

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

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Letterbook
Licensing (eFile)

Energy Northwest
PKWD-20-039

Project No. 2244-047

ORDER APPROVING EXTENSION OF TIME FOR LOWER LAKE CREEK
STREAM RESTORATION, ENHANCEMENT AND MONITORING
PLAN PURSUANT TO FOREST SERVICE 4(E) CONDITION 7

(Issued June 3, 2020)

1. On April 20, 2020, Energy Northwest, licensee for the Packwood Lake Hydroelectric Project No. 2244, filed an extension of time request for its Lower Lake Creek Stream Restoration, Enhancement and Monitoring Plan pursuant to U.S. Forest Service (FS) 4(e) Condition 7 of the project license.¹ The project is located on Lake Creek, a tributary to the Cowlitz River, in Lewis County, southwestern Washington near the unincorporated town of Packwood. The project occupies 511.65 acres of federal land within the Gifford Pinchot National Forest and Goat Rocks Wilderness, administered by the FS.
2. Ordering paragraph (E) of the project license subjects the licensee to the Section 4(e) terms and conditions submitted by the FS.² Condition 7 requires the licensee to file within two years of license issuance (September 30, 2020), for Federal Energy Regulatory Commission (Commission) approval, a Lower Lake Creek Stream Restoration, Enhancement and Monitoring Plan for the portion of the anadromous fish reach up to river mile (RM) 1.0 and the upper reach of lower Lake Creek extending from the drop structure to about 1,464 feet downstream (RM 5.1 - 5.3). The primary goal of the plan is to restore and enhance anadromous and resident salmonid habitat in lower Lake Creek by increasing rearing and spawning habitats.
3. According to the licensee's filing, it has implemented various measures related to the development of its plan including the establishment of a Restoration Subcommittee (subcommittee); retained a habitat restoration specialist; held a series of site visits, public

¹ Order Issuing New License (165 FERC ¶ 62,031), issued October 11, 2018.

² The terms and conditions are made part of the license by ordering paragraph (E) and are attached to the license as Appendix B.

meetings and conference calls; provided members of the subcommittee with initial site drawings and a draft plan template for review; and held various discussions during the bi-monthly subcommittee meetings related to the appropriate technical approaches for preparing and implementing its plan, permitting, and scheduling. The licensee states that one preliminary key component of its plan is the collection of a significant amount of site-specific habitat data on lower Lake Creek. However, due to the COVID-19 pandemic and associated restrictions that are impacting travel and necessary field work, the licensee will not be able to complete the requisite field work necessary to prepare their plan prior to the September 30, 2020 Commission filing deadline.

4. Considering it is unknown when the COVID-19 related restrictions may be lifted; prerequisite habitat data collection may not be completed until the spring of 2021. As a result, the licensee is requesting a one-year extension of time until September 30, 2021, to file their final Lower Lake Creek Restoration, Enhancement and Monitoring Plan with the Commission. The licensee's filing included documentation of concurrence from the Washington Department of Fish and Wildlife, Washington Department of Ecology, U.S. Army Corps of Engineers, FS, and National Marine Fisheries Service.

5. The licensee's request should allow the necessary time to complete collection of the prerequisite habitat data necessary to prepare their final plan once COVID-19 related restrictions are lifted that are currently preventing the licensee from conducting the necessary field work in 2020. The licensee has received the necessary resource agency concurrence for their request and will continue to conduct bi-monthly subcommittee meetings throughout the field data collection phase and development of their plan. The licensee's request for an additional one-year extension of time to prepare and file their plan with the Commission is reasonable and should be approved. Therefore, the licensee should file their Lower Lake Creek Restoration, Enhancement and Monitoring Plan by September 30, 2021.

The Director orders:

(A) Energy Northwest's (licensee) request for extension of time, filed on April 20, 2020, to file the Lower Lake Creek Restoration, Enhancement and Monitoring Plan, pursuant to U.S. Forest Service Section 4(e) Condition 7 of the license for the Packwood Lake Hydroelectric Project No. 2244, is approved. The licensee must file the Lower Lake Creek Restoration, Enhancement and Monitoring Plan by September 30, 2021.

(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 Federal Power Act, 16 U.S.C. § 8251 (2018), and the Commission's regulations at 18 C.F.R. § 385.713 (2019). 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.

Thomas J. LoVullo
Chief, Aquatic Resources Branch
Division of Hydropower Administration
and Compliance

Document Content(s)

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