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Filed Electronically

April 20, 2020
PKWD-20-017

The Secretary
ATTN: OEP/DHAC
Federal Energy Regulatory Commission
Mail Code: DHAC, PJ-12
888 First Street NE
Washington, DC 20426

Subject: **PACKWOOD LAKE HYDROELECTRIC PROJECT
FERC DOCKET NO. P-2244
LAKE CREEK STREAM RESTORATION PLAN EXTENSION OF TIME
REQUEST**

- References: 1. FERC Order Issuing New License (October 2018)
- a) FERC Article 401. Requirements to File Mandatory Plans and Reports, Notification of Temporary Modifications to Mandatory Condition Requirements, and Requirement to File Amendment Applications.
 - b) USFS 4(e) Condition No. 7 - Lower Lake Creek Stream Restoration and Monitoring
 - c) NMFS RPM #2 Project related construction activities

Energy Northwest (EN) was issued a New Operating License (License) by the Federal Energy Regulatory Commission (FERC) on October 11, 2018 for the Packwood Lake Hydroelectric Project (Project). Per the License, multiple mandatory conditioning agencies and FERC required EN to collaboratively develop and file with FERC, for approval, a Lake Creek Stream Restoration Plan (Plan) within 2 years of License issuance. The Plan is intended to be the guidance document by which methods for permitting, implementing and documenting success of restoration efforts in the lower 1.0 mile of Lake Creek are defined.

In 2019, EN proactively established a "Restoration Subcommittee" for the purposes of collaboratively developing the construct for efficient and effective development of the Plan by the current deadline of September 30, 2020. EN retained a habitat restoration specialist, held a series of site visits, public meetings and conference calls and provided members of the subcommittee with initial site drawings and a draft Plan template for review. Multiple collaborative discussions related to appropriate technical approaches, permitting and schedule were had during the bi-monthly subcommittee meetings. These meetings are continuing to this date and will be in place throughout the effort.

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One key aspect of the Plan development effort that is scheduled to take place starting in April 2020 and continue through the summer is the collection of a significant amount of site-specific habitat data on lower Lake Creek. These data, when collected and analyzed, will assist greatly in informing the appropriate types of structures and respective locations for implementation throughout the reach. Without these data, collaborative discussions and agreements related to appropriate restoration approach and comprehensive development of the Plan are not possible.

As FERC is aware, the current COVID-19 pandemic in the United States has quarantined a majority of the country's population until further notice, Washington State included. Given the current unknown timing surrounding when the situation will improve to the point where travel restrictions are lifted and it is safe to once again conduct in-person field work and meetings, it is clear to EN that adhering to the current schedule for Plan development will not be possible. The issue with not being able to move forward is not isolated to just the field work effort. Ultimately, the delay in collecting the data will result in a cascading effect that pushes back the subsequent requisite activities necessary to collaboratively finalize the Plan. These subsequent activities include:

- Habitat data analysis
- Internal development of descriptions and initial engineering drawings for appropriate types of structures and associated placement locations
- Site surveys and flagging of structure locations and types
- Collaborative discussion with the restoration subcommittee regarding approach
- Site visits with the subcommittee to confirm appropriate locations for placement of structures
- Additional Public meetings to capture community input and provide appropriate updates to the process
- Plan revisions and additions per the data collected and analysis conducted
- Review and comment process with agencies
- Finalization of the Plan in advance of filing

Further, if travel restrictions and safety issues persist too long into the summer months, potential weather and flow conditions may preclude data collection efforts from being completed until the spring of 2021.

Based on the current situation and lack of clarity as to when the travel restrictions may be lifted, EN is requesting an Extension of Time (EOT) to collaboratively complete and file the Plan. Given the aforementioned tasks that are being delayed and cascading effect described, EN views a 1-year EOT as being appropriate. In advance of filing this letter we reached out to agency members of the restoration subcommittee for their thoughts on the EOT. Every responding agency concurred that the request was warranted and the duration of time of 1 year was appropriate (Enclosure 1).

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With the justification provided and concurrence from agencies attached, EN formally requests an EOT for the filing of the Lake Creek Stream Restoration Plan to allow for a new filing date requirement of September 30, 2021.

If you have any questions or require additional information regarding this Plan, please contact me at 509.378.9755 or kwilliams@energy-northwest.com.

Respectfully,



Ken Williams
Supervisor, Hydro & Wind Projects

Enclosure: 1) Agency Concurrence Emails

Distribution:
Cowlitz Indian Tribe (3 hardcopies)
Yakama Nation (3 hardcopies)

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**Enclosure 1
Agency Concurrence Emails**

Desserault, Audrey J.

