

161 FERC ¶ 62,110

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Public Utility District No. 1 of Chelan County

Project No. 637-109

ORDER MODIFYING AND APPROVING SITE SPECIFIC EROSION CONTROL
PLAN PURSUANT TO ARTICLE 401

(Issued November 16, 2017)

1. On August 30, 2017, Public Utility District No. 1 of Chelan County, licensee for the Lake Chelan Hydroelectric Project No. 637, filed a site specific Erosion Control Plan, pursuant to license Article 401 and U.S. Forest Service (Forest Service) condition no. 1.¹ The project is located on the Chelan River in Chelan County, Washington and occupies federal lands administered by the Forest Service and U.S. National Park Service.

Background

2. License Article 401 and Forest Service condition no. 1 require the licensee to implement provisions of license articles included in the Lake Chelan Settlement Agreement. Specifically, Article 1(a)(2) of the Lake Chelan Settlement Agreement (Appendix A of the license) requires the licensee to prepare, in consultation with the Forest Service, site specific erosion control plans at least 1 year prior to project related habitat or ground disturbing activities located on Forest Service lands. The plans are required to include a map showing the proposed disturbance; a description of the Forest Service land management standards for the location; a description of alternatives and mitigation measures; data from surveys, biological evaluations, or consultation; a statement of weed management measures to be implemented, if any; and an environmental analysis of the proposed action.

Licensee's Plan

3. The licensee's Site Specific Erosion Control Plan, filed on August 30, was prepared in consultation with the Forest Service in accordance with the licensee's request and details measures at erosion control sites 5a, 5b, 8a, 8b, 10a, 10b, and 12 which are

¹ *Public Utility District No. 1 of Chelan County*, 117 FERC ¶ 62,129 (2006).

anticipated to be conducted between the fall of 2018 and be completed by the end of 2021. These sites are located in the middle portion of Lake Chelan and are classified as riparian zones. This fourth plan includes a map of the proposed activities,² a description of the land management area designation for the location of the proposed activity and the applicable standards and guidelines, a description of the designs by location, designs and mitigation measures considered, and documentation of National Environmental Policy Act and permitting requirements.

4. The licensee's plan includes detailed description of each erosion site, including sketches, profiles and photographs. The plan indicates that erosion control measures at these sites will include the placement of rock and large woody debris and provides specific notes on where and how these measures will be placed at each site. The licensee will address noxious weed control by limiting foreign soils from being brought into the sites, will source large rock from a weed-free certified pit, and every effort will be made to keep existing slopes and vegetation as stable as possible during treatment. The licensee will use large woody debris to benefit fish and address wave actions where possible and to the agreed upon ratio (1/1) of disturbed shoreline. This large woody debris placement will be done so that it does not interfere with dock access or other recreational shoreline to water access at the campgrounds.

5. The licensee will monitor the effectiveness of site treatments based on four distinct focus areas: 1) slope stabilization with an objective of reaching a 90% success rate in the treated areas, 2) presence of native vegetation with an objective of reaching ratio of native to non-native vegetation similar to that found on nearby undisturbed slopes on 90% of the treated area, 3) presence of noxious weeds with an objective of not introduction any new noxious weeds through the course of treatment, and 4) stability of the large woody debris with an objective of minimizing movement (large loose objects could become hazardous to the site users).

6. The licensee states that the conditions at the erosion control sites have not materially changed since the date of issuance of the final environmental assessment prepared during the project's licensing proceeding and that the proposed action would be consistent with the findings of the assessment. To ensure site-specific permitting requirements are met, project files, including biological evaluation data, cultural resources, and consultation, will be created or updated to provide additional site-specific information in a timely manner over the life of the license. Finally, the licensee's plan also includes a discussion of how it will mitigate the impacts of the erosion control actions on the threatened and endangered species and cultural resources.

² The Commission approved three previous site-specific erosion control plans in orders dated December 14, 2007 (121 FERC ¶ 62,196), March 29, 2010 (130 FERC ¶ 62,268), and August 27, 2013 (144 FERC ¶ 62,172).

Discussion

7. The Site Specific Erosion Control Plan for sites 5a, 5b, 8a, 8b, 10a, 10b, and 12 properly outlines the measures to be taken at each location to protect the site from further erosion and promotes the establishment of native vegetation. The plan includes methods to securely anchor the large woody debris. The plan also includes provisions to monitor the sites in years 1, 3, and 5 following the treatment at the specific sites. Large woody debris and slope stability inspections will be conducted during drawdown times to allow for inspection of anchoring devices. Furthermore, noxious weed and vegetation inspections will occur after leaf-out (typically in the May to June time period). In ordering paragraph (B), we are requiring the licensee to file a year 5 monitoring report with the Commission to include reporting of the year 1 and year 3 monitoring. The report must include a discussion of the effectiveness of the site treatments, the progress made in their stabilization, photographs of the sites as well as other pertinent information or observations as a result of the monitoring. The licensee's proposed methods for controlling erosion at the sites should protect the sites into the future. Therefore, the Site Specific Erosion Control Plan meets the license requirements and should be approved.

The Director orders:

(A) Public Utility District No. 1 of Chelan County's Site Specific Erosion Control Plan, filed on August 30, 2017, pursuant to Article 401 of the license for the Lake Chelan Hydroelectric Project No. 637, as modified in ordering paragraph (B) below, is approved.

(B) Public Utility District No. 1 of Chelan County must file with the Commission an erosion monitoring report in year 5 following the treatment of the sites approved in this Site Specific Erosion Control Plan. The year 5 report must include the year 1 and year 3 monitoring reports. The report must provide a description of the progress made in stabilizing the sites, the effectiveness of the site treatments and any other pertinent information as a result of the monitoring.

(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 (2012), and the Commission's regulations at 18 C.F.R. § 385.713 (2017). 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.

Kelly Houff
Chief, Engineering Resources Branch
Division of Hydropower Administration
and Compliance