

# HABITAT PROGRAM


## Energy/Major Projects



Under the Federal Power Act, the Federal Energy Regulatory Commission (FERC) has the responsibility to issue licenses for nonfederal hydroelectric projects.

Licenses are issued for a term up to 50 years.

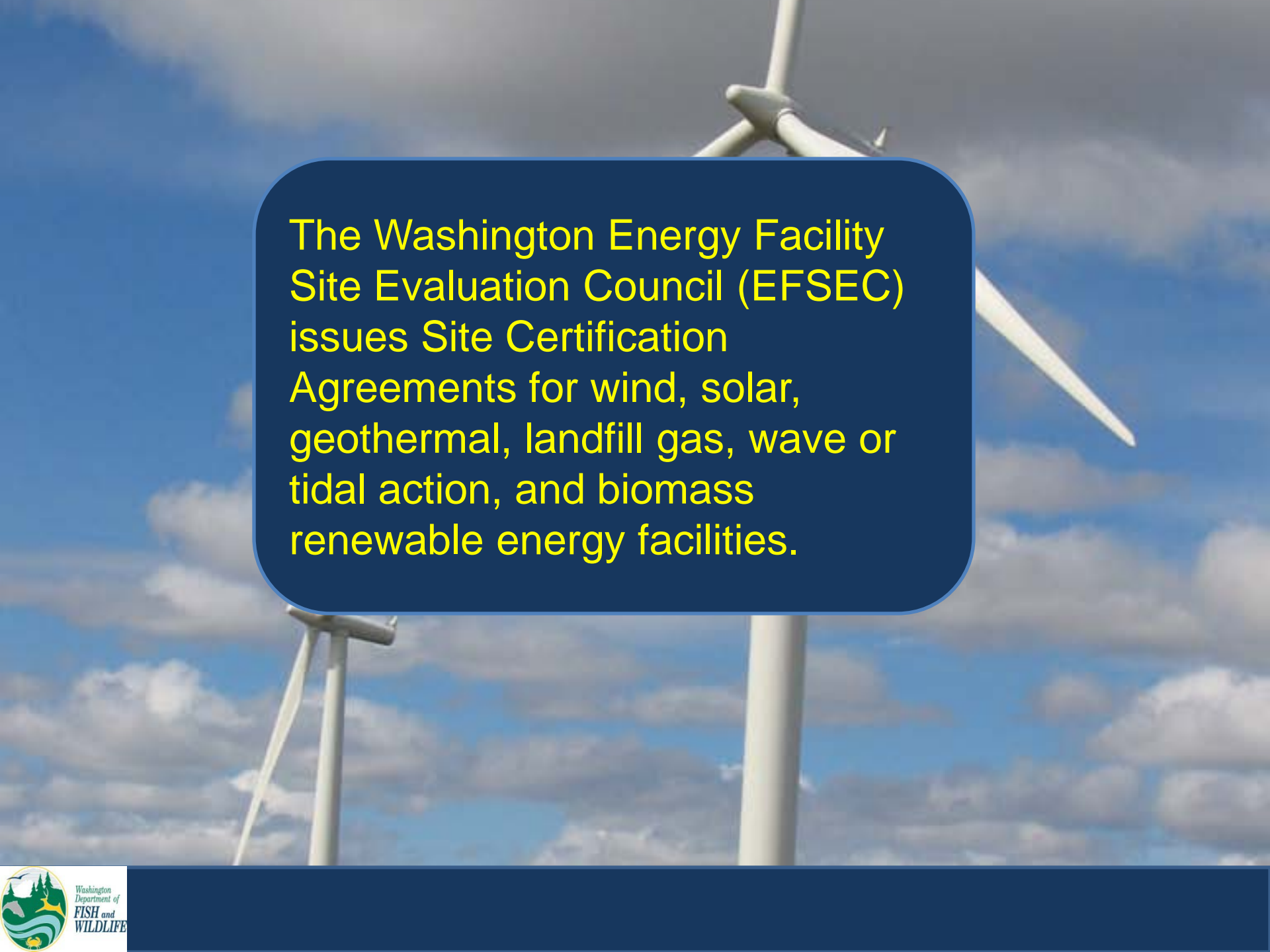


A scenic view of a river flowing through a rocky landscape. The river is the central focus, with white water rapids and turbulent currents. The surrounding terrain is rugged, with large, dark grey rocks and sparse, dry vegetation. In the foreground, there are patches of green and red shrubs. The overall scene is a natural, wild environment.

