

128 FERC ¶ 62,229
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Public Utility District No. 1 of Snohomish County, WA Project No. 10359-044

ORDER AMENDING LICENSE

(Issued September 24, 2009)

1. On June 19, and supplemented on September 9, 2009, Public Utility District No. 1 of Snohomish County, WA (Snohomish PUD), a municipality, filed for an amendment of license for the Youngs Creek Project, FERC No. 10359.¹ The project is located on Youngs Creek in Snohomish County, WA, and does not occupy federal lands.

Background

2. The run-of-river project as described in the license consists of a 12-foot-high diversion dam, an intake structure, a 51-inch-diameter, 14,500-foot-long penstock, a powerhouse with an installed capacity of 7.5 megawatts (MW), a short tailrace, and a 6.1-mile-long transmission line. On January 24, 1994, an “Order Approving Revised Exhibits”² revised the project’s transmission line. The transmission line was revised to go underground instead of overhead and its voltage was increased from 12.5 kilovolts (kV) to 34.5 (kV). On August 24, 2009, an “Order Amending License and Revising Annual Charges”³ changed the project’s proposed turbine and capacity to an 8.3-MW (11,067 horsepower) 5-jet Pelton-type turbine connected to a synchronous type generator rated at 8,500 kVA at a 0.9 power factor (i.e 7.65 MW or 10,200 horsepower). As a result of the change, article 201 was also amended to increase the authorized installed capacity for annual charges purposes from 10,000 horsepower to 10,200 horsepower.

Proposed Amendment

3. Snohomish PUD proposes to decrease the project’s rated turbine capacity from 8.3 MW (11,067 horsepower) to 7.5 MW (10,000 horsepower), and to change the type of turbine to a horizontal shaft, 2-jet impulse Pelton-type turbine connected to a synchronous type generator rated at 8,333 kVA at a 0.9 power factor (7.50 MW). This

¹ 59 FERC ¶ 62,124 (1992)

² 66 FERC ¶ 62,028 (1994)

³ 68 FERC ¶ 62,173 (1994)

decrease in the turbine's capacity will decrease the project's maximum hydraulic capacity from 140 cfs to 120 cfs.

4. The licensee also proposes to change the design of the project transmission line by: (1) changing the operating voltage to 12.5 kV; (2) correct the length from 6.1 miles to 8.2 miles consisting of approximately 4.40 miles on existing overhead distribution poles while installing the remaining 3.74 miles underground. The correction in the length of the transmission line is due to a miscalculation of the 6.1 miles in the original license. The calculated length measured on the current exhibit G drawings confirmed that the actual length of the originally licensed transmission line was approximately 8.2 miles long. The transmission line will continue to follow the alignment as provided in the current license. The licensee states in the filing that the Articles 404 and 405, which address Bald Eagle protection, will remain.

Consultation

5. Prior to filing the amendment, the licensee consulted with both the U.S. Fish and Wildlife Service (FWS) and the state of Washington, Department of Fish and Wildlife (WDFW). The documentation is attached to the application for amendment.

6. On July 17, 2009, the Commission issued a public notice of the amendment application. In response, only one comment was filed by the U.S. Department of the Interior, Office of the Secretary (Interior). The Interior letter stated they had no comments.

Discussion

A. Design Changes

7. The proposed design change would result in a turbine-generator unit rated at 7,500 kW with a hydraulic capacity of 120 cfs. This requires a change to the authorized capacity for annual charge purposes under Article 201 from 7,650 kW to 7,500 kW, as shown in ordering paragraph (G). The revised design of the generating unit is the same as was originally authorized when the license was issued on May 5, 1992. In accordance with 18 CFR §11.1(d)(6), the annual charges for the purpose of reimbursement to the United States Government for the costs of administration of Part I of the FPA for the project, will be effective on the date of commencement of project operation. As such, we are requiring the licensee in ordering paragraph (H) of this order, to report the date of commencement of project operation, within 30 days of such date. We will use the commencement date to set the exact effective date for the annual charges under Article 201.

