

135 FERC ¶ 62,124  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

PacifiCorp

Project No. 2342-027

ORDER APPROVING AQUATIC RESOURCES PLAN

(May 10, 2011)

1. On March 21, 2011, PacifiCorp (licensee) filed an Aquatic Resources Protection Plan (ARPP) pursuant to ordering paragraphs (Q) and (T) of the Order Accepting Surrender of License, Authorizing Removal of Project Facilities, and Dismissing Application for New License (Surrender Order) for the Condit Hydroelectric Project No. 2342.<sup>1</sup> The project is located on the White Salmon River in Klickitat and Skamania counties, Washington.

BACKGROUND

1. Ordering paragraph (Q) of the Federal Energy Regulatory Commission's (Commission) Surrender Order requires the licensee to file, for Commission approval, at least 90 days before starting removal activities, a plan to protect the U.S. Fish and Wildlife Service's (FWS) fishery facility raceways, located approximately at river mile 1.4 on the White Salmon River, during dam removal activities. The Surrender Order requires that the plan include a detailed description of the proposed protection measures and a schedule for implementing the measures. Further, the licensee is required to prepare the plan after consultation with the National Marine Fisheries Service (NMFS), U.S. Forest Service (FS), Washington Department of Fish and Wildlife (WDFW), Washington Department of Ecology (Ecology), and FWS.

2. Ordering paragraph (T) of the Surrender Order requires the licensee to file, for Commission approval, at least 90 days before starting removal activities, a plan to protect any western pond turtles that may be present at Northwestern Lake. At a minimum, the plan must describe the methods used to survey for, and if present, trap pond turtles, identify suitable habitat for relocating any trapped turtles, describe the methods for

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<sup>1</sup> 133 FERC ¶ 61,232 (December 16, 2010).

transporting any turtles found, and include an implementation schedule. The licensee shall prepare the plan after consultation with the FWS, WDFW, and Ecology.

### LICENSEE'S PLANS

3. The licensee's ARPP describes a management strategy intended to reduce impacts to fish and wildlife, and specifically provides management strategies for minimizing impacts to salmon, steelhead, bull trout, and western pond turtles, and for protecting hatchery facilities during dam decommissioning. The ARPP addresses measures and requirements required by the Commission and other agencies from documents including the settlement agreement, biological opinions, environmental impact statements, and water quality certification.

4. Some activities related to protecting aquatic resources during the decommissioning process are addressed in other plans required by the Commission's Surrender Order, consequently the details for these activities are not provided in the ARPP, in order to prevent overlap and redundancy among the various plans.<sup>2</sup>

### Salmon and Steelhead

5. The ARPP only addresses those salmon and steelhead stocks with historical White Salmon River populations. This includes Lower Columbia River Chinook and coho salmon, Middle Columbia River steelhead, and Columbia River chum salmon, each of which are listed under the Endangered Species Act (ESA). The ARPP focuses on minimizing impacts to salmon and steelhead during decommissioning activities, managing for fish passage throughout the project area (including the area of the existing reservoir, lower ends of reservoir tributaries, and in the canyon downstream of the dam), and reporting any incidence of impacts to salmon and steelhead, over the course of decommissioning, to the resource agencies.

6. The licensee proposes to evaluate passage conditions for all anadromous species expected to use the project area for their adult upstream migration, over the course of deconstructing the project. The licensee proposes to monitor the waterway until channels have stabilized within the river to the point where barrier formation is deemed unlikely. The licensee anticipates that barrier formation in the mainstem White Salmon River is unlikely due to the river's size and ability to transport material through the reach, and

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<sup>2</sup> Refer to the licensee's Sediment, Assessment, Stabilization, and Management Plan; Woody Debris Management Plan; Erosion Control Plan; Project Removal Design Report; Revegetation and Wetlands Management Plan; Recreational Facility Removal and Improvements Plan; Public Safety and Traffic Control Plan; and Spill Prevention, Control, and Countermeasures Plan.

states that barriers are more likely to occur at the mouth of reservoir tributaries or in tributaries. Only the tributary streams that have suitable potential access for anadromous fish will be monitored for passability. Barriers to passage will be corrected as discussed below, unless the barrier is part of the natural geography of the riverbed.

