings, cost estimates, and an implementation schedule.

DESCRIPTION OF THE PROPOSED PLAN

4. The licensee conducted the required study, including engineering analysis, the development of preliminary design drawings and cost estimates, and various assessments on environmental permitting, site conditions, accessibility constraints, and proximity to a major transportation corridor. The study was conducted in consultation with the appropriate agencies and entities. The licensee concludes that the proposed trail can be built. The proposed trail is a bike and pedestrian trail that parallels the Rocky Reach reservoir and Entiat River along an existing earthen embankment which supports the Cascade and Columbia railroad and state highway 97A. The proposed trail connects the Entiatqua Outdoor Learning Center with the Entiat Park Waterfront Trail. The proposed trail is approximately 1,650 feet long and 6 feet wide, composed of compacted aggregate surface, and includes fencing and an interpretive sign and viewpoint along the route. The design of the trail takes into consideration of the needs of disabled persons, including grades and wheel chair use. Riparian plantings and woody debris would also be installed as mitigation for shoreline impacts.

5. Construction of the trail will require a U.S. Army Corps of Engineers (COE) 404 permit, a Washington State Department of Fish and Wildlife hydraulic project approval, and a shoreline permit from the City of Entiat. The licensee has obtained all the necessary rights for construction of the trail and will enter into a right-of-way agreement with the City of Entiat for that portion of the trail that falls within city limits. The licensee will construct the trail and the City of Entiat will be responsible for operation and maintenance. The proposed plan includes a schedule for submitting final construction drawings and other information with the Commission by May-June 2013 and for completing construction of the proposed trail between October 1, 2013 and June 1, 2014. The final construction drawings would include sedimentation and erosion control measures. Portions of the proposed trail lie outside the current project boundary. Upon completion of the trail, the licensee would file revised Exhibit G (project boundary) drawings for Commission approval, showing the entire trail within the boundary, as required under license article 304.

AGENCY CONSULTATION

6. The licensee consulted with the NPS, National Oceanic and Atmospheric Administration (National Marine Fisheries Service (NMFS)), COE, BLM, WDFW, WSPRC, City of Entiat, Rocky Reach Recreation and Wildlife Forums, and other entities on the feasibility study and proposed trail. The commenting parties express support for

the proposed plan and provide minor comments and/or recommendations on the draft plan. The licensee's proposed plan adequately addresses these comments and recommendations.

7. In an April 19, 2012 e-mail communication, the NMFS states that the licensee has addressed most of its concerns about the proposal and notes that the mouth of the Entiat River is an important rearing and migration area for both federally listed Upper Columbia River spring-run Chinook salmon and steelhead. The NMFS states that portions of the proposal (shallow water habitat and woody debris mitigation measures) would likely have a beneficial effect on rearing and migrating salmon. However, it states it still has substantial concerns related to the Entiat River portion of the proposed trail, but believes that there are various design options that can be feasible to proceed with the proposal.

DISCUSSION

8. The licensee's feasibility study and proposed trail plan meets the requirements of paragraph (B) of the Order Modifying and Approving Revised Recreation Management Plan. The licensee proposes to file the final construction details for the proposed trail and copies of acquired permits with the Commission by June 30, 2013. We expect that these final construction details would address the proposed trail in its entirety, including the proposed shoreline mitigation. To ensure that the final construction details are consistent with the proposed plan and adequately address the concerns of NMFS, the licensee should prepare the final construction details in consultation with appropriate agencies and entities, and include in its filing documentation of such consultation. The Commission should reserve the right to make changes to the approved plan based on licensee's final construction information. Implementation of the proposed trail plan, as modified above, would ensure that the trail facilities are constructed, operated, and maintained in an environmentally sound manner and provides for additional public recreational opportunities at the project. The licensee's proposed trail plan, as modified, should be approved.

9. In order to accurately identify the proposed Entiatqua Trail in the Commission's geographic database for the project, the licensee should file site-specific information on the location of the trail. Further, the licensee should file as-built drawings of the trail upon completion of the proposed improvements.

The Director orders:

(A) The proposed Entiatqua Trail implementation plan filed on December 28, 2011, as supplemented on June 7, 2012, for the Rocky Reach Hydroelectric Project, as modified by paragraph B, is approved.

(B) No later than June 30, 2013, the licensee shall file with the Commission, the final construction drawings and other final construction documentation identified in the approved plan. The licensee shall prepare the final construction details in consultation with the City of Entiat, Washington State Department of Transportation, C&C Railway, Washington Department of Fish and Wildlife, Washington State Parks and Recreation Commission, National Park Service, U.S. Bureau of Land Management, and National Marine Fisheries Service, and include in its filing documentation of such consultation. The licensee shall allow a minimum of 30 days for the agencies to comment and to make recommendations on the final construction details, prior to filing the final construction plans with the Commission. If the licensee does not adopt a recommendation, the filing shall include the licensee's reasons, based on project-specific reasons. The Commission reserves right to require changes to the approved plan, based on the final construction details and associated consultation documentation.

(C) Within 60 days from the date of completion of the proposed Entiatqua Trail, the licensee shall file, for Commission approval, an as-built drawing showing the type and location of the completed 1,650 foot-long trail, including fencing, interpretive signage, viewpoint, and shoreline mitigation, in relation to the project boundary.

(D) Within 60 days of the issuance date of this order, the licensee shall file location point data representative of center of the proposed Entiatqua Trail. The location points must be positionally accurate to comply, at a minimum, with National Map Accuracy Standards for maps at a 1:24,000 scale. The location points must include latitude/longitude in decimal degrees based on the horizontal reference datum of the North American Datum of 1983 (NAD 83).

(E) This order constitutes final agency action. Any party may file a request for rehearing of this order within 30 days from the date of issuance, as provided in sections 313(a) of the FPA, 16 U.S.C. § 8251 (2006), and the Commission's regulations at 18 C.F.R. § 385.713 (2011). 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.

Robert J. Fletcher
Chief, Land Resources Branch
Division of Hydropower
Administration and Compliance