

139 FERC ¶ 62,140
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 18, 2012)

1. On March 30, 2012, Public Utility District No. 1 of Chelan County, Washington (licensee) filed its 2012 Annual Operations Compliance Monitoring Plan pursuant to Article 402 of the February 19, 2009 Order on Offer of Settlement and Issuing New License for the Rocky Reach Project.¹ 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 (Plan) within six months of license issuance and annually by February 15 each year thereafter.² 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 its annual Operations Compliance 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.

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

² By Commission order issued December 3, 2010, the annual filing date was amended from February 15 to March 30. *See* 133 FERC ¶ 62,205.

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

LICENSEE'S PLAN

3. The licensee's Plan, in part, identifies projected 2012 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 states that this priority system will manage flow to create more efficient fish guidance to the Fish Bypass System.
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 encompass 95 percent of the juvenile salmon and steelhead 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 fish passage spill plan for the project that will operate for a time period to encompass 95 percent of juvenile salmon and steelhead migration as determined by daily fish counts obtained from the juvenile sampling facility at Rocky Reach and the bypass trap at the Rock Island Dam. Also, relating to spill management at the project, the licensee proposes the spilling of excess project inflow on an as-needed basis, however, the licensee states that this rarely occurs outside of the May to July timeframe when mitigation of snow melt run off is necessary.
8. The licensee states that it will continue to monitor and evaluate compliance with the Washington State Department of Ecology's water quality criteria for total dissolved gas concentrations and manage spill as it relates to total dissolved gas concentrations by continuing to evaluate and study operational protocols. In addition, the licensee proposes to continue 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.

9. The licensee's proposed Plan includes in the Plan's appendices, the 2012 Juvenile Fish Bypass System Operations Plan, Fish Spill Plan, Operational Plan for Total Dissolved Gas during Fish Spill Season, its annual maintenance list for the Fishway, and a record of agency consultation for the development of its Operations Compliance Plan.

AGENCY CONSULTATION

10. The licensee states that their draft plan was provided to the federal, state, and tribal resource agencies⁵ on February 28, 2012 and that no comments were received during the 30 day comment period required in the license.

CONCLUSIONS

11. The licensee's 2012 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 2012 Operations Compliance Monitoring Plan filed March 30, 2012, 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

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, the City of Entiat, and Douglas County Public Utilities District.

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.

regulations at 18 C.F.R. § 385.713 (2011). 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 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