

UNITED STATES OF AMERICA 67 FERC ¶62,034  
FEDERAL ENERGY REGULATORY COMMISSION

City of Norwich

Project No. 2441-010  
Connecticut

ORDER AMENDING LICENSE TO MODIFY FISH PASSAGE REQUIREMENT  
(Issued April 12, 1994)

On March 14, 1994, the City of Norwich (licensee) filed a request to amend its license for the Second Street Project (FERC No. 2441) to modify the fish passage requirements of article 405. Article 405 requires the licensee, after consulting with the U.S. Fish and Wildlife Service (FWS) and the Connecticut Department of Environmental Protection (DEP), to file detailed design drawings for a denil fish ladder and fish lift. The licensee is further required to construct and begin operating the denil fish ladder by April 1, 1996, and to construct the fish lift to supplement the denil ladder at some time in the future. The timing for construction and operation of the fish lift will be contingent upon the observation of a specified number of fish (approximating the capacity of the denil fish ladder) passing over the project.

Licensee's proposal

The licensee is proposing to forgo the construction of the denil ladder and undertake a single-phase construction effort to install a fish lift sized to accommodate the entire projected anadromous fish run at the project. The licensee explains that advances in the technology of fish lift designs occurred subsequent to its filing of the license application. Because of these technological advances, it is now more economical to construct a single fish lift sized to accommodate the projected future run of anadromous fish. Further, the licensee notes that, if its proposal is approved, it is likely the fish lift can be constructed and operational one year ahead of the schedule stipulated by article 405.

Agency comments

By letter dated February 28, 1994, the FWS proffered their support for the licensee's proposal. The DEP, in their February 6, 1994 comment letter, registered their endorsement for the licensee's proposal, stating that "the proposed lift-only approach is in the best interests of the Thames River anadromous fish resources. "

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Concl usi on

Fish lifts at Commission licensed hydroelectric facilities have proven highly successful in the safe upstream transport of anadromous fish.<sup>1/</sup> The licensee's proposal to construct a fish lift sized to accommodate increases in future demand would avoid having to construct supplemental facilities in the future. This would also avoid any lag-time or delay in meeting the upstream passage needs of migrating fish. Finally, the licensee reports that the single-phase construction of a fish lift would be more economical than the current requirements of article 405.

The licensee's proposal to amend article 405 to allow for the construction of a fish lift sized to accommodate the entire projected fish run would provide greater economic and resource benefits than the current requirements. Accordingly, the licensee's request to amend article 405 of its license should be approved.

The Director orders:

(A) The licensee's request to amend its license filed March 14, 1994, is approved. License article 405 is revised as follows:

Article 405. The licensee shall begin construction of the fish lift and related facilities by April 1, 1995, and shall complete construction so as to begin operation by April 1, 1996.

At least 90 days before the start of any land-clearing or land-disturbing activities related to upstream fish passage construction at the project site, the licensee shall file, for Commission approval, detailed design drawings of the proposed fish lift.

The licensee shall prepare the aforementioned drawings and schedule after consultation with the U. S. Fish and Wildlife Service and the Connecticut Department of Environmental Protection. The licensee shall include with the drawings documentation of consultation, copies of comments and recommendations on the drawings and schedule after they have been prepared and provided to the agencies, and specific descriptions of how the agencies' comments are accommodated by the licensee's facilities. The licensee shall allow a minimum of 30 days for

1/ A fish lift has been used to successfully transport anadromous fish past the Hadley Falls Project (FERC No. 2004) since 1955.

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the agencies to comment and to make recommendations before filing the drawings and schedule with the Commission. If the licensee does not adopt a recommendation, the filing shall include the licensee's reasons, based on project-specific information.

The Commission reserves the right to require changes to the proposed facilities and schedule. No land-disturbing or land-clearing activities shall begin until the drawings are approved. Upon Commission approval, the licensee shall implement the proposal, including any changes required by the Commission.

(B) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R. § 385.713.

J. Mark Robinson  
Director, Division of Project  
Compliance and Administration

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