

Lewis River Hydroelectric Projects

Shoreline Management Plan



PACIFICORP
PORTLAND OREGON

LEWIS RIVER HYDROELECTRIC PROJECTS
FERC Nos. 935, 2071, 2111

SHORELINE MANAGEMENT PLAN

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PACIFICORP
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SHORELINE MANAGEMENT PLAN

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Management Plan

PACIFICORP

**LEWIS RIVER HYDROELECTRIC PROJECTS
FERC Nos. 935, 2071, 2111**

SHORELINE MANAGEMENT PLAN

EXECUTIVE SUMMARY

This Shoreline Management Plan (SMP) governs certain areas on, under, and abutting the reservoirs of the Lewis River Hydroelectric Projects (Merwin, Yale, and Swift No. 1¹). Specifically, the SMP applies to areas within the SMP Boundary, which is generally the elevation contour ten feet above the Ordinary High Water Line of the reservoirs, but also includes other areas required for operation of the Projects. These areas within the SMP Boundaries are called Shoreline Areas; they are jurisdictional lands under the SMP. PacifiCorp owns some parts of the Shoreline Areas and holds flowage easements in the remaining parts.

As PacifiCorp operates the Projects as a unified system, PacifiCorp requested that the FERC accelerate the Merwin license expiration and defer the processing of the Yale license renewal so the FERC could consider the license applications for all of the Lewis River Projects (including The Swift No. 2² owned by Public Utility District No. 1 of Cowlitz County, Washington) and, in light of the “Lewis River Hydroelectric Projects Settlement Agreement” (Settlement Agreement), address environmental issues in a single, concerted effort. The FERC granted those requests and subsequently issued licenses for the Projects on June 26, 2008.

Over the period of the past licenses, increasing development and competing uses for resources at the Projects pointed to the need for a clearly defined, comprehensive and consistent management strategy for the Projects’ shorelines during the term of the new licenses. In anticipation of the FERC’s approval of the Settlement Agreement and license issuance, and because of the increasing resource demands at the Projects, PacifiCorp began the process of developing a SMP in 2007. The process was initiated by briefing the various coordinating committees established

¹ Merwin is FERC Project No. 935, Yale is FERC Project No. 2071, and Swift No. 1 is FERC Project No. 2111.

² FERC Project No. 2213.

in the Settlement Agreement³ on the need for comprehensive shoreline planning and PacifiCorp’s intent to develop a SMP for the Projects. PacifiCorp periodically met with and advised the committees of its progress during the course of developing the plan. In an effort to hear and, where possible, address the concerns of a broader stakeholder group, PacifiCorp held a series of public meetings regarding the development of the SMP. PacifiCorp held a “listening session” near the Merwin Hydroelectric Project in August 2007, and subsequently met with local citizens on February 6, 2008 to present the initial working draft SMP to interested stakeholders. PacifiCorp used these meetings to educate stakeholders, in particular adjacent property owners, regarding the goals and objectives, implications and expectations of the plan. Throughout the SMP development process, PacifiCorp continued to update existing resource coordinating committees on the status and content of the SMP. In addition, PacifiCorp provided the opportunity throughout the process for anyone to identify interests and concerns directly to the SMP development team. Approximately 100 stakeholders contacted PacifiCorp regarding the SMP development process. Their comments included:

- requests for PacifiCorp to review and reconsider draft shoreline classifications and shoreline maps at specific locations,
- recommendations that SMP policies limit any further shoreline uses at the Projects,
- recommendations that the SMP facilitate additional private shoreline uses,
- recommendations that the SMP address how and if shoreline uses may be used for commercial activities,
- questions regarding general shoreline management and erosion control,
- request for more formalized and specific standards for shoreline uses, and
- requests for additional public and private shoreline facilities.

PacifiCorp has incorporated and addressed stakeholder comments, where possible, and has reviewed recommendations for changes in the draft shoreline classifications at specific sites. Where appropriate, revisions were made to the previous draft document.

³ The committees include representatives from the resource agencies, as well as local governments and other parties to the Lewis River Settlement Agreement

This SMP provides a comprehensive plan for managing the Projects' shorelines. This document draws its management strategies, policies, and practices from PacifiCorp's existing practices, the FERC directives and guidance, information gained from the coordinating committees, state and local regulatory agencies, political subdivisions and public comments. The plan considers PacifiCorp's operations and stewardship responsibilities, the FERC license requirements, public access and use, and the need to manage future growth and changing use patterns proactively, while managing the environmental, cultural, recreational and socioeconomic resources entrusted to PacifiCorp.

On January 16, 2014 the FERC issued an *Order Modifying and Approving Shoreline Management Plan*. In review, the FERC determined that with noted modifications, the SMP would not adversely affect any Project resources and would serve as a tool to assist in effectively analyzing appropriate shoreline uses within the SMP Boundary and would provide a supportable and defensible means for shoreline management and permitting decisions. The FERC order is attached as Appendix C.

ACRONYMS AND ABBREVIATIONS LIST

APE	Area of Potential Effects
BMP	Best Management Practice
DAHP	Department of Archaeology and Historic Preservation
EA	Environmental Assessment
EIS	Environmental Impact Statement
ESA	Endangered Species Act
FERC	Federal Energy Regulatory Commission
FPA	Federal Power Act
FPC	Federal Power Commission
GIS	Geographic information system
HEP	Habitat evaluation procedure
HPMP	Historic Properties Management Plan
msl	mean sea level
MW	Megawatt
MWHMA	Merwin Wildlife Habitat Management Area
MWHMP	Merwin Wildlife Habitat Management Plan
NHPA	National Historic Preservation Act
NPS	Nonpoint source
NRHP	National Register of Historic Places
OHWL	Ordinary High Water Line
PD	Project Datum
PM&E	Protection, mitigation, and enhancement
PUD	Public Utility District
PWC	Private Watercraft
RM	River mile, numbered from mouth to source
ROW	Rights-of-way
RRMP	Recreation Resource Management Plan
RT&E	Rare, threatened, and endangered
SCORP	Statewide Comprehensive Outdoor Recreation Plan
SEPA	State Environmental Policy Act
SHPO	State Historic Preservation Office
SMC	Shoreline Management Classification
SMP	Shoreline Management Plan
USACE	U.S. Army Corps of Engineers
USFWS	U.S. Fish and Wildlife Service
VMP	Vegetation Management Plan
WDOE	Washington Department of Ecology
WDFW	Washington Department of Fish and Wildlife
WDNR	Washington Department of Natural Resources
WHMP	Wildlife Habitat Management Plan
WMA	Wildlife Management Area
WHMP	Wildlife Habitat Management Plan
TCP	Traditional cultural properties
USFWS	U.S. Fish and Wildlife Service

STANDARD TERMS LIST

Terms defined in the Federal Power Act, the Project License, and the Shoreline Management Plan have the same meaning in this Handbook as in the Federal Power Act, the Project License, or the Shoreline Management Plan, unless defined differently, below.

Acre-Feet	The amount of water required to cover one acre of ground (43,560 feet) to a depth of one foot.
Allowable Use	A Non-Project Use or activity that may occur within the Shoreline Management Plan Jurisdictional Boundary (SMP Boundary) for which a permit from PacifiCorp and/or a Jurisdictional Entity may be required.
Applicant	A proponent of a Non-Project Use applying for a permit from PacifiCorp.
Boat Ramp	An alteration to the shoreline allowing for loading and unloading of watercraft. A boat ramp may be paved or unpaved, with or without public access rights.
Commercial Facility/Use	Facilities and uses intended to serve non-residential enterprises operated, directly or indirectly, for financial profit or gain.
Commission	See Federal Energy Regulatory Commission.
Community	A non-commercial use by two or more unrelated parties.
Community Dock	A non-commercial dock system that is used and maintained by multiple individuals, parties or entities for their mutual convenience. Community docks must be owned and maintained by adjacent landowners, homeowner associations, and/or residents of a specific subdivision or other similar groups.
Coordinating Committees	Resource-specific, collaborative groups comprised of Settlement Agreement representatives organized during relicensing. Committees are to coordinate implementation of the protection, mitigation, and enhancement measures identified in the Settlement Agreement.
Dock	A manmade shoreline structure used to secure, protect, and provide access to boats or personal watercraft or for recreation (e.g. fishing, wildlife viewing, etc.). “Dock” is used interchangeably with “pier” in this Shoreline Management Plan.
Drawdown	The act of discharging of water to lower reservoir storage levels.

Dredge	To disturb or remove any material below the Ordinary High Water Line (OHWL) of a reservoir, stream, or river.
Drydock	Any fixed apparatus used to store, land or launch watercraft from the shoreline or from a dock; a marine trestle, railway, or tram used for the same purposes.
Exempt Activities	Activities within the Lewis River Projects that do not require a Shoreline Use Permit.
Federal Energy Regulatory Commission/FERC	Regulatory federal agency responsible for issuing license(s) for hydroelectric generation and mandating/conditioning such licenses to accommodate Project Operations, environmental and cultural resource protection, and public access.
FERC Form 80	FERC report process for periodic review of recreation use.
FERC License	The license issued by the FERC for a Project, setting forth the rights, privileges and responsibilities of Licensees and others using Project Lands.
Fill	To add any solid material within the OHWL of a reservoir, river, or stream.
Flood Plain	The relatively level area of land bordering a waterbody or channel inundated during moderate to severe floods.
Flowage Easement	A right of the owner of the easement to flood the land of another.
Footpath	A trail, passage or access way to the shoreline. Paths are natural and do not require construction; however they may involve limited clearing of vegetation and placement of materials such as woodchips to define the access.
Foreshore	The part of the shore between the high-water mark and low-water mark.
General Conditions	Permit terms and conditions applicable to all permitted Non-Project Uses.
Habitable Structures	Living quarters or other enclosed structures intended for or routinely used for human occupation.
Historic Properties Management Plan	A plan for managing cultural resources within the Lewis River Projects' project boundaries, developed in consultation with the Cultural Resources Work Group during relicensing.

Inconsistent Use	A Non-Project Use that is not listed as an Allowable Use within the SMP. These types of uses may require the FERC approval before PacifiCorp issues a permit.
Industrial	Heavy construction, manufacturing, or other commercial production enterprises.
Initiate Consultation	First contact by owners of or applicants for Non-Project Uses with PacifiCorp to begin permitting process.
Integrated Use	A Shoreline Management Classification in the Shoreline Management Plan that includes those Project Lands within the SMP Boundary having no known significant environmental/cultural resources or associated resource management goals that would preclude existing Non-Project Uses or that would be incompatible with future Allowable Uses.
Jurisdictional Entity	Any (local, state, or federal) governmental entity that has jurisdiction (or has been requested by PacifiCorp) to regulate a proposed or existing Non-Project Uses.
Lewis River Projects	PacifiCorp’s three FERC-licensed Projects located on the Lewis River: Merwin Project (FERC Project No. 935); Yale Project (FERC Project No. 2071); and Swift No. 1 Project (FERC Project No. 2111).
Licensee	Holder of the FERC license (e.g. PacifiCorp)
Light Commercial	For-profit, water-dependent enterprises likely to have a minor impact on Project resources. These activities include guide services; slip rentals, watercraft rentals etc.
Log Boom	A chain of floating logs (or other floating barrier) placed in a waterway to obstruct navigation or enclose floating objects.
Marina	A commercial “full service” boating facility providing fuel and/or pump out facilities and/or equipment repair.
Marine Trestles, Railways, Trams & Lifts	Mechanical devices used to land or launch vessels from the shoreline.
Mooring	A chain, pylon, buoy, or other non-dock structure used to secure a watercraft in place.
Multi-boat Slip	A pier, dock, or float where more than two watercraft are berthed, moored, or used for embarking or disembarking.

Naturalized Erosion Control	Methods such as planting vegetation or placement of native materials to stabilize eroding slopes.
Non-point Source Pollution	A pollution source that cannot be defined as originating from discrete points such as discharge from a pipe. Areas of fertilizer and pesticide applications, atmospheric deposition, manure, and natural inputs from plants and trees are types of nonpoint source pollution.
Non-Project Use	Any activity or structures within the SMP Boundary not related to Project operations.
Ordinary High Water Line	A designated elevation in Exhibit G of the FERC license intended to correspond to the actual high water line around a Project reservoir during normal operation (a/k/a “normal high water line”).
PacifiCorp	The Licensee for the Lewis River Projects (FERC Nos. 935, 2071, 2111).
Permanent Use	Any Non-Project Use expected to endure longer than 30 days.
Permit	A written, revocable authorization from PacifiCorp or a Jurisdictional Entity that approves a shoreline use but that does not convey a property right.
Permitted Use	A Non-Project Use that has been authorized by PacifiCorp.
Pier	See “dock”.
Pre-application Screening	A meeting between a Shoreline Use Permit Applicant and PacifiCorp staff (may be held at the proposed use site prior to submittal of a completed application) for the purpose of discussing the proposed Non-Project Use.
Prior Existing Use	An existing Non-Project Use established prior to January 1, 2008.
Private Dock	A non-commercial dock associated with a community or single-family residence for which no compensation is/will be received by the owner of the dock for its use.
Private Recreation Facilities	Facilities developed by adjacent private property owners for outdoor recreation activities that are not open to the public. These include picnic and event facilities
Private Use	A non-commercial, Non-Project Use.

Project(s)	Any (or all) of the Lewis River Projects (FERC Nos. 935, 2071, 2111) as defined in their respective FERC licenses.
Project Boundary	The outer extent of a Project, as recognized by the FERC in Exhibit G of a FERC license. Collectively the Swift No. 1, Yale, and Merwin project boundaries enclose approximately 13,000 acres that is managed under the Wildlife Habitat Management Plan.
Project Lands/Project Area	All land located within the Project Boundary. The phrase “on Project Lands” includes activities or uses on water overlying Project Lands.
Project Operations	Any use of Project Lands (including operation of the reservoirs, maintenance, studies and other actions) by PacifiCorp or its agent undertaken pursuant to, or in conformance with, the Project license.
Project Works	A Shoreline Management Classification in the Shoreline Management plan that includes those Project Lands within the SMP Boundary occupied by Project features such as dams, powerhouses, and ancillary structures as well as Project Lands necessary to meet any requirements of the FERC license, such as Public Recreation Sites and fish production facilities.
Public Recreation Sites	Project Lands designated for public recreational uses such as camping, boating, hiking, or other appropriate activities, and structures related thereto. Public Recreation Sites are classified as Project Works under the Shoreline Management Plan’s Shoreline Management Classification system.
Recreational Resource Management Plan	A plan prepared during relicensing and incorporated into the FERC license under the terms of the Settlement Agreement. The Plan represents a single “umbrella” protection, mitigation, and enhancement (PM&E) measure to guide recreation resource management at the Lewis River Projects for the term of their licenses.
Relicensing	The process of acquiring a new FERC license for an existing licensed hydroelectric Project.
Resource Management	A Shoreline Management Classification in the Shoreline Management Plan that includes those Project Lands within the SMP Boundary designated for specific resource management, species protection, and environmental purposes.
Retaining Walls	A structure that is employed to restrain a vertical-faced or near-vertical-faced mass of earth. The earth behind the wall may be

either the natural embankment or the backfill material placed adjacent to the retaining wall.

Rip-Rap	A loose assemblage of broken stones erected in water or on soft ground to provide stabilization and erosion control.
Settlement Agreement	The collaborative agreement filed with the FERC to resolve the relicensing of the Projects. The Settlement Agreement was developed among PacifiCorp and stakeholders (e.g., resource agencies and other interested parties) and details the proposed license article language, resource management goals and objectives, and implementation strategies to accomplish those goals.
Shoreline Areas	Those areas generally defined as lands within the elevation contour 10 feet above the Ordinary High Water Line (OWHL) for each reservoir.
Shoreline Use Permit	A permit issued by PacifiCorp specifying terms and conditions governing a Non-Project Use (“Permit”) within the SMP Boundary.
Shoreline Management Classification	A designation of an area within the Lewis River Projects under the Shoreline Management Plan that defines the types of uses allowed within that area (e.g. Integrated Use, Resource Management, or Project Works). See Appendix A for maps showing the Shoreline Management Classification of Project Lands at the Lewis River Projects.
Shoreline Management Plan	A plan describing how PacifiCorp will manage and regulate Non-Project Uses at the Lewis River Projects.
Shoreline Management Plan Jurisdictional Boundary or SMP Boundary	The Boundary around Shoreline Areas either owned by PacifiCorp or contained within PacifiCorp’s flowage easements, to which PacifiCorp applies specific conditions and requirements related to temporary and permanent activities and uses.
Single Family Dock	Private, non-commercial shoreline structure designed for mooring and docking private vessels associated with a single family residence.
Specific Conditions	Permit terms and conditions on Non-Project Uses tailored to meet the specific use.
Stairways and Walkways	A constructed passage or path for shoreline access.

Stakeholders	The public (both resident and non-resident), tribes, federal and state resource agencies, non-governmental organizations, and other parties interested in the operations of the Lewis River Hydroelectric Projects.
Tailrace	Channel through which water is discharged from the powerhouse turbines.
Use	A structure or an activity.
Vegetation Management	The act of removing, trimming, planting, or otherwise altering shoreline vegetation.
Vista Pruning	Any trimming, cutting or other pruning activity within PacifiCorp flowage easements designed to enhance the view of the Project by a property owner adjacent to the SMP Boundary.
Wildlife Support Facilities	Structures such as nesting platforms, watering devices or other facilities developed to enhance, protect, or promote wildlife management.

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LEWIS RIVER HYDROELECTRIC PROJECTS
FERC Nos. 935, 2071, 2111

SHORELINE MANAGEMENT PLAN

1.0 INTRODUCTION

This Shoreline Management Plan (SMP) governs certain areas on, under, and abutting the reservoirs of the Lewis River Hydroelectric Projects (Merwin, Yale, and Swift No. 1⁴). Specifically, the SMP applies to areas within the SMP Boundary, which is generally the elevation contour ten feet above the Ordinary High Water Line of the reservoirs, but also includes other areas required for operation of the Projects. These areas within the SMP Boundaries are called Shoreline Areas; they are jurisdictional lands under the SMP. PacifiCorp owns some parts of the Shoreline Areas and holds flowage easements in the remaining parts. The Public Utility District No. 1 of Cowlitz County, Washington (Cowlitz PUD) owns the Swift No. 2 Project⁵ that captures the discharge from PacifiCorp’s Swift No 1 Project⁶ and discharges directly into Yale reservoir. The Swift No. 2 Project has no shoreline area.

This SMP for the Projects includes the following:

- descriptions and maps of the areas affected by the SMP at the Projects,
- a discussion of PacifiCorp’s management goals and objectives,
- definitions of land use management classifications ,
- descriptions of the Allowable Uses of the Projects’ shorelines,
- shoreline management guidelines for lands within the SMP Boundary
- a process for the evaluation of new shoreline facilities or activities under the classification and permitting system,
- a description of PacifiCorp’s permitting system,
- a discussion of agency consultation and enforcement issues, and
- a monitoring and amendment process for the SMP.

⁴ Merwin is FERC Project No. 935, Yale is FERC Project No. 2071, and Swift No. 1 is FERC Project No. 2111.

⁵ FERC Project No. 2213

⁶ Swift No.2 does not include a dam or reservoir and is not owned by PacifiCorp. Swift No. 2 is not considered further in the SMP.

