

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

PacifiCorp

Project No. 2342-026

ORDER MODIFYING AND APPROVING COLUMBIA RIVER FALL CHINOOK
SALMON CAPTURE AND TRANSPORT PLAN

(May 24, 2011)

1. On March 21, 2011, PacifiCorp (licensee) filed a Capture and Transport of Lower Columbia River Chinook Salmon Plan (plan) pursuant to ordering paragraph (S) of the Order Accepting Surrender of License, Authorizing Removal of Project Facilities, and Dismissing Application for New License (Surrender Order)¹ for the Condit Hydroelectric Project No. 2342. The project is located on the White Salmon River in Klickitat and Skamania counties, Washington.

BACKGROUND

2. Ordering paragraph (S) 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 salvage adult Lower Columbia River fall Chinook salmon (LCR Chinook) in the later summer/early fall of 2011 downstream of Condit Dam, to transport collected individuals to areas upstream of Condit Dam, and, if necessary, to spawn adults in a hatchery with progeny to be released upstream of Condit dam to supplement natural spawning. The licensee shall prepare the plan after consultation with the National Marine Fisheries Service (NMFS), U.S. Fish and Wildlife Service's (FWS), Washington Department of Fish and Wildlife (WDFW), Washington Department of Ecology (Ecology), Spring Creek National Fish Hatchery (Hatchery), and the Yakima Nation (YN).

3. The purpose of the plan is to mitigate for the impacts of sediment released downstream (as a result of removing project structures) on the spawning population of Endangered Species Act (ESA) listed LCR Chinook by enabling a portion of the

¹ 133 FERC ¶ 61,232 (2010).

population to spawn naturally above the dam in historically occupied habitat. The plan is required to include, at a minimum:

- (1) a description of proposed methods that will be used to collect LCR Chinook adults in the White Salmon River, including the results of any previous pilot fish salvage studies used to evaluate method effectiveness;
- (2) a provision to identify and utilize contingency capture methods and/or locations should flow conditions not allow the use of proposed collection methods identified in (1) above;
- (3) a provision to transport and release LCR Chinook upstream of the Condit dam, including a description of the proposed release locations;
- (4) a provision to artificially spawn captured adult LCR Chinook, raise the progeny in a hatchery, and release the juveniles upstream of Condit dam in the spring of 2012 to supplement natural spawning if agreed upon and deemed necessary by the identified stakeholders;
- (5) a provision to use standard hatchery protocols for the collection, holding, transport, and spawning of adult LCR Chinook; and
- (6) an implementation schedule.

LICENSEE'S PLAN

Lower Columbia River Fall Chinook

4. To accomplish the plan's goal of mitigating for the brood year impacts on spawning grounds below Condit Dam during the year of removal, the licensee states that a minimum of 500 LCR Chinook adults will be captured, transported, and released upstream of Condit Dam prior to removal.² The licensee adopted methods from studies conducted in 2008 and 2009.

5. The licensee states that the collection facility will use a resistance board weir, which will be temporarily installed across the river near the entrance to the dormant White Salmon Ponds (WSP) facility, and approximately 3.3 cubic feet per second (cfs) diverted from the river through the pond water supply intake as attraction flow.

² The Working Group (comprised of the FWS, YN, WDFW, NMFS, U.S. Forest Service, U.S. Geological Survey, and licensee) established 500 LCR Chinook as a reasonable goal for seeding the available habitat in the White Salmon River.

According to the licensee's plan, adult LCR Chinook will encounter the weir, be attracted by flow to the ponds' entrance, and, through a number of fish ladder steps, enter a holding area in the pond. The licensee states that the FWS and Working Group will install the weir in mid-July 2011 and remove it by no later than mid-October 2011, and that the FWS will be responsible for the operation of the weir. The licensee states that timeline is flexible depending on logistical considerations and will likely coincide with the FWS-Hatchery request to the licensee to temporarily reduce flows from the dam in the river. As the water intake at the WSP does not meet NMFS criteria for incidental take of listed salmonids, the licensee states that it will obtain a waiver or Section 10 permitting for take of ESA-listed salmon and steelhead in order to use the ponds; the licensee states that the paperwork to obtain the permit was submitted in 2010 and is awaiting approval.