The Fish and Wildlife Coordination Act requires Federal agencies granting a license for the control, impoundment, or modification of streams and water bodies to first consult with FWS and appropriate state fish and wildlife agencies regarding conservation of these resources.

Fish and wildlife mitigation agreements are generally negotiated directly with DFW and included in the FERC license. Agreements run with the project license term, sometimes in perpetuity.







The Washington Energy Facility Site Evaluation Council (EFSEC) issues Site Certification Agreements for wind, solar, geothermal, landfill gas, wave or tidal action, and biomass renewable energy facilities.



In addition to renewable energy facilities, EFSEC issues Site Certification Agreements to regulate installation and operations of pipelines, petroleum refineries and petroleum storage.



In certain instances, county jurisdictions may issue Conditional Use Permits for renewable energy projects eligible for EFSEC permitting. The project proponent has the option to pursue either permitting route.

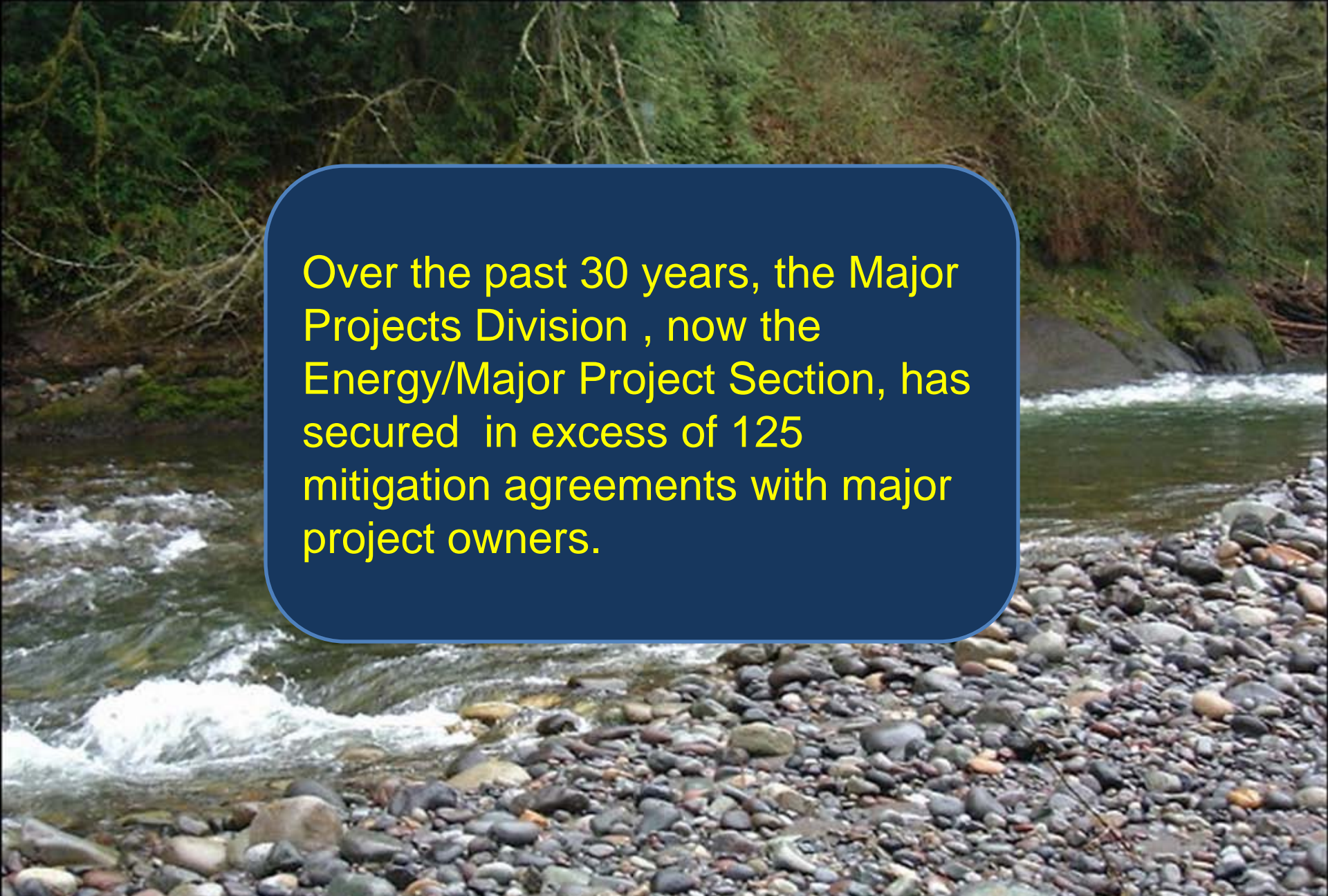


Fish and wildlife mitigation agreements can be included in EFSEC Site Certification Agreements and County Conditional Use Permits. Mitigation agreements are oftentimes negotiated and implemented directly with DFW.




The Energy/Major Project staff coordinate with regional staff to provide project proponents with technical assistance. Engaging in project planning, mitigation settlement negotiations, and project license implementation throughout Washington.






Over the past 30 years, the Major Projects Division , now the Energy/Major Project Section, has secured in excess of 125 mitigation agreements with major project owners.






In addition to several millions of dollars in restoration, capital improvement projects for DFW, and FTEs, these mitigation agreements account for more than 150,000 acres of Washington fish and habitat preservation for terms ranging 50 years to permanent.

