

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

PUD No. 1 of Chelan County

Project No. 637-036

ORDER GRANTING EXTENSION OF TIME PURSUANT TO ARTICLE 405

(Issued February 24, 2012)

1. On February 06, 2012, PUD No. 1 of Chelan County (Chelan PUD), licensee for Lake Chelan Hydroelectric Project (FERC Project No. 637), filed an extension of time request to file a 2011 Annual Flow and Water Temperature Report.¹ The project is located on the Chelan River, near the City of Chelan, in Chelan County, Washington. The project occupies federal lands administered by the U.S. Forest Service and U.S. Department of the Interior, National Park Service.

Background

2. Article 405, in part, requires Chelan PUD to file an Operations Compliance Monitoring Plan, for approval. The plan describes how it should comply with instream flows, ramping rates, tailrace flows, and lake levels. The plan includes a provision for filing an annual report which documents compliance with the instream flows, ramping rates, and tailrace security flows.

3. In an order issued on November 30, 2007, the Commission requires Chelan PUD to file an Annual Flow Report by February 28.² This order also requires it to coordinate the reporting of water quality data and biological evaluations pursuant to Article 401. An additional order, issued on November 30, 2007, modified and approved the Quality Assurance Project Plan, Article 401 and Water Quality Certification Condition V.B.³

4. In an order issued on September 02, 2010, the Commission revised the Quality Assurance Project Plan filing schedule.⁴ The order states, in part, the original schedule is based upon completion of necessary facilities to begin minimum flow releases into the Chelan River and the Reach 4 habitat. The facilities are completed since October 15, 2009. Therefore, Chelan PUD requires modification of its corresponding approved schedule.

¹ 117 FERC ¶ 62,129 (November 06, 2006).

² 121 FERC ¶ 62,152 (November 30, 2007).

³ 121 FERC ¶ 62,154 (November 30, 2007).

⁴ 132 FERC ¶ 62,147 (September 02, 2010).

5. The order dated September 02, 2010, further states that water temperature modeling requires three to five years of temperature modeling in the lower portion of Lake Chelan; as well as the same number of years once the Chelan River flows are established. Accordingly, its schedule for water temperature modeling is revised to correspond with the first year of completed Chelan River habitat improvements and the initiation of minimum flows.

Discussion

6. In extension request, Chelan PUD states it is actively compiling the data in accordance with water quality and biological evaluations. However, due to inclement weather and snow, it had difficulty with the retrieval of water temperature logging devices that are deployed in areas which are only accessible by hiking over steep terrain. This prevented completion of a draft report by mid-January. Chelan PUD requests an extension until March 28, 2012 to file the report.

7. The reason advanced by the licensee in support of the requested extension of time is reasonable and justifies the extension.

The Director orders:

(A) The deadline to file a 2011 Annual Flow and Water Temperature Report is extended to March 28, 2012.

(B) 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 (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.

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and Compliance