
COMMUNICATIONS PROTOCOL

**COMMUNICATIONS PROTOCOL FOR THE
ALTERNATIVE PREFILING CONSULTATION PROCESS
For PacifiCorp's Existing Yale, Swift No. 1 and
Merwin Hydroelectric Projects, FERC Nos. 2071, 2111 and 935, respectively**

and

**For Public Utility District No. 1 of Cowlitz County's Existing
Swift No. 2 Hydroelectric Project, FERC No. 2213**

I. INTRODUCTION

This Communications Protocol will provide a framework for coordination and dialogue among all parties involved in the prefiling consultation and environmental review process for the projects referenced above (collectively, the "Projects") pursuant to the alternative administrative process authorized by the Federal Energy Regulatory Commission ("FERC"). 18 CFR § 4.34(i) (the "Alternative Procedures"). The prefiling consultation and environmental review will be coordinated with the preparation of applications for the Project licenses, as described more fully in the attached Proposed Process document (Exhibit H of the letter to Ms. Carol Sampson, Director of the Office of Hydropower Relicensing at FERC, dated January 21, 1999, (the "Letter")). Public Utility District No. 1 of Cowlitz County ("Cowlitz PUD") and PacifiCorp (collectively, the "Licensees") intend to prepare the applications for licenses and a multiproject Preliminary Draft Environmental Assessment (the "PDEA") for the Projects and to file the applications and the PDEA with FERC simultaneously. The PDEA will include all information normally included in each Exhibit E, as required in FERC's regulations, and will replace the Exhibit E in each license application, thereby eliminating the need to prepare two separate documents containing essentially the same information.¹ The multiproject PDEA will be adapted, as necessary, to each individual application.

The relicensing process for the Projects, including the scoping and review of the PDEA and its supplements, is open to the general public and public participation is encouraged. The Licensees and FERC regulations envision the active involvement of FERC, its staff and a

¹ The PDEA is intended to be used by FERC to assist FERC in its own independent analysis of the Projects under the National Environmental Policy Act ("NEPA"). The PDEA is not intended to reduce or otherwise change FERC's legal obligation under NEPA, nor is any interested party precluded from asking FERC to conduct further environmental review under NEPA.

number of state and federal resource agencies, Indian tribes and nongovernmental organizations (collectively, the “Participants”).

The Licensees recognize that communications among the Licensees, the Participants and other interested parties² (the “Interested Parties”) and FERC, including FERC staff as appropriate, in the pre-filing consultation and environmental review process is an important issue. The Licensees further recognize that care must be exercised in the pre-filing consultation and environmental review processes to ensure that information is conveyed among the Licensees, the Interested Parties and FERC in a regular and predictable manner that is open to public view. Such close communication is necessary to ensure the timely collection and proper presentation of the relevant environmental data as well as the conveyance of guidance, advice and other communications from FERC to the Licensees and the Interested Parties.

The following section outlines the primary mechanisms for communication among the Licensees and the Interested Parties.

II. COMMUNICATION MECHANISMS AND GUIDELINES

A. *General Communication Mechanisms*

In June 1998, the Licensees circulated a draft Communications Protocol to a number of potential Participants and solicited their comments. Every written comment the Licensees received expressed an interest in receiving relicensing materials in electronic format and asked the Licensees to publish such material on an Internet Web site. In response, the Licensees are working to create one or more Web sites, one of which will be located at PacifiCorp’s existing Internet Web site, www.pacificorp.com.

Unless otherwise set forth below, the Licensees and the Interested Parties will use the following communications procedures:

² There is a distinction between the “Interested Parties,” a term that includes any interested person or group, and active participants in the licensing process. The “Participants” is intended to be an actively involved subset of the “Interested Parties.”

	Primary	Backup
Meeting notices	Web and e-mail	Hard copy
Meeting minutes	Web and e-mail	Hard copy (by request)
Major documents	Web	Hard copy (by request)
Written contact logs	Web and e-mail	Hard copy (by request)
Correspondence:		
From the Interested Parties to the Licensees or FERC	Hard copy to addressee; e-mail to the Interested Parties and the Licensees	Disk or e-mail
From the Licensees to all	Web and e-mail	Hard copy (by request)
Status reports	Web and e-mail	Hard copy (by request)

If possible, the Licensees request that all hard copy correspondence be backed up by e-mail or disk so that the document can be posted on the Web.³

If any document that triggers a response deadline is posted on the Web site(s), e-mail notice of the deadline shall be provided.

