

135 FERC ¶ 62,165
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Public Utility District No. 1 of Chelan County,
Washington

Project No. 2145-105

ORDER APPROVING OPERATIONS COMPLIANCE MONITORING PLAN
PURSUANT TO LICENSE ARTICLE 402

(Issued May 24, 2011)

1. On March 30, 2011,¹ Public Utility District No. 1 of Chelan County, Washington (licensee) filed its 2011 Annual Operations Compliance Monitoring Plan pursuant to Article 402 of the February 19, 2009 Order on Offer of Settlement and Issuing New License² for the Rocky Reach Project. The project is located on the Columbia River in Douglas and Chelan Counties, Washington.

LICENSE REQUIREMENTS

2. Article 402 requires the licensee to file, for Commission approval, an Operations Plan within six months of license issuance and annually by February 15 each year thereafter. The licensee's original plan was approved by the Order Modifying and Approving Operations Plan Pursuant To License Article 402.³ The licensee is required to prepare the operations plan after consultation with the U.S. Fish and Wildlife Service, National Marine Fisheries Service (NMFS), Washington Department of Fish and Wildlife, Washington Department of Environmental Quality (WDEQ), Confederated Tribes of the Umatilla Reservation, Confederated Tribes of the Colville Indian Reservation, and Confederated Tribes and Bands of the Yakama Nation.

¹ By Commission order issued December 3, 2010, the annual filing date was amended from February 15 to March 30. *See* 133 FERC ¶ 62,205.

² 126 FERC ¶ 61,138 (issued February 19, 2009).

³ 129 FERC ¶ 62,183 (issued December 8, 2009).

LICENSEE'S PLAN

3. The licensee's plan in part, identifies projected 2011 fisheries and water quality related operating criteria for the project turbines, fish bypass operations and fishways, spill plans, schedules, and maintenance operations for the project as well as protocols for startup and shutdown and seasonal operation.
4. The licensee states that the turbines at Rocky Reach are operated as needed and do not have a set operation season or schedule. However, the licensee proposes a turbine operation priority schedule, as described in the filing, during the juvenile fish migration season from April 1 to August 31. The licensee also proposes to adjust turbine Unit 11 loading during daylight hours from May 1 to October 31 to enhance adult fish passage.
5. The licensee proposes to operate the Rocky Reach Juvenile Fish Bypass System continuously from April 1 to August 31 and for any additional times outside of these dates as necessary, to provide passage for 95 percent of the juvenile salmon migration.
6. The licensee proposes to operate the adult fishways from March 1 to December 31; changes of operation outside of this time frame (during December or into March) for maintenance would be coordinated and approved by the Habitat Conservation Plan Coordinating Committee prior to changing the fishway operation dates.
7. The licensee proposes a spill plan for the project that will facilitate 95 percent of the juvenile summer Chinook salmon migration and states that spill may also be provided to facilitate 95 percent of the sockeye salmon migration.
8. The licensee states that they will continue to study and evaluate compliance with the Washington State water quality criteria for total dissolved gas concentrations and avoid spill as it related to total dissolved gas concentrations by continuing to participate in the Hourly Coordination Agreement.⁴

⁴ Each of the mid-Columbia dams, including Rocky Reach, is operated in accordance with the terms of the Hourly Coordination Agreement, under which Grant Public Utility District No. 2 serves as the coordinator for all of the dams, scheduling activities and coordinating operations from its headquarters in Ephrata, Washington.

AGENCY CONSULTATION

9. The licensee states that their draft plan was provided to the federal, state, and tribal resource agencies⁵ on February 9, 2010 and that no comments were received during the 30 day comment period required in the license.

CONCLUSIONS

10. The licensee's 2011 Operations Compliance Monitoring Plan describes the implementation of project operations for the successful passage of fish through the project facilities. These protocols and procedures should provide for safe pass of fish through the project facilities to meet the criteria of the Habitat Conservation Plan⁶ and to satisfy the requirements of license Article 402 of the February 19, 2009 Order on Offer of Settlement and Issuing New License, and should be approved.

The Director orders:

(A) Public Utility District No. 1 of Chelan County, Washington's 2011 Operations Compliance Monitoring Plan filed March 30, 2011, pursuant to Article 402 for the Rocky Reach Project, is approved

(B) This order constitutes final agency action. Any party may file a request for rehearing of this order within 30 days from the date of its issuance, as provided in section 313(a) of the Federal Power Act, 16 U.S.C. § 8251 (2006), and the Commission's regulations at 18 C.F.R. § 385.713 (2010). The filing of a request for rehearing does not operate as a stay of the effective date of this order, or of any other date specified in this

⁵ The licensee states that the plan was submitted to the following entities for review: Alcoa, National Marine Fisheries Service, U.S. Fish and Wildlife Service, Washington Department of Fish and Wildlife, Washington State Department of Ecology, the National Park Service, Confederated Tribes and Bands of the Yakama Indian Nation, Confederated Tribes of the Colville Indian Reservation, Confederated Tribes of the Umatilla Indian Reservation, and the City of Entiat.

⁶ The Habitat Conservation Plan is a 50-year agreement to protect five species of Columbia River *Salmonids* by implementing a combination of fish bypass systems, spill regimes, off site hatchery programs, and habitat restoration efforts conducted on the mid-Columbia River tributaries.

order. The licensee's failure to file a request for rehearing shall constitute acceptance of this order.

Thomas J. LoVullo
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and Compliance