

145 FERC ¶ 62,057
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Public Utility District No. 1 of
Snohomish County, Washington

Project No. 2145-117

ORDER REVISING ANNUAL CHARGES

(Issued October 24, 2013)

1. On March 28, 2013, Public Utility District No. 1 of Snohomish County, Washington, licensee for the Rocky Reach Hydroelectric Project, FERC No. 2145, filed a request to revise the annual charges under Article 201 of its license.¹ The project is located on the Columbia and Wenatchee Rivers in Chelan and Douglas counties, Washington and occupies federal land managed by the Bureau of Land Management (BLM).

Background

2. The license issued for the Rocky Reach Project notes that the project occupies 173.94 acres of federal lands.² This acreage includes BLM lands as well as lands subject to a power site reservation under Section 24 of the Federal Power Act (FPA).³ Article 201(b) of the license requires the licensee to pay the United States annual charges, effective the first day of the month in which the license was issued, and as determined in accordance with provisions of the Commission's regulations in effect from time to time, for the purposes of:

(b) recompensing the United States for the use, occupancy, and enjoyment of 173.94 acres of its land.

3. By order issued March 21, 2013, the Commission announced that it "will no longer assess annual charges with respect to former federal lands included within the

¹ See *Public Utility District No. 1 of Snohomish County, Washington*, 126 FERC ¶ 61,138 (2009).

² *Id.* Article 201.

³ 16 U.S.C. § 818 (2012).

boundaries of hydropower projects as to which a section 24 reservation obtains.”⁴ In response to this order, the licensee is requesting removal of 39.30 acres of former federal land subject to a power site reservation under FPA section 24 from the acres of land designated as lands of the United States in Article 201(b) of its license.

Review

4. With its filing, the licensee provided copies of land transfer documents that provide evidence of its ownership of 39.30 acres of section 24 lands within the project boundary. Based on the information supplied, we find that the land ownership has been properly documented. Therefore, ordering paragraph (A) of this order revises Article 201(b) of the license to reflect the removal of the licensee’s obligation to pay annual charges on those lands it owns that are subject to section 24 of the FPA.

5. During review of the filing, the Commission determined that the approved Exhibit G drawings on record for the project do not differentiate between the 39.30 acres of section 24 lands, and the 134.64 acres of land owned by the BLM. Therefore, ordering paragraph (B) requires the licensee to file applicable revised Exhibit G drawings to identify the section 24 parcels.

The Director orders:

(A) Article 201(b) is revised to read as follows:

(b) recompensing the United States for the use, occupancy, and enjoyment of 173.94 acres of its land (39.30 acres of which are section 24 lands). Under the Commission’s policy currently in effect, projects occupying section 24 lands will not be assessed an annual charge.

(B) Within 45 days of the issuance date of the order, the licensee shall file, for Commission approval, applicable revised Exhibit G drawings to differentiate between the 134.64 acres of federal lands and the 39.30 acres of section 24 lands. The Exhibit G drawings must comply with sections 4.39 and 4.41 of the Commission’s regulations.

⁴ See *Power Site Reservation Fees Group*, 142 FERC ¶ 61,196, at P 7 (2013).

(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 (2012), and the Commission's regulations at 18 C.F.R. § 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.

Charles K. Cover, P.E.
Chief, Project Review Branch
Division of Hydropower Administration
and Compliance

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