1.1 Project Description

The Projects are located in the Lewis River basin of southwestern Washington. The upstream sequence of the Projects from the confluence of the Lewis and Columbia Rivers is as follows: Merwin, Yale, and Swift (Figure 1-1). The Projects represent a linked reservoir/powerhouse system extending over 30 miles of the Lewis River. They are operated in a coordinated fashion to achieve benefits for power production, high river flow management, recreation and natural resource protection. The Projects use the water resources within the Lewis River basin from elevation 50 feet mean sea level (msl) (Merwin Hydroelectric Project tailwater) to 1,000 ft msl (Swift normal pool). The total usable storage in the reservoirs is 814,000 acre-feet.

The total installed generation capacity for the three Projects is 510 megawatts. The Projects are used to maximize the value of PacifiCorp's generation assets and power purchases to provide customer benefits. The operational flexibility of the Projects enhances PacifiCorp's ability to ensure system reliability and meet customer and grid fluctuating power requirements. PacifiCorp provides power to the regional grid, serving the company's 1.5 million residential and commercial customers. In addition, under a 1983 contract with the Federal Emergency Management Agency (FEMA), PacifiCorp, within the Lewis River Projects, provides a minimum of 70,000 acre-feet of flood storage between November 1 and April 1 of each year, which allows most high-runoff events to be controlled to a release of 60,000 cubic feet per second (cfs) or less.

Swift is the most upstream and the largest of the Lewis River Projects, consisting of an embankment dam which forms an 11.5 mile-long reservoir with a 4,600-acre surface area. A concrete powerhouse with a generating capacity of 240 MW sits just downstream of the dam and transmits to an adjacent substation. The Public Utility District No. 1 of Cowlitz County, Washington (Cowlitz PUD) owns the Swift No. 2 Project (FERC No. 2213) that captures the discharge from PacifiCorp's Swift No 1 Project⁷ and discharges directly into Yale reservoir. The Swift No. 2 Project has no shoreline area.

⁷ Swift No.2 does not include a dam or reservoir and is not owned by PacifiCorp. Swift No. 2 is not considered further in the SMP.

Yale, the middle Project in the Lewis River system, includes two embankment dams, a 10.5-mile-long reservoir with a 3,800-acre surface, a powerhouse, an 11.5-mile-long transmission line that connects to the Merwin substation and appurtenant facilities. The Yale Hydroelectric Project can generate 134 MW. Flow through the Project discharges directly into the Merwin Reservoir.

The oldest and most downstream Project in the basin is Merwin. Merwin consists of a concrete dam, 14.5-mile-long reservoir with 4,000-acre surface area, a powerhouse located immediately downstream of the dam with an adjacent substation, two transmission lines and appurtenant facilities. The Merwin powerhouse has a generating capacity of 136 MW, which is carried by the two transmission lines to the Merwin substation. The Merwin powerhouse is operated to meet license-required, downstream river flows for aquatic resources.

1.2 Regulatory Setting

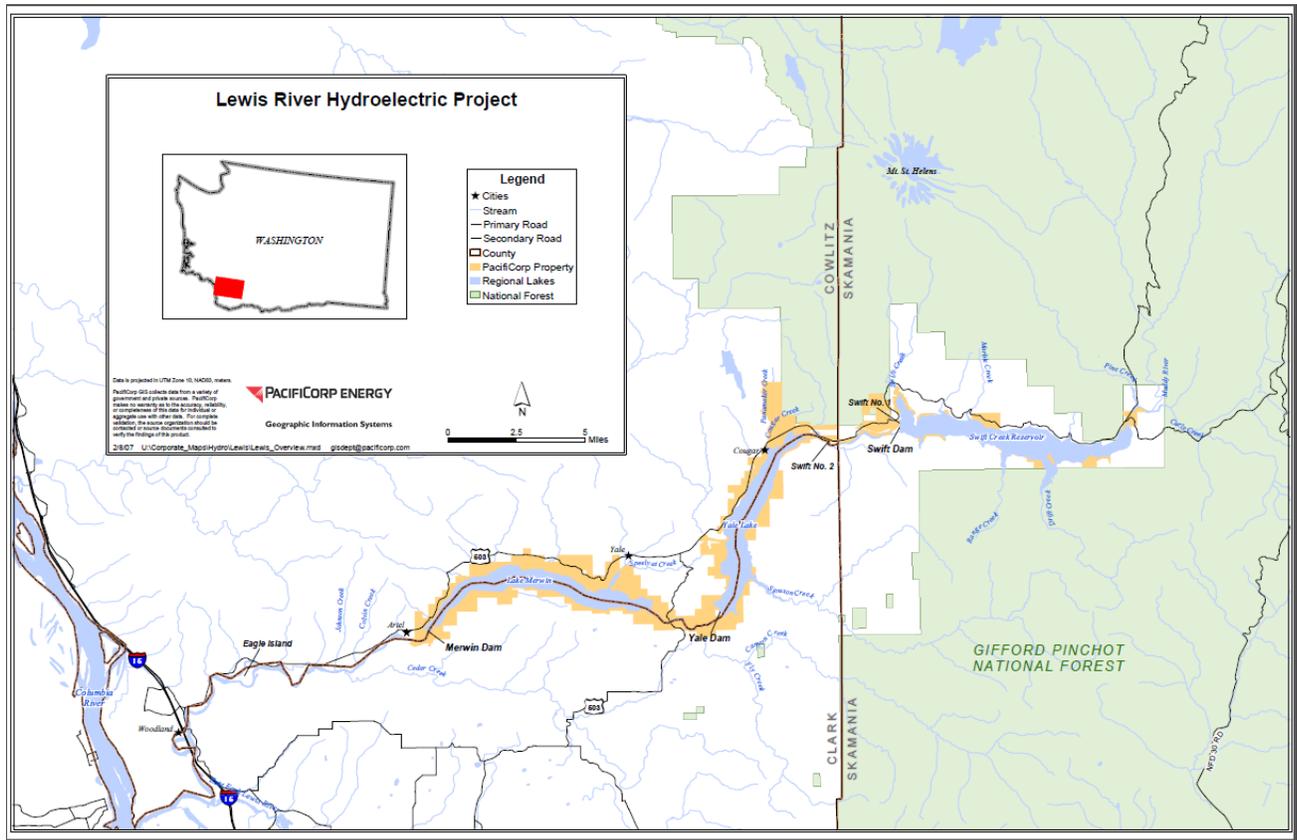
Construction of the Projects began with the Merwin Dam in 1929 and was completed with the construction of the Swift No. 1 Hydroelectric Project in 1958. The Federal Power Commission (FPC, the forerunner agency of the FERC) issued the first license for Merwin on November 29, 1929, which expired on November 29, 1979. That license was renewed on October 6, 1983 and was originally due to expire on April 30, 2009. The original license for Yale was issued on April 24, 1951 and expired on April 30, 2001. The original license for Swift No. 1 was issued on May 1, 1956 and expired on April 30, 2006.

As PacifiCorp operates the Projects as a unified system and because the licenses expired within a reasonable amount of time with each other, PacifiCorp (and numerous agencies and other stakeholders) determined it was in the interest of all parties to license the Projects and address any environmental issues in a single concerted effort. Accordingly, PacifiCorp requested that the FERC accelerate the Merwin license expiration and defer the processing of the Yale license so that the FERC could consider the license applications for all of the Lewis River Projects (including Cowlitz County PUD's Swift

No. 2) in light of the “Lewis River Hydroelectric Projects Settlement Agreement” (Settlement Agreement). The FERC issued the current licenses for all Projects on June 26, 2008.

The FERC licenses typically contain conditions requiring Licensees to manage lands within the Project Boundary and shorelines in the public interest. This includes balancing the various public and Private Uses of the Project as well as protecting and managing the Projects’ environmental and cultural resources. As discussed in Section 4.2.2, PacifiCorp manages a majority of its lands for wildlife habitat under the Lewis River Wildlife Habitat Management Plan (WHMP); however, over the period of the past licenses, increasing development and competing demands for resources adjacent to or on the Lewis River Projects’ shorelines pointed to the need for PacifiCorp to develop a clearly defined, comprehensive, and consistent management strategy specific to shoreline uses. In 2007 PacifiCorp began the process of developing an SMP that reinforces and is consistent with the letter and spirit of the Settlement Agreement, is consistent with the conditions contained within the new licenses and addresses resource concerns and demands at the Projects.

Figure 1-1: Location of the Lewis River Hydroelectric Projects (FERC Nos. 935, 2071, 2111)



2.0 *PURPOSE AND SCOPE OF THE SHORELINE MANAGEMENT PLAN*

The intent of a SMP is to ensure that a Licensee's actions relative to oversight of shoreline uses conform to the Project license requirements and are consistent with the purposes of protecting and enhancing the scenic, recreational and other environmental values of the Project. The FERC guidelines provide a framework for determining what proposed shoreline uses are most appropriate in relation to existing shoreline uses, environmental resources, and operational requirements of a Project. These guidelines recommend that a SMP use existing resource information to designate Shoreline Management Classifications (SMC), determine appropriate uses within these SMCs, and develop shoreline alteration criteria and development conditions for such uses.

This SMP has been developed in consideration of the FERC guidelines; the goals and objectives of the Settlement Agreement; and the concerns of agencies, stakeholders and shoreline property owners to provide a strategy for the management of shoreline development and comprehensive shoreline planning.

2.1 FERC Jurisdiction

Congress created the FERC's predecessor, the Federal Power Commission (FPC), in 1920 and delegated to it the responsibility of regulating development of hydroelectric power on navigable waters of the United States. In 1935, Congress expanded and made exclusive the Commission's licensing authority over non-federally owned Projects.

In granting a license to construct and/or operate a hydroelectric facility, the FERC is required to make a determination that the Project is best adapted to a comprehensive plan for improving or developing a waterway on behalf of beneficial public uses. Part of the FERC license identifies those lands and waters necessary to operate the hydroelectric facility, including those necessary for all of the beneficial uses. Those lands and waters are encompassed within the 'Project Boundary'. The license governs all future activity (of the Licensee and third parties) within that Project Boundary. To aid in the management of Shoreline Areas within the SMP Boundary, the FERC encourages the Licensee develop an SMP and permitting program as part of the Project license. The

SMP provides guidelines and regulations for developing and using the shoreline of the Project and is an important part of the FERC’s mandate to protect and enhance a Project’s recreational, environmental, cultural and scenic resources while operating in its primary function of producing electricity.

Licensees are responsible for operating and maintaining licensed Projects in accordance with license requirements and Project purposes (i.e., public recreation, environmental protection, etc.). PacifiCorp has acquired fee title, or flowage easements, to all non-federal lands within the Project Boundary. A flowage easement is a right to inundate the land owned by another, free from any interference by that landowner, and is recorded in the landowner’s chain of title at the County land records office. Consistent with these license responsibilities, a Licensee may, with Commission approval, authorize specific uses and occupancies of the Project reservoir shoreline that are not related to hydroelectric power production or other Project purposes (Non-Project Uses)⁸.

The FERC Project licenses, and more specifically the Standard Land Use article within a given license, direct the Licensee to oversee shoreline activities and take action to prevent unauthorized uses of Project shorelines. The Standard Land Use Article authorizes the Licensee to administer and enforce a permit system for regulating Non-Project Uses within the Project. The Article further allows the Licensee to grant easements, rights of way, leases and fee interests in Project Lands. Subject to specified requirements and limitations, PacifiCorp may approve proposed uses that it deems appropriate under the SMP and permissible under the Standard Land Use Article without further FERC involvement. Proposed uses that are outside the scope of the Standard Land Use Article or the SMP require approval from the FERC. In 1980 the FERC formalized the use of a Standard Land Use Article (Order Amending License for the Brazos River Authority's Morris Sheppard Project FERC 61,162) which gives Licensees broader and more inclusive oversight of uses and occupancies on lands within the Project Boundary.

The Standard Land Use Article also requires the Licensee to monitor and remedy any unauthorized use of Project Lands. Unauthorized use of Project Lands may be

⁸ FERC Shoreline Management Guide, April 2001.

considered a nuisance or an encroachment and Licensee may take legal action to correct the violation. This may include revocation of permission to use Project Lands and removal of non-complying structures and facilities at the owner's expense.

On January 16, 2014 the FERC issued an *Order Modifying and Approving Shoreline Management Plan* (See Appendix C). In review, the FERC determined that with noted modifications, the SMP would not adversely affect any Project resources and would serve as a tool to assist in effectively analyzing appropriate shoreline uses within the SMP Boundary and would provide a supportable and defensible means for shoreline management and permitting decisions.

2.2 Scope of Shoreline Management Plan

As PacifiCorp manages the majority of its lands under its WHMP, the focus and scope of the Lewis River Projects SMP is exclusively for management of lands within the SMP Boundary. Areas included in the SMP Boundary for the three Lewis River Projects vary topographically, but are based on reservoir and shoreline elevations. Figure 1-1 visually locates the SMP Boundary for each Project. The Shoreline Management Classification (SMC) maps in Appendix A also depict these boundaries. In general the Project boundaries are:

Merwin

The SMP Boundary for the Merwin Hydroelectric Project is the 250 feet mean sea level elevation contour around Merwin Reservoir, which is roughly 10 feet above the Ordinary High Water Line (OHWL) of Merwin Reservoir.

Yale

The SMP Boundary for the Yale Hydroelectric Project is the 500 feet mean sea level elevation contour around Yale Reservoir, which is roughly 10 feet above the OHWL of Yale Reservoir.

Swift

The SMP Boundary for the Swift No. 1 Hydroelectric Project is the 1010 feet mean sea level elevation contour around Swift Reservoir, which is roughly 10 feet above the OHWL of Swift Reservoir.

These SMP Boundary descriptions are for general descriptive use only and there are variations in the precise boundary throughout the Projects. For identification of the SMP Boundary at specific locations, adjacent landowners and other stakeholders should consult with PacifiCorp.

2.3 Shoreline Management Plan Goal and Objectives

PacifiCorp is committed to implementing a comprehensive, forward looking SMP. The SMP encompasses the spirit and objectives of the Lewis River Settlement Agreement to manage the multiple resources and uses of the FERC licensed Projects' shorelines in a manner that is consistent with license requirements. The SMP will serve as a tool to assist in effectively analyzing appropriate shoreline uses within SMP Boundary, as well as provide a supportable and defensible means for shoreline management and permitting decisions.

The objectives of the Lewis River Projects SMP are to:

- provide a means by which PacifiCorp may manage its shoreline resources in compliance with the Settlement Agreement and its FERC licenses,
- protect and maintain the shoreline's natural and cultural resources,
- establish an opportunity for some uses of privately owned shoreline within the constraints of protecting of natural and cultural resources,
- establish SMCs and Allowable Uses to aid in the management of lands with the SMP Boundary,
- acknowledge the types and locations of existing and future recreational opportunities and enhancements,
- describe the SMP amendment and monitoring process,
- provide a reference and/or linkage to other Project-related studies,

management plans and permitting regulations,

- provide support and rationale for permitting processes and regulations within the SMP Boundary,
- identify shoreline user responsibilities related to use and maintenance of shoreline uses as well as permit and other regulatory requirements, and
- alert adjacent property owners to Best Management Practices (BMP) that they may implement on private lands within the SMP Boundary.

3.0 CONSULTATION

In 2007, PacifiCorp began the process of developing a SMP. PacifiCorp initiated the process by briefing the various coordinating committees established in the Settlement Agreement (the committees include representatives from parties to the Settlement Agreement including the resource agencies, local governments and other interested stakeholders) on the need for comprehensive shoreline planning. Subsequently PacifiCorp held its first public meeting regarding the development of the SMP in August 2007. In January 2008, PacifiCorp distributed the Initial Working Draft Lewis River Shoreline Management Plan to interested parties. On February 6, 2008, PacifiCorp conducted a public meeting to receive comments on the first Draft Plan. Following revisions to the Initial Working Draft Lewis River Shoreline Management Plan, PacifiCorp held a public meeting on May 21, 2008 to present the final draft of the SMP. PacifiCorp solicited final written comments on the draft SMP through June 23, 2008, incorporating comments where appropriate. On December 18, 2008, PacifiCorp voluntarily filed the SMP with the FERC. On January 5, 2009, the FERC issued a *Notice of Application for Amendment of License and Soliciting Comments, Motions to Intervene, and Protests*. In response, several interested parties submitted comments by February 6, 2009. On March 27, 2009, PacifiCorp responded to comments. On January 16, 2014, FERC issued an *Order Modifying and Approving Shoreline Management Plan*. Appendix D contains the record of consultation for developing the SMP, a *Responses to Comments* matrix that excerpts comments received and identifies actions taken by PacifiCorp, and PacifiCorp's responses to changes required by the January 16, 2014 FERC order.

4.0 ENVIRONMENTAL, CULTURAL, AND RECREATIONAL RESOURCES

The following is a general description of Lewis River basin and Lewis River Projects resources. It is intended to identify key issues that are relevant to the shoreline management planning process.

4.1 Regional Setting

The Lewis River basin is located on the western slopes of the Cascade Mountain Range. Two volcanic peaks, Mount Adams and the recently active Mount St. Helens, lie on the northern and eastern extremities of the basin. Foothills in the central portion of the watershed are generally steep and forested and extend up to approximately 3,000 feet mean sea level. Downstream of Merwin reservoir, the Lewis River enters a terrain of rolling hills that eventually transition to essentially flat land near the river's confluence with the Columbia River. Forested areas are dominated by conifer, including Douglas fir and western hemlock forests. Upland deciduous and mixed conifer-deciduous forests also occur in the watershed. The Lewis River basin has the predominantly temperate marine climate typical of the Pacific Northwest with a narrow range of temperatures, dry summers, and mild but rainy winters.

The hydroelectric Projects are the dominant feature in the central portion of the Lewis River basin. The Merwin, Yale and Swift dams form large reservoirs. Generally, the surrounding area is wooded and rural with forestlands dominating the landscape around Swift Reservoir, transitioning to more mixed forestry and rural uses in the vicinity of Yale and Merwin reservoirs. The nearest sizeable community is the city of Woodland, located 10 miles downstream of Merwin Dam along the Interstate 5 corridor. A state highway brings many visitors to the Project Area. The Project reservoirs are popular destinations and the area also provides one of the primary routes to the Mount St. Helens National Volcanic Monument. The U.S. Forest Service (USFS) manages extensive portions of the upper basin and Washington Department of Natural Resources (WDNR) manages sizeable holdings in the central basin. PacifiCorp owns and manages lands in

the vicinity of the Projects while the lower basin is largely in private ownership. The entire basin is within the jurisdiction of three counties: Cowlitz, Clark, and Skamania.

4.2 Environmental Resources

4.2.1 Aquatic Resources

Resident fish species that are present in the North Fork Lewis River basin include bull trout (*Salvelinus confluentus*), kokanee (landlocked *Oncorhynchus nerka*), cutthroat trout (*Oncorhynchus clarkii*), rainbow trout (*Oncorhynchus mykiss*), northern pikeminnow (*Ptychocheilus oregonensis*), and tiger muskie (*Esox lucius* x *Esox masquinongy*). Kokanee are not native to the basin but were introduced following dam construction to enhance the recreational fishery. Similarly, tiger muskie are not native to the basin but were introduced by the Washington Department of Fish and Wildlife (WDFW) to enhance the recreational fishery and reduce the northern pikeminnow population.

