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May 29, 2014

Ms. Dana Hall, Deputy Director
Low Impact Hydropower Institute
P.O. Box 194
Harrington Park, New Jersey 07640

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

Dear Ms. Hall:

The U.S. Fish and Wildlife Service (Service) has reviewed your April 14, 2014, 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.

The Service does not have a copy of the 1984 minimum flow study, nor do we have new information available to evaluate if the licensee is meeting their instream flow requirements. The closest United States Geological Survey (USGS) gage is 9 miles downstream (USGS Gage 02217500, Middle Oconee River near Athens, Georgia); flows at the gage encompass tributary inflow between the TSHP and the USGS gage and are not an accurate estimator of TSHP releases. For the project to be re-certified, we recommend the applicant provide documentation to LIHI regarding how minimum flows are calculated at the TSHP as well as records of their compliance with those minimum flows. As stated above, we do not have a copy of the 1984 flow study and cannot comment on the protectiveness of minimum flow requirements on downstream aquatic resources.

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 hydroelectric facilities that are located downstream of the project. Native populations of American shad (*Alosa sapidissima*), American eel (*Anguilla rostrata*), Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*), and striped bass (*Morone saxatilis*) are currently located below Sinclair Dam. Striped bass are also stocked in Lake Oconee, formed by Wallace Dam, but their upstream spawning migrations are limited by Barnett Shoals Dam, which is located downstream of TSHP. The robust redhorse (*Moxostoma robustum*), a Federal species of concern and a State-endangered species, is currently located below Sinclair Dam between Milledgeville and Dublin, Georgia. A small population may also be present in the Little River, below Wallace Dam.

The Service, along with the Georgia Department of Natural Resources and the National Marine Fisheries Service, has developed an American Shad Management Plan for the Altamaha River Basin, Georgia (GDNR, NMFS, and USFWS 2013). Likewise, the Robust Redhorse Conservation Committee (RRCC), of which the Service is a member, has developed a Robust Redhorse Management Plan for the Oconee River (RRCC Oconee TWG 2010). While the robust redhorse and American shad are not currently in the project area but likely could have been in the area historically, 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. The State-threatened Altamaha shiner (*Cyprinella xaenura*) is found in the Middle Oconee River, both above and below the TSHP. The Service has been petitioned to list this species and the robust redhorse under the ESA, and has issued a positive 90-day finding stating that a status review is warranted (76 FR 59836).

The TSHP and other reservoirs have cumulatively contributed to elimination of riverine habitat, fragmentation of habitat and aquatic populations, and/or altered flows. As such, riverine species including the Altamaha shiner are at greater risk. We reiterate the need for LIHI to verify compliance with the FERC minimum flow requirements at this facility.

Summary

In summary, we are not able to evaluate the protectiveness of instream flows for aquatic resources at the TSHP. Although migratory fishes including as the American shad, American eel, and robust redhorse likely were present in the project area historically, they are blocked from currently reaching the TSHP by several hydropower projects located downstream. Lastly, the Service would not expect the continuing operations of this existing project to affect federally-listed species in Clarke and Jackson Counties, Georgia.

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,

for Donald Imm
Field Supervisor

cc: file
Kimberly D. Bose, FERC, Washington, DC
Thom Litts, GDNR, Social Circle, GA
Chris Nelson, GDNR, Social Circle, GA
Jimmy Evans, GDNR, Fort Valley, GA

References

Georgia Department of Natural Resources, National Marine Fisheries Service, and United States Fish and Wildlife Service. 2013. Priority Restoration and Management Actions for the American shad in the Altamaha River Basin, Georgia. 32 pp.

Robust Redhorse Conservation Committee Oconee River Technical Working Group. 2010. Management Plan for the Oconee River Robust Redhorse Population. 22 pp.

United States Fish and Wildlife Service. 2011. Endangered and threatened wildlife and plants; partial 90-day finding on a petition to list 404 species in the southeastern United States as endangered or threatened with critical habitat; proposed rule. September 27, 2011. Federal Register 76 (187): 59836-59862.