8. The design changes of the transmission line would have a voltage as originally authorized, but it would change its configuration. Approximately 3.74 miles will be buried underground, and approximately 4.40 will be mounted on existing overhead distribution poles owned by the Licensee. In the following section we will address the effect of such design change, if any, on the environmental resources.

B. Revised Exhibits

9. The licensee filed a revised Exhibit A and two revised Exhibit F drawings that show the powerhouse plan and sections. The Exhibit A, which describes the project features conform to the Commission's rules and regulations and is approved in ordering paragraph (B) of this order. The Exhibit F drawings conform to the Commission's rules and regulations and are approved in ordering paragraph (D) of this order. In ordering paragraph (E) we are requiring the filing of the approved drawings in aperture card and electronic file formats.

10. The licensee did not include in the filing any revised Exhibit G drawings to reflect the proposed design changes to the transmission line. As such, in ordering paragraph (F) of this order we are requiring the licensee to file revised Exhibit G drawings with the Commission for approval. The revised Exhibit G drawings should include all project features within the project boundary and should be prepared in accordance with 18 C.F.R §§ 4.39 and 4.41 (h) of the Commission's regulations.

C. Environmental Review

11. The following section contains staff's review and assessment of the resources that may be affected by the proposed action.

1. Effect on Bald Eagle

12. The bald eagle is the only special status species that occurs in the area of the project. Because the bald eagle is no longer listed under the Endangered Species Act (ESA), FWS referred Snohomish PUD to WDFW in order to formulate appropriate protection measures for the bald eagle. According to documentation included in the June 19 filing, WDFW concluded that construction activities are unlikely to disturb any nests that may potentially be present because of the two nests that are known to exist in the area: (1) there has been no documented use of the nest closest to the activity site since 1995; (2) the nearest nest to the activity site is approximately 800 feet from the project transmission line, at its nearest point, and WDFW's current 800-foot buffer policy is likely to become larger; and (3) both nests are sufficiently far from project activities that construction is unlikely to disturb nesting activity, even if these nests are occupied. WDFW recommended that the licensee follow the bald eagle protection measures described in the Edison Electric Institute's (EEI) *Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006*, for the portions of overhead

transmission line marked in red on exhibit B of the license that have the potential to impact the bald eagle. Snohomish PUD stated that it would, accordingly, propose as a condition, for overhead lines in the areas of concern identified by WFDW, to use its existing raptor protection standards that were developed in consultation with FWS in 2006-07, at a time when the bald eagle was still listed under the ESA. All protections required under the licensee's standards are similar to, or the same as, those identified in the EEI's document. Article 404 will be revised to reflect the updated guidelines, as shown in ordering paragraph (I) of this order.

13. The licensee requests that provision (a) of article 405 be removed from the license. This scheduling provision is intended to eliminate the risk of disturbing wintering bald eagles by suspending project construction between November 1 and March 31. The information in paragraph 10, above, supports the conclusion that disturbance of wintering bald eagles is unlikely for construction activities under the proposed amendment.

14. The 1992 order issuing license and the attached environmental assessment indicate that the bald eagle protection plan required under article 405 is intended to apply only to the initial construction of the project. However, possible future bald eagle nests could also be adversely affected by potential future project construction activities. Therefore, we find it appropriate not to remove provision (a) from this article so that it could be applied, as necessary, during the entire term of the license.

15. For construction activities under the proposed amendment, the licensee should be granted a waiver of the requirement to include provision (a) in the protection plan to be filed pursuant to article 405, as shown in ordering paragraph (K) of this order. In order to reflect the current status of the bald eagle, with respect to the ESA, we will revise article 405 to delete the reference to the bald eagle being federally listed as threatened.

16. The licensee also proposes changes to provision (c) of article 405. Currently, provision (c) limits the licensee to either burying the sections of the transmission line crossing the Skykomish River or attaching the transmission line under an existing bridge. The proposed changes would include adding the option of attaching the transmission line to an existing overhead crossing of Skykomish River. Provision (c) would also be changed to add that avian protection devices approved by the FWS would be installed on any overhead crossing of Skykomish River that is used, and on all other sections of the transmission line that are overhead and within 800 feet of any identified bald eagle nest. These changes, which would provide additional river-crossing flexibility and additional avian protection, should be approved and incorporated into the article, as shown in ordering paragraph (J) of this order.

