

PKWD-19-069

168 FERC ¶ 62,154
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

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Letterbook
Licensing (eFile)

Energy Northwest

Project No. 2244-038

ORDER MODIFYING AND APPROVING REVISED INTEGRATED WEED
MANAGEMENT PLAN

(Issued September 18, 2019)

1. On February 6, 2019, Energy Northwest, licensee for the Packwood Lake Hydroelectric Project No. 2244, filed a revised Integrated Weed Management Plan (revised Plan), pursuant to Article 404 and U.S. Forest Service 4(e) Condition No. 16, as incorporated in Appendix B of the project's 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 federal land within the Gifford Pinchot National Forest and Goat Rocks Wilderness, administered by the U.S. Forest Service (Forest Service).

Background

2. Article 404 requires the licensee to file, for Commission approval, a revised Integrated Weed Management Plan, in accordance with Forest Service Condition 16 and be based on the Integrated Weed Management Plan, filed with the Commission on June 6, 2008. The plan is required to include the area in proximity to the tailrace and specific areas where ground disturbance would occur. The article requires the plan be modified to include ten additional noxious weeds and non-native invasive plant species. Additionally, Forest Service 4(e) Condition No. 16 requires Energy Northwest to comply with any approved revisions of that Plan throughout the length of the new license. The plan must be prepared in consultation with the Lewis County Noxious Weed Board (Lewis County), Washington Natural Heritage Program, and the Forest Service.

Revised Plan

3. The revised Integrated Weed Management Plan incorporates new implementation dates and updates the plan to include project upgrades that have taken place since filing the original June 6, 2008 Plan. The revised Plan incorporates the ten new noxious weed species required by Article 404. The licensee proposes to conduct annual surveys of

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

National Forest Lands affected by the project as well as other lands within the project boundary where the probability of weed infestation is high. Prior to the annual surveys the licensee would consult with the Forest Service, Lewis County, and the Resource Agency Committee² at its annual Resource Coordination meeting to update the list of invasive species, prioritize the survey areas, and develop a schedule and mechanism to ensure that surveys occur at the appropriate time. Noxious weed surveys of the entire implementation area would be conducted every 10 years and coordinated with the rare plant surveys (Forest Service 4(e) condition 12). The first survey would be conducted in the summer of 2020. Annual reports would be provided to the appropriate agencies for review and comment prior to filing with the Commission for approval. The plan would be reviewed at least every five years and updated if necessary.

Comments

4. A draft of the revised plan was provided to the Forest Service, U.S. Fish and Wildlife Service, Washington Department of Natural Resources Natural Heritage Division (Washington DNR), Washington Department of Archaeology and Historic Preservation (Washington DAHP), and Lewis County prior to filing with the Commission.
5. The revised Integrated Weed Management Plan also includes minor changes to the language and format of the June 6, 2008 plan; however, these changes do not alter the original intent or requirements of the previous plan. In a comment letter to the licensee dated December 12, 2018, the Washington DAHP concurred with the licensee's determination of the Area of Potential Effect. Washington DNR stated in an email dated January 14, 2019, that it had no comments on the plan.
6. Lewis County requested additions to the list of noxious weeds in a letter dated December 19, 2018. In its response to Lewis County's comments, the licensee states that the new species were not required by the project license and it did not add the additional species to the revised plan. The remaining comments and recommendations made by Lewis County were either added to the plan or adequately addressed by the licensee.
7. In an email dated February 1, 2019, the Forest Service stated it had reviewed the comments with Lewis County and had discussed those comments with them and concluded that any changes could be addressed in the next revision to the Integrated Weed Management Plan.

²The Resource Agency Committee includes, but is not limited to, representatives from Washington Department of Ecology, Washington Department of Fish and Wildlife, U.S. Fish and Wildlife Service, U.S. Forest Service, National Marine Fisheries Service, the licensee, and consulting biologists.

Discussion

8. The licensee would be conducting annual meetings to update the noxious weed list, so we conclude that the additional species requested by Lewis County do not need to be added at this time. If it is determined at the Resource Coordination meeting that it is necessary to revise the plan to add additional species, the Integrated Weed Management Plan can be amended.

9. In its plan the licensee states that the annual reports on noxious weeds would be filed for Commission approval. It is not necessary that these reports be filed for Commission approval; they are to be filed with the Secretary for informational purposes. However, any updates to the revised Integrated Weed Management Plan, should be filed for Commission approval. The revised Plan does not give a specific date for filing the annual reports or updates. Therefore, we are requiring the licensee to file its annual reports by December 31 each year beginning December 31, 2020.

Conclusion

10. The revised Plan would help prevent the spread of noxious weeds on Forest Service Lands. The revised Integrated Weed Management Plan filed February 6, 2019 includes all the provisions previously included in the June 6, 2008 plan required by Article 404 and U.S. Forest Service 4(e) Condition No. 16. The updates are minor in nature and serve to revise the plan to incorporate changes that have occurred at the project since 2008. For these reasons, the revised Integrated Weed Management Plan, as modified, should be approved.

The Director orders:

(A) Energy Northwest's revised Integrated Weed Management Plan, filed on February 6, 2019 pursuant to Article 404 and U.S. Forest Service 4(e) Condition No. 16, incorporated as Appendix B, of the license for the Packwood Lake Hydroelectric Project No. 2244, as amended by paragraph (B), is approved.

(B) The annual Integrated Weed Management reports must be filed with the Commission by December 31 every year beginning in 2020. Any amendments to the approved plan must be filed for Commission approval. Amendments to the existing plan must be developed in consultation with the Lewis County Noxious Weed Board, Washington Natural Heritage Program, and the U.S. Forest Service. The licensee must include with the plan copies of comments and recommendations made on the completed plan after it has been prepared and provided to the agencies, and specific descriptions of how the agencies' comments are accommodated by the plan. The licensee must allow a minimum of 30 days for the consulted agencies to comment and make recommendations before filing the plan with the Commission. If the licensee does not adopt a recommendation, the filing must include the licensee's reasons, based on project-specific information. The Commission reserves the right to require changes to the plan.

(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 Federal Power Act, 16 U.S.C. § 825*l* (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.

Andrea Claros, Acting Chief
Environmental and Project Review Branch
Division of Hydropower Administration
and Compliance