7. The licensee states that it will consider the timing of each species' migration to ensure passage barriers are corrected in advance in order to ensure that passage monitoring occurs just prior to the onset of fish migrations. The licensee proposes to monitor fish passage in the mainstem White Salmon River (from the mouth to approximately river mile 5.5) and in some of the mainstem tributaries that currently enter Northwestern Lake. The licensee states that additional tributaries may be included based on field observations after reservoir draining.

8. The licensee proposes to conduct preliminary surveys to determine if a potential barrier exists, and if a barrier exists, then a detailed survey will be conducted to confirm it is in fact a barrier, and for which species and life-stage. These surveys include visual inspection, obtaining measurements (if possible), and using professional judgment to evaluate passability. Barriers will be categorized as related to either (1) past project operations or decommission activities, or (2) the natural riverbed geography. If the licensee determines that a barrier does exist, only those barriers that are related to past project operations or decommission activities will be corrected to re-establish passage. Methods for addressing passage issues include use of heavy machinery and hand tools; corrective measures are addressed further in the Woody Debris Management Plan.

9. The licensee proposes to begin monitoring in April 2012 following the breach. Prior to May 2012, the licensee proposes to limit its management of fish passage conditions to sediment and woody debris management activities. The licensee states that restoring passage through the project area sooner than May would have limited benefit because adverse migratory conditions are expected to persist following the breach of the dam. After the initial surveys, the licensee proposes to conduct monthly surveys through September 2012 and after any high flow event that has the potential to alter passage conditions. Beginning in October 2012 (one year following the breach), the licensee proposes to conduct passage surveys following high flow events only, though special surveys in tributaries will be performed if there are reports of a passage problem. The licensee proposes to discontinue monitoring surveys once the site has stabilized such that decommissioning related activities no longer present a significant risk to fish passage. The licensee proposes to remove the 1912 cofferdam, used for original dam construction, as soon as practicable after the dam breach since it is expected to be a barrier to migrating fish.

10. One of the methods initially proposed to protect upstream migrating salmon and steelhead involves excavating a series of fish protective pockets in the walls of the drain tunnel to allow resting areas for upstream migrating fish. This particular method has been re-evaluated, and the White Salmon River/ Condit Dam Removal Working Group

has determined that it is unnecessary since access to upstream habitat will be limited by the original construction cofferdams, and excavation of the pockets could cause plugging of the drain tunnel. In its Order on Rehearing, Denying Stay, and Dismissing Extension of Time Request (Rehearing Order),<sup>3</sup> the Commission stated that it would not insist on excavating the pockets in light of the Working Group's assessment.

11. Though the Commission's Final Supplemental Environmental Impact Statement (FEIS) found that all in-water work should be completed by the August following decommission, to minimize adverse impacts to fish,<sup>4</sup> the licensee states that some in-water work may be necessary after August to correct passage obstructions. In its Rehearing Order, the Commission revised the in-water work schedule in ordering paragraph (D), such that the licensee may conduct in-water work beginning in June 2011 and extending through December 2015 in order to implement any protection, mitigation, and enhancement requirements contained in Commission-approved plans; however, removal of the lowest portions of the dam may only be performed during the low flow months (July and August 2012).

12. The licensee proposes that all observations of dead or injured salmon or steelhead adults or juveniles, coincident with removal and restoration activities, will be reported to NMFS within two days of their observance and will include a description of the causative event (if known) and corrective measures taken (if any).

#### Bull Trout

13. The licensee's ARPP outlines a procedure for reporting dead or injured bull trout, if they are encountered during dam removal activities. The licensee proposes that all observations of dead, injured, or sick bull trout will be reported to the FWS within three working days of the observance.

14. The licensee proposes to provide interpretive materials at river access points to aid and educate anglers in identification of and handling techniques for bull trout. The licensee states that this effort is addressed further in its Recreation Facility Removal and Improvement Plan.

#### Western Pond Turtles

15. The licensee states that it is unlikely that western pond turtles are present in the reservoir. The licensee proposes to increase project staff awareness regarding potential turtle habitat areas. The licensee also outlines a management strategy consisting of

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<sup>3</sup> 135 FERC ¶ 61,064 (April 21, 2011).

