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STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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June 26, 1992

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OFFICE OF THE SECRETARY  
JUL -6 PM 3:01

Mr. Jeffrey E. Twitchell, P.E.  
STS Hydropower, Ltd.  
7311 Greenhaven Drive  
Suite 100  
Sacramento, California 95831

Dear Mr. Twitchell:

RE: Heislars Creek Hydroelectric Project, FERC No. 10824  
Middle Fork Nooksack River, Whatcom County

I apologize for being unable to attend the joint meeting for the Heislars Creek project a few weeks ago. Your colleague Chuck Ahlrichs was kind enough to call and ask if the Department of Ecology had any further comments regarding your plan of study.

Your study plan sections on assessing water quality and other water uses appear adequate. I have the following comments:

As you may recall at our meeting last November, I emphasized the importance of ensuring that instream flows for your project protect not only flows for fish and wildlife habitat, but scenic and aesthetic values as well. It was mentioned at the meeting that it is very difficult to access the bypass reach and, therefore, it was not clear that aesthetics would be a significant issue. I see the merit in that point, but our state Water Resources Act (Chapter 90.54 RCW) plainly states that base flows to preserve wildlife, fish, scenic, aesthetic and other environmental values be maintained for all perennial rivers and streams.

I propose that you address this issue in the following way: First, you should determine whether the reach is feasible for water-craft use (e.g., kayaking, rafting, inner-tubing, etc.). People may not be able to enter the bypass reach along its ~~bank~~ ~~side~~ ~~by~~ ~~be~~ ~~able~~ ~~to~~ ~~enter~~ from upstream via the river and continue on downstream (even though some portaging may be involved). That there may be little water-craft use currently does not render this a pointless endeavor. As you know, a FERC license represents a long-term commitment of resources, and recreation user patterns can change significantly in that length of time. It is important that the feasibility of watercraft use be identified that commitment is made.

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To accomplish this, I suggest you contact a local white water group or the Northwest Rivers Council for volunteers to test the bypass reach for watercraft feasibility. Feasibility and quality of experience may differ for types of watercraft and experience level--and determining the extent of these differences should be one of the major objectives of your assessment. For guidance on recreation flow study methodologies, I have enclosed Streamflow and Recreation by Shelby, et al. (1992) and Using Systematic Field Evaluations to Determine Instream Flow Needs for Recreation by Giffen and Parkin (1992).

If the reach is found feasible for watercraft use, then a visual preference study should be conducted to ascertain appropriate base flows for scenic and aesthetic values. At a minimum, you should photograph and videotape the river at its full range of flows from a number of viewpoints. If the reach is not feasible for watercraft use and is otherwise inaccessible, then providing the videotape to Ecology and other interested agencies for our own determination would probably be sufficient.

If the reach is feasible for water-craft use, you should develop scenarios for mitigation (i.e., provisions for level and timing of recreation flows). The best way to do this is to get information about user preferences directly from the user groups.

Your study plan should include an examination of applicable land-use plans and designations for the project area, including any protected area status designations made by the Northwest Power Planning Council.

Whatcom County is considered a coastal zone county for the State of Washington. Therefore, FERC is prohibited by the Coastal Zone Management Act from granting a license until the Department of Ecology has certified that the project is consistent with the Coastal Zone Management Program goals and policies. Ecology cannot make this determination of consistency until you have obtained a shorelines permit from Whatcom County under the Shoreline Management Act.

To avoid unnecessary delays in your licensing effort, it is imperative that you consult with Whatcom County shoreline officials as early as possible to reach agreement about construction practices, mitigation, etc., prior to the submittal of the final application. Whatcom County cannot grant a shoreline permit until it has complied with the requirements of the State Environmental Policy Act (SEPA). It is likely that Whatcom County may choose to accept FERC's NEPA analysis as satisfactory their SEPA obligations. Thus, the county's final decision on your permit probably will not be made until after FERC has completed an EA or EIS for your project. After Whatcom County has acted, Ecology must then

Ms. Lois Cashell  
June 29, 1992  
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