

UNITED STATES OF AMERICA 130 FERC ¶ 62,062  
FEDERAL ENERGY REGULATORY COMMISSION

Puget Sound Energy, Inc.

Project No. 2150-033

ORDER APPROVING BAKER RIVER RECREATION WATER SAFETY PLAN  
PURSUANT TO SETTLEMENT AGREEMENT ARTICLE 304

(Issued January 20, 2010)

1. On September 30, 2009, Puget Sound Energy, Inc. (licensee) filed the Baker Reservoir Recreation Water Safety Plan (plan) pursuant to Settlement Agreement article 304 of the license for the Baker River Hydroelectric Project (FERC No. 2150).<sup>1</sup> The project consists of two developments, Upper Baker and Lower Baker, located on the Baker River in Skagit and Whatcom counties, Washington.

BACKGROUND

2. Settlement Agreement article 304 requires the licensee to file the plan for Commission approval within one year of license issuance. The licensee is to develop the plan in consultation with the Recreation Resources Group (RRG). The plan shall require the licensee to:

1) Within one year of license issuance, make funds available to the U.S. Forest Service (USFS) for the purpose of constructing and installing eight to twelve bulletin boards at locations listed in the plan, in accordance with the Recreation Implementation Schedule.

2) Within two years of license issuance, prepare, in consultation with the RRG, information about the Baker Lake area including reservoir safety and provide displays and tear-sheet maps for visitors at the following specific sites: the USFS/National Park Service (NPS) office in Sedro-Woolley, all developed lake shore campgrounds at Baker Lake, the West Pass Dike public boat launch, PSE's Concrete Visitor Information Center if the facility is being operated, and two to four selected boat-in access points. The licensee must review the maps and displays every sixth year of the license term and revise them to include any

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<sup>1</sup> Order on offer of settlement, issuing new license, and dismissing amendment application as moot, issued October 17, 2008 (125 FERC ¶ 62,064).

additional boat launches, developed sites, or other recreation facilities and pertinent information.

3) Within three years of license issuance, construct floating log booms, buoys, or functionally equivalent structures to separate existing designated swimming areas from boat traffic at Horseshoe Cove and Baker Lake Resort. If there are remaining funds available during the construction of any new designated swimming areas, or if selected as a proper use of Recreation Adaptive Management Funds, similar floating log booms, buoys, or functionally equivalent structures may be constructed to separate swimming areas from boat traffic. For the term of the license, licensee shall maintain such structures and provide adequate safety signage demarking swimming areas at Horseshoe Cove and Baker Lake Resort, and annually monitor reservoir hazards to recreation.

3. The licensee must make funding available to the USFS to contribute to its efforts in carrying out the purposes of this article in an amount not to exceed that shown in the Recreation Implementation Schedule.

#### DESCRIPTION OF PLAN

4. The plan states that PSE will provide funding to the USFS to construct and install 8 to 12 new bulletin boards. Upon receipt of funding, the USFS would be responsible for constructing and installing the bulletin boards. PSE funding for the bulletin boards would be consistent with the funding caps established in the SA. Funding and other article implementation actions would be summarized in PSE's annual recreation management report as required by SA article 301. While other appropriate visitor information and educational materials may be posted on the USFS bulletin boards, dedicated space would be reserved for water safety-related displays and tear-sheet maps that would be produced by PSE. Since bulletin boards are semi-permanent, constructed facilities, it is not anticipated that their location would change on an annual basis. However, if a new bulletin board is needed in a new location and/or if an existing bulletin board needs to be moved to a different location, PSE and the USFS would address the change on an as-needed basis during the license term. Once constructed and installed, routine maintenance of the bulletin boards would be the responsibility of the site manager. Bulletin board replacement would be assessed periodically throughout the license term and according to the spending caps identified in the recreation implementation schedule.

5. Water safety displays and tear-sheet maps would be installed on the USFS bulletin boards, as well as other locations identified in SA article 304 including the US/NPS office in Sedro-Woolley and PSE's visitor information center in Concrete. The intent of the water safety-related displays and tear-sheet maps is to communicate boating

opportunities and appropriate boating-related behaviors to visitors at Baker Reservoir. In the future, PSE may review and revise the water safety-related displays every six years or as needed based on changes to safe boating regulations and guidelines. PSE may develop new versions of the tear-sheet maps on a more frequent basis if necessary; if changes to the displays and/or the tear-sheet maps are needed, PSE would coordinate the revised displays and tear-sheet maps with the RRG.

6. Per SA requirements, PSE would provide funding to the USFS for the bulletin boards within one year of license issuance. The USFS would then construct and install the bulletin boards by the end of the second year of the new license. PSE would develop the water safety-related displays and tear-sheet maps by the end of the second year of the new license, and would fabricate and install the displays and tear-sheet maps by the beginning of the 2011 recreation season.

7. The two delineated swimming areas would separate boating and swimming, thereby helping to minimize potential conflicts and safety issues potentially resulting from boaters and swimmers using the same area. Per SA article 304 requirements, PSE would be responsible for providing delineated swimming areas at the Horseshoe Cove Campground and Baker Lake Resort. Floating log booms, buoy lines, or other functionally equivalent structures would be used to separate existing designated swimming areas from boat traffic at these sites. PSE would also post appropriate safety signage demarking swimming areas. In the future, if new swimming areas are designated at Baker Reservoir, PSE may consider similar delineation actions at these new sites, pending funding and input from the RRG. PSE would install the swimming area delineation structures within three years of the license issuance date.

8. PSE would be responsible for monitoring water safety-related displays and tear-sheet maps, as well as the delineated swimming areas at Horseshoe Cove Campground and Baker Lake Resort. In addition, PSE would develop a reservoir hazard monitoring program that describes their annual tasks related to identifying significant recreation-related hazards at Baker Reservoir. The intent of this monitoring is not to mark or sign every potential hazard; rather, it is intended to inform both PSE as well as visitors of potential water safety concerns at Baker Reservoir. PSE would not remove potential hazards unless they specifically prohibit the safe launch/retrieval of watercraft at the designated boat launches and/or create unsafe swimming conditions at the delineated swimming areas at Baker Reservoir. At PSE's discretion, updated hazard information may be periodically incorporated into the water safety information and communication actions. Plan-related reporting would be included in the annual Recreation Management Report (as required by SA article 301).

## AGENCY CONSULTATION

9. PSE distributed the draft plan for formal RRG review on August 14, 2009. The North Cascades Conservation Council responded with several safety-related questions. PSE indicated that water safety-related questions would be discussed and included in the water safety implementation plan that would be developed in the future per the guidance and general management direction provided in the plan. The USFS responded with content and formatting corrections; these revisions are reflected in the final plan.

#### DISCUSSION AND CONCLUSION

10. The plan specifies water safety-related actions and management responsibilities at Baker Reservoir, including the transfer of funds to the USFS for the construction and implementation of bulletin boards, the development of displays and tear-sheet maps of Baker Reservoir at several locations, and the delineation of designated swimming areas at Horseshoe Cove Campground and Baker Lake Resort to separate boating and swimming uses. The plan also describes ongoing and periodic review and maintenance of water safety-related facilities at Baker Reservoir. The general information and targeted messages at recreation sites and use areas will positively influence visitors. The plan adequately addresses the requirements of SA article 304 of the license. The plan should be approved.

#### The Director orders:

(A) The Puget Sound Energy, Inc.'s Baker Reservoir Recreation Water Safety Plan for the Baker River Hydroelectric Project, filed on September 30, 2009, pursuant to Settlement Agreement article 304, is approved.

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

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Administration and Compliance