No migrating anadromous fish populations are currently present upstream of Merwin Dam. However, within the new FERC license period PacifiCorp will install and operate fish passage facilities to transport anadromous fish upstream of Merwin. Initially this transport program will take fish upstream of Swift dam, and will then be expanded to Yale and Merwin reservoirs in later years. Fish to be collected and transported include Chinook salmon (*Oncorhynchus tshawytscha*), coho salmon (*Oncorhynchus nerka*), winter steelhead trout (*Oncorhynchus mykiss*), sea-run cutthroat trout (*Oncorhynchus clarkii*), and bull trout (*Salvelinus confluentus*).

The anadromous salmonid reintroduction program upstream of Merwin Dam is a centerpiece of the Lewis River Settlement Agreement. Providing fish passage and connectivity for fish species throughout the Projects was a particular concern for many of the Settlement Agreement parties. Reintroduction of anadromous salmonids provides mitigation for effects of the Projects on anadromous salmonids and will:

- assist in the recovery of natural runs of chinook, steelhead and coho,
- reconnect fish habitat and fish populations in the basin,
- support interconnected and spatially-distributed populations of anadromous fish, and
- provide marine-derived nutrients and trace elements to support reintroduction and to benefit riparian habitats and riparian-dependent wildlife.

The overarching goal of the comprehensive reintroduction program is to achieve genetically viable, self-sustaining, naturally reproducing, harvestable populations of these species upstream of Merwin Dam at greater than minimum viable populations.

All anadromous fish species in the Lewis River basin are federally listed under the Endangered Species Act (ESA) except for hatchery steelhead trout. In addition, two subpopulations of Columbia River bull trout, which is listed as threatened, occur in the North Fork Lewis River basin. On September 26, 2005, the U.S. Fish and Wildlife Service (USFWS) designated bull trout critical habitat in the basin from the confluence with the Columbia River up to Merwin Dam.

The SMP acknowledges that any shoreline uses have the potential to adversely affect near shore fish and aquatic habitat. Review of these types of uses will include analyzing the proximity and potential effects of these uses to significant fisheries habitat. Additionally, permitting standards for water dependent structures will include considerations to minimize adverse impacts.

4.2.2 Terrestrial Resources

The Lewis River basin supports a diverse assemblage of wildlife. Wildlife surveys and studies for relicensing the Lewis River Projects were conducted on all lands owned by PacifiCorp in the Project vicinities. These studies documented 16 amphibian species, four reptile species, 114 bird species and 13 mammal species

which either are found or potentially occur based on various habitat types. Most wildlife species inhabit the coniferous forest stands that dominate the area. The local distribution and frequency of different tree species and habitats is enhanced by the varied age class and types of forest vegetation related to the timber harvest cycle and age of managed forest stands. Additionally, many species are dependent on the wetland and riparian habitats found in the vicinity of the Projects. Wildlife species composition and distribution has also been influenced by the Project reservoirs and associated facilities, as well as by residential and recreational developments in the Lewis River valley.

Under the new FERC licenses, PacifiCorp will manage the majority of its lands for wildlife habitat under the Lewis River WHMP. This plan will be under the guidance of the Lewis River Terrestrial Coordination Committee. Management focuses on key habitats, including forest and old-growth habitat, oak groves, shrublands, farmland, orchard areas, meadows, transmission rights of way (ROW) and wetlands. Any activities (including timber harvest) conducted [or proposed] on these lands will be focused on improving wildlife habitat and will be governed by applicable rules and regulations.

The SMP acknowledges the WHMP and the goals of protecting habitat. This goals result in PacifiCorp assigning the most protective SMC to Shoreline Areas which abut WHMP lands. This SMC represents a large percentage of the total shoreline at the Lewis River Projects.

4.3 Cultural Resources

Cultural resources include prehistoric and historic-period archaeological sites, historical buildings and structures, and traditional cultural properties (TCP). The latter are places that may or may not have human alterations but are important to maintaining the cultural identity of a community such as an Indian tribe. Consistent with the National Historic Preservation Act (NHPA) and the FERC's regulations, PacifiCorp has: 1) inventoried and evaluated cultural resources at the Projects to determine eligibility for listing in the National Register of Historic Places (NRHP or National Register); 2) determined Project

effects on such resources; and, 3) consulted with the FERC, the State Historic Preservation Officer (SHPO) and concerned parties about mitigation and management measures. Studies of TCP have been conducted of the Lewis River area, both for the hydroelectric Projects and for other purposes such as management of the Gifford Pinchot National Forest. The Cultural Resource Work Group, including the agencies and the Cowlitz Indian Tribe and Yakama Nation, guided studies. The Area of Potential Effects (APE) is the area in which National Register-listed or eligible resources, if they occur, could be affected by the Projects. APEs for archaeological sites and historical structures were defined, and encompass the hydroelectric, recreation, and fishery enhancement and other mitigation lands. The primary APE investigation placed emphasis on the locations of the hydroelectric Projects.

To protect cultural and historic resources within the Project boundaries, PacifiCorp, in consultation with the Cultural Resource Group, developed a Historic Properties Management Plan (HPMP). Measures and activities in the HPMP will provide for ongoing coordination with the Washington State Department of Archaeology and Historic Preservation (DAHP), the Yakama Nation, and the Cowlitz Indian Tribe; identification and protection of traditional sites and artifacts; and educational opportunities for the public and Project operators to help protect cultural and habitat values.

Any ground disturbance within Project boundaries has the potential to affect sensitive cultural sites. The SMP acknowledges and support the efforts detailed in the HPMP by requiring review of any proposed new shoreline uses to determine the potential effect of these actions on cultural resources. Because of the sensitive nature of cultural or historic resources, their locations are not public information. PacifiCorp does not depict known cultural resource locations on any SMP mapping to protect these locations from disturbance; however, it maintains GIS data on cultural resources. PacifiCorp will review new ground-disturbing shoreline uses and Shoreline Use Permit applications consistent with the HPMP, regardless of their Shoreline Management Classification. PacifiCorp consults with the SHPO, Yakama Nation, and Cowlitz Indian Tribe on a project-by-project basis as appropriate regarding proposed shoreline uses.

4.4 Recreation

Settlement Agreement parties collaboratively developed a draft Recreation Resource Management Plan (RRMP) for implementation by PacifiCorp during the license terms. Therefore, the SMP does not specifically address recreational resources. Instead, the SMP references the RRMP, and is designed to accommodate and incorporate the management policies and activities included in the RRMP. However, because recreation is a predominant use of Project shorelines and is relevant to the objective of continuing public access to the Project reservoirs, the SMP includes a brief description of the Recreational resources.

The Merwin, Yale, and Swift dams create scenic reservoirs with unique opportunities for outdoor recreation close to large urban populations in Washington and Oregon. The recreation resources created by the reservoirs are an integral part of the local culture and residents' quality of life. To accommodate the public's desire for recreation, PacifiCorp has, within Project boundaries, developed public access and other amenities for recreation. Project facilities support many different activities depending on the reservoir and factors such as the presence or absence of private shoreline residences, distance from major urban areas, elevation, weather, number of users, and level of support facilities. Typical recreational activities in some areas include power boating, boat and shoreline fishing, water-skiing, RV and tent camping, and personal watercraft (PWC) use. In other areas, recreation activities, such as shoreline fishing, relaxing, hunting, wildlife observation, and non-motorized boating, occur during much of the year. Generally, outside of developed recreation facilities, the shorelines of the three reservoirs are accessible only by boat and/or foot trails. Due to the steep terrain, dispersed shoreline camping and day-use sites are limited in number, particularly around Swift and Merwin reservoirs. One exception is on Yale reservoir along the IP Road (also called Yale Road) corridor, which receives extensive use by trail users and campers.

Most of the recreational facilities at the Projects were developed and are operated by PacifiCorp. PacifiCorp currently maintains nine campgrounds and day-use areas

throughout the Projects. Campgrounds generally open prior to Memorial Day and close at varying times after Labor Day. Both Merwin and Yale reservoirs have day-use parks with boat ramps that are open throughout the year. The single Swift reservoir boat ramp is open only during the warm weather seasons.

Under the RRMP and the SMP, PacifiCorp will continue to allow appropriate non-motorized access to all PacifiCorp owned lands within the Projects except where safety, security, or protection of wildlife and/or habitat requires the exclusion of the public. PacifiCorp will also implement additional visitor management controls, such as signs, barriers and enforcement, to ensure a high quality recreation experience and to enhance public health and safety. Dispersed shoreline use (such as camping, hiking and other day uses) on PacifiCorp lands adjacent to Swift and Yale reservoirs will be managed according to the Recreation Dispersed Use Program in the RRMP. This will result in improving waste disposal management, determining the need for hardening of particular dispersed sites and closing some sites in sensitive resource areas. All dispersed shoreline camping will be prohibited along the shorelines of Merwin reservoir under this plan.

Campground improvements and/or expansions, including expanding camping facilities at Yale and Swift reservoirs, are also anticipated by the RRMP. Similarly, renovation of the existing Cougar Camp, plus development of new capacity and renovation of the Beaver Bay Campground and expansion of Swift Campground will be done, when needed, based on monitoring. Those future activities are accommodated by the SMP and identified as Allowable Uses.

Demand for many boating-related activities is projected to increase by at least 100 percent during the term of the new licenses. To better accommodate this anticipated increase in demand and to provide boat ramps at usable lower reservoir levels, the Settlement Agreement includes several improvements and enhancements to boating-related facilities. During the new licenses, boat ramp lanes will be extended at Speelyai Bay, Yale Park and Beaver Bay, ranging from 6 to 45 feet (horizontal). At the Beaver Bay Campground boat launch, a new earthen berm and fence will be constructed between the boat launch parking area and the adjacent wetland complex to clearly define the

separation between the parking area and wetland. These new and improved boating facilities will accommodate most existing and projected boating needs while maintaining a quality user experience. The SMP encompasses these facilities as Allowable Uses.

While PacifiCorp owns and manages much of the land around Merwin and Yale reservoirs, there are significant pieces of private holdings around Swift reservoir. As these holdings are being developed, PacifiCorp is experiencing increased pressure to provide access to the Projects for both private use (from adjacent landowners) and for public use. Implementation of the SMP will reinforce the provisions of the RRMP and help ensure that recreational growth, increased private development adjacent to the Projects, and the protection of the resources are accomplished in a coordinated manner such that the Projects continue to provide recreational access while protecting the scenic and environmental character of the Projects.

5.0 SHORELINE MANAGEMENT GUIDELINES FOR LANDS WITHIN THE SMP BOUNDARY

Development of Shoreline Management Classifications (SMCs) for the Projects involved review and analysis of the Projects' existing land uses and the environmental and cultural resources adjacent to and within the SMP Boundary. This review identified particular land use trends (e.g. recreational, residential development, open space etc.). The review also included identification of areas that support particularly sensitive or valuable environmental and cultural resources (e.g. threatened and endangered species, near shore fish habitat, steep and/or eroding slopes etc.) or that, through the Settlement Agreement, are already designated as WHMP lands⁹.

This analysis resulted in defining three distinct SMCs: Integrated Use, Resource Management and Project Works. These Project-specific classifications provide PacifiCorp a basis for assessing Allowable Uses and supporting appropriate and consistent permitting for the reservoir shoreline within each of the designated classifications. Section 5.1 below defines each SMC; Section 5.2 identifies the existing and proposed uses of lands within each classification that largely determined the designations; Section 5.3 identifies Allowable Uses for each classification.

5.1 Shoreline Management Classifications for Project Reservoirs

5.1.1 Integrated Use

Integrated Use is defined as Shoreline Areas with no known significant environmental/cultural resources or associated resource management goals that would preclude existing uses or would deny permitting allowable shoreline uses in the future.

One of PacifiCorp's management goals is to maintain the rural and scenic nature of the Projects through protection of their natural character. PacifiCorp also recognizes property owner and public expectations that some shoreline uses (e.g. docks, moorings, boat slips etc.) are appropriate within the Project boundaries,

⁹ (Settlement Agreement Section 10.8.5)

when managed and sited in an environmentally sensitive manner. The Integrated Use classification acknowledges existing uses, and anticipates potential future private and light commercial shoreline uses by including within this designation some currently undeveloped areas of non-PacifiCorp owned shoreline that may be appropriate for these future uses.

Areas within the Integrated Use classification are available for a variety of uses, including, but not limited to: existing or future private residential shoreline development; public access, and water dependent uses operated for financial profit. Currently there are a limited number of these types of uses within the Project boundaries. While additional for-profit shoreline uses may be appropriate, they have the potential for larger structures and more intensive use patterns than Private Uses. Accordingly, PacifiCorp applies more stringent permitting requirements when reviewing applications for for-profit uses (see Section 7.0). PacifiCorp does not allow any “industrial” uses of the shoreline (see Standard Terms list).

5.1.2 Resource Management

Shoreline Areas designated for specific resource management, species protection, and environmental purposes are classified as ‘Resource Management’.

Protection of fish and wildlife and their associated habitat and the protection of cultural areas are ongoing objectives of the Settlement Agreement. The primary objective for the Resource Management classification is to protect such resources. This classification includes Shoreline Areas within the Project Boundaries identified in the Settlement Agreement process, and subsequent resource management plans, as areas that merit special protection. Most of PacifiCorp owned lands within the Project boundaries have been set aside for wildlife habitat management. Therefore, Shoreline Areas under PacifiCorp ownership generally fall under the Resource Management classification.

The Resource Management classification is applied to some Shoreline Areas to

protect habitat, character and aesthetic value of particular locations. Undeveloped shoreline and open space are environmental and public resources that are not necessarily included in resource specific management plans. These resources could be lost without oversight and management within the Project boundaries. Undeveloped steep slopes, bluffs and cliffs typify much of the reservoirs' shorelines, presenting panoramic vistas that, if developed, would adversely affect the scenic views and overall aesthetic quality of the reservoirs. Additionally, some of these steep slopes have the potential for or are currently experiencing erosion and are inappropriate for development. Shoreline development adjacent to shallow areas within the reservoirs would require extensive lakebed disturbance through dredging or extremely long, obtrusive docks or slips to provide adequate navigation and water depth. This level of shoreline disturbance and environmental impact is not appropriate. Therefore, the Resource Management classification is also assigned to shoreline adjacent to shallow areas within the reservoirs.

All PacifiCorp- or publicly-owned land within this classification is available for low impact day uses such as hiking or hunting. Other locations are available for uses such as dispersed camping and public recreation facilities such as parks¹⁰. The locations and management of these areas are identified in the RRMP. On a case-by-case basis, temporary activities may be allowed if they do not require any form of construction, do not establish long-term uses or do not result in any adverse effect on sensitive or protected resource. Examples of temporary activities include one-time outdoor events, educational projects or other noncommercial gatherings. If appropriate, PacifiCorp will issue permits for these temporary uses, however the permits will be highly restrictive to avoid negative impacts to sensitive or protected resources.

Generally, other than site-specific maintenance and resource protection activities (e.g. erosion control or recreation site hardening), specific actions required by the Lewis River Settlement Agreement, or uses administered and authorized by PacifiCorp or other signatories to the Settlement Agreement; no Permanent Uses

¹⁰ As administered and authorized by PacifiCorp or parties to the Settlement Agreement.

are allowed within this classification. PacifiCorp will only consider new use(s) within the Resource Management classification if they reduce existing impacts to resources, have minimal effect on environmental/cultural resources (e.g. use of mooring buoys instead of docks), or meet the criteria outlined in Section 7.0.

5.1.3 Project Works

Project Works are those infrastructures that are essential to Project Operations or those facilities, structures and sites required by the FERC licenses. These can include dams, powerhouses and appurtenant structures, recreational sites, and fish production facilities. Due to safety, security, operational, or other constraints, PacifiCorp must maintain strict control of these facilities and sites and may restrict public access to them. Accordingly, Shoreline Areas occupied by such facilities and uses are classified as ‘Project Works’.

For facilities associated with the production of hydroelectric power or for other sensitive activities such as fish rearing, uses are strictly limited to those necessary for operation and maintenance. For recreational facilities, public information and education sites, or PacifiCorp’s offices, PacifiCorp has established site specific regulations.

5.2 Existing and Proposed Uses in Shoreline Management Classifications

5.2.1 Integrated Use

The SMP allows existing uses within the Integrated Use classifications for a finite period if owners have maintained those facilities according to PacifiCorp’s established standards. Owners of shoreline uses developed prior to the SMP (with or without previous permit approval by PacifiCorp) have nine months after the issuance of the public notice of FERC’s approval of this plan to initiate

consultation with PacifiCorp.¹¹ PacifiCorp considers these uses as Prior Existing Uses and owners are required to obtain a Permit from PacifiCorp. Once permitted, Prior Existing Uses will have a specified time period to achieve compliance with current SMP and permit standards (See Section 7.3). Any new allowable shoreline structures or facilities proposed after the FERC’s approval of the SMP must meet PacifiCorp’s permitting standards and requirements.

While PacifiCorp staff will provide guidance on its permitting process, the owners/applicants of shoreline uses within any SMC may also be subject to consultation and approval processes involving county, state, and federal resource agencies (Jurisdictional Entities). PacifiCorp will not issue a Permit unless Applicants can provide proof of consultation, and where appropriate, receipt of permits from other relevant Jurisdictional Entities. The onus is on a use proponent to develop and submit appropriate permit application materials and support the action throughout the review processes. In instances where other Jurisdictional Entities request confirmation that PacifiCorp has considered a proposed use and will allow such, PacifiCorp will provide the use proponent with the necessary documents required to receive permission from relevant entities.

PacifiCorp strongly recommends contacting its permitting staff for pre-application screening. This will assist shoreline use Applicants in assessing the feasibility of their proposals before entering into the permitting process. Section 7.0 discusses the shoreline use evaluation process.

5.2.2 Resource Management

Actions specifically prescribed under the Settlement Agreement and the FERC licenses and that would occur within the Resource Management Classification are automatically considered as Allowed Uses and therefore, will be carried out and

¹¹ In accordance with the FERC’s January 16, 2014 *Order Modifying and Approving Shoreline Management Plan*, ¶ 20, PacifiCorp will make contact with owners and initiate permitting of Prior Existing Uses. PacifiCorp will initiate consultation with a letter sent by certified mail (or sent via national carrier with delivery signature required); recipients who participate in a Pre-application Screening meeting within nine months of the date of the letter will be offered an existing use permit.

completed as necessary for compliance with those documents. Prior Existing Uses within this classification may be permitted if the use meets the current permit standards set forth in PacifiCorp's Shoreline Use Permitting Information and Application Handbook. Some other uses may be allowed within the Resource Management designation as further described below; however, permission for new Allowable Uses requires the use proponent to prove that the proposed use will have minimal impact to environmental or cultural resources and Project Operations. Applicants are required to submit Permit applications to PacifiCorp to determine if the proposed use would likely have more than minimal impact, and if mitigation is necessary. If it is determined that mitigation is necessary, then shoreline use Applicants are responsible for implementing the mitigation.