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- Changing Sullivan Lake Dam operations to benefit kokanee spawning habitat and fish passage in Harvey Creek, and to reduce impacts on lake productivity


## Sullivan Settlement Agreement



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- A photograph of a bridge over a river. The bridge has a concrete structure with a wooden railing on top. The river flows under the bridge, and there is a concrete structure on the right side of the river. A blue text box is overlaid on the image.
- Construction of a coldwater release facility with fish screens that would reduce losses of fish and nutrient entrainment out of the lake while providing cold water discharges that benefit downstream aquatic resources


## Sullivan Settlement Agreement



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- Funding (\$540,000) to DFW to purchase equipment and conduct fisheries management work
  - Increased minimum discharge flows to benefit downstream fish spawning and incubation

## Sullivan Settlement Agreement



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- A photograph of a concrete bridge over a river. The bridge has a wooden railing on top. The river flows under the bridge, and there is a concrete structure on the right side. A blue text box is overlaid on the image.
- Partial funding for construction of a coldwater release facility at Sullivan Lake
  - Funding for habitat improvement projects in Harvey Creek, tributary to Sullivan Lake

## Sullivan Settlement Agreement

# Boundary Dam Settlement Agreement

- Reducing fish entrainment mortality
- Providing upstream fish passage (trap & haul)



# Boundary Dam Settlement Agreement

- Improve water quality (total dissolved gas, temp, etc.)
- Habitat restoration for native salmonids

# Boundary Dam Settlement Agreement

- Non-native fish removal
- Funding DFW hatchery for native fish conservation
- Removal of Mill Pond Dam on Sullivan Creek



# Boundary Dam Settlement Agreement

- **Wildlife lands** (cumulatively 1,911 acres)
- **Improvements for recreational access**