From: Desserault, Audrey J.
Sent: Tuesday, April 7, 2020 10:30 AM
To: Amy Kocourek; Carol Serdar; Evan Carnes; Dave Olson (dave.olson@usda.gov); JD Jones (joshua.d.jones@usda.gov); Peggy Miller; Jessica Lally; Johnson Meninick; Noah Oliver; Nathan Reynolds; Taylor Aalvik; William Iyall; Cory Warnock; Chuck Sauvageau; Rob Sampson; Kevin Jensen; Williams, Kenneth V.; Desserault, Audrey J.
Cc: Annie Szvetecz; Bill Kiel (home); Bryson Finch; Chris Fontecchio; O'Donnell, Corey P.; Daniel Didricksen; Elizabeth Robinson; Ken Wieman; Laura Johnson; Lisa Wood; PermitReview@Cowlitz.org; Scott Anderson; Scott Hecht; Scott Brummer
Subject: Condition No. 7 Lower Lake Creek Stream Restoration Plan - Packwood Lake Hydroelectric Project (P-2244) - Proposed Extension of Time

Attention: Packwood Lake Hydroelectric Project Habitat Restoration Subcommittee

Action: Review and Comment. If you could get back to us with any thoughts and/or a quick concurrence email, it would be appreciated.

Response Due: Friday, April 17, 2020

Since our annual Resource Coordination meeting in March, we have been having quite a bit of internal dialogue related to project schedules and the potential need to modify certain tasks as result of the current situation associated with COVID-19. As you all know, there is a definite lack of clarity regarding when conditions will allow us to get back in the field to collect data, hold site-visits, meet in-person and with the public, etc. It is becoming more and more likely by the day that these types of activities will be delayed for months as opposed to weeks which will obviously have ramifications on certain tasks' development schedules.

Our plan for collecting habitat and elevation data on lower Lake Creek associated with the restoration effort will need to be put on hold until such a time when we are allowed to return to the field safely and effectively. This will obviously have impacts on our overall schedule for development of the lower Lake Creek Stream Restoration Plan. Given this and our previous dialogue with you regarding staggering the two efforts (Snyder Creek and lower Lake Creek), **we wanted to let you know that we will be filing an Extension of Time Request (EOT) with FERC for an extension of one year to file the Lake Creek Stream Restoration Plan.** Assuming COVID-19 restrictions are lifted later this year, this would allow EN to collect the necessary habitat data late this year or early next and complete the restoration plan by September 2021 with the necessary dialogue with this subcommittee incorporated into that revised schedule. Given our previous conversations regarding the staggering of implementation efforts (Snyder Creek 2023 and Lake Creek 2025), this planning delay will not impact the overall implementation schedule.

As for the Snyder Creek restoration effort, this will continue as planned under the current schedule with the restoration plan being filed by October 2020. We are fortunate with Snyder Creek in that we have the majority of the necessary data to advance the design and inform the completion of the plan. With that, we also wanted to provide you with a general plan for progressing the Snyder Creek effort over the next few months:

- Revisions to the Snyder Creek Restoration Plan and initial distribution to subcommittee for review – Approximate distribution May 1, 2020

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- Next Restoration Subcommittee meeting/call – mid-May (date/time/location to be determined in the next couple of weeks)
- Comment responses to initial plan distribution – due back on or before June 1, 2020
- Development of preliminary design document and distribution to subcommittee for review – Approximate distribution July 1, 2020
- Development of 30% design drawings and specs list – Approximate distribution August 5, 2020
- 2nd draft of Snyder Creek Restoration Plan - Approximate distribution August 5, 2020
- Comment responses to 2nd plan distribution – due back on or before September 4, 2020

We are doing our best to adhere to the existing FERC schedule associated with all of its license conditions. However, it is becoming clear that certain modifications will need to be made if the issues associated with COVID-19 continue to impact travel, field work, meetings, etc. We will continue to be proactive and collaborative in our efforts.

If you could get back to us with any thoughts and/or a quick concurrence email, it would be appreciated.

Please don't hesitate to let me know if you have any questions.

Audrey Desserault, Project Specialist
Packwood Lake Hydroelectric Project
509.840.2067

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Desserault, Audrey J.

From: Miller, Peggy A (DFW) <Peggy.Miller@dfw.wa.gov>
Sent: Tuesday, April 7, 2020 10:45 AM
To: Desserault, Audrey J.; Amy Kocourek; Serdar, Carol (ECY); Evan Carnes; Dave Olson (dave.olson@usda.gov); JD Jones (joshua.d.jones@usda.gov); Jessica Lally; Johnson Meninick; Noah Oliver; Nathan Reynolds; Taylor Aalvik; William Iyall; Cory Warnock; Chuck Sauvageau; Rob Sampson; Kevin Jensen; Williams, Kenneth V.
Cc: Szvetecz, Annie (ECY); Bill Kiel (home); Finch, Bryson (ECY); Chris Fontecchio; O'Donnell, Corey P.; Didricksen, Daniel J (DFW); Elizabeth Robinson; Ken Wieman; Laura Johnson; Wood, Lisa A (DFW); PermitReview@Cowlitz.org; Scott Anderson; Scott Hecht; Brummer, Scott J (DFW)
Subject: RE: Condition No. 7 Lower Lake Creek Stream Restoration Plan - Packwood Lake Hydroelectric Project (P-2244) - Proposed Extension of Time

EXTERNAL: Think Before You Click!