2. Effect on Aquatic Resources

17. The proposed action would have no additional effect on the aquatic resources. The aquatic environment in Youngs Creek will continue to be protected by the minimum flow and ramping rate requirements of articles 411 and 412, respectively.

Conclusion

18. We conclude that the changes to this project would not constitute a major federal action significantly affecting the quality of the human environment. This order approves the amendment to decrease the project's authorized capacity by 150 kW and change the transmission line configuration. We remind the licensee that any construction activities should be coordinated with the Commission's Portland Regional Office in accordance with license articles 302 and 303.

The Director orders:

(A) The license for the Youngs Creek Hydroelectric Project, FERC No. 10359, is amended as provided by this order, effective the day this order is issued.

(B) The revised exhibit A filed on June 19, 2009, is approved and made a part of the license, superseding the current exhibit A.

(C) Ordering paragraph (B)(2) of the license is revised, in part, to read as follows:

Project works consisting of:... (d) a power house containing one 7.5 MW, 2-jet (Pelton) type turbine connected to a synchronous type generator rated at 8,333 kVA at a 0.9 power factor (7.5 MW); (e) a short tailrace; (f) a 12.5-kilovolt, and about 8.2-mile-long transmission line, composed of approximately 4.40 miles overhead and 3.74 miles underground.

(D) The following Exhibit F drawings filed on September 9, 2009, conforms to the Commission's rules and regulations, and are approved and made part of the license.

Exhibit No.	FERC Drawing No.	Drawing Title	Superseded FERC Drawing No.
F-6	10359-14	Powerhouse Site Plan & Section	10359-6
F-7	10359-15	Powerhouse Floor Plan & Section	10359-7

(E) Within 45 days of the date of issuance of this order, the licensee shall file the approved exhibit drawing in aperture card and electronic file format.

a) Three sets of the approved exhibit drawing shall be reproduced on silver or gelatin 35mm microfilm. All microfilm shall be mounted on type D (3-1/4" X 7-3/8") aperture cards. Prior to microfilming, the FERC Project-Drawing Number (i.e., P-10359-14) shall be shown in the margin below the title block of the approved drawing. After mounting, the FERC Drawing Number shall be typed on the upper right corner of each aperture card. Additionally, the Project Number, FERC Exhibit (i.e., F-6), Drawing Title, and date of this order shall be typed on the upper left corner of each aperture card. See Figure 1.

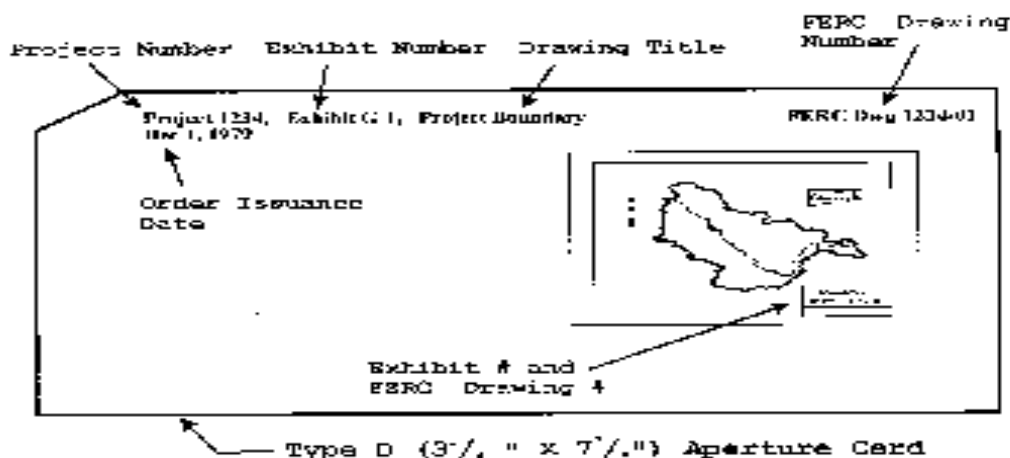


Figure 1.

