

UNITED STATES OF AMERICA 133 FERC ¶ 62,163
FEDERAL ENERGY REGULATORY COMMISSION

Puget Sound Energy

Project No. 2150-087

ORDER APPROVING RESERVOIR SHORELINE EROSION
CONTROL MANAGEMENT PLAN

(Issued November 23, 2010)

1. On September 30, 2010, Puget Sound Energy (licensee) filed its Reservoir Shoreline Erosion Control Management Plan, pursuant to Article 409 and the Settlement Agreement Article 110 of the license¹ for the Baker River Project No. 2150. The Baker River Project is located on the Baker River in Skagit and Whatcom counties, Washington.

License Requirements

2. Settlement Agreement (SA) Article 110 in Appendix A of the license requires, within one year of license issuance, the licensee to develop and file with the Commission for approval, a Reservoir Shoreline Erosion Control Management Plan (RSECMP or plan) and Implementation Schedule that shall include, at a minimum, the following: (1) a description of survey protocols, fieldwork schedules, and reporting requirements for site-specific evaluations; (2) selection criteria and prioritization of sites for treatment; (3) descriptions of appropriate treatment techniques; (4) evaluation of the probability of success for treatments and consideration of alternatives; (5) schedules for treatment implementation and maintenance of treatments; (6) development and implementation of a monitoring plan; (7) evaluation and treatment of erosion at newly emergent sites that are affecting resources; (8) annual reporting requirements; and (9) provisions for updating the RSECMP at five year intervals utilizing adaptive management and monitoring to assess future treatment and maintenance actions.

3. The plan shall be prepared in consultation with the U. S. Forest Service (Forest Service). The licensee shall include with the RSECMP, documentation of consultation, copies of comments and recommendations on the completed plan after it has been prepared and provided to the agency, and specific descriptions of how the agency's comments are accommodated by the RSECMP. If the licensee

¹ 125 FERC ¶ 62,064 (2008).

does not adopt a recommendation, the filing shall include the licensee's reasons, based on project-specific information.

4. Article 409 of the license requires the licensee to incorporate into the plan the following additional measures: site specific plans to prevent and control erosion on Lake Shannon shorelines in accordance with the specifications in SA Article 110, except that erosion control, prevention, and/or remediation shall not be limited to "wherever Forest Service lands or resources may be affected." The licensee shall control erosion along Lake Shannon shorelines relative to project-related impacts and needs. In addition to consulting with the U.S. Forest Service, the licensee shall consult with Skagit County while developing the shoreline erosion control plan pursuant to SA Article 110.

Licensee's Plan

5. Pursuant to Article 409 and SA Article 110, the licensee submitted its shoreline erosion control plan, entitled Reservoir Shoreline Erosion Control Management Plan. The plan applies to reservoir shorelines within the Baker River Project Boundary. Specifically, the area includes all lands adjacent to or below elevation 732.77 feet (NAVD 88) on Baker Lake, and below elevation 445.47 feet (NAVD 88) on Lake Shannon. The plan includes the following components.

6. Available information on potential erosion treatment sites during the annual review process will be compiled and evaluated to identify gaps and the need to collect additional site specific information. If data gaps are identified, the licensee will consult with the Forest Service and Skagit County to identify survey protocols and fieldwork schedules and will obtain site-specific data on the erosion sites of concern.

7. The licensee will consult with the Forest Service and Skagit County to develop criteria to prioritize sites for treatment, based on: location to relative sites, heritage resources, aesthetic, cultural sites and facilities; severity and ongoing rate of erosion; land ownership; likelihood of treatment success; approximate cost of treatment; and available funding.

8. Erosion control measures may include, but are not limited to the following treatment techniques: vegetation, bioengineering, anchored logs, riprap vestment, rock wall, crib wall, perched beach, and drift sills. Detailed treatment plans will be developed for the highest priority erosion sites.

9. The licensee will coordinate with the Forest Service and Skagit County to develop a monitoring plan that will include: (1) monitoring protocols to be utilized at each site or set of sites; (2) a schedule describing the timing and frequency of

proposed monitoring efforts; and (3) the estimated annual costs of monitoring activities. Reservoir shoreline conditions on Baker Lake and Lake Shannon will be surveyed during funding years 2012, 2022, 2032, 2042, and 2052, to identify new erosion sites or to identify changes to untreated sites that were previously considered lower priority. The shoreline review will be conducted in early spring before the reservoirs have been refilled to summer operational elevations.

10. The annual reporting period for the RSECMP will be January 1 through December 31 as defined in SA Article 102. The annual report, to be submitted to the Commission, shall include a summary description of activities conducted in support of each key element of SA Article 110 during the preceding 12-month reporting period, including: (1) a summary description of the existing RSECMP including any modifications proposed during the previous five year plan review process; (2) a schedule for implementing site treatments; (3) a summary of treatment, monitoring, and maintenance activities completed in the preceding 12-month reporting period; and (4) a summary of funds expended as a part of the RSECMP in the preceding 12-month reporting period.

11. During the years 2012, 2017, 2022, 2027, 2032, 2037, 2042, 2047, 2052, and 2057, the licensee will consult with the Forest Service and Skagit County to review the RSECMP accomplishments, evaluate the effectiveness of treatments, and review site-specific evaluation protocols and treatment approaches in the context of improvements in best management practices with regard to erosion control techniques and technology. Based on the information presented in the five-year review, the licensee will work with the Forest Service to identify adaptations in treatment, monitoring, and/or maintenance techniques.

Pre-filing Consultation

12. The licensee distributed a draft copy of the RSECMP by letter dated August 5, 2010, to the Forest Service and Skagit County for review and comment. By email message dated September 8, 2010, the Forest Service provided comments, stating it intends to work with the licensee to ensure that selected sites for treatment will reflect the priorities and locations identified in SA Article 110. Skagit County did not comment on the plan.

Review

13. The licensee's Reservoir Shoreline Erosion Control Management Plan satisfies the requirements of Article 409 and Settlement Agreement Article 110 of the project license. The plan should, therefore, be approved.

The Director orders:

(A) Puget Sound Energy's Reservoir Shoreline Erosion Control Management Plan filed on September 30, 2010, pursuant to Article 409 and Settlement Agreement Article 110 of the Baker River Project, is approved.

(B) Puget Sound Energy's Reservoir Shoreline Erosion Control Management Plan Annual Report will be due by the 31st of January each year. At five year intervals, the Annual Report will include a supplemental Five-Year Review Report containing any modifications to the Reservoir Shoreline Erosion Control Management 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 FPA, 16 U.S.C. § 8251 (2006), and the Commission's regulations at 18 C.F.R. § 385.713 (2010). 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.

William Guey-Lee
Chief, Engineering & Jurisdiction Branch
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