

and PUD's request to use the Commission's ALP and for the simultaneous and coordinated processing of the applications for all four projects.

Section 7(a)(2) of the ESA requires that federal agencies ensure that their actions do not jeopardize federally-listed species. The Commission has recognized PacifiCorp as a non-federal designee under Section 7 in a letter dated October 20, 1999. PacifiCorp has developed a multi-species Biological Assessment (BA) (Attachment A) that includes a number of measures to protect, enhance and mitigate project impacts to proposed and listed species under the ESA for the Commission's review and adoption. In the BA, PacifiCorp requests the Commission to

amend its licenses, which constitutes a federal action triggering a Section 7 consultation. Specifically, PacifiCorp's application for amendment of its licenses to provide ESA compliance for its ownership of three of the facilities (Merwin, Yale and Swift No. 1) and operation of all four projects (Merwin, Yale and Swift Nos. 1 and 2).

5.0 Proposed Action and Alternatives

The Proposed Action is Commission approval of the Application for Amendment of PacifiCorp's (Merwin, Yale, and Swift No. 1) and PUD's (Swift No. 2) Licenses.

5.1 Proposed Measures

The following section describes proposed measures to reduce the effects

of the Lewis River Projects on certain fish species that are listed, proposed for listing, or candidates for listing under the ESA. PacifiCorp proposes to implement pertinent measures upon issuance of license article amendments by the Commission after consultation with the National Marine Fisheries Service (NMFS) and (USFWS) under section 7(a)(2) of the ESA, and subsequent issuance of a Biological Opinion (BO)(Attachment C), and its associated incidental take statement, as it pertains to the proposed operation of the Lewis River Projects. Table 5.1-1 summarizes PacifiCorp's proposed measures. The BO, filed June 28, 2002 by NMFS and USFWS, is consistent with and supports the proposed amendments to the license.

TABLE 5.1-1.—SUMMARY OF PACIFICORP'S PROPOSED MEASURES

Species	Project	Effects	ESA alternatives
Steelhead, Chinook, Chum, Coho and Cutthroat.	Merwin	Instream Flows altered hydrograph ramping.	Change existing ramping rates downstream of Merwin.
Steelhead, Chinook, Chum, Coho and Cutthroat.	Merwin	Upstream Migration Block/reduced habitat.	Provide funds for Clark County to purchase Eagle Island for the protection of anadromous fish rearing habitat.
Steelhead, Chinook, Chum, Coho and Cutthroat.	Merwin	Dewatering/stranding incidents	Implement Merwin redundancy equipment to prevent potential dewatering of riverbed, fish trap and hatcheries. Work with Washington Department of Fish and Wildlife (WDFW) to provide for habitat enhancement measures in the Lewis River and tributaries to benefit salmon populations.
Steelhead, Chinook, Chum, Coho and Cutthroat.	Merwin	Hatchery Program	Continue to fund WDFW Section 10 annual evaluation.
Bull Trout	Yale	Upstream Passage block	Continue net and haul process Enhance/protect habitat upstream at Yale and Swift.
Bull Trout	Yale	Entrainment	Addressed in the ALP discussions Study strobe effectiveness. Develop a preliminary engineering design study to modify the Yale spillway. Purchase Cougar Cr. Area C to protect and enhance spawning/rearing habitat and create a conservation easement.
Bull Trout	Swift	Limited spawning/rearing	Purchase Swift Cr. Area A (Devil's Backbone) to protect bull trout sub-adult.
Bull Trout	Swift	Population Status	Continue PacifiCorp, WDFW and USFWS monitoring program on Swift.

5.1.1 Steelhead, Chinook, Chum and Coho (Downstream From Merwin Dam)

The Lewis River anadromous salmonids, with the exception of the fall chinook, are currently of hatchery origin from other basins and have been supplemented or introduced since the early 1930's. In addition, current management is aimed at maintaining hatchery stocks in the North Fork Lewis River for the purposes of sport harvest (essentially a terminal fishery) (WDFW and Western Washington Treaty Tribes 1997).

Given this background, PacifiCorp proposes to assist with acquisition of lands to protect and enhance fall chinook habitat downstream of Merwin

dam. Chum will benefit from this action as well. The primary purpose is to provide juvenile wild fall chinook rearing to protect the remaining indigenous stock. Coho and steelhead are also known to utilize extensive rearing areas downstream of Merwin dam. PacifiCorp proposes to modify its existing ramping rates and also review the existing license flows downstream of Merwin dam to determine if the current flow regime is suitable for all anadromous species and life stages. In addition, PacifiCorp currently funds WDFW to evaluate hatchery effects on listed salmon and steelhead under a Section 10 permit held by the state and proposes to continue that funding.

Related to the unplanned outage and interruption of flow that occurred on June 6, 1999, PacifiCorp has been working with WDFW to identify measures that would provide for the potential adult salmon and steelhead production that was lost. Elements of the discussion include possible gravel enhancements downstream of Merwin, rehabilitation of a chum spawning site that was inundated by a landslide, habitat improvements on Cedar, Johnson, and Colvin creeks, or purchase of riparian habitat on Cedar Creek. WDFW and PacifiCorp are currently evaluating which of these options to pursue but any one of these will result in benefits to the listed species.