Any new uses expected to endure beyond 30 days (Permanent Use) proposed within the Resource Management classification by adjacent property owners or other entities will only be considered if the proponent of this activity can:

- 1) justify the proposed use location as the only feasible option, and
- 2) provide compelling evidence there is minimal impact to environmental or cultural resources (e.g. conduct resource surveys and show no detriment to resources), or Project Operations, and
- 3) provide specific protection, mitigation and/or environmental enhancements (PM&E measures) as may be prescribed by PacifiCorp or through any consultation with jurisdictional agencies or the appropriate coordinating committee.

Examples of such facilities may include mooring buoys and pathways with erosion control features. PacifiCorp staff will provide guidance on its permitting process for any new uses. For Prior Existing Uses within the Resource Management Shoreline Areas at the time of SMP implementation, a grace period of nine months from the public notice of the FERC's approval of the SMP will be

provided to the owner to initiate consultation with PacifiCorp.¹² If consultation has not been initiated within this period, PacifiCorp may remove an existing facility at the owner's expense.

Any proposed Permanent Use in a Resource Management classification area is also subject to consultation and approval processes involving Jurisdictional Entities. The Permit application may involve development of an Environmental Assessment or Environmental Impact Statement by project proponents as well as completion of other required state or federal environmental analyses. The onus is on a project Applicant to develop and submit appropriate materials and support the action throughout the review processes. PacifiCorp will not issue its Permits unless Applicants can provide proof of consultation, and where appropriate, receipt of permits from other Jurisdictional Entities. PacifiCorp recommends contacting its property management department for pre-application screening. This will help shoreline use proponents assess the feasibility of their proposals before entering into the permitting process. Section 8.0 identifies these potential Jurisdictional Entities.

5.2.3 Shoreline Management Classification Mapping

PacifiCorp's Geographic Information System (GIS) incorporates information from agency and PacifiCorp resource databases as well as the local knowledge from the public and stakeholders to serve as the basis for the classification mapping. In some instances, PacifiCorp verified this information with onsite observations to determine the most appropriate and pertinent locations to apply classifications within the Project.

In classifying the Shoreline Areas, a few areas were mapped as exceptions to the general definition of a classification. As an example, a specific location may have one or more characteristics of the Resource Management definition; however existing uses within that specific location preclude application of the Resource Management classification. In another area, the shoreline may present

¹² See footnote 11, *supra*, describing minor changes to the consultation process directed by the FERC.

characteristics such as an open, undeveloped shoreline that would typically be classified as Resource Management, but consideration of residential development adjacent to the Project and on private lands within the Project Boundaries led to classifying the area as Integrated Use.

PacifiCorp's GIS mapping system represents, as accurately as possible, the classifications of various areas; however errors of scale or detail may affect a specific area. Proponents of shoreline activities should always check with PacifiCorp staff for the correct classification of a specific parcel.

5.3 Determination of Allowable Uses

Defining parameters for Allowable Uses within the SMCs involves recognition of both how and why the classifications have been assigned and the fact that particular uses are more appropriate in particular locations or environmental settings. A use's potential effect on environmental and cultural resources, aesthetics, future public access and Project Operations is a strong factor in determining appropriateness within a particular classification.

Using the defined management classifications, PacifiCorp evaluated the appropriateness of uses in relation to the intent of the classifications and to the Settlement Agreement. For example, PacifiCorp recognizes that community docks are an existing and Allowable Use within the Project boundaries in certain areas. PacifiCorp identified the Integrated Use classification, in part, to acknowledge this type of existing shoreline use at the Projects and assigned this classification to Shoreline Areas that are most appropriate for development of such uses. However, in other, less developed areas with limited existing shoreline uses or known sensitive resources (identified as the Resource Management classification) construction of a shoreline use such as a dock could have an adverse effect on environmental, cultural, or aesthetic resources. Therefore, docks are an allowed use within an Integrated Use classification area, but may not be considered appropriate in a Resource Management classification area without a clear demonstration of minimal impact on environmental or cultural resources, or Project Operations, or without appropriate mitigation.

PacifiCorp, with review from the coordination committees, and other relevant signatories to the Settlement Agreement, reserves the right to undertake certain activities for habitat protection and public access within all SMCs. Such activities include, but are not limited to trail upkeep, placement of structures and/or facilities deemed necessary for safety and sanitation, and installation of erosion control measures.

5.3.1 Allowable Use Categories

PacifiCorp recognizes the following as “Allowable Uses”; however, this does not mean that all uses listed below are appropriate for all SMCs. The Standard Terms section at the beginning of the SMP defines these uses. Specific design criteria apply to the following uses and may be a condition of Permit issuance (see Section 7.0):

- community docks
- single family docks
- retaining walls
- shoreline stabilization measures (including rip-rap and other “naturalized” shoreline stabilization measures)
- boat ramps
- marine trestles, railways, trams, & lifts (aka “dry docks”)
- moorings
- dredging
- log booms
- water withdrawal structures
- water elevation gauging stations
- vegetation management (including shoreline planting and vegetation removal)
- stairways and walkways
- footpaths
- public recreation sites
- installation and maintenance of wildlife support facilities

- ≤ 50 % replacement, repair, and maintenance (in kind) of existing uses and structures.¹³

All uses within the Project boundaries require review and approval by PacifiCorp. Additionally, most uses within the Washington state shoreline buffer will likely require review and approval by the local municipality, relevant county planning commissions, the WDOE and, in some instances the WDFW. Other federal agencies also may exercise jurisdiction over some activities such as the USACE and the FERC. PacifiCorp will not permit any shoreline use unless the Applicant has first obtained all required permits issued by Jurisdictional Entities. PacifiCorp recommends contacting its permitting staff for pre-application screening. This will assist shoreline use proponents in assessing the feasibility of their proposals before entering into the permitting process. Section 7.0 provides further details on the review and permitting process for shoreline uses.

5.3.2 Allowable Uses within Specific Management Classifications

Table 5-1 depicts Allowable Uses by Shoreline Management Classification (SMC). PacifiCorp may review and permit other potential shoreline uses not listed below. Shoreline uses not listed are considered ‘Inconsistent Uses’. PacifiCorp will consider permitting Inconsistent Uses on a case-by-case basis. These types of uses will require the FERC review and approval prior to PacifiCorp issuing a Permit.

¹³ (If actions result in > 50% replacement, then a structure is considered a new Non-Project Use and will require a new Permit as opposed to an amendment to an existing Permit.)

Table 5-1. Allowable Uses by Shoreline Classification

	Integrated Use	Resource Management	Project Operations
Uses and Facilities			
Multi-boat slips	YES	NO	NO
Community Docks	YES	NO	NO
Single Family docks	YES	NO	NO
Retaining walls ¹⁴	YES	NO	NO
Shoreline stabilization measures	YES	Only natural or bio control measures allowed	NO
Boat ramps	YES	NO	NO
Marine trestles, railways, trams & lifts	YES	NO	NO
Moorings	YES	YES	NO
Dredging ¹⁵	YES	NO	NO
Log booms	YES	YES	NO
Structures to accommodate municipal/agricultural water withdrawal & discharges	YES	YES	NO
Structures to accommodate private/residential water withdrawal	YES	YES	NO
Scientific Instrumentation	YES	YES	YES
Vegetation removal ¹⁶	YES	YES	NO
Vegetation plantings ¹⁰	YES	YES	NO
Stairways & walkways	YES	YES	NO
Footpaths	YES	YES	NO
Public Recreation Sites	YES	NO	NO
Fish/wildlife support activities & devices	YES	YES	YES
≤ 50% In kind repair or replacement of Permitted Use within existing footprint	YES	YES	YES
Temporary Uses	YES	YES	YES

¹⁴ Retaining walls are not the preferred method of erosion control or bank stabilization. PacifiCorp will only authorize these types of structures when no other measures are feasible.

¹⁵ All dredging activities disturbing more than 3 cubic yards must be reviewed and approved by the FERC.

¹⁶ While PacifiCorp does not regulate the removal or planting of vegetation in Integrated Use classification areas, other county and state regulatory agencies may. Anyone one considering these activities should verify the proposed action is allowable under state law.

5.3.3 Prohibited Activities

Within the Project Boundaries, the SMP prohibits the following activities:

- removal of any vegetation within Resource Management classification for any reason other than habitat enhancement unless reviewed and permitted by PacifiCorp
- marinas
- restaurants
- habitable structures (permanent or temporary, including houseboats, enclosed living structures over or on docks and piers, etc.)
- amusement or water parks
- manufacturing or industrial facilities
- elevated decks and roofs on docks and moorings
- enclosed boat docks and moorings (with sides)
- skirting around docks
- fueling stations on docks
- bathrooms on docks
- fish cleaning stations on docks

6.0 PACIFICORP'S AUTHORITY TO AUTHORIZE NON-PROJECT USES

Uses of Project Lands other than for Project Operations are 'Non-Project Uses'. The FERC is ultimately responsible for regulating Non-Project Uses. However, the FERC has delegated primary regulatory responsibilities at the Lewis River Projects to PacifiCorp. The FERC requires that PacifiCorp control Non-Project Uses of Lewis River Project Lands using the mechanisms described in this Section, below.

6.1 The Shoreline Use Permit Program

PacifiCorp's primary mechanism for regulating Non-Project Uses is through its Shoreline Use Permit program, which is summarized in Section 7.0 of this SMP and described in detail in the *Shoreline Use Permitting Information & Application Handbook* (Permit Handbook). Through the Shoreline Use Permit program, PacifiCorp implements the land use policies and substantive requirements set forth in this SMP by issuing Shoreline Use Permits (Permits) to Allowable Uses identified in Section 5.0 of this SMP (and refusing to permit uses that do not meet minimum approval criteria). In administering the Shoreline Use Permit program PacifiCorp will strive to establish and maintain a process that achieves uniform and transparent application of the standards and principles established in this SMP and that is elaborated upon further in the Permit Handbook. PacifiCorp will not deny a Permit to an Applicant who's proposed Non-Project Use satisfies all of the approval criteria in the Permit Handbook.

6.2 Other Types of Authorization for Non-Project Uses

PacifiCorp has limited authority to authorize Non-Project Uses of Project Lands outside of the Shoreline Use Permit program. PacifiCorp may authorize state and federal highways, minor access roads, buried and overhead utility transmission and local service lines, recreational facilities, and other uses provided that they meet the criteria set forth in, and are subject to the conditions of, the Standard Land Use Article (attached as Appendix B). PacifiCorp's licenses generally do not require it to approve Non-Project Uses that are not eligible for a Shoreline Use Permit. In the event PacifiCorp does authorize such a use, however, PacifiCorp will condition its authorization on the use

being consistent with the guidelines and policies of this SMP.

6.3 FERC Authorization of Non-Project Uses

Any Non-Project Use that is ineligible for a Shoreline Use Permit and unauthorized by PacifiCorp pursuant to Section 6.2, may only be authorized by the FERC. Request for permits for Non-Project Uses outside the SMP policies and Standard Land Use Articles require PacifiCorp to file a request for license amendment with the FERC. If a shoreline use proponent requests PacifiCorp pursue a license amendment, the proponent must 1) obtain PacifiCorp's agreement on the proposed Non-Project Use, 2) comply with all the FERC rules regarding the content and process for the amendment, 3) be responsible for the costs of any analyses, studies, or other documentation, and 4) reimburse PacifiCorp's administrative costs associated with preparation and implementation of the license amendment request.

7.0 SHORELINE USE EVALUATION PROCESS

The Shoreline Use Permit process begins with a determination of the SMC of the location where a Non-Project Use is proposed. Once the applicable SMC is identified, it can be determined whether the proposed use is an Allowable Use under the SMP (Section 5.0) and therefore eligible for a Shoreline Use Permit (Permit). A shoreline use Applicant seeking a Permit can make this determination by using the SMC maps provided in Appendix A, and the Allowable Use matrix included in Section 5.3.2. The maps and Allowable Use matrix are also provided in the *Shoreline Use Permitting Information & Application Handbook* (Permit Handbook). Alternatively, PacifiCorp will assist a potential Applicant in making an initial determination of eligibility based on the location and nature of the proposed use.

The Permit Handbook provides instructions for applying for a Shoreline Use Permit and explains the criteria used to determine if a proposed use would be permitted. After Applicants familiarize themselves with the Permit Handbook, they can contact PacifiCorp's property management department to ask questions about or initiate the application process explained in Section 7 of the Permit Handbook. All applications for new shoreline uses will be charged an initial fee for a five-year Permit and subsequent five-year renewals as identified in the Permit Handbook. Owners of Prior Existing Non-Project Uses (see Section 7.3 below) at the Projects that do not already have a valid Shoreline Use Permit from PacifiCorp are required to obtain a new Permit for the Prior Existing Non-Project Use, but will not be charged the initial application fee.

If the type of proposed use is one that requires PacifiCorp to consult directly with state and local agencies or the FERC, PacifiCorp will inform the Applicant of any additional fees required to offset any added costs of the application review process. Application fees for commercial shoreline uses and other applications processed under Section 6.2 of this SMP and the Permit Handbook will be set after the initial application review is completed, and will vary depending on the complexity of the required application review.

7.1 Criteria for Issuing a Shoreline Use Permit

When PacifiCorp receives a completed application for a use that is allowable in the proposed location, PacifiCorp will grant a Permit upon determining that the use:

- is consistent with the purpose of protecting and enhancing the cultural resources (as described in the Historic Properties Management Plan) of the Project,
- is consistent with the purpose of protecting and enhancing the scenic, recreational, and other environmental values of the Project, including the SMC in which the use will be located,
- is consistent with the Recreation Resource Management Plan for the Project;
- will comply with the use-specific requirements set forth in Appendix B¹⁷ of the Permit Handbook, including applicable state and local health and safety standards, and
- has received all permits required by Jurisdictional Entities (e.g. Clean Water Act §404 permit).

PacifiCorp may impose conditions upon the Permit in order to ensure that the use as permitted satisfies the above criteria. An Applicant who accepts a Shoreline Use Permit agrees to abide by the terms and conditions therein. Standardized General Conditions apply to every Permit and are provided as an appendix to the Permit Handbook. Specific Conditions apply only to the specific Permit to which they are attached. Specific Conditions are determined by PacifiCorp during the application review process.

7.2 Agency Consultation for Proposed Commercial Uses

Because commercial shoreline uses typically are larger than non-commercial shoreline uses and have potentially greater impact on the Project and Project Lands, PacifiCorp will consult with federal and state fish and wildlife or recreation agencies (as appropriate), the

¹⁷ The requirements set forth in Appendix B are subject to revision without notice. Therefore, PacifiCorp recommends contacting its property management staff to obtain the most recent version of the Handbook prior to preparing an application.

SHPO, and other agencies as required, and consider their remarks when applying the approval criteria listed above. Applicants requesting a Permit for a commercial use may be required to supplement their Permit applications with additional information requested by consulting agencies or PacifiCorp. PacifiCorp may treat a non-commercial use like a commercial use if it would have impacts to Project resources similar in magnitude to a commercial use.

7.3 Prior Existing Uses

‘Prior Existing Uses’ are Non-Project Uses established prior to January 1, 2008. Owners of Prior Existing Uses are required to initiate consultation with PacifiCorp within nine months of the public notice of the FERC’s approval of the Shoreline Management Plan.¹⁸ PacifiCorp will issue a Permit if it determines that:

- the Prior Existing Use will not unduly interfere with Project purposes or Project Operations,
- the Prior Existing Use does not pose an undue hazard to persons or property,
- the Prior Existing Use is consistent with the intent of the SMP, and
- the owner began the Permit application process within nine months of the public notice of the FERC approval of the SMP by initiating consultation and participating in a pre-application screening meeting with PacifiCorp.

Prior Existing Use permitting is determined on a case by case basis. PacifiCorp may condition any Permit for a Prior Existing Use as necessary to ensure that it satisfies the criteria above. Permitted Prior Existing Uses become subject to the permitting criteria established under the SMP at the time the use requires repairs costing more than 50% of the replacement cost of the use. Owners of existing Non-Project Uses at the Lewis River Projects that have a valid Permit from PacifiCorp are required to obtain a new Permit, valid for five years, but will not be charged an initial application fee. Once permitted

¹⁸ In accordance with the FERC’s January 16, 2014 *Order Modifying and Approving Shoreline Management Plan*, ¶ 20, PacifiCorp will make contact with owners and initiate permitting of Prior Existing Uses. PacifiCorp will initiate consultation with a letter sent by certified mail (or sent via national carrier with delivery signature required); recipients who participate in a Pre-application Screening meeting within nine months of the date of the letter will be offered an existing use permit.

under the SMP policies and procedures, renewal Permits, valid for five years, will be required of all Prior Existing Uses.

7.4 Temporary Activity Permits

PacifiCorp may permit a Non-Project Use of less than 30 days duration if it does not interfere with Project Operations; does not require any form of construction; does not establish a long-term use, and does not result in any significant adverse effect on a sensitive or protected Project resource. Some examples of temporary activities that may be permitted include one-time outdoor events, educational projects, and other non-commercial programs associated with schools, universities, service clubs, or youth organizations.

7.5 Requests for Waiver of Resource Management Classification

An Applicant for a shoreline use within the Resource Management classification may ask PacifiCorp to waive the Resource Management classification standards and requirements for the Applicant's use. If PacifiCorp agrees to grant the waiver, PacifiCorp will review the application under Integrated Use classification standards. PacifiCorp will consider granting a waiver only if the Applicant can:

- demonstrate to PacifiCorp that no other feasible alternative to the proposed use would have less impact on the Project,
- provide convincing evidence that the proposed use would have minimal impact to environmental or cultural resources (e.g. conduct resource surveys and show no detriment to resources) or Project Operations, and
- execute specific protection, mitigation and/or environmental enhancements (PM&E measures) as may be prescribed by PacifiCorp or through any consultation with Jurisdictional Entities or the appropriate coordinating committee.

Examples of uses that may be granted a waiver include moorings and pathways with erosion control features. Applicants requesting a waiver should enclose with their application a letter requesting a waiver and explaining why there is no other feasible alternative to the proposed use that would have less impact on the Project. PacifiCorp will review the waiver request along with the application. If PacifiCorp grants a waiver, Applicant must still satisfy the approval criteria above.

7.6 License Implementation Measures and Project Operations

PacifiCorp's uses of Project Lands for Project Operations, including implementation of its FERC licenses and the SMP, are Project Uses; therefore, those uses are not subject to the permitting requirements of the Permit Handbook. PacifiCorp may still require Permits for such uses that are operated or designed by third parties; however, in order to facilitate PacifiCorp's administration of Project Lands.

7.7 Permit Conditions

An Applicant who accepts a Shoreline Use Permit agrees to abide by the terms and conditions therein. Standardized General Conditions apply to every Permit and are provided as an appendix to the Permit Handbook. Specific Conditions apply only to the specific Permit to which they are attached. Specific Conditions are determined by PacifiCorp during the application review process.

8.0 OTHER AGENCY REGULATORY REVIEW AND PERMITTING

All uses within the FERC Project Boundaries require review and approval by PacifiCorp. Additionally, most uses within the Washington state shoreline buffer will likely require review and approval by the local municipality, relevant county planning commissions, the WDOE and in some instances, the WDFW. Other federal agencies also may exercise jurisdiction over some activities such as the U. S. Army Corps of Engineers (USACE) and the FERC (as defined by the Lewis River Projects standard license articles). PacifiCorp will not provide final review or process applications for any shoreline use without proof of receipt of all other relevant permits. PacifiCorp recommends contacting its permitting staff for pre-application screening as well as contacts listed below for Jurisdictional Entities. This will assist Applicants in assessing the feasibility of their proposals before entering into the permitting process.

