



Oregon

Tina Kotek, Governor

Department of Fish and Wildlife
East Region
Hydropower Program
61374 Parrell Rd.
Bend, OR 97702



April 17th, 2023

Shannon Ames
Executive Director
Low Impact Hydropower Institute
1167 Massachusetts Avenue
Arlington, Massachusetts 02476
sames@lowimpacthydro.org

Re: ODFW Comments: LIHI Certification - Monroe Drop Hydroelectric Project (FERC – 14430)

Dear Shannon Ames,

Oregon Department of Fish and Wildlife (ODFW) appreciates the opportunity to review and provide comments on Natel Energy's (Applicant/Licensee) application for Low Impact Hydropower Institute (LIHI) certification for the Monroe Drop Hydroelectric Project (Project).

ODFW has actively engaged in providing comments in respect to the Project since the early consultation stages of its planning and development. This included submittal of comments to the Federal Energy Regulatory Commission (FERC) relevant to the Project Pre-Application Document, as well as in follow up to the initial consultation meeting and site visit. Our involvement extended through and beyond the FERC's determination of Exemption status for the Project and included comments provided to the Licensee on August 12th, 2019, in respect to their proposed amendment for Project modifications. In previous comments to the Project operator/owner's representative, ODFW recommended that the Project description include detailed information in respect to the Party responsible for the operation, maintenance and replacement of the canal delivery system, a description of the current fish screen and its condition relative to meeting fisheries agency (National Marine Fisheries Service and ODFW) screening criteria to prevent fish entrainment into the North Unit Irrigation District (NUID) irrigation canal or being impinged onto the fish screens.

As a matter of consideration in respect to the Applicant's LIHI certification request, ODFW feels it is important to highlight the issue of the continued lack of adequate screening on the canal system on which the Project is located. The two antiquated primary fish screens at the NUID main canal headworks in Bend date back to the 1940s and are well beyond their useful life and are deteriorated well past the point of patching and repair. The inadequate fish screening for the 700 cfs – 800 cfs of river water currently diverted into the irrigation canal is seriously problematic in the sense that

juvenile and adult native resident salmonids (redband trout and mountain whitefish) are entrained and stranded in the canal and dispersed through-out the NUID irrigation canal distribution system, including to the point of the Project. ODFW Upper Deschutes Watershed District Fisheries staff and ODFW fish passage engineers have made many site visits to inspect the screens, the last one on March 1, 2022. ODFW Upper Deschutes District Fisheries biologists have responded to citizen complaints of adult redband trout (*Oncorhynchus mykiss newberrii*), mountain whitefish (*Prosopium williamsoni*) and brown trout (*Salmo trutta*) being left stranded in pools in the NUID canal as it is dewatered at the end of the irrigation season. In addition, the approach velocities for the current drum screen assembly exceed the required criteria. High approach velocities provide the potential for young fish to become impinged/trapped on the screen face which can result in injury or mortality.

Oregon law ORS 543.765 “Certificate to use water for hydroelectric purposes within artificial delivery system”, requires that development of hydroelectric facilities on conduits have a screened diversion into the conduit itself. On October 21, 2013, as a precursor to approval of the Project, NUID and the ODFW signed a Fish Screening Facility Plan Agreement (Agreement). Per the Agreement, NUID agreed to construct a new fish screen on its canal at the main point of diversion in consultation with ODFW, with NUID ultimately being the responsible party for securing the funds necessary for screening and for the construction of the screening facility at the point of their irrigation diversion on the Deschutes River. The screen is intended to prevent redband trout and other resident fish species from entering the irrigation conduit, including any in-conduit hydro projects. Per ODFW and NUID Agreement, NUID agreed to ensure the construction of a fully compliant and operational Fish Screening Facility to be completed within ten (10) years of the signing of the Agreement, and not later than the start of the irrigation season in 2023. Additionally, the Oregon Water Resources Department Certificate of Water Right (PC 899) issued to NUID on November 18, 2014, for the Monroe Drop Project is conditioned on the water right holder (NUID) constructing, operating, and maintaining all fish screens, by-pass devices and fish passage devices as required by ODFW.

Unfortunately, screening design cost estimates for the NUID Fish Screening Facility exceeded the agreed upon cost fund cap, therefore, at this point, 10 years after the signing of the Agreement, the construction of the screen has not occurred, as the ODFW and NUID seek a mutually agreeable solution to resolving the fish screening issue. To this end NUID and ODFW have continued to work together to find ways for either lowering the cost of the screen as proposed or securing additional funding sources. The U.S. Interior Department recently announced that it is making a \$10 million loan available to the NUID for replacing the two aging fish screens on its main canal in Bend. The Bureau of Reclamation (BOR) indicating that fish exclusion from the canal is necessary to meet current ODFW requirements. In addition to this \$10 million dollar loan, ODFW also just awarded NUID an additional \$750,000 of America Rescue Act funds for the continued planning and construction of the screening facility.

While the recent grant awards and offer of loan to NUID are very positive developments, the potential completion of a compliant screen at the main canal headworks will likely still be a number of years out, during which time fish are still able to enter the canal, and or suffer impingement on the existing screens. Despite the Project’s minor impacts to fish passing through its turbines and associated facilities, the ultimate goal and requirement of the NUID main irrigation canal headworks screening is, that no fish be entrained into the irrigation delivery system and even reach the Project.

ODFW acknowledges many of the Project elements are in line with LIHI certification criteria, however, based on the ongoing potential for significant impacts to the native fish assemblage resulting from diverted streamflow associated with the NUID water supply to the Project, ODFW cannot at this time support LIHI certification for the Project.

Please feel free to contact me at 541-633-1115 or by email at Ted.G.WISE@odfw.oregon.gov, should there be any questions, or should you care for follow-up discussion regarding our comments.

Sincerely,



Ted Wise
ODFW – East Region Hydropower Program Coordinator
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