

121 FERC ¶ 62,196
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Public Utility District No. 1 of Chelan County

Project Nos. 637-039 & -041

ORDER APPROVING EROSION CONTROL IMPLEMENTATION PLAN,
EROSION MONITORING AND MAINTENANCE PLAN, AND SITE-SPECIFIC
EROSION CONTROL PLAN UNDER ARTICLE 401

(Issued December 14, 2007)

On November 7, 2007, Public Utility District No. 1 of Chelan County (Chelan PUD), licensee, filed with the Commission, the U.S. Department of Agriculture Forest Service Erosion Control Implementation Plan, Erosion Monitoring and Maintenance Plan, and Site-Specific Erosion Control Plan, pursuant to Article 401 of the Order on Offer of Settlement and Issuing New License¹ and Order on Rehearing² for the Lake Chelan Hydroelectric Project, issued November 6, 2006, and April 19, 2007. The project is located on the Chelan River, in Chelan County, Washington. The project occupies 465.5 acres of federal lands administered by the U.S. Forest Service (USFS) and U.S. Department of the Interior, National Park Service (USPS).

LICENSE REQUIREMENTS

Article 401 (1(a)(1)) requires the licensee to develop an erosion control implementation plan acceptable to Chelan PUD and the USFS. The implementation plan and any updates or revisions shall be subject to the approval of Chelan PUD and the USFS, and Chelan PUD shall file the plan and any updates or revisions with the Commission.

Article 401 (1(a)(2)) requires the licensee to prepare a site-specific erosion control plan, in consultation with and for approval of, the USFS, for habitat and ground-disturbing activities on National Forest System Lands necessary to implement the erosion control implementation plan.

¹ 117 FERC ¶ 62,129

² 119 FERC ¶ 61,055

Article 401 (1(a)(3)) requires the licensee to develop a monitoring and maintenance plan to address the need for ongoing monitoring of shoreline erosion on USFS lands, and the need for maintenance of treated sites.

LICENSEE'S PLANS

Chelan PUD's description of the plans is as follows:

1. Erosion Control Implementation Plan consists of:

(a) an implementation schedule with a breakdown of sites to be treated in three-to-five year intervals and the breakdown provides the flexibility to work with weather and lake conditions, (b) general information about the treatment of the sites proposed for treatment in years one to five, including the specific sites to be treated, a reference to the first site-specific plan, a description of which party will be responsible for what portion of the work, and the costs anticipated to treat the sites, (c) a method to address identification of new or existing non-easement erosion sites requiring treatment, and (d) a process for treating, in a timely manner, non-easement sites identified as needing additional treatment or maintenance work.

2. Site-Specific Erosion Control Plan consists of:

(a) a map showing the location of the proposed activity at four sites located in the lower portion of the upper lake; (b) a description of the USFS land management area designation for the location of the proposed activity, and the applicable standards and guidelines regarding habitat and ground-disturbing activities; (c) a description of the designs by location, design and mitigation measures considered; (d) data collected from surveys, biological evaluations, or consultation conducted as required; (e) a statement of the noxious weed control measures; and (f) an environmental analysis or other appropriate National Environmental Policy Act (NEPA) analysis of the proposed action that meets USFS requirements for implementing NEPA.

3. Erosion Monitoring and Maintenance Plan consists of:

(a) implementation monitoring to determine the success of revegetation and toe-slope stabilization on treated sites, (b) maintenance safety monitoring to determine that site treatment objectives continue to be met and that informal safety inspections are conducted, and (c) long-term trend monitoring of erosion to determine project-related impacts.

AGENCY CONSULTATION

These plans were developed collaboratively by Chelan PUD and the USFS. Chelan PUD has completed the consultation requirements, starting January 10, 2007 through October 19, 2007, by meeting with the USFS and determining the most efficient means of the required plans for erosion control works. The draft final plans were sent to USFS for review on October 3, 2007, and USFS provided comments on October 19, 2007. Chelan PUD was in agreement with the agency's comments, which were incorporated into the final plans.

DISCUSSION

Chelan PUD, in regular consultation with the USFS, developed the plans in accordance with the requirements of license Article 401 (1(a)(1)), (1(a)(2)), and (1(a)(3)). We find the plans meet the license requirements, and should be approved.

The Director orders:

(A) The licensee's Erosion Control Implementation Plan, Erosion Monitoring and Maintenance Plan, and Site-Specific Erosion Control Plan, required by Article 401 of the Order on Offer of Settlement and Issuing New License and Order on Rehearing for the Lake Chelan Hydroelectric Project, filed November 6, 2007, are approved.

(B) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R. § 385.713.

William Guey-Lee, Chief
Engineering & Jurisdiction Branch
Division of Hydropower Administration
and Compliance