8.1 Army Corps of Engineers

Under Section 404 of the Clean Water Act, the United States Congress directs the USACE to regulate the discharge of dredged and fill material into all waters of the United States, including their adjacent wetlands. The intent of this law is to protect the nation's waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical, and biological integrity. Typical activities requiring an Army Corps permit include, but are not limited to, boat ramps, docks, bulkheads/retaining walls, ditches, dams, dikes, weirs, dredging, filling, intake structures, outfall structures, rip-rap, and similar activities. Penalties for violations can range from being required to remove the structures and material to substantial fines or even imprisonment. If a proposed use includes any of the above activities, or it is uncertain whether or not an activity requires a permit, please contact the USACE Seattle District Office Regulatory at:

U.S. Army Corps of Engineers, Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255
(206) 764-3495

8.2 Washington Department of Ecology

The WDOE exercises jurisdiction under several state and federal authorities. WDOE is responsible for certifying construction activities meet Section 401 of the Clean Water Act. This “water quality certification” is needed when a federal approval (USACE, FERC, etc.) is required for a project. WDOE also exercises jurisdiction under the Washington State Shoreline Management Act (SMA) of 1971. The SMA establishes a cooperative program of shoreline management between local government and the state. Local government has the primary responsibility for initiating the planning required by this chapter and administering the regulatory program consistent with the policy and provisions of the SMA. WDOE acts primarily in a support and review capacity with an emphasis on providing assistance to local government and on ensuring compliance with the policy and provisions of the SMA. Most Applicants will deal directly with the respective county planning commission; however it is important to note that draft decisions made by a county commission are reviewed by WDOE before a permit or authorization is finalized.

The SMA applies to all 39 Washington counties and more than 200 cities that have "shorelines of the state" within their jurisdictional boundaries. Relevant area applicable to work within the Project Boundaries and designated as Washington state shorelines are:

- streams with greater than 20 cubic feet per second (cfs) mean annual flow,
- lakes 20 acres or larger,
- upland areas called shorelands that extend 200 feet landward from the edge of these waters, and
- the following areas when they are associated with one of the above:
 - biological wetlands and river deltas, and
 - some or all of the 100-year floodplain including all wetlands within the 100-year floodplain.

The SMA also states "the interests of all the people shall be paramount in the management of shorelines of statewide significance." Areas relevant to the SMP and defined in the SMA are:¹⁹

- lakes or reservoirs with a surface acreage of 1,000 acres or more,
- larger rivers (1,000 cubic feet per second or greater for rivers in Western Washington, 200 cfs and greater east of the Cascade crest), and
- wetlands associated with all the above.

For further information, shoreline use proponents may contact the WDOE at:

Washington State Department of Ecology – Headquarters
300 Desmond Drive,
Lacey, WA 98503 (physical address)
(360) 407-6904

P.O. Box 47600
Olympia, WA 98504-7600 (mailing address)

WDOE - Southwest Region
P.O. Box 47775
Olympia, WA 98504-7775
(360) 407-6300

WDOE also provides guidance regarding the Washington State Environmental Policy Act (SEPA) process. SEPA provides a means to identify potential environmental impacts that could result from government decisions regarding, among other things, issuance of permit for private projects. If a proposed project requires SEPA review, an Applicant must fill out a checklist regarding the proposed project and its potential impacts to the environment. This checklist allows lead permitting agencies to make a decision on the significance of the proposed project and either issue a determination of non-significance (DNS) or require the Applicant prepare an Environmental Impact Statement (EIS) evaluating alternatives and measure to eliminate or minimize the potential effects of the project. SEPA gives agencies authority to condition a proposal when specific adverse impacts are identified by the DNS. In some rare cases, an agency may deny a proposal

¹⁹ http://www.ecy.wa.gov/programs/sea/sma/st_guide/intro.html 11/19/2007

based on the findings of the EIS.²⁰

For further information, shoreline use proponents may contact the WDOE at:

Washington State Department of Ecology
Environmental Coordination Section
P.O. Box 47703
Olympia, WA 98504
(360) 407-6922

8.3 Washington Department of Fish and Wildlife

Hydraulic project approval from the WDFW is required if a proposed shoreline use includes construction or other work that: will use, divert, obstruct, or change the natural flow or bed of any fresh or salt water of the state. This includes all construction or other work waterward and over the OHWL and may include projects landward of the OHWL if the proposed use has the potential to directly affect fish life and habitat.

For further information, shoreline use proponents may contact WDFW at:

Washington State WDFW – Headquarters
600 Capitol Way North
Olympia, WA 98501-1091
(360) 902-2534

WDFW – Region 5
2108 Grand Blvd.
Vancouver, WA 98663-1299
(360) 696-6211

²⁰ Focus Washington State Environmental Policy Act, WDOE, Publication # 02-06-013, May, 2002.

8.4 Washington Department of Natural Resources

An Aquatic Resource Use Authorization (Aquatic lease) is required if a proposed shoreline use is on, crosses, or impacts the bedlands, tidelands, or shorelands of a navigable water.

For further information, shoreline use proponents may contact WDNR at:

Pacific Cascade Region
PO Box 280
Castle Rock, WA 98611-0280
(360) 577-2025
pacific-cascade-region@dnr.wa.gov

8.5 Washington Department of Archaeology and Historic Preservation/State
Historic Preservation Office

Proposed shoreline uses within the Project Boundaries may require review and comment from the SHPO. PacifiCorp staff will review all proposed new uses consistent with procedures defined in the HPMP, regardless of the SMC in which they occur, to determine whether the activity has the potential to affect cultural resources. Early discussions of proposed shoreline uses, as well as identification of activities requiring permit applications and those that do not, will be key to minimizing problems for project proponents. PacifiCorp will review the Non-Project Use permit application and supporting information to ensure that the Applicant provides the appropriate information. PacifiCorp will assist Applicants in determining whether the proposed action is subject to Washington state cultural resource laws and regulations and if it requires consultation with the SHPO. As a requirement or a condition of Permit issuance, PacifiCorp requires any Applicant proposing ground-disturbing activities within the Project Boundaries to undertake the appropriate level of cultural resource investigations, mitigation measures, and/or monitoring measures consistent with the level of resource protection measures outlined in the HPMP.

8.6 Local Government

The SMA and associated County Shoreline Masters Programs regulate development within 200 feet of the OHW line, or within the 100-year floodplain of designated shorelines. Most development within the FERC Project Boundaries will also fall under the State and County Shoreline jurisdiction. Accordingly, any new proposed uses require review and approval by local and/or Clark, Cowlitz, or Skamania County Planning Boards with subsequent review by the WDOE. Typically, a County will review a proposed use to determine if the proposed use qualifies as a Shoreline Substantial Development, Conditional Use, Variance Permit, or Exemption.

Local government also reviews shoreline uses in frequently flooded areas, geographically unstable areas, wildlife habitats, aquifer recharge areas, and wetlands and may require application for Floodplain Management Permits and/or compliance with local critical areas ordinances.

For further information, shoreline use proponents may contact:

Clark County Community Development Office
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
(360) 397-2375

Cowlitz County Department of Building and Planning
207 Fourth Avenue North
Kelso, WA 98626
(360) 577-3052

Skamania County Planning & Community Development
P.O. Box 790
Stevenson, WA 98648
(509) 427-3900

9.0 BEST MANAGEMENT PRACTICES

Best Management Practices (BMPs) are actions implemented to lessen the potential effects of the direct or indirect use of a resource. The goal of promoting shoreline BMPs is to assist in the conservation and protection of valuable shoreline resources and to help reduce potential impacts to shoreline resources and water quality. For example, if property owners choose to cut or remove vegetation from their property to improve access or the view-shed, they may choose to conduct selective clearings and/or to replant low-lying vegetation that will help maintain soil stability rather than to remove all vegetation. Selective clearing and replanting are considered BMPs because they lessen the potential impacts of the clearing.

PacifiCorp is dedicated to employing BMPs when managing its properties. With assistance from relicensing stakeholders and other interested parties, PacifiCorp supports public education efforts to encourage property owners to adopt the shoreline BMPs suggested below, as well as any other BMPs promoted by local, state, or federal agencies. In some cases, specific BMPs may be a requirement of Permits issued by PacifiCorp or other Jurisdictional Entities. Within the Projects' Boundaries, BMPs are required when implementing any land management measures within the Resource Management classification. PacifiCorp does not mandate the use of BMPs on non-PacifiCorp lands within the Integrated Use classification.

9.1 Shoreline Buffer Zones

Vegetated shorelines are an important component of a healthy reservoir ecosystem. Naturally vegetated shorelines act as natural filters, facilitating the absorption and processing of runoff pollutants. This filtering ultimately reduces the amount of potentially harmful contaminants that enter a reservoir and that contribute to water quality degradation. In addition to filtering potentially harmful pollutants, the root systems of naturally vegetated shorelines provide a structure that helps maintain shoreline integrity and reduces excessive erosion that lowers water quality and in some cases adversely affects aquatic habitat. While limited planting of natural grasses can be an aspect of maintaining buffers, especially when used to temporarily stabilize disturbed soils, mowed lawns and planting of non-native grass do not provide adequate contaminant filtering or root systems appropriate for erosion control. Naturally vegetated

shorelines also improve the aesthetic integrity of the reservoir and provide aquatic and terrestrial habitat. BMPs that promote naturally vegetated shorelines are an integral part of efforts to maintain and improve water quality, shoreline stabilization, aesthetics and wildlife habitat within the Project.

PacifiCorp requires BMPs that support the preservation or establishment of a natural filter strip of native vegetation along the shoreline within Resource Management areas and recommends them in Integrated Use areas. These BMPs include practices that:

- 1) minimize clearing of native trees and vegetation,
- 2) minimize the removal of large trees along shorelines or other steep and erodible areas,
- 3) provide temporary soil protection in disturbed areas through planting low maintenance, native grasses or other groundcovers recommended for site-specific conditions, and
- 4) avoid dumping leaves or yard debris on or near the shoreline.

9.2 Vegetation Management

PacifiCorp recommends that anyone considering or planning to clear, remove or mow vegetation or plant or landscape with vegetation or other materials within 200 feet of the reservoir shorelines consult with county planning staff and, when necessary, apply for, and obtain a permit from the appropriate Jurisdictional Entities before conducting such activities. Special circumstances, such as the presence of wetlands, may result in a requirement for mitigation or alternative vegetation management practices. PacifiCorp may permit removal of vegetation within the Resource Management classification if the practice is prescribed by a resource agency for habitat enhancement, or is otherwise described below such as limited removal of vegetation for footpaths. While PacifiCorp does not require a Permit for the activities detailed below on privately owned land within the Integrated Use classification, anyone considering removal of trees within 200 feet of the reservoirs should be aware that approval may be required from Jurisdictional Entities.

9.2.1 Dead or Dangerous Trees

Within the Integrated Use classification, PacifiCorp does not require prior approval to remove standing trees in cases where the trees are dead, damaged, diseased, and dangerous, or otherwise present a public safety or property hazard. In all instances, the adjacent property owner is financially responsible for removal of those trees.

9.2.2 Vista Pruning

‘Vista pruning’ is defined as any trimming, cutting or other pruning activity within the Project boundaries that is designed to enhance the view of the Project by an adjacent property owner. Vista pruning typically involves removal of limbs from living trees and shrubs and up to one-third of the plant height of shrubs and non-woody vegetation within the designated shoreline area. Vista pruning is only allowed within the Integrated Use classification. Within this classification, PacifiCorp’s prior approval is not required.

9.2.3 Clearing for Shoreline Access Footpaths

Vegetation may be cleared in Integrated Use and Resource Management classifications to create and maintain a footpath to the reservoir or to an approved or permitted shoreline use such as a dock or other shoreline facility. A footpath may not exceed 6 feet in width. Footpaths must be constructed or maintained with natural materials such as native grass, wood chips, or gravel/crushed rock. The placement of those materials must not involve earth moving or soil disturbance. PacifiCorp generally approves footpaths as part of its Permit review of docks or other shoreline uses. When reviewing proposed footpath layouts, PacifiCorp will focus on minimizing ground disturbance and vegetation removal. Footpaths may extend from the common boundary between the Project and the landowner to the water’s edge at normal summer reservoir elevation. If measures are needed to minimize erosion, PacifiCorp may permit certain impact-reducing

structures or require re-routing of the pathway.

9.2.4 Landscape Planting

Generally, the planting of small, annual vegetation within the Project Boundaries does not require a Permit; however, any perennial landscaping such as planting trees and shrubs, or adding or removing other features that involves movement of earth and ground disturbance within the Project Boundaries requires a Permit from PacifiCorp.

9.3 Shoreline Debris

Floating debris, driftwood, litter and trash may be removed from the Project Boundaries at any time without prior PacifiCorp approval or receipt of a Permit, provided the method of removal does not involve heavy machinery (*i.e.* bobcats, tractors, bulldozers, skidders, excavators, All-Terrain Vehicles, etc.) grading, bulldozing, or other mechanical means that have the potential to disturb the shoreline through movement of soil, rocks, or existing, live vegetation. Commercial recovery of large woody debris from Project reservoirs is not a permissible activity.

9.4 Erosion Control

There are a variety of physical and biological control measures available to address erosion depending on the dynamics of each occurrence. PacifiCorp will evaluate proposed erosion control measures on a case-by-case basis depending on shoreline characteristics and SMC. In general, construction techniques and methods to minimize adverse effects to the riparian environment are top priority. PacifiCorp prefers biotechnical methods, however, broader erosion control measure applications, including rip-rap, are allowed in the Integrated Use and Project Works Classifications. Only natural or biotechnical methods are allowed in the Resource Management Classification. PacifiCorp recommends Applicants follow established guidelines presented in the Integrated Streambank Protection Guidelines published by the WDFW (2002).

10.0 ENFORCEMENT OF THE SHORELINE MANAGEMENT PLAN

The FERC Project licenses, and more specifically the Standard Land Use article within a given license directs the Licensee to oversee shoreline activities and take action to prevent unauthorized uses of Project Lands. As referenced in other portions of this document, all proposed shoreline uses which affect Project Lands and waters are subject to approval of PacifiCorp. Pursuant to the authority granted PacifiCorp under its land use article, PacifiCorp retains the right to review and modify all proposed and existing uses and occupancies of Project Lands and waters for consistency with its permitting criteria and standards, Project license requirements, and applicable local, state, and federal laws.

PacifiCorp designed the SMP to complement and support land use permitting criteria and standards set forth in its Permitting Handbook. Any shoreline use approved by PacifiCorp through its permitting process is subject to inspection by PacifiCorp staff. Should an inspection reveal that a use deviates from the approved plan, PacifiCorp will require that the property owner correct the discrepancy and/or remove the encroachment from the Project Lands. PacifiCorp must approve any alterations, additions, relocation, or other physical changes to an existing Permitted Use prior to such changes. In an effort to ensure the goals and objectives of the SMP as well as all license requirements are adhered to, PacifiCorp reserves the right to revoke a Permit for good cause. Good cause includes, but is not limited to: failure to follow Permit requirements, applicable local, state, and federal laws related to the Permitted Use; activities interfering with Project Operations; or causing damage to Project Lands or facilities. PacifiCorp may take any legal measures necessary to prohibit unauthorized use and require removal of structures and the restoration of Project Lands to their original condition, if Permit conditions and SMP requirements are not followed.

11.0 MONITORING/AMENDMENT PROCESS

PacifiCorp is committed to the long-term stewardship of the Project's land, water, environmental, recreational and socioeconomic values. PacifiCorp formulated this SMP in anticipation of continued growth and new uses within and adjacent to the Merwin, Yale, and Swift No. 1 Hydroelectric Project Boundaries. PacifiCorp recognizes that the region is a popular tourist destination and residential area and that Non-Project Uses change over time. While these changes in use may occur slowly, they may result in patterns that necessitate reassessment of the SMP.

At the direction of the FERC January 16, 2014 Order, PacifiCorp, by April 15, 2021 and every six years thereafter, will file with the Commission a monitoring report for each Project. Each report will describe PacifiCorp's consultation process, conclusions regarding whether or not the SMP needs to be updated, and if necessary, a plan and schedule for filing a request to amend the SMP. The six year period will allow PacifiCorp to assess new issues that may arise as a result of development around the reservoirs, as well as assess the need for any changes to the plan as it relates to public access and recreational use. This review process will provide the means for evaluating the appropriateness and efficacy of the SMP program and policies, for the permitting program to change if necessary, or for PacifiCorp to adopt additional or replace existing BMPs as their effectiveness is tested. Sections 11.2 and 11.3 discuss the distinction between minor modification to the SMP that PacifiCorp will undertake internally and major modification that may require reopening the SMP through an amendment process.

11.1 Overall Land Use Monitoring

The lack of available, private lands adjacent to the Project Boundaries and the generally remote nature of the reservoirs limit growth and demand for public access and shoreline uses. PacifiCorp's primary means of tracking and monitoring shoreline uses is through its shoreline permitting programs. As a result of the SMP land classification system and associated mapping and PacifiCorp's requirement that any owners of existing, unpermitted uses obtain a new Permit, PacifiCorp will monitor new applications (and existing Permits) through a geographic information system (GIS). With the data already in place for the SMCs, PacifiCorp will use the global positioning satellite (GPS)

coordinates of any new Permit application to determine the applicable SMC. PacifiCorp will review the number and location of Permits it has processed on each classification type on each reservoir annually to assess overall shoreline use and the effectiveness of the SMP in managing these uses.

PacifiCorp will contact county planning staff once a year for updates on regional development adjacent to the reservoirs that may be relevant to the SMP. PacifiCorp will continue to meet with various resource coordinating committees established during the Project relicensing and will include a general agenda item related to the SMP on a semi-annual basis.

11.2 Triggers for Minor Modification

When increased demand for shoreline use in a particular location, changes in development patterns or other land use issues that may be relevant to the SMP arise, PacifiCorp will note the affected location as an area of concern and monitor such developments. As long as resource and use criteria established by this SMP do not change, PacifiCorp will not seek additional review by stakeholders or the FERC.

PacifiCorp also anticipates the potential need to make site-specific changes in the location of SMCs to reflect on-the-ground conditions that were not anticipated or observed when it developed the classification mapping. This will most likely involve minor relocation of SMC boundaries or site-specific waivers dependent on field observations. Unless a SMC is entirely removed or modified to an extent that requires remapping the entire shoreline at a particular location, PacifiCorp does not intend to amend the SMP. During the review of Project mapping, minor changes, such as new development within an existing subdivision adjacent to the reservoirs or changes in recreational uses, will be noted in the PacifiCorp land use database and on the Project maps but are not anticipated to warrant amendments to the SMP. These changes will be captured in PacifiCorp's GIS system. New maps will be made available to adjacent property owners and interested resource agencies every six years. PacifiCorp will also provide updated maps to the FERC as part of its six year review process.

11.3 Triggers for SMP Amendment

Major changes within the Project Boundaries may change goals and assumptions presented in this SMP. PacifiCorp established the following criteria that may indicate the need to address amendment of the plan:

New Residential Uses, Pressures, or Development Opportunities: These may include county approved modifications to existing zoning, new housing developments, infrastructure improvements that could lead to new development, or socioeconomic changes affecting the influx, and out-migration of populations.

