

134 FERC ¶ 62,123
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

PPL Montana, LLC

Project No. 1869-054

ORDER APPROVING FIVE-YEAR RESERVOIR MONITORING PLAN

(February 9, 2011)

1. On June 22, 2010, PPL Montana, LLC, licensee for the Thompson Falls Project, filed its Five Year Reservoir Monitoring Plan (plan), pursuant to the Commission's Order Approving Construction and Operation of Fish Passage Facilities (passage order)¹ and term and condition 5a of the U.S. Fish and Wildlife Service's (FWS) Biological Opinion.² The Thompson Falls Project is located on the Clark Fork River in Sanders County, Montana.

LICENSE REQUIREMENTS AND BACKGROUND

2. The Commission's passage order requires the licensee to follow the FWS' terms and conditions numbers 1 through 7 in order to be exempt from the take prohibitions of Section 9 of the Endangered Species Act (ESA). Term and condition 5a of the FWS' Biological Opinion requires, in part, that the licensee conduct a prioritized 5-year evaluation of factors contributing to the potential loss or enhancement of migratory bull trout passage through the Thompson Falls Reservoir. At a minimum, the plan objectives should focus on gaining a better understanding of temperature and water current gradients through the reservoir, movement and residency patterns of juvenile and sub-adult bull trout, and impacts of nonnative predators on juvenile and sub-adult bull trout.

LICENSEE'S PLAN

3. The goal of the licensee's plan is to gather information that will assist in developing recommendations to maximize survival of out-migrant juvenile and adult bull

¹ 126 FERC ¶ 62,105 (February 12, 2009).

² Filed with the Commission on November 4, 2008.

trout through the reservoir. To achieve this, the licensee proposes two key objectives: 1) characterization of bull trout in the Thompson River drainage (drainage), and 2) characterization of the influence of the Thompson Reservoir (reservoir) on bull trout emigrating from the drainage (or elsewhere upstream) and migrating downstream in the Clark Fork River. After information is gathered to address these objectives, the licensee will consult with the Technical Advisory Committee (TAC) and FWS to develop study or resource recommendations for implementation from 2016 to 2020.

4. To address the first objective, the licensee will coordinate with the TAC and FWS to review historic data and literature and identify data gaps to develop an annual work/study plan for data collection in the drainage. Potential study topics that could be investigated include: characterization of bull trout life stages; comparison of migratory and resident life histories; determining movement patterns and habitat use; assessing the carrying capacity of the drainage; and conducting population assessments.

5. To address the second objective, the licensee composed a general list of tasks, which emphasize study on the local bull trout population (those fish most likely to be negatively impacted by the dam and reservoir). The task list may be modified if it is determined through study that there are differential impacts to the local population and those populations further upstream in the Clark Fork River, which may share reservoir habitats as they migrate. The licensee's potential first priority tasks will focus on: evaluating juvenile bull trout movement patterns, residence time, and habitat use in the drainage; evaluating the timing and seasonality of outmigration; determining if the reservoir influences migrating life history stages; estimating the loss of out-migrating juvenile bull trout to predation; and determining the feasibility of tagging juvenile bull trout. The licensee will complete further tasks based on guidance from the TAC and FWS. These secondary tasks include: studying overlap of northern pike and bull trout movement patterns in the reservoir, evaluating the movement, population size, life cycle, and angler harvest of northern pike; and an evaluation of predators in the reservoir.

6. As data is gathered and a better understanding of juvenile outmigration and bull trout movement is formed, the licensee will consult with the TAC and FWS to evaluate the possibility of modifying project operations under the current license constraints. Within the 2010 to 2015 work period, the licensee will consult with the TAC and FWS to develop specific annual adaptive management work plans that outline study objectives, methodologies, and schedules. Annual work plans will be based on information gained the previous year and a reevaluation of steps necessary to address each objective.

7. The annual report to the Commission will include a summary of activities performed that year and proposed for the next, as well as baseline fisheries data (including spring time electrofishing and fall gillnetting series in the reservoir). These reports are due to the Commission each April 1. The licensee will collaborate with the TAC and FWS to develop a comprehensive report, due to the FWS by December 31, 2015. The comprehensive report will detail a summary of conclusions based on research

conducted from 2010 to 2015, provide recommendations for improving emigrating juvenile bull trout survivorship, and include a schedule for implementing those recommendations for the 2016 to 2020 study period. Since Montana Fish, Wildlife and Parks (MFWP) manages most of the state's fisheries, any recommendations to implement a fisheries management plan for the reservoir will have to be coordinated with MFWP. By 2020, the licensee will analyze all of the available data and submit a report to the FWS regarding the implementation of all recommendations and their effect on juvenile bull trout survival in the reservoir. Additionally, the licensee will collaborate with the TAC and FWS to identify the site specific need for a nonnative species control program in the reservoir. This information will be submitted to the Commission by December 31, 2015, either included in the conclusions and recommendations of the 5-Year Reservoir Monitoring Plan, or as a standalone document.

AGENCY CONSULTATION

8. The licensee developed the plan in consultation with the TAC and FWS. On March 23, 2010, the licensee met with the TAC, including representatives from the MFWP and FWS. On June 17, 2010, the FWS approved the plan without comment.

DISCUSSION

9. The licensee's plan describes how it will comply with the Commission's passage order and FWS' Biological Opinion term and condition 5a. Specifically, the plan details the licensee's priorities for evaluating factors contributing to the potential loss or enhancement of migratory bull trout passage through the Thompson Falls Reservoir from 2010 to 2015. The licensee's plan addresses the requirements of the Commission's passage order and should be approved.

The Director orders:

(A) The Five Year Reservoir Monitoring Plan filed on June 22, 2010, by PPL Montana, licensee for the Thompson Falls 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

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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
Aquatic Resources Branch
Division of Hydropower Administration
and Compliance

Document Content(s)

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