

155 FERC ¶ 62,052
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Public Utility District No. 1 of Snohomish County,
Washington

Project Nos. 13994-007 and
13948-007

ORDER AMENDING TERRESTRIAL RESOURCES MANAGEMENT PLANS

(Issued April 20, 2016)

1. On January 20, 2016, as supplemented on March 21, 2016, Public Utility District No. 1 of Snohomish County, Washington (Snohomish PUD) filed a request to amend the terrestrial resource management plans for the Hancock Creek Hydroelectric Project No. 13994 and Calligan Creek Hydroelectric Project No. 13948. The projects will be located on Hancock and Calligan creeks, respectively, near the city of North Bend in King County, Washington. The projects will not occupy federal land.
2. Article 407 of each license approved the respective terrestrial resource management plan (TRMP), filed on February 25, 2014, and required implementation with modifications.¹ The TRMPs direct the management of terrestrial mitigation on project lands; section 2.3.1 of each TRMP describes management methods and treatment for previously identified and newly observed noxious weed sites on project lands. The term “project lands” was not defined in the TRMPs.²
3. Snohomish PUD’s intent when developing the TRMPs was to manage noxious weeds on lands it had exclusive impact on, and not on lands and roads that were of joint use where impacts were caused by others. The non-Snohomish PUD roads in the project boundaries would be lightly used by the Snohomish PUD for operation and maintenance of the projects. These roads are heavily used by Hancock Forest Management Group

¹ Hancock Creek Hydroelectric Project: Order Issuing Original License, issued June 19, 2015 (151 FERC ¶ 62,199) and Calligan Creek Hydroelectric Project: Order Issuing Original License, issued June 19, 2015 (151 FERC ¶ 62,204)

² During the license transition meeting held on October 13, 2015, Commission staff indicated that their interpretation of “project lands” would include all roads within the project boundary, and Snohomish PUD would be required to manage noxious weeds on all roads and road beds within this area.

(HFMG) for harvesting on their lands, and also by authorized users of HFMG for public access and use.³

4. Snohomish PUD would like to amend section 2.3.1.1 of each TRMP to add the clarifying statement:

“Project lands” are defined as Project-specific lands and roads within the Project Boundary indicated in Figure 2-4 of the TRMP. This includes lands at the intake, penstock route, powerhouse, preservation areas, and Project-specific roads used by the District to access the intake structure and powerhouse.

5. Snohomish PUD’s January 20 filing includes Figure 2-4 for each project, as well as updated versions of figures 1-2, 1-3, 2-1, 2-2, and 2-3 to replace the figures in the existing TRMPs, reflecting the new project boundaries per Article 203 of each license.

6. On February 3, 2016, Snohomish PUD requested comments on the proposed amendments from the U.S. Fish and Wildlife Service, Washington Department of Fish and Wildlife (WDFW) King County, Tulalip Tribes, Snoqualmie Tribe, and Campbell Global.

7. Comments were received from WDFW on March 4, 2016. These comments suggest that Snohomish PUD should share the burden of paying for noxious weed treatment along roads with other land and road easement owners, and state that the proposed “project area” does not include the construction laydown areas. WDFW also recommends a five-year monitoring and treatment schedule after construction, to completely allow establishment of desired vegetation in the project footprint.

8. Snohomish PUD provided responses to WDFW’s comments; under an access permit between Snohomish PUD and HFMG for Snohomish PUD’s use of “Hancock Creek Roads” and “Calligan Creek Roads,” Snohomish PUD pays a use fee for an easement allowing use of these roads during construction and operation of the projects. Snohomish PUD would also pay an annual access road maintenance fee to the property owner for routine road maintenance. Therefore, all long-term road maintenance for common use roads would be by Campbell Global, with payments contributed by Snohomish PUD. Regarding WDFW comments about construction laydown areas, under a term agreement with Campbell Global, which expires in 2018 (coinciding with the expected completion of construction), Snohomish PUD would restore and re-soil the construction laydown areas, and pay a reforestation fee to Campbell Global. Campbell

³ When the projects were licensed, lands surrounding the projects were owned and managed by Hancock Timber Resource Group and Hancock Forest Management Group. Campbell Global has since purchased these lands.

Global would then re-forest and manage weeds according to their management programs. While the laydown areas are being used by Snohomish PUD and contractors, care would be taken to avoid introducing or spreading noxious weeds by following noxious weed control provisions outlined in the construction specifications.

9. Snohomish PUD has demonstrated that its intent when developing the TRMPs was to manage noxious weeds on lands it has exclusive impact on, and not on lands and roads of joint use where impacts are caused by others. Snohomish PUD adequately addressed WDFW's comments and demonstrated its commitment to working with the property owner. Snohomish PUD's request to amend the terrestrial resource management plans for the Hancock Creek and Calligan Creek hydroelectric projects should be approved.

The Director orders:

(A) Public Utility District No. 1 of Snohomish County, Washington's application, filed January 20, 2016, as supplemented on March 21, 2016, to amend the terrestrial resource management plans for the Hancock Creek Hydroelectric Project No. 13994 and Calligan Creek Hydroelectric Project No. 13948, to add the following clarifying statement to section 2.3.1.1 of each plan, is approved: "Project lands" are defined as Project-specific lands and roads within the Project Boundary indicated in Figure 2-4 of the TRMP. This includes lands at the intake, penstock route, powerhouse, preservation areas, and Project-specific roads used by the District to access the intake structure and powerhouse.

(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 (2012), and the Commission's regulations at 18 CFR § 385.713 (2015). 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.

Robert J. Fletcher
Chief, Land Resources Branch
Division of Hydropower
Administration and Compliance