Major Commercial Upgrades or New Uses: Land adjacent to the Project reservoirs is currently not experiencing commercial growth or development. This could change over the lifetime of the SMP and would likely necessitate reconsideration of PacifiCorp's management policies. PacifiCorp will continue to monitor this type of shoreline use and compile data that may be useful in the event an SMP amendment becomes necessary during the review period.

Large Parcel Land Sales/Major Changes in Land Ownership: In the event that major parcels of previously undeveloped land change ownership, with an identifiable purchaser and new intent for use, PacifiCorp may review both the SMC designation, as well as the allowed uses within the area to determine if amendments to the SMP are warranted.

Changes within the Management Classifications: The SMCs identified in this SMP are based on environmental, cultural, and aesthetic resources. Some of these classifications are dynamic by nature. It is possible that within the review period new concerns such as nuisance aquatic vegetation or wetland habitat may change, therefore necessitating the re-evaluation and possible amendment of both management classifications as well as the allowed uses within them. PacifiCorp also acknowledges the possibility that mapping of the classifications may require site specific modification. It will, during its six year reporting to the FERC, compare the original mapping with corrected mapping which has occurred in the interim between SMP implementation and review period to assess any changes in classification locations over time. If this change has resulted in modification

of at least 50 percent reclassification of a particular shoreline classification area, PacifiCorp will consider the need to amend the SMP.

11.4 Amendment Process

As the previous sections detailed, Project and resource drawings will be updated on an ongoing basis by PacifiCorp to assure they reflect field conditions. As long as resource and use criteria as established by the SMP do not change, PacifiCorp will not seek additional review by the FERC. If it appears there may be major impacts on the SMP's effectiveness, PacifiCorp will initiate agency and stakeholder review of SMP language and/or assessment of the overall document. PacifiCorp will invite a group of reviewers (to include representatives from various coordinating committees, county planning staff, and other interested stakeholders) to assess if any changes, if any, need to be made to the SMP. If, after this consultation, PacifiCorp determines that an amendment to the plan is necessary, PacifiCorp will notify the FERC of its intentions, provide draft language for review by the Commission, and implement such changes, as approved. These changes may include revising SMC definitions, permitting process changes, or establishing other allowed uses not currently in the SMP. PacifiCorp will continue to coordinate and consult with resource agencies, coordinating committee members, and county planning staff throughout the SMP revision or redrafting process and will supply consultation records to the FERC with any SMP amendment application.

12.0 BIBLIOGRAPHY

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APPENDIX A

SHORELINE MANAGEMENT CLASSIFICATION MAPS

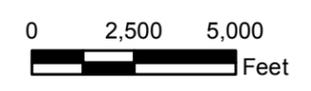
Lewis River

Shoreline Management Plan
Shoreline Classification

Lake Merwin

Legend

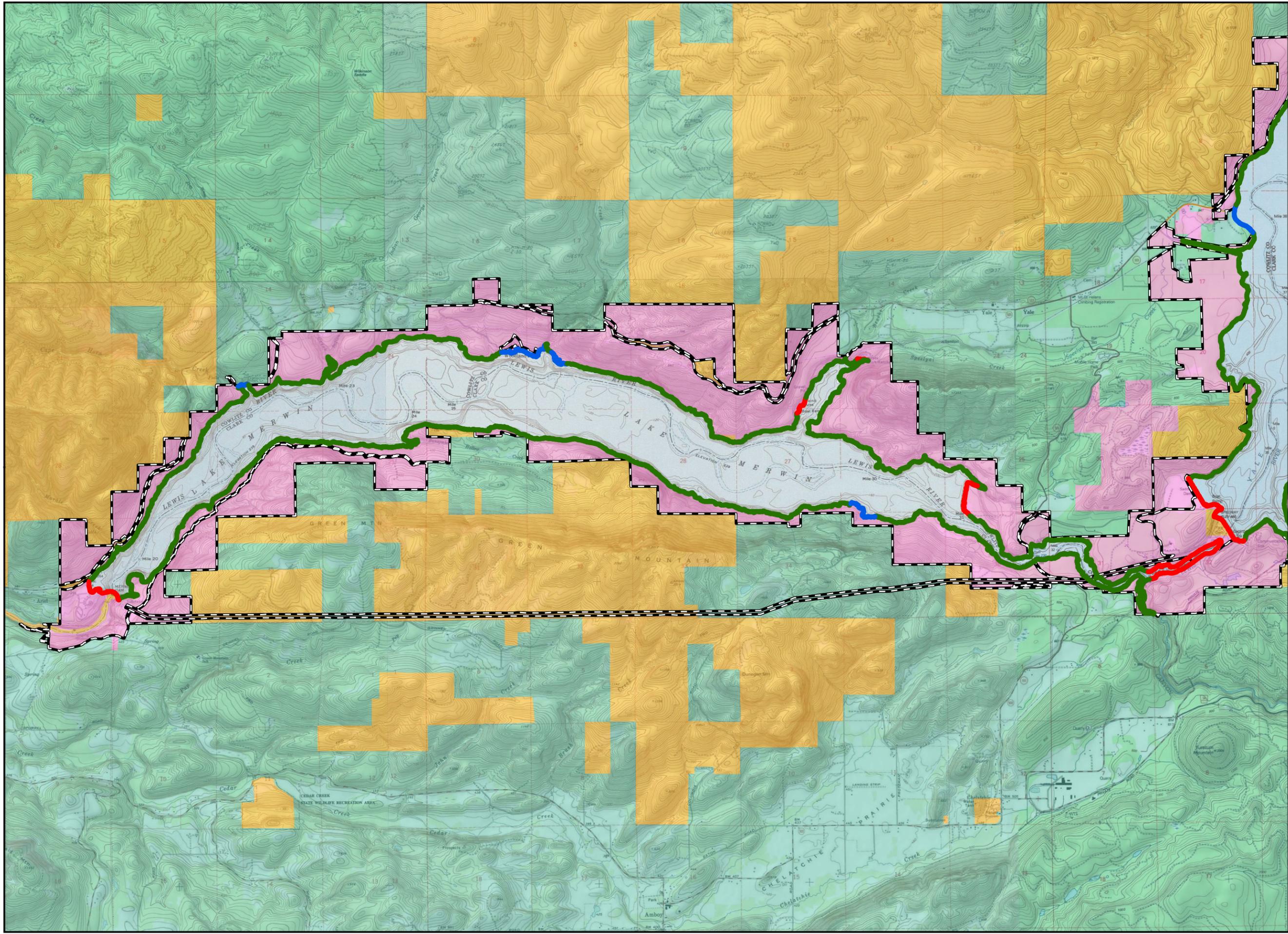
- Shoreline Classification
- Integrated Use
 - Project Works
 - Resource Management
 - FERC Project Boundary
 - PacifiCorp Ownership
 - Public Ownership
 - Private Ownership



GIS Support Services
Solutions Group
gisdept@pacificorp.com

Data are projected in UTM Zone 10, NAD83, meters.
PacifiCorp GIS collects data from a variety of government and private sources. This map is not to be released nor put into any location that is accessible electronically or otherwise available to market affiliates. PacifiCorp makes no warranty as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. For complete validation, the source organization should be contacted or source documents consulted to verify the findings of this product.

1/16/2014 gisdept@pacificorp.com
U:\Projects\2014\14-085\Lewis SMP Shoreline
11x17 Merwin.mxd



Lewis River

Shoreline Management Plan
Shoreline Classification

Swift Reservoir

Legend

Shoreline Classification

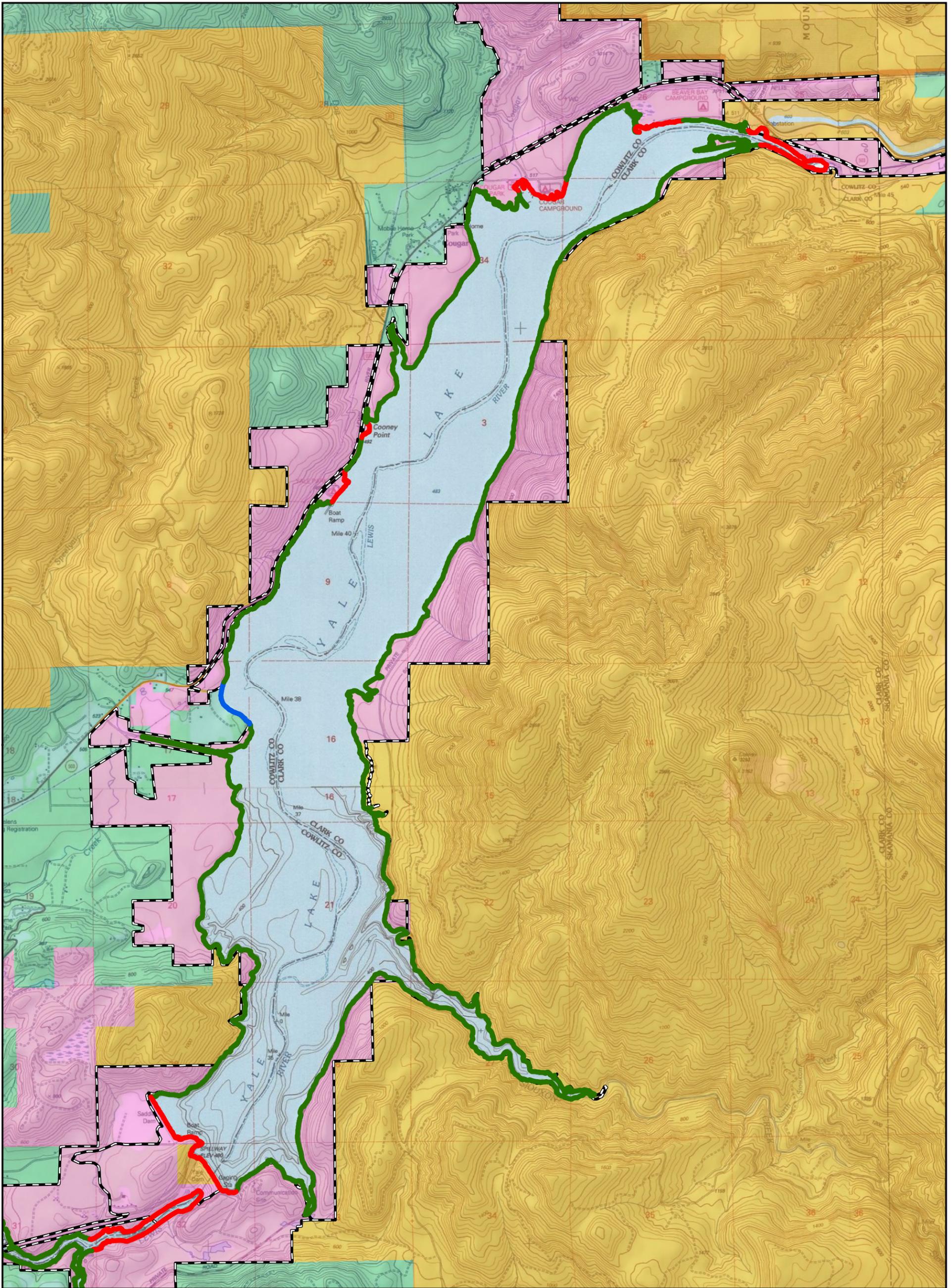
-  Integrated Use
-  Project Works
-  Resource Management
-  FERC Project Boundary
-  PacifiCorp Ownership
-  Public Ownership
-  Private Ownership

Woody Debris
Collection



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Lewis River

Shoreline Management Plan
Shoreline Classification

Yale Lake



Legend

Shoreline Classification

- Integrated Use
- Project Works
- Resource Management



FERC Project Boundary



PacifiCorp Ownership



Public Ownership



Private Ownership



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Data are projected in UTM Zone 10, NAD83, meters.

PacifiCorp GIS collects data from a variety of government and private sources. This map is not to be released nor put into any location that is accessible electronically or otherwise available to market affiliates. PacifiCorp makes no warranty as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. For complete validation, the source organization should be contacted or source documents consulted to verify the findings of this product.

APPENDIX B

RELEVANT LICENSE ARTICLES AND LANGUAGE

Article 412 – Swift Project

Article 413 – Merwin Project

Article 414 – Yale Project

Use and Occupancy:

- (a) In accordance with the provisions of this article, the licensee shall have the authority to grant permission for certain types of use and occupancy of project lands and waters and to convey certain interests in project lands and waters for certain types of use and occupancy, without prior Commission approval. The licensee may exercise the authority only if the proposed use and occupancy is consistent with the purposes of protecting and enhancing the scenic, recreational, and other environmental values of the project. For those purposes, the licensee shall also have continuing responsibility to supervise and control the use and occupancies, for which it grants permission, and to monitor the use of, and ensure compliance with the covenants of the instrument of conveyance for, any interests that it has conveyed, under this article. If a permitted use and occupancy violates any condition of this article or any other condition imposed by the licensee for protection and enhancement of the project's scenic, recreational, or other environmental values, or if a covenant of a conveyance made under the authority of this article is violated, the licensee shall take any lawful action necessary to correct the violation. For a permitted use or occupancy, that action includes, if necessary, canceling the permission to use and occupy the project lands and waters and requiring the removal of any non-complying structures and facilities.
- (b) The type of use and occupancy of project lands and waters for which the licensee may grant permission without prior Commission approval are: (1) landscape plantings; (2) non-commercial piers, landings, boat docks, or similar structures and facilities that can accommodate no more than 10 water craft at a time and where said facility is intended to serve single-family type dwellings; (3) embankments, bulkheads, retaining walls, or similar structures for erosion control to protect the existing shoreline; and (4) food plots and other wildlife enhancement. To the extent feasible and desirable to protect and enhance the project's scenic, recreational, and other environmental values, the licensee shall require multiple use and occupancy of facilities for access to project lands or waters. The licensee shall also ensure, to the satisfaction of the Commission's authorized representative, that the use and occupancies for which it grants permission are maintained in good repair and comply with applicable state and local health and safety requirements. Before granting permission for construction of bulkheads or retaining walls, the licensee shall: (1) inspect the site of the proposed construction; (2) consider whether the planting of vegetation or the use of riprap would be adequate to control erosion at the site; and (3) determine that the proposed construction is needed and would not change the basic contour of the reservoir shoreline. To implement this paragraph (b), the licensee may, among other things, establish a program for issuing permits for the specified types of use and occupancy of project lands and waters, which may be subject to the payment of a reasonable fee to cover the licensee's costs of administering the permit program. The Commission reserves the right to require the licensee to file a description of its standards, guidelines, and procedures for implementing this paragraph (b) and to require modification of those standards, guidelines, or procedures.

- (c) The licensee may convey easements or rights-of-way across, or leases of project lands for: (1) replacement, expansion, realignment, or maintenance of bridges or roads where all necessary state and federal approvals have been obtained; (2) storm drains and water mains; (3) sewers that do not discharge into project waters; (4) minor access roads; (5) telephone, gas, and electric utility distribution lines; (6) non-project overhead electric transmission lines that do not require erection of support structures within the project boundary; (7) submarine, overhead, or underground major telephone distribution cables or major electric distribution lines (69-kV or less); and (8) water intake or pumping facilities that do not extract more than one million gallons per day from a project reservoir. No later than January 31 of each year, the licensee shall file three copies of a report briefly describing for each conveyance made under this paragraph (c) during the prior calendar year, the type of interest conveyed, the location of the lands subject to the conveyance, and the nature of the use for which the interest was conveyed.
- (d) The licensee may convey fee title to, easements or rights-of-way across, or leases of project lands for: (1) construction of new bridges or roads for which all necessary state and federal approvals have been obtained; (2) sewer or effluent lines that discharge into project waters, for which all necessary federal and state water quality certification or permits have been obtained; (3) other pipelines that cross project lands or waters but do not discharge into project waters; (4) non-project overhead electric transmission lines that require erection of support structures within the project boundary, for which all necessary federal and state approvals have been obtained; (5) private or public marinas that can accommodate no more than 10 water craft at a time and are located at least one-half mile (measured over project waters) from any other private or public marina; (6) recreational development consistent with an approved Exhibit R or approved report on recreational resources of an Exhibit E; and (7) other uses, if: (i) the amount of land conveyed for a particular use is five acres or less; (ii) all of the land conveyed is located at least 75 feet, measured horizontally, from project waters at normal surface elevation; and (iii) no more than 50 total acres of project lands for each project development are conveyed under this clause (d)(7) in any calendar year. At least 60 days before conveying any interest in project lands under this paragraph (d), the licensee must submit a letter to the Director, Office of Energy Projects, stating its intent to convey the interest and briefly describing the type of interest and location of the lands to be conveyed (a marked Exhibit G map may be used), the nature of the proposed use, the identity of any federal or state agency official consulted, and any federal or state approvals required for the proposed use. Unless the Director, within 45 days from the filing date, requires the licensee to file an application for prior approval, the licensee may convey the intended interest at the end of that period.
- (e) The following additional conditions apply to any intended conveyance under paragraph (c) or (d) of this article:
- (1) Before conveying the interest, the licensee shall consult with federal and state fish and wildlife or recreation agencies, as appropriate, and the State Historic Preservation Officer.
 - (2) Before conveying the interest, the licensee shall determine that the proposed use of the lands to be conveyed is not inconsistent with any approved Exhibit R or

approved report on recreational resources of an Exhibit E; or, if the project does not have an approved Exhibit R or approved report on recreational resources, that the lands to be conveyed do not have recreational value.

- (3) The instrument of conveyance must include the following covenants running with the land: (i) the use of the lands conveyed shall not endanger health, create a nuisance, or otherwise be incompatible with overall project recreational use; (ii) the grantee shall take all reasonable precautions to ensure that the construction, operation, and maintenance of structures or facilities on the conveyed lands will occur in a manner that will protect the scenic, recreational, and environmental values of the project; and (iii) the grantee shall not unduly restrict public access to project waters.
- (4) The Commission reserves the right to require the licensee to take reasonable remedial action to correct any violation of the terms and conditions of this article, for the protection and enhancement of the project's scenic, recreational, and other environmental values.
- (f) The conveyance of an interest in project lands under this article does not in itself change the project boundaries. The project boundaries may be changed to exclude land conveyed under this article only upon approval of revised Exhibit G drawings (project boundary maps) reflecting exclusion of that land. Lands conveyed under this article will be excluded from the project only upon a determination that the lands are not necessary for project purposes, such as operation and maintenance, flowage, recreation, public access, protection of environmental resources, and shoreline control, including shoreline aesthetic values. Absent extraordinary circumstances, proposals to exclude lands conveyed under this article from the project shall be consolidated for consideration when revised Exhibit G drawings would be filed for approval for other purposes.
- (g) The authority granted to the licensee under this article shall not apply to any part of the public lands and reservations of the United States included within the project boundary.

Form L-1
(October, 1975)
FEDERAL ENERGY REGULATORY COMMISSION
TERMS AND CONDITIONS OF LICENSE
FOR CONSTRUCTED MAJOR PROJECT AFFECTING
LANDS OF THE UNITED STATES

Article 13.

