

140 FERC ¶ 62,051
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Public Utility District No. 1 of Chelan County

Project No. 637-040

ORDER AMENDING THE RECREATION RESOURCES MANAGEMENT PLAN
UNDER ARTICLE 407

(Issued July 16, 2012)

1. On May 1, 2012, the Public Utility District No. 1 of Chelan County (Chelan PUD or licensee) filed a final report for the whitewater boating monitoring study on the Chelan River pursuant to the April 14, 2008 Order Approving Recreation Resources Management Plan for the Lake Chelan Hydroelectric Project (FERC No. 637).¹ The project is located on the Chelan River, near the City of Chelan, in Chelan County, Washington. The project occupies 465.5 acres of federal lands administered by the U.S. Forest Service and U.S. Department of the Interior, National Park Service.²

BACKGROUND

2. Article 407 required Chelan PUD to file, for Commission approval, a recreation resources management plan (RRMP), including an assessment of recreational use and needs within the Lake Chelan basin. The RRMP was to include the enhancements set forth in the Lake Chelan Settlement Agreement (SA), which among other requirements, includes identifying whitewater boating needs through a three-year whitewater boating monitoring study. The whitewater boating monitoring plan was developed by Chelan PUD, in consultation with the American Whitewater (AW).

3. Under the April 14 order approving the RRMP, Chelan PUD was required, in pertinent part, to conduct a three-year whitewater boating monitoring study in the Chelan River. Chelan PUD was to provide an annual schedule of whitewater releases for boaters in the Chelan River during such three-year period. Chelan PUD was to release flows on listed weekends. Flows on Saturdays were to be between 300 cubic feet per second (cfs) and 375 cfs, and flows on Sundays were to be between 400 cfs and 450 cfs.

4. Chelan PUD developed a reservation system for the whitewater boating monitoring study, whereby the scheduled water releases are made only if six or more boaters make a reservation by 5:00 P.M. on the Thursday prior to the scheduled release

¹ 123 FERC ¶ 62,047

² The federal lands are in Wenatchee National Forest and the Lake Chelan National Recreation Area of North Cascades National Park.

date, and are physically present at the designated boater put-in location by 10:00 A.M. on the date of the release, and liability insurance protecting Chelan PUD is in place, as provided in subsection (10) of the license article. Additionally, each boater was required to sign a liability waiver in a form satisfactory to Chelan PUD prior to launching his or her boat in the Chelan River. Only non-motorized, hard-shelled kayaks suitable for Class V whitewater were allowed, and no boaters less than 18 years old were allowed.

5. A survey tool was to be designed by Chelan PUD, in consultation with AW, to solicit input from whitewater boaters utilizing the Chelan River whitewater releases. The survey tool, at a minimum, is to query boaters on the suitability of the following: whitewater release dates, daily schedule, whitewater difficulty, spill volumes, access, carrying capacity, reservation system, and real time flow information.

6. Chelan PUD is required to submit a final report upon completion of the three-year whitewater boating monitoring study. The final report is to include, at a minimum, information on the dates and volumes of each release for the three-year study period, annual use patterns, and an analysis of user preferences based on survey data. The report is to include recommendations for providing whitewater releases, if any, for the remainder of the new license term. The report is to also make recommendations regarding, at a minimum, an annual schedule of releases (including volume and timing), a reservation system, the minimum number of boaters required to trigger a release, and a mechanism for liability protection. Chelan PUD is to include with the final report documentation of consultation with AW.

7. Upon completion of the three-year whitewater boating monitoring study and for the remainder of the license term, Chelan PUD is to provide whitewater releases on the second and fourth weekends in July and September, provided that a minimum number of boaters make a reservation by the Thursday prior to the scheduled release, through a reservation system developed and implemented by Chelan PUD, and are physically present by 10:00 A.M. on the date of the release. Chelan PUD, in consultation with AW, may adjust the flow levels used following the three-year study, but in no event is the number of releases to exceed eight, nor are the flow levels to exceed 450 cfs. Chelan PUD is to also determine, in consultation with AW, the minimum number of boaters required for future flow releases, but in no event shall the number be less than six. Chelan PUD may also make changes to the schedule and/or reservation procedures, in consultation with the AW.