B. *Service List*

The Licensees will compile and maintain a service list of all the Interested Parties and will post the service list on the Web site(s). The service list will include the address, telephone number, fax number and e-mail address of each Interested Party. The list will include those agencies, organizations, individuals and groups that request to be added through written communication with FERC or the Licensees, through sign-in sheets at public meetings or through written comment letters sent to the Licensees regarding the Projects. The service list will be used to provide notice of any public meetings that will be held as well as notice of the

³ The Web site(s) may contain information that is not part of the Public Review File described in Section II.H., below. One Participant has asked that the entire Public Review File be available on the Web, downloadable in PDF, DOC or TXT. The Licensees are exploring the feasibility of this approach.

availability of information for public review. Individuals on the service list will receive all communications via e-mail and the Licensees' Web site(s). Hard copies will be provided upon request.

Any Interested Party that does not have an e-mail address or access to the Internet may request to be placed on a mailing list to receive hard copies of notices and other documents. The Licensees will compile and will periodically update such a mailing list and will distribute it to the Interested Parties. The Licensees and the Interested Parties will communicate with the individuals on such list through hard copies sent via U.S. Mail.

C. *Public Meetings*

All formal public meetings (i.e., scoping meetings and public meetings on the PDEA) will be noticed in local newspapers and in any other appropriate local forums. In addition, the Licensees will make every effort to notify the service list at least 30 days before the meeting date.

The Licensees will make every effort to provide a draft agenda to the service list at least 15 days before scheduled meetings. The Interested Parties may submit proposed changes in writing within five working days of receipt of the draft agenda. At the meeting, the Licensees will explain to the requester any decision not to include such a change in the final agenda. The Licensees will make a verbatim record of each public meeting for inclusion in the Public Review File as described below.

D. *Coordination Meetings*

Meetings among the Licensees and the Participants will be conducted either in person or by teleconference as needed throughout the process. The meetings in person will likely be held near the Projects and other locations such as Olympia and Seattle, Washington and Portland, Oregon. The meetings will be documented in minutes to be included in the Public Review File described below. The Licensees will also make every effort to notify each Participant of meetings at least 30 days before the meeting date. The Licensees will make every effort to provide a draft agenda and written information to be discussed at the meeting to all the Participants at least 15 days before scheduled meetings. The Participants may submit in writing, within five working days of receipt of the draft, proposed changes to the agenda. At the meeting, the Licensees will explain to the requester any decision not to include such a change in the final agenda.

Any Participant may make a written request that the Licensees issue notice for and convene a meeting, either of all the Licensees and the Participants or of an established subgroup. The request will include a concise statement of the justification for the meeting. If the Licensees decline to convene a requested meeting, they will provide a written explanation to the requester. The explanation will be included in the meeting minutes.

If a substantive issue is raised during any coordination meeting that requires communication with FERC staff, the person who will initiate the contact with FERC staff will provide e-mail notice to the Licensees and the Participants of the date and time of the contact to FERC so that interested Licensees and Participants may join in the communication.

E. *Other Teleconference Communications*

The Licensees and the Participants may participate in periodic teleconference calls to consult on various matters. Such calls will be documented in minutes or summary reports to be included in the Public Review File as described below.

F. *Written Communications*

Copies of all Project-related written materials provided to FERC will be kept in the Public Review File and will be available to the public consistent with the public records procedures set forth in the Freedom of Information Act. All materials submitted to FERC by the Licensees, the Participants or other Interested Parties, and correspondence from FERC to such parties, will be made available for publication and published on the Licensees' Internet Web site(s) as described in Section II.A. above. All written communications, including fax communications, regarding the relicensing of the Projects, which any Interested Party intends to become part of the Public Review File, should be addressed to Dave Leonhardt of PacifiCorp, 825 NE Multnomah, Suite 1500, Portland, OR 97212 and to Dennis Robinson of Cowlitz PUD, 961-12th Avenue, Longview, WA 98632. If possible, all such correspondence should be sent in hard copy and backed up by disk or e-mail so that it can be posted on the Web site(s).