On the application of any person, association, corporation, Federal agency, State or municipality, the Licensee shall permit such reasonable use of its reservoir or other project properties, including works, lands and water rights, or parts thereof, as may be ordered by the Commission, after notice and opportunity for hearing, in the interests of comprehensive development of the waterway or waterways involved and the conservation and utilization of the water resources of the region for water supply or for the purposes of steam-electric, irrigation, industrial, municipal or similar uses. The Licensee shall receive reasonable compensation for use of its reservoir or other project properties or parts thereof for such purposes, to include at least full reimbursement for any damages or expenses which the joint use causes the Licensee to incur. Any such compensation shall be fixed by the Commission either by approval of an agreement between the Licensee and the party or parties benefiting or after notice and opportunity for hearing. Applications shall contain information in sufficient detail to afford a full understanding of the proposed use, including satisfactory evidence that the applicant possesses necessary water rights pursuant to applicable State law, or a showing of cause why such evidence cannot concurrently be submitted, and a statement as to the relationship of the proposed use to any State or municipal plans or orders which may have been adopted with respect to the use of such waters.

Article 16.

Whenever the United States shall desire, in connection with the project, to construct fish and wildlife facilities or to improve the existing fish and wildlife facilities at its own expense, the Licensee shall permit the United States or its designated agency to use, free of cost, such of the Licensee's lands and interests in lands, reservoirs, waterways and project works as may be reasonably required to complete such facilities or such improvements thereof. In addition, after notice and opportunity for hearing, the Licensee shall modify the project operation as may be reasonably prescribed by the Commission in order to permit the maintenance and operation of the fish and wildlife facilities constructed or improved by the United States under the provisions of this article. This article shall not be interpreted to place any obligation on the United States to construct or improve fish and wildlife facilities or to relieve the Licensee of any obligation under this license.

Article 17.

The Licensee shall construct, maintain, and operate, or shall arrange for the construction, maintenance, and operation of such reasonable recreational facilities, including modifications thereto, such as access roads, wharves, launching ramps, beaches, picnic and camping areas, sanitary facilities, and utilities, giving consideration to the needs of the physically handicapped, and shall comply with such reasonable modifications of the project, as may be prescribed hereafter by the Commission during the term of this license upon its own motion or upon the

recommendation of the Secretary of the Interior or other interested Federal or State agencies, after notice and opportunity for hearing.

Article 18.

So far as is consistent with proper operation of the project, the Licensee shall allow the public free access, to a reasonable extent, to project waters and adjacent project lands owned by the Licensee for the purpose of full public utilization of such lands and waters for navigation and for outdoor recreational purposes, including fishing and hunting: Provided, That the Licensee may reserve from public access such portions of the project waters, adjacent lands, and project facilities as may be necessary for the protection of life, health, and property.

Article 19.

In the construction, maintenance, or operation of the project, the Licensee shall be responsible for, and shall take reasonable measures to prevent, soil erosion on lands adjacent to streams or other waters, stream sedimentation, and any form of water or air pollution. The Commission, upon request or upon its own motion, may order the Licensee to take such measures as the Commission finds to be necessary for these purposes, after notice and opportunity for hearing.

Article 25.

The Licensee shall allow any agency of the United States, without charge, to construct or permit to be constructed on, through, and across those project lands which are lands of the United States such conduits, chutes, ditches, railroads, roads, trails, telephone and power lines, and other routes or means of transportation and communication as are not inconsistent with the enjoyment of said lands by the Licensee for the purposes of the license. This license shall not be construed as conferring upon the Licensee any right of use, occupancy, or enjoyment of the lands of the United States other than for the construction, operation, and maintenance of the project as stated in the license.

APPENDIX C

CONSULTATION RECORD

On December 18, 2008, PacifiCorp voluntarily filed the SMP to the FERC. Several interested parties submitted comments on or before February 6, 2009. Appendix C contains the record of consultation for developing the SMP including a *Responses to Comments* matrix that excerpts comments received and identifies actions taken by PacifiCorp.

PacifiCorp files SMP with FERC
December 18, 2008

December 18, 2008

Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
ATTN: OEP/DHAC Room 6M-02
888 First Street, NE Room 1A
Washington, DC 20426

**Subject: Lewis River Hydroelectric Projects:
Merwin Hydroelectric Project (FERC Project No. P-935),
Yale Hydroelectric Project (FERC Project No. P-2071), and
Swift No. 1 Hydroelectric Project (FERC Project No. P-2111)
Submittal of the Lewis River Shoreline Management Plan**

Dear Secretary Bose:

PacifiCorp herein electronically files with the Federal Energy Regulatory Commission (FERC) a *Shoreline Management Plan* (SMP) for the above-referenced Lewis River Projects. As the Projects were recently relicensed in a combined proceeding, PacifiCorp has developed a unified SMP for the three Projects to insure continuity for enforcement and for the convenience of stakeholders. This SMP was developed as the means by which PacifiCorp intends to manage shorelines within the Projects' boundaries, and implement the FERC's 'Standard Land Use Articles', as provided in Article(s) 413, 414, and 412 respectively, of the Projects' licenses. PacifiCorp requests the FERC approval of this SMP.

As more fully described in the SMP itself, the SMP was developed in consultation with the agencies and other stakeholders. Consultation included a series of three publicly advertised meetings. Letters also were directly sent to adjacent landowners, the agencies and others on the relicensing mailing list. After each meeting, PacifiCorp received comments on the SMP. PacifiCorp prepared a final draft of the SMP and provided it to the stakeholders for formal comment before preparing the attached final document for submittal to the FERC.

For PacifiCorp to effectively implement the SMP, we have also developed a *Shoreline Use Permitting Information and Application Handbook* (Permit Handbook). PacifiCorp developed this Permit Handbook in support of the SMP. Because of its detailed nature, however, it has not been incorporated into the SMP. This Permit Handbook describes the permitting process, identifies specific criteria PacifiCorp applies when reviewing Shoreline Use Permit applications, and provides standards for construction methods and

materials for particular shoreline structures. PacifiCorp is providing this Permit Handbook to the FERC for informational purposes only.

This letter and its attachments have been filed electronically, and are considered public information. A complete hard copy has been sent to OEP/DHAC Room 6M-02 in Washington, DC according to the Commission's eFiling requirements, and also to the Commission's Portland Regional Office. In addition, both documents can be viewed electronically on the Lewis River website at <http://www.pacificorp.com/Article/Article76278.html>

If there are any questions or comments regarding the SMP, please contact Todd Olson PacifiCorp, 825 NE Multnomah, Suite 1500, Portland, OR 97232, Phone: (503) 813-6657, or by email at todd.olson@pacificorp.com.

Sincerely,



Randy Landolt

RAL: KM

Encl:	Letter - Public	
	Lewis River Hydroelectric Projects Shoreline Management Plan - Public	

cc:	Aquatic Coordination Committee (ACC)	
	Terrestrial Coordination Committee (TCC)	
	Lewis River Recreation Advisory Committee (LRC)	
	Interested parties to the Lewis River Shoreline Management Plan	
	Erich Gaedeke, DHAC, FERC Portland Regional Office	

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Comment/ Question Date	From	Comment/Question	Response Date	Response	From
9/5/07	Sandra Pratt	<p>I urge PacifiCorps to protect the Swift reservoir shoreline from further development or degradation, including not allowing new boat launches on the reservoir, which will only fuel more development.</p> <p>This is a wonderful pristine area. I hope it can be kept that way by curtailing further development of any kind.</p>	9/6/07	<p>Good morning Sandra, Thank you for your input regarding the company's efforts to develop a Shoreline Management Plan for the Lewis River Hydroelectric Projects. I appreciate you taking the time to share your concerns and your interest in the area. We are developing a record of the input we receive on this project, and we will include your email.</p>	Todd Olson – PacifiCorp Energy
9/6/07	Charlie Clark	<p>I was one of the cabin owners from Swift Creek who attended the meeting about the planning PacifiCorp is doing for the three lake area. I was one of those who brought up that less, not more, development is what we see as favorable-and that rather than deep water docks, I personally would love to see Swift lake limited to non-powered craft while allowing power craft on other lakes in the group.</p> <p>I have friends with a similar cabin in Canada that is a grouping much like the cabins at Swift Estates, and that area has limited power craft to one of the several lakes in the area – which I am told has helped to control erosion and other problems on the non-power lake while these same issues remain a problem in the other areas.</p> <p>While I know that it is impossible to go from allowing power craft to disallowing that after all these years, but we do not need to add additional areas to launch boats or deep-water docks on Swift.</p> <p>I also realize that it is impossible to stop all development around Swift, but any steps that can be taken to slow and retard development that outstrips the support services supplied by local, state and federal governments must be taken into account for any plans for the three lake region. Thank you for your time and attention.</p>	9/12/07	<p>Thank you very much for your letter dated September 6, 2007, which I have copied and included in PacifiCorp's consultation record.</p> <p>I see that I have your mailing address on my distribution list, however, I wanted to make sure you received the attached notification for our next meeting to discuss the Lewis River Settlement agreement in more detail.</p> <p>We hope to see you there.</p>	Kimberly McCune – PacifiCorp Energy
9/6/07	Vicky Von Dier	<p>I am one of those environmentalists urging you to protect the Swift Reservoir shoreline from further development or degradation, including new boat launches which will encourage more development.</p>	9/6/07	<p>Thank you for your input regarding the company's efforts to develop a Shoreline Management Plan for the Lewis River Hydroelectric Projects. I appreciate you taking the time to share your concern of further development and degradation in the Swift area. We are developing a record of the input we receive on this project, and we will include your email.</p>	Todd Olson – PacifiCorp Energy

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9/11/07	Dave Barrows	<p>I am a long time (more than 40 years) cabin owner in the original group of cabins on the south side of Swift Reservoir.</p> <p>I want to express my appreciation to PacifiCorp, through you, for all of the many courtesies you have shown to those of us who love Swift, such as providing the tugboat, et al, to keep the lake as debris free as possible. You've done a great job.</p> <p>I have never complained about the water dropping (unlike some of my fellow cabin owners, maybe especially at North Woods). It's always been my feeling that "it's your lake and you can do with it as you wish". We are also very grateful for the permission that PacifiCorp has given us for our little dock complex.</p> <p>I am writing to express my strong apprehension about large-scale development at Swift. Our water supply comes from a spring and we have no way of knowing how further development would impact that. Also, obviously, adding a large group of new homes with a recreational lodge and a large marina at the east end would alter the "experience" we currently enjoy. Should such a development occur, it would seem to me that far east end of the reservoir (near North Woods) would have to be dredged somehow. That area, as you know full well, becomes high and dry after only a minimal draw down.</p> <p>Again, thank you for all the courtesies which PacifiCorp has shown us over the years. However, making this into a large resort-type lake will probably not be in the best interest of anyone, you or us.</p>		No response required at this time.	
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9/14/07	Paul Huebschman	<p>Thanks for conducting the meeting last night at Merwin Dam. We are encouraged by the cooperative attitude from Pacificorp. It is refreshing. Thank you.</p> <p>Regarding commenting on the Shoreline Management Plan I would recommend the following:</p> <p>delineate certain lands as protective of species in the three reservoirs: Merwin, Yale & Swift Creek; delineate other shoreline lands as those owned by homeowners, with rights to allow bank protection maintenance, wave protection structures [log boom wave dampeners], limited development in easement areas and construction of individual and/or corporate landowner docks all in accordance with the State of Washington Shoreline Management.</p> <p>We further support recreational development in the Swift Creek Reservoir, including a marina.</p>	9/14/07	<p>Thank you for your participation last night. It was a good opportunity for Dave and I to better understand the history and issues you face in dealing with shoreline erosion. I look forward to working with you to see how the issue can be addressed. Thank you also for your comments on the Plan itself, they will be included in our correspondence record for the project.</p>	Todd Olson – PacifiCorp Energy
9/14/07	Mary and Gary Pleasants	<p>Mary and I would like to thank you for your time meeting with us on September 13, 2007 about the erosion we are experiencing and conversations about docks on Yale Lake.</p> <p>We are taking your advice and contacting Cowlitz County and an engineering firm to develop a plan to halt the erosion along our bank. Once our plan is established we will be contacting you with the details for your review.</p> <p>We also want to express our strong desire to have the shoreline plan worded to include our right to build a dock on our property. Since there are approximately 10 private land owners on Yale Lake, at most 10 docks would be built. On a lake that has miles of shoreline, just a small number of docks would almost be unnoticeable.</p> <p>Mary and I are EMT's/First Responders with our local District 7 Fire Department. The department has on many occasions called upon us to respond with our boat for medical/fire calls on Yale Lake. A dock would provide a faster response to these emergencies by our fire department giving the people who use the lake better protection in times of need.</p>	9/14/07	<p>Thank you for attending the meeting last night. It was a good opportunity for Dave and I to better understand the history and issues you face in dealing with shoreline erosion. I look forward to working with you to see how the issue can be addressed. Thank you also for your comments on the Plan itself specific to your interest in having a dock. Your letter will be included in our correspondence record for the project.</p>	Todd Olson – PacifiCorp Energy

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		Thank you for your consideration of our thoughts for inclusion in the shoreline management proposal.			
9/14/07	Michelle Rice	<p>My name is Michelle Rice. My husband Rod and I own a vacation home on Yale Lake at 123 Craig Drive. My husband attended the meeting that was held at the Lewis River Golf Course, but unfortunately was unable to attend last night's meeting.</p> <p>We are writing to you in that when we purchased our pre-owned home 3 years ago it was with the intention that we would be able to create many fun filled memories for our 2 young boys and the rest of our extended family. We have began to do this, but the only hinderance is the boat dock situation. When we purchased our vacation home, we were told by the sellers agent/sellers that we could have a floating dock system, one that wasn't a permanent structure, and could be removed if needed. We were told that all of the governing lakes around us had boat docks and that it wouldn't be a problem as it would set a precedence if we couldn't have one. We purchased a Jet Dock floating system after doing extensive research on floating boat docks. We purchased this system for two reasons, it is not a permanent structure, it floats, and the fact it doesn't impact the living environment within the water nor surrounding it! We did this in order to comply with the rules and regulations set forth from Pacific Power as well as the County. In doing all of this, last summer and the previous one, we were asked to remove the dock from the lake, we complied, but not without questions. We would very much like to gain approval to have it in the water in the summertime. We would like approval from Memorial Day through Labor Day weekend. If you would like to view the website for information on the floating system we purchased, you can view it at www.jetdock.com.</p> <p>Another issue we have is our erosion that is happening on our hillside. We would like to put up a natural rock retaining wall and have ivy growing over it to help not take away the natural look of the hillside. If you tour the lake you can see a lot of rock on the hillside as well as green trees, shrubs, etc. We would like to take the same approach and make it look like it had been in the</p>	9/14/07	<p>Michelle, thank you for the email, we will include it as part of our project correspondance records. I appreciate you taking the time to comment. FYI - I just sent out action items from last night's meeting, please see attached. Sorry that Rod could not make it, it was a good discussion.</p> <p>Thanks also for the input on your dock request. This issue is central to the purpose of the Shoreline Management Plan we are developing; to review requests such as yours in light of other resources such as environmental and cultural, and have a consistent approach. Erosion will also be considered. In the end the Plan will describe what the Federal Energy Regulatory Commission (FERC) deems allowable along the shorelines. In addition to state and federal permits, any shoreline activity within the FERC boundary will need approval from PacifiCorp acting on behalf of FERC. For the present, since we do not know the final outcome of planning, we cannot permit any docks or permanent erosion work within the flowage easement of the reservoir (10 vertical feet).</p>	Todd Olson – PacifiCorp Energy

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		environment for years. Do we need to get approval from Pacific Power on this idea or the County? Thank you for your time and addressing the issues at hand. Going forward, I am hoping that good things can come out of the meetings and our input/ thoughts are considered.			
9/14/07	Karen Huebschman	Thank you for setting up the meeting last night at Merwin Dam. We all appreciate the openness and willingness to work with the property owners on Yale Lake. I would like to reiterate our comments from last night for the Shoreline Management Plan. As a home owner with land on Yale Lake I would like to have the rights: to do on going maintenance on our bank area to repair and prevent erosion, to create a walkway from our homes to the water, to be able to put plantings on our bank, and to have a boat dock. We understand that all the above would need to go through a permit process and be approved by the county and PP&L. We want to be a good steward, sensitive to the Yale Lake environment and a good neighbor to PP&L while supporting recreational use of the area.	9/14/07	Thank you for your participation last night. It was a good opportunity for Dave and I to better understand the history and issues you face in dealing with shoreline erosion. I look forward to working with you to see how the issue can be addressed. Thank you also for your comments on the Plan itself, they will be included in our correspondence record for the project.	Todd Olson – PacifiCorp Energy
9/13/07	Gary Pleasants, Paul Huebschman Chris Blodgett	Specific questions regarding erosion issues and the history behind each.	9/14/07	To all: Thank you for your participation at our meeting last night. It was a good opportunity for Dave and I to learn about your specific erosion issues and the history behind each. I noted a couple of action items from the meeting: - PacifiCorp is developing maps describing the FERC flowage easement area and project boundaries. These will be made available on the company's website. Target date = Late September - PacifiCorp will develop shoreline categories and allowable purposes within each category, then apply those to shoreline areas around each reservoir. Draft maps showing the delineation of each category will be provided for agency-public review and comment. Target date = Mid October - Interested public (you folks) will provide alternatives - potential actions/responses to be considered in dealing with shoreline erosion. These on-the-ground	Todd Olson – PacifiCorp Energy

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				<p>alternatives can be considered in light of consequences to other environmental resources. Target date = Mid October (PacifiCorp will use information in addressing this issue in the Shoreline Management Plan development).</p> <p>- Yale Estate folks to provide alternatives to deal with shoreline erosion in the short-term, something that can be temporarily put into place that considers county codes and minimizes the environmental footprint. Target date = Mid October</p> <p>- Interested public to provide input on issues, concerns, recommendations, etc. on the Lewis River Shoreline Management Planning effort. Target date = Ongoing</p> <p>- Yale Estate folks; if you wish to pursue a primitive foot trail to the reservoir, please provide a design to Dave for review.</p> <p>If one of you could please forward this email to Tom Files that would be appreciated. I did not get his email address last night.</p> <p>Again thanks for the interest you each have and we look forward to working with you on our planning</p>	
9/19/07	Sherry Stewart	I was unable to attend the last meeting but was told there was no interest in docks on Yale Lake. I would like to let you know that this and the erosion issue are of most importance to me and several of my neighbors. Those being Mike Chidester, Craig Barton and Jim Barton and myself Sherry Stewart. Being kept abreast of the procedures and permit requirements would be appreciated.	9/19/07	Thank you for your input regarding the company's efforts to develop a Shoreline Management Plan for the Lewis River Hydroelectric Projects, specifically your interest on the Yale reservoir. I appreciate you taking the time to share your concerns and your interest in the area. We are developing a record of the input we receive on this project, and we will include your email. As this process moves forward we will keep you apprised.	Todd Olson – PacifiCorp Energy
9/20/07	Bob Weis	<p>My name is Bob Weis and I am an owner of a lot on Yale Lake at Yale Estates on Craig Drive. I apologize that I could not attend the meeting last Thursday. I have worked with PPL and Cowlitz County for years in an effort to improve our property value and protect the Lake. I am happy to hear we can have a more open conversation then we have been able to in the past.</p> <p>Outside of finding ways to stop erosion I would like to hear your view on individual or community docks. I also own a home on Lake Merwin where we have a community dock and have never understood why we can at Merwin but not at Yale.</p>	9/20/07	Thank you for your note and interest in our Shoreline Management Planning for the Lewis River Reservoirs. Sorry you could not attend the meeting, it was a good opportunity to open the communication on erosion and other issues. Regarding private dock opportunities, that is one of the issues under consideration as we go through the Planning process. If you would like to know more about the process, please visit our website at http://www.pacificorp.com/Article/Article76313.html . We have a ways to go but look forward to having a Plan in place next year.	Todd Olson – PacifiCorp Energy