6. The licensee proposes to operate the collection ponds at WSP daily from August 29 to October 11, 2011, approximately, to capture LCR Chinook throughout the adult return season. The licensee states that captured LCR Chinook will be crowded within the ponds daily and removed for transportation. For biological and genetic sampling, the licensee states that fish will be anesthetized or otherwise restrained and biologists will obtain a fin clip for genetic analysis to determine origin; additionally, natural origin fish will be examined for a coded wire tag. The licensee proposes to either hold fish in the WSP, place them into a waiting transport vehicle, or release them back to the river below the weir (hatchery origin releases) after fish have recovered from the anesthetic. The licensee states that some of the captured hatchery adult LCR salmon may be surplus, particularly if recaptures of floy-tagged hatchery origin adults becomes a regular occurrence, and that the YN will have the first opportunity for use of surplus fish. The licensee states that any natural origin LCR Chinook will be eventually transported upstream of the Condit Dam and that hatchery origin LCR Chinook may also be transported upstream of Condit Dam as a secondary option based on migratory run timing and the goal of 500 adult LCR Chinook.

7. The licensee proposes to use seines to capture LCR Chinook that do not migrate into the WSP. According to the licensee's plan, seining activities will be conducted approximately 3 times per week starting near mid-September 2011, and will be adjusted based on run timing, run size, capture success and logistical considerations for capturing fish and transporting them from two different locations. The licensee states that fish caught in the seines will be removed by hand or dip net and transferred to a 150-gallon tote with fresh river water. The licensee proposes to move all natural origin LCR Chinook to a floating barge, where the fish will be processed as previously described for biological and genetic information and retained for transport upstream of Condit Dam. Additionally, the licensee states that natural origin LCR Chinook may be held at the barge for one to three hours depending on daily catch, transport vehicle activities, or until a suitable number are available for transport (more than 4); fish will then be transferred from the barge to a boat and transported to the Underwood In-lieu site and placed in a transport vehicle for release above Condit Dam.

Coho Salmon, Steelhead, and Bull Trout

8. The licensee states that Coho salmon and steelhead captured at the WSP facility will be handled and sampled using the methods described for LCR Chinook, and will be released back to the river downstream of the weir after recovering from the anesthetic. The licensee states that there will not be passage to the area immediately upstream of the weir in 2011. Towards the end of September and early October 2011, the licensee states that it may transport captured coho salmon or steelhead to Drano Lake (approximately 4 miles downstream of the White Salmon River). The licensee proposes to floy-tag and obtain a fin clip from wild steelhead, which may then be transported upstream of Condit Dam if genetic results indicate relatedness to upstream populations, or held in Little White Salmon National Fish Hatchery adult brood ponds for later release.

9. The licensee proposes to handle, sample and tag coho salmon or steelhead that may be captured in the seine, using the methods previously described. The licensee states that all coho salmon or steelhead will be released after handling, and that recaptured wild steelhead will either be transported upstream of Condit Dam or held at the Little White Salmon National Fish Hatchery until after Condit Dam removal. Towards the end of September and early October 2011, the licensee states that captured coho salmon or steelhead may be collected for transport to Drano Lake.

10. The licensee states that the potential for capturing a bull trout downstream of the Condit Dam and in the White Salmon River is unlikely. However, should a bull trout be captured at the WSP facility or in the seine, the licensee states that the FWS will collect biological and genetic data, then tag and transport the fish to the area below the Little White Salmon National Fish Hatchery for release.

Transport Vehicles and Release Sites

11. During previous studies, WDFW fish transport staff conducted transportation of LCR Chinook from local hatcheries using a vehicle modified for adult fish transfers. The licensee states that the transport vehicle at the Underwood In-Lieu site will be staffed by licensee personnel trained in fish handling and transport. As water temperatures in the transport vehicle and the river are likely to be similar, the licensee states that a temperature buffer is not required. The licensee proposes transferring fish at a density no greater than one fish per 34 gallons.

12. Previously, the licensee released LCR Chinook above the Condit Dam were at Northwestern Lake Park or near Husum Falls. The licensee states that the FWS will ask the landowners of these release sites again to use them again, and may also seek to use an additional site near river mile 6.4, which may improve use of some spawning areas.

Regulations and Reporting

13. The licensee states that regulations for sport fishing in and around the WSP facility will not be modified, as current regulations prohibit fishing in and around weirs or fish collection structures and harvest of the transported fish is not allowed based on their designation as a “food fish”. The licensee proposes to make informational fliers available, coincident with the capture and transport efforts.

