

149 FERC ¶ 61,029
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Cheryl A. LaFleur, Chairman;
Philip D. Moeller, Tony Clark,
and Norman C. Bay.

Public Utility District No. 2 of Grant County,
Washington

Project No. 2114-270

ORDER ON REHEARING

(Issued October 16, 2014)

1. On July 8, 2014, Commission staff issued an order approving as-built Exhibit R drawings submitted by the Public Utility District No. 2 of Grant County, Washington (Grant PUD), for the Priest Rapids Hydroelectric Project No. 2114.¹ The as-built drawings show the location, type, and layout of all existing and newly constructed facilities at the licensee's Priest Rapids Recreation Area (Recreation Area). On August 6, 2014, Mr. Pat Kelleher filed a request for rehearing of the July 8 Order, arguing that one of the drawings does not reflect the recreation facilities required by the license. For the reasons discussed below, we grant rehearing in part and rescind approval of as-built Exhibit No. R-3D.

Background

2. On April 7, 2008, the Commission issued a new license to Grant PUD for the continued operation of the Priest Rapids Project.² The project includes the Priest Rapids and Wanapum dams and associated reservoirs on the mid-Columbia River in portions of Grant, Yakima, Kittitas, Douglas, Benton, and Chelan Counties, Washington.

¹ *Public Utility District No. 2 of Grant County, Washington*, 148 FERC ¶ 62,023 (2014) (July 8 Order).

² *Public Utility District No. 2 of Grant County, Washington*, 123 FERC ¶ 61,049 (2008).

3. The project includes more than 20 recreational sites, including what is now known as the Recreation Area.³ The Recreation Area is located on the Priest Rapids reservoir in Grant County.
4. License Article 418 governs recreational development for the project's many recreation sites, among them the Recreation Area, which includes a campground with 34 campsites and a boat launch.⁴ The article approved Grant PUD's Recreation Resource Management Plan that, among other things, required Grant PUD to construct certain additional recreation facilities and upgrade others. Of interest here, the Plan required Grant PUD to make several enhancements to the boat launch,⁵ but left the 34-site campground untouched.⁶
5. Article 418 also directed Grant PUD to submit as-built drawings of all the existing and newly constructed facilities within 90 days of completing the modifications required by the license. These Exhibit-R drawings show the post-construction details of approved recreational facilities.
6. On September 9, 2013, Grant PUD submitted eight as-built Exhibit R drawings for the Recreation Area.⁷ On July 8, 2014, Commission staff approved the drawings.⁸

³ Commission staff granted Grant PUD's request to change the name of both the Desert Aire boat launch and Priest Rapids Park to the Priest Rapids Recreation Area. *Public Utility District No. 2 of Grant County, Washington*, 138 FERC ¶ 62,114 (2012).

⁴ *Public Utility District No. 2 of Grant County, Washington*, 123 FERC at 61,334-35.

⁵ Recreational Resource Management Plan, Ex. 1: Proposed Recreation Measures and Schedule, at 4-5 (2003).

⁶ As seen throughout the Plan and in the Plan's Concept Site Plans for the Desert Aire Boat Launch, Grant PUD did not propose any changes to its existing campground. *See id.*, Ex. 3: Conceptual Site Plans of Proposed Recreation Measures with Location Maps and Site Plans.

⁷ On October 18, 2012, Grant PUD also submitted a pre-construction plan for the Priest Rapids Recreation Area. The submission was consistent with the Plan and Grant PUD did not propose any changes to the campground.

⁸ July 8 Order, 148 FERC ¶ 62,023.

7. On August 6, 2014, Mr. Kelleher filed a timely request for rehearing of the July 8 Order.⁹

Discussion

8. On rehearing, Mr. Kelleher argues that the Commission's approval of the as-built drawings was improper because one of the drawings, Exhibit R-3D, shows that the number of campsites at the Recreation Area campground dropped from the 34 sites authorized in the license to 14 sites.¹⁰

9. Mr. Kelleher is correct. The Commission licensed the project with the 34-site campground.¹¹ The Recreation Resource Management Plan did not propose any campsite closures at the Recreation Area campground.¹² Thus, Grant PUD had an obligation to continue to operate and maintain the 34-site campground as an existing recreational facility. If Grant PUD wishes to reduce the number of campsites at the Recreation Area

⁹ Mr. Kelleher included with his rehearing request a timely motion to intervene, which was granted by operation of Rule 214(c)(1) of the Commission's Rules of Practice and Procedure. 18 C.F.R. § 385.214(c)(1) (2014).

¹⁰ Mr. Kelleher's rehearing request raises two other issues, which are not relevant to this proceeding. He questions the sufficiency of the project's Exhibit G project boundary maps and alleges that Grant PUD must file an overall site plan drawing that shows the location of all the project's recreation sites along the more than 100 miles of project shoreline in relation to the project boundary. Neither of these issues is related to the July 8 Order's approval of the Recreation Area's as-built drawings. In any event, the arguments are without merit. Nothing in the license requires these filings. As for the overall site plan drawing, Mr. Kelleher points to a July 2014 Commission staff guidance document, which had not yet issued when Grant PUD submitted its as-built drawings in September 2013.

¹¹ Grant PUD's relicense application listed 34 developed campsites at the campground. Grant PUD Final Application for New License, Technical App. E7.A, Recreation Site and Facility Inventory at 6, 11 (2000).

¹² Instead, a map of the project showed the "existing campground" without any alterations. *See* Recreational Resource Management Plan, Ex. 3: Conceptual Site Plans of Proposed Recreation Measures with Location Maps and Site Plans, Desert Aire Boat Launch.

from 34 to 14, it cannot do so through the filing of as-built drawings.¹³ Rather, it would have to file an amendment application, and we would have to determine whether reducing the recreational amenities required by the license was justified.

10. For the above reasons, we grant Mr. Kelleher's request for rehearing and rescind approval of as-built drawing Exhibit No. R-3d.

The Commission orders:

(A) The request for rehearing filed on August 6, 2014, in this proceeding is granted to the extent set forth below.

(B) The July 8, 2014 approval of as-built drawing Exhibit No. R-3D is rescinded.

By the Commission.

(S E A L)

Kimberly D. Bose,
Secretary.

¹³ See Standard Article 2 of the license. *Public Utility District No. 2 of Grant County, Washington*, 123 FERC at 61,338. That article applies to exhibit and plan revisions and prohibits any substantial change "in maps, plans, specifications, and statements described and designated as exhibits and approved by the Commission in its order as a part of the license" until the Commission approves the changes.