

through the Lewis River ALP. Through the ALP, PacifiCorp is studying temperatures and TDG in the Swift Nos. 1 and 2 tailraces. This may lead to potential equipment modification, subject to USFWS approval, that will reduce TDG and temperature effects while providing for continued operational flexibility.

Protect Swift Bull Trout and Cutthroat Trout Habitat

Information is lacking on bull trout in the Swift Creek arm and the location and status of known sub-adult rearing habitat in Swift reservoir. Therefore, PacifiCorp has entered into a contract with Weyerhaeuser Corporation to purchase lands on the east side of the Swift Creek arm (Devil's Backbone) for protection of shoreline rearing habitat and with the intent of placing a conservation easement along that adjacent riparian zone for the protection of that habitat in perpetuity. Such an easement will be created to protect and conserve the habitat for bull trout, cutthroat trout and other aquatic species and will provide a high level of certainty that long-term benefits will accrue to these species. PacifiCorp shall maintain the property consistent with the conservation easement and BO (Attachment C), and its associated incidental take statement. Such maintenance may include, but is not limited to, planting of vegetation, removal of nonnative or invasive plant species, other vegetation management and installation of boundary markers or fences. PacifiCorp will coordinate with USFWS and NMFS on maintenance and management of lands subject to the conservation easement.

This proposed conservation easement will result in increased protections for the adjacent riparian zone beyond that currently required by the Washington Forest Practice Act and associated regulations. For example, NMFS believes these regulations do not provide properly functioning riparian and instream habitats. Specifically, NMFS believes the base regulations do not adequately address LWD

recruitment, tree retention to maintain stream bank integrity and channel networks within floodplains, and chronic and episodic inputs of coarse and fine sediment that maintain habitats that are properly functioning for all salmonid life stages. Therefore, the proposed placement of a conservation easement on these areas will benefit salmonids by enhancing and protecting the productivity of aquatic habitat in this area, providing such benefits in perpetuity.

Continue Population Monitoring

PacifiCorp has been funding and participating in a WDFW/USFWS cooperative Swift bull trout population monitoring project since 1988. Currently, WDFW is utilizing a visual mark-recapture protocol to estimate reservoir population size. PacifiCorp proposes to continue providing partial funding and in-kind services to maintain the Swift population monitoring database.

5.1.3 Alternatives

Commission staff considered the Proposed Action and No Action alternatives until collaborative project relicensing is completed. Commission staff believe the Proposed Action is preferable because the proposed conservation measures will likely provide beneficial effects for listed, proposed and candidate fish species in the North Fork Lewis River project area. Securing essential habitat for listed species is important because these lands could be sold and developed in the future.

5.2 Reasonable Alternatives

No alternatives to PacifiCorp's proposed measures were identified. Commission staff considered the Proposed Action and No Action until a new project license is issued by the Commission. No other alternatives were identified that met the purpose of providing near term ESA compliance. As discussed earlier, the Commission approved the use of the ALP for the Lewis River projects. A Collaborative

Team consisting of PacifiCorp, PUD, federal, state, county and city agencies, the Yakama Nation, the Cowlitz Indian Tribe and non-governmental organizations and private citizens are working together to complete the relicensing process. Through this process, PacifiCorp proposed to negotiate a comprehensive settlement agreement covering natural and social resource management measures for the new license terms of its projects, including long term conservation strategies for ESA compliance. Thus, the measures in the PacifiCorp's BA (Appendix A) represent important near-term conservation opportunities that can provide immediate benefits to aquatic species in the Lewis River Basin while recognizing that the Collaborative Team would devise a long-term conservation strategies in the ALP settlement for ESA compliance.

Commission staff believe the Proposed Action is preferable because the proposed conservation measures will likely provide immediate benefits for listed, proposed and candidate fish species in the North Fork Lewis River project area. Securing essential habitat for listed species is important because these lands could be sold and developed in the future, subsequently becoming lost opportunities.

5.3 No Action Alternative

The No Action alternative would require denying the inclusion of ESA compliance measures within the Lewis River Projects' licenses. A denial would maintain the status quo and result in a lost opportunity to purchase and protect essential habitat for the species in the near term prior to settlement or new licenses.

6.0 Consultation

6.1 Motions To Intervene and Comments on the DEA

The Commission publicly noticed the licensee's application on July 6, 2000. Table 6.1-1 lists those who filed motions to intervene.

TABLE 6.1-1.—LIST OF INTERVENORS

Agency	Action	FERC project No.	Date filed
USDOJ	Motion to Intervene	P-935-037, P-2071-015, P-2111-011, P-2213-002.	Oct. 11, 2000.
NMFS	Motion to Intervene	P-935-037, P-2071-015, P-2111-011, P-2213-002.	Oct. 16, 2000.
State of Washington	Motion to Intervene	P-2213-002	Oct. 13, 2000.
PacifiCorp	Motion to Intervene	P-2213-002	Oct. 4, 2000.
Cowlitz PUD	Motion to Intervene	P-935-037, P-2071-015, P-2111-011	Oct. 4, 2000.
American Rivers	Motion to Intervene	P-935-037, P-2071-015, P-2111-011, P-2213-002.	Oct. 16, 2000.