

143 FERC ¶ 62,139
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 21, 2013)

1. On March 29, 2013, Public Utility District No. 1 of Chelan County, Washington (licensee) filed its 2013 Annual Operations Compliance Monitoring Plan (2013 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, as amended, requires the licensee to file, for Commission approval, an Operations Plan (Plan) within six months of license issuance and annually by March 30 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 Monitoring 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 May 30, 2012, the annual filing date was amended from February 15 to March 30. *See* 139 FERC ¶ 62,162.

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

LICENSEE'S PLAN

3. The licensee's 2013 Plan identifies projected 2013 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. The licensee's 2012 Plan was approved by order issued May 18, 2012.⁴ The licensee's proposed 2013 Plan is the same as the approved 2012 plan except for certain additions related to the operation and maintenance of the Juvenile Fish Bypass System.
4. The licensee's proposed additions to the 2012 Plan include an inspection check list which would be implemented when daytime temperatures exceed 100 degrees Fahrenheit (degrees F). The purpose of the checklist is to minimize the potential for the bypass system's hydraulic system to fail. Pursuant to the checklist, all hydraulic hoses and their associated cylinders and hydraulic power units will be inspected for leaks. Hoses will be inspected for signs of cracking or abrasions on the hose jackets, bulging, kinking, or any signs of imminent failure. Checklist inspections would be performed by the end of each working shift each day temperatures are at or exceed 100 degrees F.
5. The licensee's 2013 Plan includes a proposed replacement schedule for hydraulic hoses associated with various components of the bypass system. In 2013 the licensee would replace hoses associated with the surface collector. Hydraulic hoses associated with the intake system would be replaced in 2014 and the hoses associated with the bypass conduit and sampling facility would be replaced in 2015. The licensee would begin the implementation a 7-year replacement cycles for all remaining hoses that are not hard plumbed. In the event unscheduled maintenance during the out-migration period is needed, the licensee would coordinate efforts with the Habitat Conservation Plan Coordinating Committee (HCP-CC). In emergency situations the licensee would initiate action and inform the HCP-CC as soon as practicable.
6. The licensee's proposed plan includes in the 2013 Plan's appendices, the 2013 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 2013 Plan.
7. The licensee's 2013 Juvenile Fish Bypass System Operations Plan updates the schedule for the 2013 biological studies and data collection at the Juvenile Fish Bypass

⁴ Order Approving Operations and Compliance Monitoring Plan Pursuant to License Article 402. *See* 139 FERC ¶ 62,140.

System. The biological studies at the project encompass the continuing evaluation of the juvenile bypass system and a daily sampling program to monitor fish passage for run timing. The schedule includes dates for the start and completion of the studies and data collection, discussions with the HCP-CC on the results of the studies, and finalizing study reports. In addition the Fish Spill Plan updates summary statistics based on data collected in 2012 and clarifies the use of the University of Washington's RealTime run forecasting software.

AGENCY CONSULTATION

8. The licensee provided their draft 2013 Plan to the federal, state, and tribal resource agencies⁵ on February 25, 2013. No comments were received during the 30 day comment period required in the license.

CONCLUSIONS

9. The licensee's 2013 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, as amended, 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 2013 Operations Compliance Monitoring Plan filed March 29, 2013, pursuant to Article 402, as amended, 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

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

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.

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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 (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.

Steve Hocking
Chief, Environmental Review Branch
Division of Hydropower Administration
and Compliance

Document Content(s)

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