14. The licensee states that it has already started the process for obtaining permits and permissions necessary to be the FWS’s possession in order to operate the WSP and the resistance board weir, as well as to conduct seining and transport activities, including obtaining a section 10 permit for additional ESA coverage and a Scientific Collectors Permit.

15. The licensee states that the FWS will provide the final report to the Working Group during December 2011. Additionally, the licensee states that a budget request is currently under development, as is in-kind funding provided by the FWS and Working Group; a separate budget will address the fish transportation activities performed by the WDFW.

CONSULTATION

16. A draft copy of the plan was provided to the FWS (which includes the Spring Creek National Fish Hatchery), the U.S. Forest Service, WDFW, NMFS, U.S. Geological Survey, and Ecology on February 4, 2011. Ecology stated it did not have any comments on the draft plan in an email dated March 8, 2011. FWS provided comments on March 4, 2011, requesting that the plan be revised to show the FWS’ preference to transport any bull trout captured below the Condit Dam to sites above it. Comments from the Working Group (which includes the YN), received on March 8, 2011, requested that the plan include genetic sampling and transport criteria for wild steelhead and identified protocols for avoiding redds after LCR Chinook are transported upstream. The Working Group also sought clarification of the fishing regulation issues related to the plan, which was addressed in a phone call to WDFW staff. The final version of the plan has been modified to reflect the comments provided by the agencies.

DISCUSSION

17. We reviewed the licensee’s Capture and Transport of Lower Columbia River Chinook Salmon Plan and it satisfies the requirements of ordering paragraph (S) of the Order Accepting Surrender of License, Authorizing Removal of Project Facilities, and Dismissing Application for New License. However, the plan does not contain a provision to artificially spawn captured LCR Chinook, raise the progeny in a hatchery, and release the juveniles upstream of Condit dam in the spring of 2012 to supplement natural spawning if agreed upon and deemed necessary by the identified stakeholders.

18. The terms and conditions of NMFS's biological opinion and the surrender order's ordering paragraph (S) require the licensee to address artificial spawning in its plans to restore Chinook salmon upstream of Condit Dam. As capture and transport activities will begin in summer 2011, the licensee should provide its plan for artificially spawning captured LCR Chinook in the event it becomes necessary to supplement natural spawning. The licensee should file its plan with the Commission for approval by July 31, 2011. The plan should address how artificial spawning would be performed (including collection of brood stock, rearing of progeny, release sites for juveniles, production goals, maintenance of hatchery water quality, and any necessary permits), what events would necessitate use of artificial spawning, and the roles of any other agencies involved in artificial spawning. The plan should be developed in consultation with members of the Working Group and the Spring Creek National Fish Hatchery.

19. The licensee's plan provides methods for LCR Chinook capture and transport around the Condit Dam during the dam removal process, and also addresses the capture and potential transfer of coho salmon, steelhead and bull trout. The plan, as modified in ordering paragraph (B), should therefore be approved.

The Director orders:

(A) PacifiCorp's Capture and Transport of Lower Columbia River Chinook Salmon Plan filed on March 21, 2011, pursuant to ordering paragraph (S) 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, as modified in ordering paragraph (B), is approved.

(B) The licensee shall file, with the Federal Energy Regulatory Commission for approval, a hatchery plan for artificially spawning captured Lower Columbia River Chinook Salmon, raising the progeny in a hatchery, and releasing the juveniles upstream of Condit dam as a means to supplement natural spawning, by July 31, 2011. The plan shall address how artificial spawning will be performed, including collection of brood stock, rearing of progeny, release sites for juveniles, production goals, maintenance of hatchery water quality, and any necessary permits; what events would necessitate use of artificial spawning; and the roles of any other agencies involved in artificial spawning. The licensee shall prepare the plan after consultation with the National Marine Fisheries Service, U.S. Fish and Wildlife Service, Washington Department of Fish and Wildlife, Washington Department of Ecology, Spring Creek National Fish Hatchery, and the Yakima Nation. The licensee shall include with the plan documentation of consultation, copies of consulted entities' comments and recommendations on the completed plan, and specific descriptions of how the entities' comments are accommodated by the plan. The licensee shall allow a minimum of 30 days for the entities to comment and to make recommendations before filing the plan with the Commission. If the licensee does not

adopt a recommendation, the filing shall include the licensee's reasons, based on project-specific information.

(C) 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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