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Magalie R. Salas,
Secretary.

Environmental Assessment

Project Name: Lewis River Hydroelectric Projects.

FERC Project Numbers: P-935, P-2071, P-2111, P-2213.

May 12, 2003

1.0 Application

1.1 *Application type:* Amendment of License.

1.2 *Date filed:* July 6, 2000.

1.3 *Applicant:* PacifiCorp (Portland, Oregon), Cowlitz PUD (Cowlitz County, Washington).

1.4 *Water body:* North Fork Lewis River.

1.5 *Nearest city or town:* Woodland, Washington.

1.6 *County and State:* Cowlitz, Clark and Skamania Counties, Washington.

2.0 Purpose and Need for Action

On July 6, 2000, PacifiCorp filed an application to amend its licenses for the North Fork Lewis River Hydroelectric Projects (Lewis River Projects) (Merwin P-935, Yale P-2071, and Swift No. 1 P-2111) and supplemented that filing on August 17, 2000. On August 17, 2000, Cowlitz PUD No. 1 (PUD) filed an application to amend its license for the Swift No. 2 Project (P-2213) also located on the Lewis River. The Swift No. 2 Project is operated by PacifiCorp. PacifiCorp and PUD request approval from the Federal Energy Regulatory Commission (Commission) to include within its licenses measures for protecting, enhancing, or mitigating impacts to endangered and threatened and proposed and candidate fish species under the Endangered Species Act of 1973, as amended (ESA). These measures are intended to provide PacifiCorp and PUD with ESA compliance for the Merwin, Yale, and Swift No. 1 and Swift No. 2 hydroelectric projects until collaborative relicensing is completed. By amending its licenses, PacifiCorp and PUD hope to incidental take of listed and proposed species occurring as a result of current facility operations.

3.0 Summary

In this Environmental Assessment (EA), Commission staff review the proposed amendments to the Merwin, Yale, Swift No. 1 and Swift No. 2 licenses to determine if the measures for protecting, enhancing, and mitigating

impacts to fish species listed under the ESA will likely reduce incidental take of those species resulting from the operation of the four projects.

The recommended alternative is approving the amendment of PacifiCorp's and PUD's licenses to adopt and implement the proposed conservation strategy. Incorporating the terms of the conservation strategy into PacifiCorp's and PUD's licenses will significantly reduce incidental take of listed species resulting from operation of the Lewis River Projects. Such conservation measures likewise represent important near-term conservation opportunities that may be lost if not secured while the parties collaboratively devise long-term conservation strategies.

4.0 Background

PacifiCorp and PUD (Licensees) have initiated a collaborative ALP for four hydroelectric projects on the North Fork Lewis River in Cowlitz, Clark, and Skamania counties in southwest Washington. PacifiCorp owns and operates the Merwin, Yale, and Swift No. 1 projects. PacifiCorp operates Swift No. 2 under a 1957 contract with Cowlitz PUD. Under that contract, PacifiCorp has sole charge and responsibility for generation and delivery of the power and energy from Swift No. 2.¹ Each of these projects has a different FERC license number, original license expiration date, and production capacity. See (Table 4.0-1).

TABLE 4.0-1.—FERC LICENSE NUMBER, ORIGINAL LICENSE EXPIRATION DATE, AND PRODUCTION CAPACITY

Project name	Project owner	FERC license No.	License expiration	Capacity (MW)
Yale	PacifiCorp	2071	May 1, 2001	134
Swift No. 1	PacifiCorp	2111	May 1, 2006	240
Swift No. 2	Cowlitz PUD	2213	May 1, 2006	70
Merwin	PacifiCorp	935	May 1, 2006 ¹	136

¹Original license expiration date was 2009.

The current license for the Yale Project expired on May 1, 2001, five years prior to the expiration of the

licenses for Swift Nos. 1 and 2 projects (May 1, 2006) and about eight years before the original expiration date of the

current license for the Merwin Project (December 11, 2009). On April 1, 1999, the Commission approved PacifiCorp

¹ The operating agreement provides, in relevant parts: Whereas, the District and Pacific entered into a contract on June 4, 1957, which provides for the delivery to Pacific of all the power and energy to which the District may be entitled under the terms of said contract and for the withdrawal of all or any part of such power and energy by the District in accordance with the conditions stated in said contract and also provides for the coordinated operation of the said Swift Plants Nos. 1 and 2 so as to produce the optimum project output and such coordinated operation will be facilitated by the operation of both plants under one direction and control and to accomplish such purpose and to

achieve economy of operation Pacific should be authorized to operate Swift Plant No. 2 under the terms and conditions hereinafter set forth.

* * * * *

“Section 3. Manner of Operation of Swift Plant No. 2

(a) Pacific will operate and maintain Swift Plant No. 2 in an efficient manner, consistent with established electric utility practices for the operation and maintenance of hydroelectric projects of similar type and size and in accordance with any applicable provisions of the Federal Power Commission License for Swift Plant No. 2, as the same may be amended from time to time.

(b) Pacific shall perform the work hereunder as an independent contractor and shall not be subject to the control or supervision of the District except as to the results of the work.”

Cowlitz PUD, as licensee, has the right to notice of PacifiCorp's actions and such notice has been given. Cowlitz PUD also may wish to be involved in PacifiCorp's discussions with the Commission staff, USFWS and NMFS (and has been to date). However, as contract operator, PacifiCorp has full discretion to take necessary steps to obtain ESA compliance for its operation of Swift No. 2.