

Commissioners:
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Public Utility District No.1 of Douglas County

1151 Valley Mall Parkway • East Wenatchee, Washington 98802-4497 • 509/884-7191 • FAX 509/884-0553

May 28, 2002

Mr. Robert D. Lohn
Regional Administrator
National Marine Fisheries Service
Northwest Region
7600 Sand Point Way NE
Seattle, Washington 98115-0070

Re: Amended, Application for Individual Incidental Take Permit
Wells Hydroelectric Project (FERC No. 2149)

Dear Mr. Lohn:

On July 31, 1998, the Public Utility District No. 1 of Douglas County, Washington (Douglas), pursuant to 16 USC § 1539(1)(B) and 50 CFR § 222.22(b) (2001), submitted to the National Marine Fisheries Service (NMFS) an application for issuance of an incidental take permit for the Wells Hydroelectric Project. The permit application was based upon the 1998 version of the Wells Anadromous Fish Agreement and Habitat Conservation Plan (1998 Wells HCP).

Upon receiving the permit application and pursuant to 42 USC § 4322(2)(c), NMFS initiated a National Environmental Policy Act (NEPA) review of the proposed 1998 Wells HCP. The NEPA review process required the development of a Draft Environmental Impact Statement (DEIS). On December 29, 2000, notice of the DEIS was published in the *Federal Register* for the proposed Wells, Rocky Reach and Rock Island HCPs. Comments were accepted through March 2001.

Comments on the DEIS were compiled and reviewed by NMFS staff. Based upon the comments received, the parties involved in the negotiation of the 1998 Wells HCP decided that additional discussions were required to resolve issues raised by the commentators prior to the issuance of a Final Environmental Impact Statement.

These discussions were initiated in April 2001 and have only recently concluded to the satisfaction of all interested parties. As a result, we are pleased to submit to NMFS a signed version of the Wells HCP (2002 Wells HCP). Parties that have signed the agreement include Douglas, the National Marine Fisheries Service, the United State Fish and Wildlife Service, the Washington Department of Fish and Wildlife, Puget Sound Energy, PacifiCorp, Portland General Electric, and Avista Corporation. In addition, the Confederated Tribes of the Colville Reservation have also signed the agreement, however only a faxed copy has been provided to Douglas.

The 2002 Wells HCP does not change the fundamentals of the 1998 Wells HCP, but merely clarifies concepts. The provisions related to this Agreement shall become effective only after NMFS issues the requested permit, and the Federal Energy Regulatory Commission issues the orders contemplated by the 2002 Wells HCP.

Based upon the clarifications described above, Douglas hereby amends its incidental take permit application to:

- (1) replace Exhibit 1, the proposed "1998 Wells HCP", with the "2002 Wells HCP";
- (2) remove Exhibit 1 -A, 1 - B, and 1 - C and;¹
- (3) rename Exhibit 1 - D as Exhibit 2.

The application, including the above-described changes, should now read:

Exhibit 1. Anadromous Fish Agreement and Habitat Conservation Plan,
The Wells Hydroelectric Project, FERC License No. 2149, March
26, 2002.

Exhibit 2. Wells Hydroelectric Project Habitat Conservation Plan.

Should a conflict arise between Exhibit 1 and any of the remaining Exhibits, Supporting Documents or Appendices to this amended Permit Application, the language contained within Exhibit 1 shall control.

¹ Exhibits 1 - A, 1 - B and 1 - C are now referenced separately as Supporting Documents D, A, and B, respectively and are referenced exclusively from within the 2002 Wells HCP (Exhibit 1).

Letter to Mr. Robert D. Lohn
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Copies of this letter and its enclosures are being sent to (1) the Assistant Administrator for Fisheries, Silver Springs, Maryland, pursuant to 50 CFR § 222.307(b) (2001) and 50 CFR § 222.102 (2001); and (2) the parties participating in the development of the signed 2002 Wells HCP.

If you have any questions pertaining to this letter or if you require additional information, please feel free to contact me at (509) 884-7191 Ext. 2285, rclubb@dcpud.org or Shane Bickford Ext. 2208, sbickford@dcpud.org. Alternatively, please feel free to contact the District's council in this matter, Stan Bastian, at (509) 662-3685, stanB@JDSALaw.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert W. Clubb". The signature is written in a cursive style with a large, looping initial "R".

Robert W. Clubb, PhD

Chief of Environmental and Regulatory Services

Enclosures

cc: See attached Service List

SERVICE LIST

Public Utility District No. 1 of Douglas County, Washington

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