

UNITED STATES OF AMERICA 109 ferc ¶ 62, 086
FEDERAL ENERGY REGULATORY COMMISSION

City of Tacoma

Project No. 2016-082

ORDER APPROVING LARGE WOODY DEBRIS PLAN PURSUANT TO
SETTLEMENT AGREEMENT LICENSE ARTICLE 9

(Issued November 10, 2004)

On July 15, 2004, the City of Tacoma (licensee) filed a Large Woody Debris Plan pursuant to Article 9 in Appendix A of the Order Approving Settlement and Issuing New license for the Cowlitz River Project, issued March 13, 2002.¹ By letter issued September 26, 2003, the Commission established the effective and issuance date of the new license for compliance purposes as July 18, 2003, the date of the Order Denying Rehearing and Lifting Stay.² The Cowlitz River Project consisting of the Mayfield and Mossyrock developments is located on the Cowlitz River, in Lewis County, Washington.

LICENSE REQUIREMENTS

Article 9 requires the licensee to file, for Commission approval, within one year of license issuance a plan to continue to make large woody debris (LWD) available for fish habitat restoration projects in the Cowlitz River basin. The LWD plan is required to include: (a) a description of the source of LWD to be made available; (b) measures for transporting LWD within the Cowlitz River basin; (c) guidelines for the use and disbursement of LWD for restoration projects giving first priority to projects within the lower basin, second priority to upper basin projects and third priority to projects outside the basin; and (d) provisions for storage of LWD and for disposal of unused debris.

The LWD plan is required to be prepared in consultation with the Fisheries Technical Committee (FTC) provided for in the August 2000 Settlement Agreement, or if the Settlement Agreement has become void, with the U.S. Fish and Wildlife Service, National Marine Fisheries Service, Washington Department of Fish and Wildlife (WDFW), U.S. Forest Service (USFS), and the Washington Department of Ecology. The draft plan shall be provided to the affected agencies and Tribes for a 30 day comment and review period. The licensee shall include with the plan documentation of consultation and copies of comments and recommendations. If the licensee does not adopt a recommendation, the plan shall include the licensee's reasons based on project-specific information. The Commission reserves the right to require changes to the plan. The plan shall be implemented upon Commission approval including any required changes.

¹ 98 FERC ¶ 61,274

² 104 FERC ¶ 61,092

LICENSEE'S PLAN

Consistent with the objectives of the Settlement Agreement regarding protection and enhancement of salmonid stocks and in consideration of public safety the licensee proposes a plan that provides for the management and placement of LWD that accumulates in the project impoundments, Mayfield Lake and Riffe Lake. For this plan LWD is wood that is a minimum of 20 feet long and 10 inches in diameter. The LWD removed from Mayfield Lake and suitable for placement in the Cowlitz River will be placed annually below the ordinary high water line downstream of Mayfield Lake below the Barrier Dam; two potential sites have been identified. The annual goal for placement of suitable LWD is approximately 600 lineal feet, the amount estimated to be available annually. Placement of LWD downstream of Barrier Dam would be conducted ideally during low flow to allow higher flows to re-distribute this material. As LWD becomes available it would be stored for placement downstream of the Barrier Dam during those years in which no suitable LWD is available.

The LWD from Riffe Lake available and suitable for habitat enhancement projects would be stored above ordinary high water line at Riffe Lake and would be made available for Cowlitz River basin watershed projects. Vehicles would be loaded with LWD at Mayfield and Riffe Lakes for transport to habitat enhancement project sites. Information on all stored LWD that is suitable for habitat enhancement projects would be included in the annual Hydropower Compliance Management Plan report required to be filed with the Commission. This report would be provided to the resource agencies and the Tribes.

Excess LWD above the 600 lineal feet from Mayfield Lake would be made available for Cowlitz River basin watershed projects and secondly for enhancement projects out of the Cowlitz River basin. Excess LWD from Riffe Lake would be made available for habitat enhancement projects out of the Cowlitz River basin. The licensee would contact the WDFW and the USFS regarding the placement of excess LWD in other habitat projects. If these agencies cannot use the excess LWD, then it would be disposed of properly. Further, wood would be properly disposed that does not meet the criteria for LWD from Mayfield and Riffe Lakes.

The licensee's plan provides schedules for reporting to the Commission, resource agencies and Tribes on activities regarding the management of LWD at the project including volumes of LWD available and transported to enhancement sites and the monitoring and evaluation of the effectiveness of the placement of LWD particularly in the lower Cowlitz River. Any safety complaints from boating recreationists related to LWD placement and movement would be documented in these reports. Implementation of the LWD plan would commence upon Commission approval of the plan and receipt of the necessary permits.

RESOURCE AGENCY CONSULTATION

The licensee's filing includes a record of consultation on the LWD plan with the resource agencies and Tribes. By letter dated May 7, 2004, the licensee sent a draft plan to these entities, allowing 30 days for comment. The WDFW responded by letter dated June 11, 2004, expressing concerns that the plan did not satisfy the requirements of the Hydraulic Project Approval permit issued to the licensee. Subsequent to this letter the licensee participated in a series of discussions with the WDFW to resolve the WDFW's concerns. As a result of these discussions the licensee revised the LWD plan, and on July 12, 2004, the WDFW issued a letter of concurrence.

DISCUSSION AND CONCLUSION

The licensee's LWD plan is consistent with the requirements of Article 9 of the Settlement Agreement and should contribute to the enhancement of salmonid habitat in the Cowlitz River watershed as well as habitat enhancement projects out side the watershed. The licensee's plan should be approved.

The Director orders:

(A) The LWD plan filed on July 15, 2004, pursuant to Article 9 of the Order Approving Settlement and Issuing New License issued March 13, 2002, and the Order Denying Rehearing and Lifting Stay issued July 18, 2003, is approved.

(B) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days from the date of issuance of this order, pursuant to 18 CFR § 385.713.

George H. Taylor
Chief, Biological Resources Branch
Division of Hydropower Administration
and Compliance