Email sent from: "Miller, Peggy A (DFW)" Peggy.Miller@dfw.wa.gov

Hi Audrey,

In case FERC needs written approval from RAC members:

WDFW supports the request for an extension of time for the Lower Lake Creek restoration plan.

Will these changes and any other changes due to Covid-19 be incorporated into the 2020 plan before the RAC report and plan is submitted to FERC?

Thanks, Peggy

Peggy Miller – FERC Coordinator

Washington Department of Fish and Wildlife

Habitat, Renewable Energy
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Cell - 360-688-0156
peggy.miller@dfw.wa.gov

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Desserault, Audrey J.

From: Serdar, Carol (ECY) <cser461@ECY.WA.GOV>
Sent: Tuesday, April 7, 2020 10:47 AM
To: Desserault, Audrey J.
Cc: Szvetecz, Annie (ECY); Bill Kiel (home); Finch, Bryson (ECY); Chris Fontecchio; O'Donnell, Corey P.; Didricksen, Daniel J (DFW); Elizabeth Robinson; Ken Wieman; Laura Johnson; Wood, Lisa A (DFW); PermitReview@Cowlitz.org; Scott Anderson; Scott Hecht; Brummer, Scott J (DFW); Amy Kocourek; Evan Carnes; Dave Olson (dave.olson@usda.gov); JD Jones (joshua.d.jones@usda.gov); Miller, Peggy A (DFW); Jessica Lally; Johnson Meninick; Noah Oliver; Nathan Reynolds; Taylor Aalvik; William Iyall; Cory Warnock; Chuck Sauvageau; Rob Sampson; Kevin Jensen; Williams, Kenneth V.; Pacheco, James M. (ECY)
Subject: RE: Condition No. 7 Lower Lake Creek Stream Restoration Plan - Packwood Lake Hydroelectric Project (P-2244) - Proposed Extension of Time

EXTERNAL: Think Before You Click!

Email sent from: "Serdar, Carol (ECY)" cser461@ecy.wa.gov

Good morning Audrey,

Thank you for the email requesting concurrence on an Extension of Time Request with FERC for the Packwood Lake Hydroelectric Project (P-2244). Yes, these times with COVID19 are requiring many changes to schedules and creative solutions.

WA Department of Ecology supports Energy Northwest's request of a year to file the Lake Creek Stream Restoration Plan with FERC. Ecology also looks forward to continuing the work with Energy Northwest on the Snyder Creek Restoration Plan.

Call if you have any questions.

Best regards,
Carol

Carol F. Serdar, LG

Hydropower WQ Compliance Manager and
Contaminated Construction Stormwater Inspector
WA Department of Ecology - SWRO
Water Quality Program - Watershed Resources Unit
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Desserault, Audrey J.

From: Carnes, Evan G CIV USARMY CENWS (USA) <Evan.G.Carnes@usace.army.mil>
Sent: Wednesday, April 8, 2020 10:48 AM
To: Desserault, Audrey J.
Subject: RE: Condition No. 7 Lower Lake Creek Stream Restoration Plan - Packwood Lake Hydroelectric Project (P-2244) - Proposed Extension of Time

EXTERNAL: Think Before You Click!

Email sent from: "Carnes, Evan G CIV USARMY CENWS (USA)" Evan.G.Carnes@usace.army.mil

No concerns.

Evan G. Carnes

Senior Project Manager
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Evan.G.Carnes@usace.army.mil

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Desserault, Audrey J.

From: Olson, Dave -FS <dave.olson@usda.gov>
Sent: Friday, April 17, 2020 9:59 AM
To: Desserault, Audrey J.
Cc: Jones, Joshua D -FS; Helin, Stan -FS; Young, Douglas - FS
Subject: FW: Condition No. 7 Lower Lake Creek Stream Restoration Plan - Packwood Lake Hydroelectric Project (P-2244) - Proposed Extension of Time

EXTERNAL: Think Before You Click!

Email sent from: "Olson, Dave -FS" dave.olson@usda.gov

Audrey,

The Gifford Pinchot National Forest supports Energy Northwest's request of a year to file the Lake Creek Stream Restoration Plan with FERC.



Dave Olson
Restoration and Stewardship Staff Officer

Forest Service
Gifford Pinchot National Forest

p: 360-891-5154
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Desserault, Audrey J.

From: Amy Kocourek - NOAA Federal <amy.kocourek@noaa.gov>
Sent: Friday, April 17, 2020 3:45 PM
To: Desserault, Audrey J.
Subject: Re: Condition No. 7 Lower Lake Creek Stream Restoration Plan - Packwood Lake Hydroelectric Project (P-2244) - Proposed Extension of Time

EXTERNAL: Think Before You Click!

Email sent from: Amy Kocourek - NOAA Federal amy.kocourek@noaa.gov

We understand that these are challenging times requiring creative solutions. The National Marine Fisheries Service supports Energy Northwest's request for a one-year extension for filing the Lake Creek Stream Restoration Plan with FERC. I will look into whether this revised timeline will require a revision to the Incidental Take Statement associated with the biological opinion. If so we will work with you and FERC on any necessary revisions. Thank you.

Amy