Two of the sets of aperture cards shall be filed with the Secretary of the Commission, ATTN: OEP/DHAC. The third set shall be filed with the Commission's Division of Dam Safety and Inspections Portland Regional Office.

b) The licensee shall file two separate sets of exhibit drawings in electronic raster format with the Secretary of the Commission, ATTN: OEP/DHAC. A third set shall be filed with the Commission's Division of Dam Safety and Inspections Portland Regional Office. Exhibit F drawings must be identified as **(CEII) material under 18 CFR § 388.113(c)**. Each drawing must be a separate electronic file, and the file name shall include: FERC Project-Drawing Number, FERC Exhibit, Drawing Title, date of this order, and file extension in the following format [P-10359-14, F-6, Powerhouse Site Plan & Section, MM-DD-YYYY.TIF]. Electronic drawings shall meet the following format specification:

IMAGERY - black & white raster file
 FILE TYPE – Tagged Image File Format, (TIFF) CCITT Group 4
 RESOLUTION – 300 dpi desired (200 dpi min.)

DRAWING SIZE FORMAT – 24” X 36” (min), 28” X 40” (max)
FILE SIZE – less than 1 MB desired

(F) Within 60 days of the issuance date of the order, the licensee shall file, for Commission approval, revised Exhibit G drawings enclosing within the project boundary all principal project works and all project lands necessary for operation and maintenance of the project. The Exhibit G drawings must comply with sections 4.39 and 4.51 of the Commission’s regulations. The Exhibit G drawings shall also identify the overhead and underground sections of transmission line.

(G) Article 201 of the license is revised to read as follows:

The licensee shall pay to the United States the following annual charge effective the date of commencement of project operation:

For the purpose of reimbursing the United States for the costs of administration of Part I of the Act, a reasonable amount as determined in accordance with the provisions of the Commission's regulations in effect from time to time. The authorized installed capacity for that purpose is 7,500 kW.

(H) Within 30 days after the start of operation of the project, the licensee shall notify the Commission of the date of such commencement. The date of commencement of operation of the project will be used to set the exact effective date for license Article 201 for the assessment of annual charges.

(I) Article 404 of the license is revised, in part, by replacing the first sentence with the following:

At least 90 days before the start of construction, the licensee shall file with the Commission, for approval, a transmission line design plan, prepared in accordance with the guidelines set forth in “Suggested *Practices for Avian Protection on Power Lines: The State of the Art in 2006*,” by the Edison Electric Institute.

(J) Article 405 of the license is revised, in part, by replacing the first paragraph with the following:

At least 90 days before the start of any land disturbing or land-clearing activities, the licensee shall file with the Commission, for approval, a plan to protect the bald eagle (*Haliaeetus leucocephalus*). The plan shall include, but not be limited to, the following: (a) a project construction schedule, including transmission line construction, to avoid disturbances to wintering bald eagles by suspending project construction between November 1 and March 31; (b) preserve potential eagle perching and roosting trees, to the extent possible; and (c) bury the sections of the

transmission line crossing the Skykomish River, attach the transmission line under an existing bridge, or attach the transmission line to an existing overhead crossing, as appropriately modified to support the additional weight of the transmission line. Aviation protection devices approved by the U.S. Fish & Wildlife Service shall be installed on any overhead crossing of the Skykomish River that is used, and on all other sections of the transmission line that are overhead and within 800 feet of any identified bald eagle nest.

(K) For the specific purposes of construction activities related to work approved for this amendment, we hereby waive the requirement of provision (a) under license article 405.

(L) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order pursuant to 18 C.F.R. §385.713.

M. Joseph Fayyad
Engineering Team Lead
Division of Hydropower Administration
and Compliance

Document Content(s)

P-10359-044.DOC.....1-8