

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSIONC.3.11.I (R)
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Letterbook
Licensing (eFile)

PKWD-20-030

Energy Northwest

Project No. 2244-036

ORDER APPROVING EXTENSION OF TIME FOR
INTAKE FISH ENTRAINMENT MONITORING PLAN
PURSUANT TO ARTICLE 401

(Issued April 30, 2020)

1. On April 28, 2020, Energy Northwest, licensee for the Packwood Lake Hydroelectric Project No. 2244, filed an extension of time request for the Packwood Lake Intake Fish Entrainment Plan, pursuant to Article 401 of the project license.¹ The project is located on Lake Creek, a tributary to the Cowlitz River, in Lewis County, southwestern Washington near the unincorporated town of Packwood. The project occupies 511.65 acres of federal land within the Gifford Pinchot National Forest and Goat Rocks Wilderness, administered by the U.S. Forest Service (Forest Service).
2. Article 401 of the license in part, requires the licensee to file plans required by Forest Service section 4(e) terms and conditions,² for Federal Energy Regulatory Commission (Commission) approval. Condition 9 of the Forest Service's 4(e) terms and conditions requires the licensee to develop an Intake Fish Entrainment Monitoring Plan (Entrainment Plan) within 3 months of issuance of the new license. The primary purpose of the Entrainment Plan is to protect the rainbow trout population in Packwood Lake from potential mortality associated with approach velocity exceedances on sections of the traveling screens at the project intake during project operation.
3. The licensee filed the Entrainment Plan on January 9, 2019 in compliance with the established deadline, but did not have Forest Service approval. The licensee indicated that it was still engaged in discussions with the Forest Service about new methods and measures which could inform potential revisions to the Entrainment Plan, and anticipated

¹ Order Issuing New License (165 FERC ¶ 62,031), issued October 11, 2018.

² The terms and conditions are made part of the license by ordering paragraph (E) and are attached to the license as Appendix B.

presenting the revised version to the Resource Agencies Committee (RAC)³ at the March 2019 Resource Coordination meeting prior to re-filing with the Commission for approval. In the interim, the licensee would fully comply with the provisions of the Entrainment Plan. In a letter issued November 13, 2019, Commission staff acknowledged that the licensee had remained engaged with the RAC throughout 2019 by hosting site visits, consulting with the Forest Service, and conducting videography monitoring to observe fish presence and behavior in front of the intake wells. Due to the ongoing consultation with the RAC and plans to finalize an alternative approach to the Entrainment Plan during the March 2020 Resource Coordination meeting,⁴ Commission staff requested the licensee file the revised Entrainment Plan by April 30, 2020.

4. The licensee states that it has developed an alternative method of addressing the issue of entrainment at the project in consultation with the RAC. The details of this alternative are provided in an addendum to the Entrainment Plan filed with the Commission on December 18, 2019. The licensee proposes to install an exclusion net upstream of the project intake in order to prevent fish access to the intake, and conduct a 2-year pilot program to determine the long-term efficacy of the fish exclusion net for addressing the issue of entrainment. The study results would inform development of the Entrainment Plan.

5. The licensee states that it is prepared to implement the exclusion net and is requesting an extension of time to file the finalized Entrainment Plan. In order to accommodate the installation of the exclusion net, two years of monitoring and data collection, and subsequent data analysis, report preparation, and consultation with the RAC, the licensee requests an extension of time until June 15, 2023 to file the final Entrainment Plan with the Commission for approval.

6. The licensee's request for an extended deadline of June 15, 2023 to file the final Entrainment Plan would allow the licensee to perform a 2-year study of an alternative approach to addressing entrainment, and to complete data analysis and consultation with the RAC. The licensee has worked collaboratively with the RAC in the development of the alternative approach, and the RAC has accepted the 2-year pilot study to determine

³ The RAC includes but is not limited to: the Forest Service, Cowlitz Indian Tribe, National Marine Fisheries Service, National Park Service, United States Fish and Wildlife, Washington State Department of Archaeology and Historic Preservation, Washington State Department of Ecology, Washington State Department of Fish and Wildlife, Yakama Nation, consulting biologists, licensee staff, and Commission.

⁴ The Resource Coordination Plan, filed on July 16, 2019, indicates that the licensee would hold the future Resource Coordination meetings annually during the third week of March.

the effectiveness of the exclusion net. The extension of time to complete the pilot study and finalize the Entrainment Plan is reasonable and should be approved. Therefore, the licensee should file the Entrainment Plan by June 15, 2023.

The Director orders:

(A) Energy Northwest's request for an extension of time, filed on April 28, 2020, to file the Packwood Lake Intake Fish Entrainment Plan, pursuant to Article 401 of the license for the Packwood Lake Hydroelectric Project No. 2244, is approved. The licensee must file the Packwood Lake Intake Fish Entrainment Plan by June 15, 2023.

(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 (2018), and the Commission's regulations at 18 C.F.R. § 385.713 (2019). 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.

Thomas J. LoVullo, Chief
Aquatic Resources Branch
Division of Hydropower Administration
and Compliance

Document Content(s)

P-2244-036 EOT 2020 order.DOCX.....1-3