STUDY RESULTS

13. During the 2009 - 2011 whitewater boating monitoring study period, 24 days were scheduled for whitewater releases on the Chelan River. Of these, thirteen study days

were cancelled due to high water flows, stream restoration work, or low reservations. On the eleven days that the whitewater releases took place; there were 125 whitewater paddlers. There were 60 whitewater paddlers in 2009, 33 whitewater paddlers in 2010, and 32 whitewater paddlers in 2011. Table No. 1 is a summary of the 2009 - 2011 whitewater boating monitoring study including dates, participation levels and spill volumes.

Table No. 1. Summary of the 2009 - 2011 Whitewater Boating Monitoring Study

	2009	2010	2011
Scheduled dates	July 11, 12, 25, 26 September runs cancelled due to stream restoration work being conducted on Reach 4 of the Chelan River	July 10, 11 - cancelled due to high volume runoff forecasts into Lake Chelan and potential consequential large spill volumes into the Chelan River that would exceed the maximum allowable spills for whitewater boating. July 24, 25 - cancelled because the reservations did not meet the minimum number. September 11, 12 September 25, 26	July 9, 10 - cancelled due to high volume runoff forecasts in Lake Chelan and potential consequential large spill volumes down the Chelan River. July 23, 24 - cancelled because the reservations did not meet the minimum number. September 10 - cancelled because the reservations did not meet the minimum number. September 11 September 24, 25
Spill volume (increase from 80 cfs)	Saturday: 340, 360 Sunday: 420, 420	Saturday: 360, 370 Sunday: 400, 410	Saturday: 375 Sunday: 400
Participation	July 11 - 10 boaters July 12 - 5 boaters July 25 - 22 boaters July 26 - 23 boaters	Sept. 11 - 10 boaters Sept. 12 - 7 boaters Sept. 25 - 6 boaters Sept. 26 - 10 boaters	Sept. 11 - 11 boaters Sept. 24 - 7 boaters Sept. 25 - 14 boaters
Skill level	Level V (all boaters indicated the extreme difficulty of this run at all levels of flow)	Level V+ (again, all boaters indicated the importance of the maximum level of skill and experience to complete this run at every flow level)	Level V+ (all boaters indicated the extreme difficulty of this run at all levels of flow)

15. The survey tool, developed in cooperation with AW, was filled out by all participants during the monitoring study. After the whitewater run, the survey queried boaters on the suitability of the following: whitewater release dates, daily schedule, whitewater difficulty, spill volumes, access, carrying capacity, reservation system and real time flow information.

16. The final report summarizes the survey results as 96% were extremely satisfied or satisfied with the overall whitewater boating experience on the Chelan River. The most enjoyed items were its uniqueness, warm water, beauty, and challenge. Items that were liked the least included: the need to check-in ahead of time, the minimum requirement of six boaters, long flat entrance into the gorge, the rocky exit, and the short run. All the paddles provided responses to the survey questions.

17. Comments shared to improve this experience in the future include doing away with the minimum number of paddlers required and stressing that this is a Class V run, not suitable even for Class IV paddlers. Twenty-three paddlers said that September was their preferred month for whitewater releases, six paddlers said August, and only one said July. As to how often would you be most likely to want to experience this run, 26 paddlers said every year, four paddlers said every other year, and only one paddler said every three years.

RECOMMENDATIONS FOR FUTURE WHITEWATER BOATING

18. In consultation with AW and based on the three-year whitewater boating monitoring study and paddlers survey results, Chelan PUD provided the following recommendations for providing future whitewater boating on the Chelan River.

Annual Schedule: Chelan PUD recommends releasing flows annually on the third weekend in September beginning in 2012. Flows on Saturday will be 375 cfs, and flows on Sunday will be 400 cfs (within an approximate one percent margin of instrumentation error). Chelan PUD will not be obligated to provide whitewater boating flow releases in the Chelan River when the previous day's average Stehekin River inflow is less than 333 cfs, or when the Mid-Columbia Index is greater than \$150/MWh (in 2001 dollars) as adjusted pursuant to section 19.1 of the SA.

Reservation System: A minimum number of boaters are not required for water releases. However, the Safety Code of American Whitewater discourages boating alone. In light of the unique challenges of this run, a minimum of two paddlers must be present at the designated boaters' put-in location. By 5:00 pm on the Friday prior to the scheduled release date, boaters must make a reservation with Chelan PUD in person or via the Chelan PUD website, <http://www.chelanpud.org/whitewater-boating.html>, and an AW representative must be designated and present to oversee both days of the event and to serve as a point of contact between Chelan PUD and the paddlers should any questions or issues arise.

