



United States Department of the Interior

U.S. FISH AND WILDLIFE SERVICE

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April 25, 2009

Mr. Fred Ayer
Low Impact Hydropower Institute
34 Providence Street
Portland, Maine 04013

Re: Tallassee Shoals Hydroelectric Project, FERC # 6951
FWS Log No. 41460-2009-FA-0731

Dear Mr. Ayer:

The U.S. Fish and Wildlife Service (Service) has reviewed your February 27, 2009, request for comments regarding the eligibility of the Tallassee Shoals Hydropower Project (TSHP) for re-certification as a "Low Impact Hydroelectric Facility" by the Low Impact Hydro Institute (LIHI). The LIHI is a non-governmental, non-profit organization. Certification would allow electricity produced by the facility to be marketed and sold as "green power." The project is located on the Middle Oconee River in Clarke and Jackson Counties, Georgia. We provide comments that address three of your eight criteria for LIHI certification: 1) river flows, 2) fish passage and protection, and 3) threatened and endangered species protection. We submit the following comments and recommendations under the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*), the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 *et seq.*), and the Federal Power Act (16 U.S.C. 791a, *et seq.*).

River Flows

In the October 24, 1983, TSHP license, Article 29 provides for a permanent minimum flow release of 70 cubic feet per second (cfs) from the project dam; an interim release of 138 cfs as measured below the project tailrace during the month of May; and a minimum flow study to assess the relationship between streamflows and available aquatic habitat below the project. The study results were meant to provide the basis for further instream flow negotiations between the licensee at that time, Oglethorpe Power Corporation (OPC), and the resource agencies. In the Federal Energy Regulatory Commission (FERC)'s August 20, 1990, Order Denying Request To Amend Article 29, FERC states that the licensee submitted a May 21, 1984, minimum flow study report, and requested the minimum flow requirement be reduced to 53 cfs. In a September 18, 1989, letter, the Service disagreed with the licensee, and stated the data from the

study did not support the licensee's request to amend the minimum flows. After reviewing the variable study conditions in the licensee's study plan that resulted in variable fish capture efficiency, and the October 24, 1983, license conditions, FERC denied the licensee's request to amend Article 29, and ordered the original license requirements to stay in effect due to a lack of data.

You mention in your February 27, 2009, letter that the minimum required flow is 58 cfs. We are not aware of any FERC action subsequent to the 1990 denial. Therefore, the licensee should be passing a minimum flow of 70 cfs instead of 58 cfs (excluding the 138 cfs during the month of May).

Fish Passage and Protection

Several dams downstream of the TSHP serve as present-day barriers to upstream passage of migratory fish species. We are not aware of post-construction location records for diadromous fish species above a series of large hydroelectric facilities that are located downstream of the project (Sinclair and Wallace Dam Projects). However, the Service is developing an American Shad Management Plan for the Altamaha River Basin, Georgia, along with the Georgia Department of Natural Resources and the National Marine Fisheries Service. American shad (*Alosa sapidissima*), a diadromous species, are currently located below Sinclair Dam.

The Service is also a member of the Robust Redhorse Conservation Committee, a voluntary stakeholder partnership charged with the overall responsibility for directing the recovery of the robust redhorse (*Moxostoma robustum*). The RRCC is developing a Robust Redhorse Management Plan for the Oconee River. The robust redhorse, a Federal Species of Concern and a State-endangered species, is currently located below Sinclair Dam between Milledgeville and Dublin, Georgia.

While the robust redhorse and American shad are not currently in the project area, future recovery activities may include reintroducing these species to the Oconee River drainage above Wallace Dam. If the project is re-certified, we recommend the applicant continue to submit documentation relating to the status of the robust redhorse and American shad recovery activities as they may or may not affect the facility.

Threatened and Endangered Species Protection

The Service would not expect the continuing operations of this existing project to affect federally-listed species in Clarke and Jackson Counties, Georgia. However, the State-listed Altamaha shiner (*Cyprinella xaenura*) is currently found in Clarke County. The Georgia Department of Natural Resources (770.918.6411) can be contacted for more information regarding this species.

We appreciate the opportunity to comment on this project. If you have any questions, please contact staff biologist Alice Lawrence at (706) 613-9493 ext. 222.

Sincerely,

Sandra S. Tucker
Field Supervisor

cc: file
Kimberly D. Bose, FERC, Washington, DC
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