

UNITED STATES OF AMERICA 119 FERC ¶ 62,107  
FEDERAL ENERGY REGULATORY COMMISSION

Portland General Electric Company

Project No. 477 – 033

ORDER APPROVING MARMOT DAM REMOVAL FISH  
PASSAGE PLAN, PARAGRPH (G)

(Issued May 08, 2007)

On February 7, 2007, Portland General Electric Company (licensee) filed the Marmot Dam Removal Fish Passage Plan for the Bull Run Hydroelectric Project, pursuant to ordering paragraph (G) of the Order Granting Surrender Application, Adopting Proposed Terms, and Denying Application to Amend License issued May 12, 2004. The project is located on the Sandy, Little Sandy, and Bull Run Rivers in Clackamas County, Oregon.

BACKGROUND AND LICENSE REQUIREMENTS

The ordering paragraph (G) requires the licensee to file for Commission approval, at least 90 days before the start of any land-clearing or land-disturbing activities at the project site, a fish facility design and operating plan. The plan is required to be prepared after consultation with the National Marine Fisheries Service (NMFS), U.S. Fish and Wildlife Service (FWS), and Oregon Department of Fish and Wildlife (ODFW). The plan is required to include: (1) detailed design drawings of the licensee's proposed fish facility, comprised of (a) a temporary fish barrier, Denil fish ladder and fish trap to be operated during the time when Marmot Dam is being removed, (b) identification of the specific location of the fish facility, (c) a schedule for installing the fish facility, and (d) an operation schedule for the facility; (2) detailed design drawings of the licensee's proposed emergency trap and haul facility, comprised of (a) a picket system, (b) Denil fish ladder, (c) floating pump station, and trap/handling facility, to be installed on the Sandy River if needed to pass fish around sediment blockages, (d) identification of the specific location of the fish facility, (e) a schedule for installing the fish facility, and (e) an operation schedule for the facility.

LICENSEES' PLAN

The licensee plans to continue operating the existing fish trap in the Marmot Dam fish ladder through July 31, 2007, and will be used by the licensee prior to shifting to a temporary structure. The temporary fish trap facility would be constructed and installed

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in July and be operational by July 24. Pickets would be placed in the river approximately 1000 feet downstream of the cofferdam on July 24 to stop fish passage beyond the temporary trap, one week prior to shutting down the existing trap facility. The licensee plans to maintain the picket fence to ensure its functionality throughout the Marmot Dam removal process. Regarding the cofferdam and fish culvert design, the licensee plans to provide the draft drawings to the Monitoring and Implementation Team (MIT)<sup>1</sup> for a 14-day review and approval period prior to installation.

When first functional, the temporary fish trap would be staffed by the licensee's biologists or contractors from 6 a.m. through 8 p.m. seven days per week, and attraction water to the trap would be turned off at night. As the day length and number of fish decreases, the schedule would be adjusted accordingly. When the fish count drops to less than 20 fish per day (5-day average), the attraction water to the trap would be left on continuously and fish removed from the trap once per day, 7 days per week. When the fish count drops to less than 5 fish per day (5-day average), fish would be removed once per day on weekdays and the trap shutdown on weekends. Any schedule changes would be submitted to the MIT for review and approval prior to implementation.

Fish would be dip-netted from the trap, and hatchery fish would be sorted from wild fish. Wild fish would be placed into a trailer for transport and released upstream of the Marmot Dam deconstruction site at a location specified by the MIT. Hatchery fish would be released as directed by the ODFW biologist. Fish trapping would continue until just before cofferdam breaching begins. The trap and pickets would be removed several days prior to breaching of the deconstruction site cofferdam. The licensee plans to maintain records of the number of fish, by species and mark, collected in the existing trap and the temporary trap. The licensee would send weekly reports to the MIT via email throughout the trapping period.

Beginning in January/February 2008, the licensee plans to work with the MIT to determine if a lower river trap and haul facility would be needed for the spring of 2008. The licensee would provide the MIT with biweekly updates of information gathered during the Sandy River Endangered Species Act Monitoring and Contingency Plan. If agency representatives of the MIT determine that a lower river trap and haul facility is likely to be needed, the licensee would immediately work with the MIT to determine a trap site and agree on specific design components. If installed, the lower river trap and

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<sup>1</sup> The MIT is comprised of representatives from NMFS, FWS and ODFW.

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haul facility would be staffed such that the facility can remain operational until the MIT has determined that the facility is no longer needed.

#### AGENCY CONSULTATION

The ordering paragraph (G) requires the licensee to prepare their plan after consultation with NMFS, FWS and ODFW. On November 1 and December 5, 2006, the licensee provided the resource agencies with drafts of their plan for review and comment. By emails dated January 25 and January 26, 2007, NMFS and ODFW approved the licensee's plan, respectively. In a telephone conversation on February 6, 2007 with the licensee the FWS indicated it had no comments and approved the plan.

#### DISCUSSIONS AND CONCLUSION

The licensee's Marmot Dam Removal Fish Passage Plan should provide the trapping facilities necessary to ensure safe movement and passage of adult salmon and steelhead in the Sandy River during the removal of Marmot Dam. Additionally, the licensee's contingency lower river trap and haul facility plan should provide for the collection of adult salmon and steelhead if necessary to pass fish around sediment blockages following dam removal.

The licensee's Marmot Dam Removal Fish Passage Plan satisfies the requirements of ordering paragraph (G) of the May 12, 2004 Order Granting Surrender Application, Adopting Proposed Terms, and Denying Application to Amend License. Therefore, the licensee's plan should be approved.

#### The Director orders:

(A) The Marmot Dam Removal Fish Passage Plan, filed February 7, 2007, under ordering paragraph (G) of the May 12, 2004 Order Granting Surrender Application, Adopting Proposed Terms, and Denying Application to Amend License for the Bull Run Hydroelectric Project, is approved.

(B) This order constitutes final agency action. Requests for rehearing by the

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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