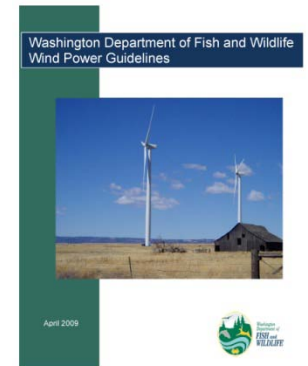
# CONSERVATION

## Mitigation Agreements Region 6

- [Big Quilcene River.pdf](#)
- [Cushman Hatchery.pdf](#)
- [Elwha Dams.pdf](#)
- [Harbor Security Bank Wetland.pdf](#)
- [Hoko-Ozette Road Fill.pdf](#)
- [Ilwaco Water Supply.pdf](#)
- [Joemma Beach.pdf](#)
- [Lilliwaup Falls.pdf](#)
- [Mud Mtn Dam.pdf](#)
- [Nisqually R Project.pdf](#)
- [Ocean Shores.pdf](#)
- [Rocky Brook Creek Hydro.pdf](#)
- [Satsop Ct I.pdf](#)
- [Satsop Nuc Plants.pdf](#)
- [Satsop Redev Proj.pdf](#)
- [Skookumchuck.pdf](#)
- [WSDOT-West Hoquiam.pdf](#)
- [Woodland Creek.pdf](#)
- [Wynoochee Dam.pdf](#)
- [Yelm Hydro.pdf](#)

Major project mitigation agreements are cataloged by region in the Energy/Major Project Website.

The list continues to grow with new settlements as new projects are proposed and constructed.



<http://wdfw.wa.gov/conservation/habitat/planning/energy/mitigation.html>



# CONSERVATION

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### AGREEMENT

Lilliwaup Falls Hydroelectric Project  
FERC Exemption No. 3842

SUBJECT: Fish Screens on Intake and Tailrace Construction.

#### A. Fish Screens on Intake Structure

With regard to fish screens and the intake device, it is agreed to during the fall of 1985/winter of 1986 "rainy" season, no fish screens will be required on the existing intake, because of the high velocity of water over the falls adjacent to the intake.

In the spring of 1986, the fish screen situation will be reassessed by the Department of Game and other interested agencies, including U.S. Fish and Wildlife Service. If fish screening is deemed necessary by the lead agency (at this time, the Department of Game) after on-site inspection, and if the project owner is given notice of this determination by June 1, 1986, then the project owner agrees to install screening which will comply with the Department of Game's fish screening criteria for resident fish by September 30, 1986; provided that no fish screening will be required if the Department of Game does not give notice of its determination by June 1, 1986. If the project owner fails to so perform, it is mutually understood that the Department of game may exercise its powers under RCW 75.20.040.

#### B. Tailrace Construction

With regard to the tailrace, engineering plans were submitted to the Department of Game on Tuesday, November 10, 1985 for its review and approval, as well as the review and approval of other interested agencies (e.g., Washington Department of Fisheries and U.S. Fish & Wildlife Service). Assuming such approvals are received (which we anticipate based on our recent telephone conversations), the project owner will then proceed to have the tailrace installed, which should take place in approximately three weeks.

The project owner, John Craft or his successors agree to provide discharge of the outfall from the tailrace flume to the plunge pool of Lilliwaup Falls in such a manner that anadromous fish will not be injured due to false attraction of said outfall. Terminus of tailrace must be inspected and approved by Washington State Departments of Game and Fisheries before construction is completed and plant operated at maximum capacity.