<sup>4</sup> FEIS at 13 (June 27, 2002).

trapping and relocating any western pond turtles observed during project operations and during the decommissioning period. The licensee proposes to provide project staff with index cards containing information used to identify western pond turtles and, if western pond turtles are observed, staff would note the location, date and time of the observation. Photos or follow-up observations should be used to confirm the presence of western pond turtles. The licensee proposes to conduct localized or spot trapping, with basking traps, in areas where turtles are observed, and the trapping effort would not exceed 34 days. The licensee adds that all captured turtles will be held and relocated per direction from WDFW.

#### Spring Creek Natural Hatchery Protection Plan

16. The goal of the licensee's Spring Creek Natural Hatchery Protection Plan (hatchery plan) is to protect and mitigate for potential impacts resulting from dam removal, to hatchery facilities at the Spring Creek National Fish Hatchery on the Columbia River and at the Big White Salmon Ponds on the White Salmon River.

17. The licensee states that the anticipated impacts to the Spring Creek National Fish Hatchery include the possibility of sediment deposition on the north bank, where the adult return ladder and release outlet are located. Such accumulation may prevent returning adult salmon from accessing the adult return fishway and may impact the ability to release sub-yearling smolts at the release outfall. The licensee will perform maintenance activities at the adult return ladder and release outlet as needed based on established threshold values.

18. Regarding Big White Salmon Ponds, the licensee states that the FWS has agreed that only measures to protect the supply pipe and intake structure will be implemented, and the raceways will be allowed to fill with sediment, since they are currently not in use. The licensee states that any sediment in the raceways will be removed after decommissioning. The licensee's plan identifies operational and physical protection measures for the facilities.

19. As a physical measure at the intake and raceway facilities, the licensee proposes installing untreated plywood, dimensional lumber, or alternative materials (such as steel plates or high density plastic) to the face of the intake structure with concrete anchor bolts. The licensee states that the 30-inch supply line would be sealed at the upstream end and physical measures would be implemented just prior to the dam removal. The licensee adds that following installation of physical barriers at the Big White Salmon Ponds facilities, no monitoring would be necessary during the decommissioning phase.

## CONSULTATION

20. A draft copy of the ARPP was provided to the FWS, FS, WDFW, NMFS, and Ecology on February 18, 2011. WDFW stated, in an email dated March 11, 2011, it did not have any comments on the draft plan. FWS provided comments on March 4, 2011, advising the licensee that salmonid carcasses may settle in tributaries or the mainstem, or may be transported downstream. FWS provided contact information for notifying FWS staff of fish mortality observations and emphasized the importance of protecting facilities at the Big White Salmon Ponds. Comments from NMFS, received on March 9, 2011, were primarily clarifying statements about the impacts to salmon and steelhead as a result of decommissioning and defining the entities that make up Work Group. Ecology and FS did not provide any comments on the draft plan.

21. The licensee's final version of the ARPP, filed with the Commission, has been modified to reflect the comments and recommendations provided by the agencies.

## DISCUSSION

22. We reviewed the licensee's filed ARPP and it satisfies the requirements of ordering paragraphs (Q) and (T) of the Order Accepting Surrender of License, Authorizing Removal of Project Facilities, and Dismissing Application for New License. The licensee's proposals to protect salmon and steelhead are in agreement with the Commission's findings in its Order on Rehearing, Denying Stay, and Dismissing Extension of Time Request. The ARPP adequately provides for salmon and steelhead management and passage, bull trout notification procedures, western pond turtle management, and hatchery facility protection during the decommissioning process. The ARPP should, therefore, be approved.

### The Director orders:

(A) PacifiCorp's (licensee) Aquatic Resources Protection Plan, filed with the Federal Energy Regulatory Commission (Commission) on March 18, 2011, pursuant to ordering paragraphs (Q) and (T) of the Commission's Order Accepting Surrender of License, Authorizing Removal of Project Facilities, and Dismissing Application for New License of the Condit Hydroelectric 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 order. The licensee's failure to file a request for rehearing shall constitute acceptance of this order.

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and Compliance