

151 FERC ¶ 62,076
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 ARTICLE 402

(Issued May 5, 2015)

1. On March 30, 2015, Public Utility District No. 1 of Chelan County, Washington (licensee) filed a 2015 Operations Compliance Monitoring Plan for the Rocky Reach Hydroelectric Project (FERC No. 2145), pursuant to Article 402 of the project license,¹ for Federal Energy Regulatory Commission (Commission) approval. The project is located on the Columbia River in Douglas and Chelan counties, Washington.

BACKGROUND AND REQUIREMENTS

2. During the project's relicensing process, the Confederated Tribes of the Umatilla Indian Reservation (Umatilla) recommended that the licensee develop a detailed operations plan to address the effects of project operations on all native fish species and water quality. The Umatilla recommended that the plan address turbine operations, spillgate inspections, bypass system operations and inspections, and fishway operations, inspections and modifications. The intent of the recommendation was to consolidate all fisheries- and water quality-related operational protocols and inspection procedures into a single document, in order to simplify reviews and updates to operations.²

3. Article 402 requires the licensee to annually develop an operations plan to be implemented the following year. Each plan must include: descriptions of fisheries- and water quality-related operating criteria for the project turbines, the downstream fish passage facilities, fishways, spillways, and sluiceways; descriptions of fisheries- and

¹ Order On Offer of Settlement and Issuing New License. 126 FERC ¶ 61,138 (issued April 4, 1997).

² See August 4, 2006 Environmental Impact Statement at 244.

water quality-related protocols for startup, in-season operation, shutdown, and inspection of the project turbines, the downstream passage facility, fishways (including fish salvage), spillways, and sluiceways; and an annual schedule for operation and inspection of these facilities.

4. The licensee must file its proposed plan annually by March 30.³ Each plan must be prepared in consultation with the Umatilla, National Marine Fisheries Service (NMFS), U.S. Fish and Wildlife Service (FWS), Washington Department of Fish and Wildlife (WDFW), Washington Department of Ecology (WDE), the Confederated Tribes of the Colville Indian Reservations (Colville), and Confederated Tribes and Bands of the Yakama Nation (Yakama).

LICENSEE'S PLAN

5. The proposed plan describes operating criteria and protocols for turbine operation, the juvenile fish bypass system, spillway operation, and the project fishways and traps. The licensee indicates that it would continue to monitor total dissolved gas in order to evaluate compliance with state water quality criteria. The licensee additionally details how it would operate during times of fish migration, upstream and downstream, to minimize impacts to salmonid populations.

6. The proposed plan indicates that the licensee would attempt to coordinate management actions with the resource agencies and tribes; however, if an emergency situation requires any deviation from the plan, the licensee would file a report describing the deviation with the Commission within 10 days of the incident. The report would include descriptions of the emergency situation, operational changes implemented as a result of the emergency, any adverse environmental impacts associated with the emergency conditions, a schedule for resuming normal operations, and any comments received from the resource agencies and tribes.

7. The licensee's filing also includes a schedule for unit outages, as it is anticipating repairs to four units. The licensee would remove one unit from service from June 1 through March 31 annually, beginning June 1, 2016 through March 31, 2019. The fourth unit is scheduled for service during October 5, 2014 through November 25, 2015.

CONSULTATION

8. The licensee provided its draft plan to the Umatilla, Yakama, NMFS, WDFW, Colville, FWS, and WDE on February 13, 2015 for review and comment. On

³ See Order Modifying Annual Operations Compliance Monitoring Plan Filing Date Pursuant to Article 402. 139 FERC ¶ 62,162 (issued May 30, 2012).

March 13, 2015, the WDE indicated that it had no comments on the proposed plan. No other comments were provided to the licensee.

DISCUSSION AND CONCLUSION

9. The licensee's proposed Operations Compliance Monitoring Plan, for implementation in 2015, identifies 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 the startup and shutdown of seasonal operations. The proposed plan remains consistent with the annual plans implemented since license issuance, and the licensee has maintained high levels of compliance through the use of the protocols described in its plan.

10. The annual iterations of the Operations Compliance Monitoring Plan have not varied significantly in recent years, as the plans have generally resulted in compliance with other pertinent license requirements. The licensee is reminded that it may request to amend the frequency at which Article 402 requires it to update the plan, if the resource agencies and tribes agree that updating the plan annually is more frequent than necessary.

11. The proposed plan fulfills the requirements of Article 402 and should provide for the safe passage of fish through project facilities. As such, the proposed 2015 Operations Compliance Monitoring Plan should be approved.

The Director orders:

(A) Public Utility District No. 1 of Chelan County, Washington's (licensee) 2015 Operations Compliance Monitoring Plan, filed with the Federal Energy Regulatory Commission (Commission) on March 30, 2015, for the Rocky Reach Hydroelectric Project, FERC No. 2145, 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 (2012), and the Commission's regulations at 18 CFR § 385.713 (2014). The filing of a request for hearing 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.

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and Compliance