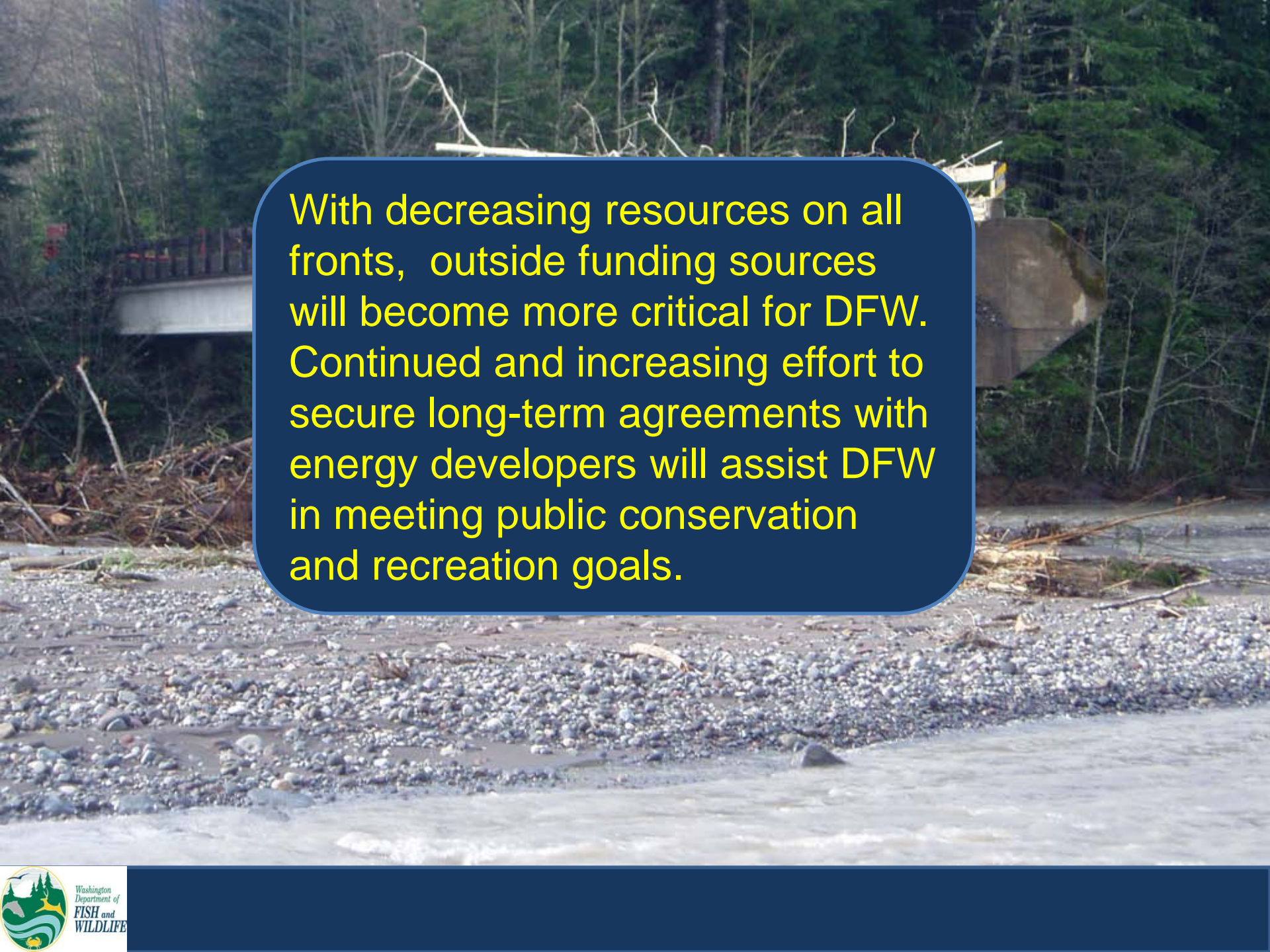
Washington Department of Fish and Wildlife  
Wind Power Guidelines



April 2009




<http://wdfw.wa.gov/conservation/habitat/planning/energy/mitigation.html>

A photograph of a riverbank with a bridge and a large rock in the background. The river is in the foreground, and the bank is covered in rocks and debris. The background shows a dense forest of trees.

With decreasing resources on all fronts, outside funding sources will become more critical for DFW. Continued and increasing effort to secure long-term agreements with energy developers will assist DFW in meeting public conservation and recreation goals.





Additional energy development is a national priority. Fish and wildlife are a major consideration in that priority.

To ensure resources are secured and protected long-term, DFW must remain actively engaged at the energy table.