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UNITED STATES OF AMERICA  
 FEDERAL ENERGY REGULATORY COMMISSION

PKWD-20-035

Energy Northwest

Project No. 2244-046

ORDER GRANTING EXTENSION OF TIME UNDER  
 FOREST SERVICE 4(E) CONDITION 7

(Issued May 22, 2020)

1. On September 16, 2019, Energy Northwest, licensee for the Packwood Lake Hydroelectric Project No. 2244, filed an extension of time request for its gravel augmentation program stipulated under U.S. Forest Service (FS) 4(e) Condition 7 of the project license.<sup>1</sup> 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.<sup>2</sup> Condition 7 requires the licensee to file within two years of license issuance, for Federal Energy Regulatory Commission (Commission) approval, a Lower Lake Creek Stream Restoration, Enhancement and Monitoring Plan. Moreover, the Condition requires the licensee to deposit gravel onto an exposed bank within the bankfull channel during the first year of the new project license (October 1, 2019). In addition, the National Marine Fisheries Service's Term and Condition 6(4) requires the licensee to provide gravel and wood recruitment stations in Reach 5. Although Condition 7 states that the specific amount of gravel and duration of augmentation will be determined in consultation and coordination with the Resource Agencies and Tribes, and incorporated into the Lower Lake Creek Stream Restoration, Enhancement and Monitoring Plan, the licensee is requesting an extension of time to

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

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

implement gravel augmentation in Reach 5 which is required to occur during the first year of the project license.

3. According to the licensee's filing, it was notified by the Washington Department of Fish and Wildlife (WDFW) that approval of a Hydraulic Permit Application (HPA) is required prior to initiating gravel augmentation activities. As a result, the licensee consulted with the WDFW and Resource Agencies Committee (RAC)<sup>3</sup> in preparing its application, which was submitted to the WDFW on August 23, 2019. In light of not yet receiving its permit, equipment limitations for transporting gravel during the fall/winter/early spring months, and the current year's budget cycle, the licensee is requesting a one-year extension of time until October 1, 2020 to complete Reach 5 gravel augmentation.

4. The licensee's filing included documentation of extensive collaboration with the WDFW, including the RAC, in preparing its HPA. However, due to the delay of receiving permit approval and seasonal weather-related constraints, it is appropriate to grant the licensee's request. Despite the timing of approving the licensee's request, it remains prudent to grant its request based upon these factors and the licensee's commitment to complete Reach 5 gravel augmentation following the spring of 2020. Therefore, the licensee should complete the requisite gravel augmentation by October 1, 2020.

The Director orders:

- (A) Energy Northwest's (licensee) request for extension of time, filed on September 16, 2019, to complete its Reach 5 gravel augmentation program, 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 shall complete its requisite Reach 5 gravel augmentation by October 1, 2020.

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<sup>3</sup> The RAC includes but is not limited to: the Forest Service, Cowlitz Indian Tribe, National Marine Fisheries Service, National Park Service, United States Fish and Wildlife, Washington State Department of Archaeology and Historic Preservation, Washington State Department of Ecology, Washington State Department of Fish and Wildlife, Yakama Nation, consulting biologists, licensee staff, and Commission.

- (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. § 825l (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.

Erich G. Gaedeke  
Aquatic Resources Branch  
Division of Hydropower Administration  
and Compliance