G. *Written Contact Logs*

In order to address FERC's ex-parte requirements, the Licensees will maintain written logs documenting all verbal communications between the Licensees and FERC or FERC staff regarding the pre-filing consultation process and preparation of the PDEA. FERC staff will maintain written logs documenting all verbal communications between FERC or FERC staff and third parties regarding the pre-filing consultation process and preparation of the PDEA. Contact log sheets will include all information pertinent to the communication (i.e., name and title of individuals involved, date of communication, issues discussed and actions to be taken). Copies of these logs will be included in the Public Review File as described below.

H. *Public Review File*

The Public Review File constitutes the formal written record of the pre-filing consultation process. The Public Review File will include copies of written correspondence,

transcripts of public meetings, minutes of all coordination meetings, teleconference communication summaries, any corrections to or comments on meeting minutes or teleconference communication summaries submitted by any person who participated in the meeting or teleconference, study plans and reports, periodic progress reports and contact logs documenting communications between the Licensees or the Participants and FERC. The Public Review File will be made available at the following locations for review by the public:

PacifiCorp's Hydro Resources Department
825 NE Multnomah, Suite 1500
Portland, OR 97212

Cowlitz PUD
961 12th Avenue
Longview, WA 98632

and

FERC
888 First Avenue, NE
Washington, DC 20426

Materials will be available for review and copying by any member of the public at these three locations. Paper copies in addition to those distributed as part of the consultation process will be available at PacifiCorp and Cowlitz PUD for a reproduction cost of \$0.15 per page. All requests for additional hard copies should clearly indicate the document name, date and relevant FERC Project Number.

The Licensees will make a good faith effort to maintain a current index for the Public Review File.

III. COMMUNICATION RESPONSIBILITIES

A. *The Licensees*

The Licensees shall:⁴

1. Coordinate agency and public consultations during the pre-filing consultation process and preparation of the PDEA;

⁴ One Participant suggested that the role of the Facilitator be described. While there will be a Facilitator involved in the process, the communication responsibilities set forth in this document rest with the Licensees and the Participants.

2. Communicate with FERC as necessary;
3. Establish and maintain service lists of the Participants and the Interested Parties;
4. Compile and distribute copies of all relevant communications to FERC and other Participants;
5. Schedule, host and participate in all public meetings, coordination meetings and teleconferences;
6. Maintain contact log sheets in chronological order that list the communications, reports and meetings documented in the Written Contact Logs and Public Review File and distribute such contact log sheets to the service list on a quarterly basis;
7. Prepare minutes or summaries of all public meetings, coordination meetings and teleconference calls and make every effort to serve them on the people who attended the meeting or participated in the call within one week of the meeting or call;
8. Prepare regular reports on the status of the PDEA and the applications for new licenses for the Projects. The status reports will include issues or topics raised by the Participants and the Licensees, the results of completed studies and analyses and updates on PDEA development. Each report will be maintained in the Public Review File discussed above. These reports will be filed with FERC and will be issued quarterly. Copies will be provided to all the Participants; and
9. File with FERC a copy of an initial information package, each scoping document and the PDEA. All filings will include the number of copies required by 18 CFR § 4.34(h). Copies of these filings will be sent to each Participant or other person who requests a copy.

B. *The Participants*

The Participants shall:

1. Make every effort to attend and participate in scheduled meetings and teleconferences;
2. Make every effort to submit additions or corrections to meeting and teleconference minutes or summaries within 15 days of service;
3. Where available, provide information and data from their files to assist the pre-filing consultation process and preparation of the PDEA;

4. Respond to requests for identification of necessary scientific studies; review information and documents and make every effort to provide comments in a timely manner as identified in the Proposed Schedule of Major Milestones; and

5. Communicate with FERC as necessary.

C. *FERC*

FERC shall:

1. Attend or otherwise participate in coordination and scoping meetings;

2. Provide guidance regarding preparation of the PDEA;

3. Review and provide comment on the PDEA;

4. Communicate with the Licensees or their consultants as necessary; and

5. Provide the Licensees on a regular basis with copies of all communications and contact logs generated or received by FERC.