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## Northwest Power and Conservation Council

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November 25, 2014

### COMMENTS

Twin Lakes Canal Company  
Bear River Narrows Hydroelectric Project  
Project # 12486-008

Kimberly D. Bose  
Secretary, Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, D.C. 20426

Dear Ms. Bose,

This letter is to inform you that the application by the Twin Lakes Canal Company for for the Bear River Narrows Hydroelectric Project (P-12486-008) is located in a river reach that has been designated by the Northwest Power and Conservation Council (NPCC) through its Columbia River Basin Fish and Wildlife Program (Program) (<http://www.nwcouncil.org/fw/program/2014-12/> p. 52-53) and Sixth Northwest Conservation and Electric Power Plan (<http://www.nwcouncil.org/energy/powerplan/6/plan/>) (Plan) as protected from future hydroelectric development. The Pacific Northwest Electric Power and Conservation Planning Council, also known as the Northwest Power and Conservation Council, was authorized on December 5, 1980 by Congress in the Pacific Northwest Electric Power Planning and Conservation Act, Public Law 96-501. The Council was established as an interstate agency on April 28, 1981, by agreement among the states of Idaho, Montana, Oregon and Washington. Taken together the Plan and the Program constitute a comprehensive plan for energy planning and fish and wildlife mitigation and protection throughout the four state region and has been recognized as such by the Federal Energy Regulatory Commission (<http://www.ferc.gov/industries/hydropower/gen-info/licensing/complan.pdf>). Because of this we are requesting that the FERC deny the applicants request to proceed with this project.

Most of the river reaches designated as protected areas are in the Columbia River Basin. But the designations also include river reaches outside the Columbia River Basin but within the service territory of Bonneville and thus within the scope of the Pacific Northwest's regional power system. The designations are intended as an expression of the Council's authority under the Northwest Power Act to protect, mitigate and enhance

fish and wildlife in the Columbia River Basin from the adverse effects of the development and operation of the region's existing hydroelectric facilities *and* as an expression of the Council's obligations under the same Act to give due consideration in the Council's regional power plans to the effects of new energy resources (including new hydroelectric resources) on fish and wildlife resources and environmental quality and to internalize the environmental costs and benefits of such new resources to the greatest degree possible in deciding whether to recommend their addition to the region's power supply.

It should be noted that the Council's Program contains a process and criteria for an exception to the protected areas provisions for projects that will have exceptional benefits for fish and wildlife.<sup>1</sup> If the applicant believes that the Bear River Narrows project would provide such benefits the applicant should provide the necessary documentation to the Council to initiate the review process.

Thank you for the opportunity to provide these comments.

Sincerely,



Peter J. Paquet Ph.D.  
Manager, Wildlife and Resident Fish  
Northwest Power and Conservation Council  
851 SW 6<sup>th</sup> Ave., Suite 1100  
Portland, OR 97204

cc: Nick E. Josten  
Geosense  
2742 Saint Charles Ave.  
Idaho Falls, ID 83404

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<sup>1</sup> **Petitions for an exception to the protected area designation for proposed projects that will provide exceptional benefits to fish and wildlife**

- Any party may file a petition with the Council for an exception to the effect of a protected area designation for a proposed project that will provide exceptional survival benefits as determined by the relevant fish and wildlife agencies and tribes for the fish, wildlife, or both that are the reason for the designation. Before filing a petition with the Council, the petitioner must notify the appropriate state and federal fish and wildlife agencies and Indian tribes and consult with those agencies and tribes regarding the petition for exception.
- Petitions must contain the following:
  - The location of the affected river reach, including the reach number as listed in the Council's protected areas data base
  - A statement of the facts showing the anticipated benefits and the anticipated detriments of the proposed project
  - An explanation of how the project will affect the Council's power plan and fish and wildlife program, or, if outside the Columbia River Basin, how the project will affect the plan and relevant state and tribal comprehensive plans
  - An explanation of how the petitioner has determined that the project will achieve exceptional fish and wildlife benefits
  - A summary of consultations the petitioner has had with relevant fish and wildlife agencies and Indian tribes regarding the petition, and the responses of the agencies and tribes
- The Council may seek independent scientific review of the petition.
- After review, and after an opportunity for public review and comment, the Council will make a decision on the petition. The Council will approve the petition only if the Council determines the proposed project will provide exceptional benefits to fish and wildlife.

Document Content(s)

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