All reserved participants and the AW representative must be physically present at the designated kayak put-in location by 10:00 am on the date of the release. No kayaker less than 18 years of age will be allowed. Proof of age is required. More than one run will be allowed. However, all boaters must enter the river for a last run by 3:30 pm and be off the river by 6:00 pm each day. It is recommended that all participants scout the river ahead of time and watch a video of boating in the Chelan River Gorge which is available on the PUD's website.

Liability Waiver and Boating Criteria: Chelan PUD requires each boater sign a liability waiver prior to launching his or her craft in the Chelan River. Only non-motorized, hard shelled kayaks or inflatables specifically designed to run Class V+ whitewater and approved by AW in consultation with Chelan PUD prior to the event will be allowed.

Survey Tool and Evaluation: Chelan PUD recommends, in cooperation with AW, sending a survey via email to each boater within one week following the weekend's event. This survey will query boaters on participation levels, schedule, spill volumes and difficulty. Chelan PUD recommends meeting annually with AW, on or before December 1 each year, to discuss the survey results and the overall year's whitewater boating event. Chelan PUD and AW recommend that whitewater boating in the Chelan River continue to be evaluated every three years, and a report submitted to the Commission that provides recommendations for whitewater releases, if any, for the remainder of the license term.

CONSULTATION

19. The report includes May 1, 2012 letter from AW supporting the recommendations of the report and implementation of the revised whitewater release schedule beginning in 2012.

DISCUSSION AND CONCLUSION

20. The report describes the whitewater boating monitoring study on the Chelan River in details and its implementation. The report documents consultation with the AW, which also supports the proposed changes to the plan. The proposed changes to the whitewater boating plan include: (1) Chelan PUD releasing flows annually on the third weekend in September beginning in 2012; (2) future flows on Saturday will be 375 cfs, and flows on Sunday will be 400 cfs (within an approximate one percent margin of instrumentation error); (3) the minimum number of paddlers has been reduced to two; (4) the reservation deadline has been changed to 5:00 pm on the Friday prior to the scheduled release date; (5) an AW representative must be designated and present to oversee both

days of the event; and (6) inflatable boats specifically designed to run Class V+ whitewater and approved by AW in consultation with Chelan PUD prior to the event will be allowed. While these changes result in fewer whitewater paddling days, it will be easier for paddlers to plan around release dates and to ensure enough paddlers participate.

21. The survey provided input on the suitability of the whitewater release dates, daily schedule, whitewater difficulty, spill volumes, access, carrying capacity, reservation system, and real time flow information from whitewater boaters utilizing the Chelan River whitewater releases as required. Of the five dates that were cancelled due to reservations not meeting the minimum numbers required, four were in July and one was in early September.

22. The plan recommends annual participant surveys, Chelan PUD consultations with AW, evaluations every three years, and a report submitted to the Commission that provides recommendations for whitewater releases, if any, for the remainder of the license term. These measures will insure that any changes in whitewater boating needs will be addressed in a timely matter. The report and its proposed changes to the whitewater boating plan will provide for future whitewater boating releases, for the monitoring for future whitewater boating needs, is fully supported by the AW, and should be approved.

The Director orders:

(A) The proposed changes to whitewater boating section of the April 14, 2008 Order Approving Recreation Resources Management Plan for the Lake Chelan Hydroelectric Project (FERC No. 637), as outlined in the May 1, 2012 filing of the final report for the whitewater boating monitoring study on the Chelan River filed by the Public Utility District No. 1 of Chelan County, is approved.

(B) As outlined in the revised whitewater boating plan approved in paragraph (A), the Public Utility District No. 1 of Chelan County (Chelan PUD) shall file a whitewater boating report by May 1, every three years. The next report will be due on or before May 1, 2015. Any recommendations for changes to the plan should be filed with the Commission for approval. The Chelan PUD is to include with the reports documentation of consultation with American Whitewater, and copies of comments and recommendations on the report. Chelan PUD is to allow a minimum of 30 days for the American Whitewater to comment and to make recommendations prior to filing the report with the Commission. If Chelan PUD does not adopt a recommendation, the filing is to include Chelan PUD's reasons for not doing so, based on, among other things, any relevant project-specific information.

(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 (2006), and the Commission's regulations at 18 C.F.R. § 385.713 (2012). 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