

150 FERC ¶ 62,037
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Puget Sound Energy

Project No. 2150-125

ORDER AMENDING ARTICLE 501 ANNUAL REPORT FILING DATES

(Issued January 16, 2015)

1. On September 15, 2014, Puget Sound Energy (licensee) filed a request to amend the filing dates for annual reports under Settlement Agreement (SA) Article 501 of the license for the Baker River Project.¹ The Baker River Project consists of the Lower Baker Development and the Upper Baker Development. The project facilities are located on the Baker River in Skagit and Whatcom counties, Washington, and currently occupy federal lands within the Mt. Baker-Snoqualmie National Forest administered by the U.S. Forest Service.

BACKGROUND

2. Ordering paragraph (F) of the license requires the licensee to comply with the conditions of the SA.² Article 501 of the SA requires the licensee to file annual reports with the Federal Energy Regulatory Commission (Commission) for Terrestrial Resource articles 502 (forest habitat); 503 (elk habitat); 504 (wetland habitat); 505 (aquatic riparian habitat protection, restoration and enhancement); 506 (osprey nest structures); 507 (loon floating nest platform); 508 (noxious weeds); 509 (plants of special status); 510 (*Carex flava*); 511 (decaying and legacy wood); 512 (bald eagle night roost surveys); 513 (bald eagle management); 514 (use of habitat evaluation procedures); 515 (late seral forest growth); 516 (mountain goats); and 517 (grizzly bear road management). The licensee is required to allow the Terrestrial Resources Implementation Group (TRIG) 30 days to review and comment on the report(s) prior to filing the report(s) with the Commission.

¹ Order on Offer of Settlement, Issuing New License, and Dismissing Amendment Application as Moot. 125 FERC ¶ 62,064 (issued October 17, 2008).

² The SA was filed with the Commission on November 30, 2004, and was amended by errata filed May 10, 2005, and July 5, 2005. The articles and attachments from the SA are attached to the license as Appendix A.

LICENSEE'S PROPOSAL

3. The licensee states that the reporting dates stipulated under Article 501 for the aforementioned Terrestrial Resource articles are inconsistent with their monitoring and implementation schedules and therefore, require a more condensed and consistent reporting schedule. In addition, the licensee states that revision of the reporting schedules would streamline the reporting process by providing consistent reporting periods, improve the timeliness of the reports, and eliminate a redundant review process by the TRIG. Accordingly, the licensee proposes to amend its current terrestrial resources reporting schedule under Article 501 and for articles 502-517. The licensee would allow the TRIG 60 days to review and comment on the reports prior to filing the respective reports under Article 501 with the Commission. As a result, the licensee would provide its Terrestrial Resource articles' draft reports for the previous calendar year (January 1 to December 31) to the TRIG by April 30, and the final Article 501 report would be filed with the Commission annually by September 30.

TRIG CONSULTATION

4. The licensee's filing included documentation of consultation with the TRIG and stated that its revised reporting schedule was approved by consensus of the TRIG members on July 17, 2014.

CONCLUSION

5. The licensee's proposal to amend the Terrestrial Resource articles' reporting schedules to September 30 annually and file a final report under SA Article 501 with the Commission annually by September 30 will allow scheduling consistency for multiple reports required by the Terrestrial Resource articles under the SA and allow the annual reports of each related article to be included in a comprehensive report under Article 501. Therefore, the licensee's amended schedule as proposed should be approved.

The Director orders:

(A) Puget Sound Energy's (licensee) request to amend the annual filing dates for Settlement Agreement (SA) articles 501 through 518, filed September 15, 2014, is approved. The licensee must file its report under SA Article 501 with the Federal Energy Regulatory Commission (Commission) by September 30 annually.

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(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. § 825l (2012), and the Commission's regulations at 18 C.F.R. § 385.713 (2014). 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.

for Thomas J. LoVullo
Chief, Aquatic Resources Branch
Division of Hydropower Administration
and Compliance

Document Content(s)

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