

UNITED STATES OF AMERICA 115 FERC ¶62,160
FEDERAL ENERGY REGULATORY COMMISSION

Tacoma Power

Project No. 2016 - 132

ORDER APPROVING ANADROMOUS FISH
PASSAGE PLAN, ARTICLE 415

(Issued May 10, 2006)

On February 8, 2006, Tacoma Power (licensee) filed its Anadromous Fish Passage Plan pursuant to Article 415 of the Order Amending New License issued July 9, 2004¹ for the Cowlitz River Project. The project consists of the Mayfield and Mossyrock developments and is located on the Cowlitz River in Lewis County, in southwestern Washington.

BACKGROUND AND LICENSE REQUIREMENTS

License Article 415 requires the licensee, in consultation with the National Marine Fisheries Service (NMFS), to develop and file for Commission approval a final Fish Passage Plan. In addition to the provisions of Settlement Agreement (SA) articles 1, 2 and 3, the plan is required to include the operation and maintenance of all fish passage facilities, emergency operations of said facilities, protocols for emergencies, a schedule for inspection of facilities to ensure operation within established fish passage criteria, reporting procedures of inspection results, and anticipated special operation of the facilities for research.

LICENSEE'S PLAN

The objectives of the licensee's plan are to: 1) provide for the provisions of SA articles 1, 2, and 3 in regard to fish passage; 2) provide a description of the operations and maintenance of all fish passage facilities; 3) provide a description of the emergency operations and protocols of all fish passage facilities; and 4) provide a description of the schedules of inspections, reporting results and anticipated usage of the fish passage facilities for research.

The licensee's plan included detailed descriptions of the operations and maintenance of the project's fish passage facilities. Additionally, the licensee plans to install a remote camera system, flow or level alarms for monitoring the Mayfield

¹ 108 FERC ¶ 61,031 (2004)

downstream fish facility. Emergency events would be reported in the Annual Upstream Passage Study Report under Article 3. The licensee's plan included schedules for the inspection of facilities and appropriate protocols for reporting inspection results. The annual work plan for special operations of facilities for research would be reviewed by the Fisheries Technical Committee (FTC).² Finally, the licensee's plan included proposed facility improvements at the Mayfield downstream fish facility and the Cowlitz Salmon Hatchery. The following appendices were included in the licensee's plan: 1) emergency response logic chart regarding emergency protocols; 2) Mayfield downstream facility improvements; 3) Cowlitz Salmon Hatchery fish ladder improvements; 4) a review of NMFS's fish passage guidelines criteria and their application to the project; and 5) a fish truck worksheet form.

AGENCY CONSULTATION

License Article 415 requires the licensee to prepare their plan in consultation with NMFS prior to filing the plan with the Commission. The licensee's filed plan included their record of consultation on the plan with the FTC, which includes NMFS. By letters dated January 9, 2006, NMFS and American Rivers/Trout Unlimited provided comments on the licensee's plan, which the licensee incorporated into their plan or provided further explanation. The licensee stated that additional data and information recommended by NMFS would be included in the annual reports under articles 1, 2, and 3 as appropriate.

DISCUSSION AND CONCLUSIONS

The licensee's Anadromous Fish Passage Plan, in conjunction with their Trap and Haul Plan under license Article 413³, should provide appropriate operations and maintenance of the project's fish passage facilities while adhering to NMFS's fish passage guidelines and criteria. Additionally, continued coordination with the FTC should assist in determining if any changes or modifications of such operations are necessary in the future.

² The FTC is comprised of the licensee and representatives from the National Marine Fisheries Service (NMFS), the U.S. Fish and Wildlife Service, the Washington Department of Fish and Wildlife, the Washington Department of Ecology, Yakama Nation, and American Rivers/Trout Unlimited.

³ April 11, 2006 Order Modifying and Approving Trap and Haul Plan

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The licensee's plan satisfies the requirements of license Article 415 of the July 9, 2004 Order Amending New License for the Cowlitz River Project. Therefore, the licensee's plan should be approved.

The Director orders:

(A) The Anadromous Fish Passage Plan, filed February 8, 2006, under license Article 415 of the July 9, 2004 Order Amending New License for the Cowlitz River Project, is approved.

(B) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days from the date of issuance of this order, pursuant to 18 CFR § 385.713.

George H. Taylor
Chief, Biological Resources Branch
Division of Hydropower Administration
and Compliance