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9/26/07	Mr. Carpenter (phone call)	This gentlemen called Kirk Naylor (PacifiCorp) recently to mostly discuss the gate installations of late and how there are 12 others that are very displeased about the road closures.	9/27/07	I have been informed by Kirk Naylor that you requested the details of the next Lewis River public meeting which will take place at the Lewis River Golf Course on Wednesday, October 17, 2007. Please find the meeting notification attached. In addition, if you would like to provide me your mailing address and the address of any others who may be interested I will see that each is included on the mailing distribution list. The Lewis River mailing list of local residents and interested parties is over 350 strong in an effort to continue to keep the community apprised of PacifiCorp's efforts in the implementation of the Lewis River Settlement Agreement and new hydroelectric Federal Energy Regulatory (FERC) licenses.	Kimberly McCune – PacifiCorp Energy
9/28/07	Bruce Barnes	Phone call to express his opposition to a new additional boat ramp on Swift reservoir.	9/28/07	This email is to memorialize a conversation I had with Bruce Barnes of Mount St. Helen's Rescue on September 28, 2007. In discussing development of the Lewis River Shoreline Management Plan, Mr. Barnes noted he was opposed to a new additional boat ramp on Swift reservoir. He concern was additional traffic on a road not designed for such a volume of vehicles, too many boats on the reservoir, and water quality impacts.	Todd Olson – PacifiCorp Energy
10/1/07	Mike Hayden	Phone call regarding where he can locate the Shoreline Management Plan activity on the Lewis River website.	10/1/07	It was a pleasure speaking with you this morning. I've provided the link below which will guide you to the Shoreline Management Plan activity, and the Lewis River Settlement Agreement. If you have any difficulties navigating the site or need a document you are unable to locate please contact me directly and I'll help you through the process. In addition, since you mentioned you were having difficulty viewing or accessing the entire Settlement Agreement document I have extra electronic copies on hand and I would be happy to mail a CD to your attention. http://www.pacificorp.com/Article/Article76278.html	Kimberly McCune – PacifiCorp Energy
10/7/07	Mary Pleasants	I am writing this to more strongly state a position of which we wrote you earlier. As property owners along Yale Lake we believe that we should be able to have the right to have a dock. We own the land along the along the shoreline as well as the land which is flooded by PPL when the lake is up. This is several feet, probably twenty or more feet from the	10/10/07	Good afternoon Mary, Thanks for your position statement regarding Yale docks. Your email will be added to our public comment record. Regarding the websites, here they are: www.ferc.gov www.ferc.gov/industries/hydropower/gen-info/guidelines/smpbook.pdf	Todd Olson – PacifiCorp Energy

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		<p>high pool mark. We pay taxes on this property hence we should be able to use it.</p> <p>At the August meeting with the facilitators for the Shoreline Management Plan one of the first visuals was about four website/e-mail addresses. Noel from lewisriver.com said he would add them to his website but I have not been able to find them. Would you be able to get them for me?</p>		<p>http://www.pacificorp.com/Article/Article76278.html</p> <p>David.Moore@pacificorp.com (503) 813-6945 Todd.Olson@pacificorp.com (503) 813-6577</p> <p>FERC is the Federal Energy Regulatory Commission which regulates the hydroelectric projects through licenses. Each license contains terms and conditions for not only hydropower operations, but protection, mitigation, or enhancement measures for social and environmental resources.</p> <p>The complete PowerPoint presentation from the public meeting can be viewed at: http://www.pacificorp.com/Article/Article76313.html</p>	
10/10/07	Ryan Hunter	<p>I am writing on behalf of the Gifford Pinchot Task Force (GP Task Force) to comment on the proposed Shoreline Management Plan for the reservoirs on the Lewis River. The GP Task Force is a non-profit organization with over 3,000 members. We work to preserve and restore the ecosystems and communities of southwestern Washington by promoting conservation of forest ecosystems and sustainable restoration-based employment.</p> <p>As PacifiCorp is aware, the shoreline on Swift Reservoir is experiencing increased development pressure. Under the county's Shoreline Management Master Program, the Swift Reservoir is categorized as a Natural Environment and requires a 200 foot buffer along its shores in which no permanent structures, roads, or logging may occur, with the exception of salvage logging and logging to control insect and disease outbreaks (see Skamania County Shoreline Master Program, pgs. 29-30).</p> <p>Unfortunately, we have documented several locations along Swift Reservoir where the county regulation has been violated by logging within 200 feet of the shore related to housing developments. Skamania County has made it clear to us that enforcement of their Shoreline Management Master Program is not a priority. Therefore, additional protective regulations enforced by PacifiCorp will help to prevent development from</p>	10/11/07	<p>Thanks for providing comments from the GP Task Force. I appreciate you taking the time to express your concerns and providing recommendations. We will include your letter as part of the correspondence record for this project.</p>	Todd Olson – PacifiCorp Energy

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		<p>degrading the shoreline of Swift Reservoir.</p> <p>We recommend that PacifiCorp adopt regulations in its Shoreline Management Plan for Swift Reservoir that reflect the objectives of the county's Shoreline Management Master Program, thus prohibiting permanent structures, roads, and logging 10 feet above the high water mark. The Swift Reservoir shoreline should be kept in a natural condition to provide nesting habitat for an expanded bald eagle and osprey population, to provide cover for terrestrial wildlife, and to stabilize the shoreline and capture run-off pollutants to the benefit of aquatic species, including the threatened bull trout.</p> <p>Moreover, we are aware of a proposal for a new marina or boat dock on Swift Reservoir. This proposal is being pushed by developers who stand to gain financially from such a project. A new boat dock or marina will likely increase the marketability of developments in the area and therefore result in increased development pressures in the area. Increased development will further degrade fish and wildlife habitat in the area, which PacifiCorp is committed to protecting in its relicensing settlement agreement. PacifiCorp therefore has an obligation not to permit any new boat docks or marinas on Swift Reservoir so as to further conserve fish and wildlife habitat in the area.</p> <p>Thank you for the opportunity to provide comments on this issue. If you have any questions, please don't hesitate to contact me.</p>			
10/17/07	Paul Huebschman	For shoreline mgmt plan please include areas which would be suitable for dock construction on private lands.		No response required at this time.	
10/17/07	Karen Huebschman	Please include in draft shoreline mgmt plan designated areas for dock construction either on private lands or in cooperation with PacifiCorp (easement) on their adjacent lands.		No response required at this time.	
10/17/07	Barbara Vertz	Provided PacifiCorp with a letter identifying a list of concerns regarding management of lands associated with the Lewis River Hydroelectric Projects as well as the operation of our related recreation sites (Exhibit A attached)	11/28/08	Exhibit A attached	Todd Olson - PacifiCorp Energy
10/22/07	Jeff Brugato	I assume the Northwoods areas shoreline would be a mixed use zone due to so many cabins, docks, etc. Will			

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		<p>there be a grandfathered clause for all that has been installed?</p> <p>What erosion protection will be permitted to protect and for safety of shoreline, docks, etc?</p>			
10/22/07	Mark Quann	Would like to know when & why water levels on Lake Merwin are changing?	10/26/07	<p>Please be advised that I am in receipt of your question that you would like to know when & why water levels on Lake Merwin are changing.</p> <p>The factors that determine Lewis River reservoir levels often begin during the winter months. During the winter PacifiCorp is required (by federal operating license) to maintain lower water levels for Lewis River flood control. PacifiCorp then works to have reservoirs filled again before the summer recreation season. Reservoir levels during the summer months are subject to available inflows, downstream flow requirements and power demand. After Labor Day, the process to create space winter runoff begins again.</p> <p>There is, however, no specific set schedule for filling or drafting Lewis River reservoirs. Water levels are dependant on weather, snow packs, customer power demands, market conditions and license requirements for flood control, fish and wildlife issues, and other factors. Droughts, light snow packs, heavy rains, or early thaws can all impact water levels.</p> <p>A few key considerations include:</p> <ul style="list-style-type: none"> · PacifiCorp generates about 80 percent of the electricity needed to meet summer demands. After that, electricity must be purchased on the open market, which sometimes are volatile and at other times, very expensive. To keep prices as low as possible for our customers, we must generate as much power as possible with our own resources. · PacifiCorp is required by its federal operating license to provide minimum flows in the Lewis River below Merwin Dam for fish hatcheries, habitat, and migration. Often such flows are greater than cumulative flows into the project reservoirs. <p>On behalf of PacifiCorp we appreciate your comments and participation in the public meetings relating to the Lewis River Settlement Agreement and Shoreline</p>	Kimberly McCune

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				Management activities. If you have any additional questions or comments please feel free to contact me directly.	
10/24/07	Erika Huebschman	Dear Pacificorp: For the draft Shoreline Management Plan, please allow for areas on the shoreline for the construction of private docks. Please allow private docks to be constructed on Yale Reservoir. As a Yale Estates Homeowner, I would request that the shoreline area of Yale Estates be designated as buildable for private docks. For the interest of shoreline land owners on the three reservoirs: Yale, Merwin and Swift Creek, please provide in the upcoming draft Shoreline Management Plan areas where private dock construction can be authorized. Dear Sir: I understand the draft for the Shoreline Management Plan for the Swift Creek, Yale, and Merwin Reservoirs is coming out shortly. I would like to voice my opinion that I would like portions of the shoreline designated for dock construction. For the Shoreline Management Plan, it would nice to have provided in the document, certain shoreline areas labeled for private dock construction. As a Yale Estates Homeowner, I would request that the shoreline area of Yale Estates be designated as buildable for private docks.	10/31/07	Thank you for your input (all 11 emails) regarding the company's efforts to develop a Shoreline Management Plan for the Lewis River Hydroelectric Projects. I appreciate you taking the time to share your concerns and your interest in the area. We are developing a record of the input we receive on this project, and we will include your email. As this process moves forward we will keep you apprised.	Todd Olson – PacifiCorp Energy
10/24/07	The Hurlock Chicks	For the draft Shoreline Management Plan, please allow for areas on the shoreline for the construction of private docks. Regarding the upcoming Shoreline Management Plan for the Yale, Swift Creek and Merwins Reservoirs, please allow for areas for private dock construction. Please allow private docks to be constructed on Yale Reservoir. For the Shoreline Management Plan, it would nice to have provided in the document, certain shoreline areas labeled for private dock construction. For the interest of shoreline land owners on the three reservoirs: Yale, Merwin and Swift Creek, please provide in the upcoming draft Shoreline Management Plan areas where private dock construction can be authorized. As a Yale Estates Homeowner, I would request that the shoreline area of Yale Estates be designated as buildable for private docks.	10/31/07	Thank you for your input regarding the company's efforts to develop a Shoreline Management Plan for the Lewis River Hydroelectric Projects, specifically your interest on allowance for private docks on Yale reservoir. I appreciate you taking the time to share your concerns and your interest in the area. We are developing a record of the input we receive on this project, and we will include your email. As this process moves forward we will keep you apprised.	Todd Olson and David Moore – PacifiCorp Energy
10/24/07	Jill Sasser	I understand the draft Shoreline Management Plan for Swift Creek and Yale and Merwin Reservoirs is coming out shortly. I would like to voice my personal opinion that I would like portions of the shoreline designated for	10/31/07	Thank you for your input regarding the company's efforts to develop a Shoreline Management Plan for the Lewis River Hydroelectric Projects, specifically your interest on the allowance for private dock construction.	Todd Olson and David Moore – PacifiCorp Energy

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		private dock construction. Thank you for your time.		I appreciate you taking the time to share your concerns and your interest in the area. We are developing a record of the input we receive on this project, and we will include your email. As this process moves forward we will keep you apprised.	
10/24/07	Jill Huebschman	When drafting the Shoreline Management Plan, it would nice to have provided in the plan certain shoreline areas labeled for private dock construction on Yale Lake. Thank you for your consideration.	10/31/07	Thank you for your input regarding the company's efforts to develop a Shoreline Management Plan for the Lewis River Hydroelectric Projects, specifically your interest on the allowance of private docks on Yale reservoir. I appreciate you taking the time to share your concerns and your interest in the area. We are developing a record of the input we receive on this project, and we will include your email. As this process moves forward we will keep you apprised.	Todd Olson – PacifiCorp Energy
10/25/07	Jane Kimball	For the draft Shoreline Management Plan, please allow for areas on the shoreline for the construction of private docks.	11/14/07	Thank you for your input regarding the company's efforts to develop a Shoreline Management Plan for the Lewis River Hydroelectric Projects, specifically your interest on the allowance of private docks. I appreciate you taking the time to share your concerns and your interest in the area. We are developing a record of the input we receive on this project, and we will include your email. As this process moves forward we will keep you apprised.	David Moore – PacifiCorp Energy
10/25/07	David Kimball	I understand the draft for the Shoreline Management Plan for the Swift Creek, Yale and Merwin Reservoirs is coming out shortly. I would like to voice my opinion that I would like portions of the shoreline designated for dock construction.	10/31/07	Thank you for your input regarding the company's efforts to develop a Shoreline Management Plan for the Lewis River Hydroelectric Projects, specifically your interest on the allowance of areas designated for docks. I appreciate you taking the time to share your concerns and your interest in the area. We are developing a record of the input we receive on this project, and we will include your email. As this process moves forward we will keep you apprised.	Todd Olson and David Moore – PacifiCorp Energy
10/25/07	Bob Oblowski	Please accept a land management plan which allows private docks on the Yale and Swift Lake reservoirs.	10/31/07	Thank you for your input regarding the company's efforts to develop a Shoreline Management Plan for the Lewis River Hydroelectric Projects, specifically your interest on the allowance of private docks on Yale and Swift reservoirs. I appreciate you taking the time to share your concerns and your interest in the area. We are developing a record of the input we receive on this project, and we will include your email. As this process moves forward we will keep you apprised.	Todd Olson – PacifiCorp Energy
10/25/07	Jan Oblowski	Please allow for the establishment of private docks on Yale and Swift Lakes.	10/31/07	Thank you for your input regarding the company's efforts to develop a Shoreline Management Plan for the Lewis River Hydroelectric Projects, specifically your interest on the allowance of private docks on Yale and	Todd Olson – PacifiCorp Energy

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				Swift reservoirs. I appreciate you taking the time to share your concerns and your interest in the area. We are developing a record of the input we receive on this project, and we will include your email. As this process moves forward we will keep you apprised.	
10/25/07	Jean Knab	I understand the draft for the Shoreline Management Plan for the Swift Creek, Yale and Merwin Reservoirs is coming out shortly. I strongly urge you to designate portions of the shoreline designated for dock construction. Property owners deserve access to the lake and pay substantial property taxes for that access. Please consider the property owners when finalizing your plans.	10/25/07	Thank you for your input regarding the company's efforts to develop a Shoreline Management Plan for the Lewis River Hydroelectric Projects, specifically your interest on the allowance of docks and property owner access. I appreciate you taking the time to share your concerns and your interest in the area. We are developing a record of the input we receive on this project, and we will include your email. As this process moves forward we will keep you apprised.	Todd Olson – PacifiCorp Energy
10/25/07	Michele Bennett	I understand the draft of the Shoreline Management Plan for Swift Creek, Yale and Merwin Reservoirs is being written. I would like to see more recreation available on the lakes and I see no reason why the private property owners cannot have boat docks on their own land.	10/31/07	Thank you for your input regarding the company's efforts to develop a Shoreline Management Plan for the Lewis River Hydroelectric Projects, specifically your interest on increasing recreation availability and allowance of private docks. I appreciate you taking the time to share your concerns and your interest in the area. We are developing a record of the input we receive on this project, and we will include your email. As this process moves forward we will keep you apprised.	Todd Olson – PacifiCorp Energy
10/25/07	Michael Alter	I am writing to submit input regarding PacifiCorp's consideration for a shoreline management plan for the three reservoirs on the Lewis River. I have been a cabin owner in the Northwoods community on the Swift Lake Reservoir since 1999. I urge you to review all proposals with an eye toward protecting the shoreline from further development or degradation. Development along shorelines requires particular sensitivity because of the scenic, habitat, wildlife, and water safety values pertaining to such areas. The Lewis River area draws a broad array of interests including developers, recreationalists, nature lovers, scientists, vacationers, homeowners, hunters and fisherman. Unfortunately, the area is already quite crowded with respect to shoreline property and development. Additional roads, construction, human impact and especially run-off may irrevocably harm the natural quality of the reservoirs and the interests it supports. To that end, I am advocating for very strict regulations regarding land above and around the reservoirs. If	10/31/07	Thank you for your input regarding the company's efforts to develop a Shoreline Management Plan for the Lewis River Hydroelectric Projects, specifically your interest on protecting the shoreline in light of the multiple values and uses, and your advocacy of limited use and protection. I appreciate you taking the time to share your concerns and your interest in the area. We are developing a record of the input we receive on this project, and we will include your email. As this process moves forward we will keep you apprised.	Todd Olson – PacifiCorp Energy

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		further development takes place, it should in my view be limited, contained in number and scope, and congruent with a plan that preserves the natural and undisturbed quality of the Lewis River, the reservoirs, and the surrounding forest.			
10/25/07	Karen Huebschman	Paul and I have attended the meetings you have been hosting about the Shoreline Management Plan for Swift Creek and Yale and Merwin Reservoirs. As private property owners with land abutting Yale Lake we are very interested in what goes into this plan. We are very concerned about the erosion along Yale Lake. We hope to be able to shore up our property and do continued maintenance. As more and more people seem to be using the lake for recreation we would like to have a dock on our property. We fully understand that all environmental issues will need to be addressed as well as financial responsibility for the work done.	11/1/07	Thank you for your input regarding the company's efforts to develop a Shoreline Management Plan for the Lewis River Hydroelectric Projects, specifically your interest on erosion and having a dock. Thank you also for recognizing the environmental issues, they are an important part and consideration of the Plan development. I appreciate you taking the time to share your concerns and your interest in the area. We are developing a record of the input we receive on this project, and we will include your email. As this process moves forward we will keep you apprised.	Todd Olson – PacifiCorp Energy
10/25/07	Kathleen Walkiewicz	It is my understanding that the Shoreline Management proposal is being written at this time. Please consider the recreational benefit of having private property owners able to build docks on their own property. Thank you,	11/1/07	Thank you for your input regarding the company's efforts to develop a Shoreline Management Plan for the Lewis River Hydroelectric Projects, specifically your interest on the allowance for private property owners to have docks. I appreciate you taking the time to share your concerns and your interest in the area. We are developing a record of the input we receive on this project, and we will include your email. As this process moves forward we will keep you apprised.	Todd Olson – PacifiCorp Energy
10/25/07	Cathy Comfort	I understand the Shoreline Management Plan for Swift Creek and Yale and Merwin Lakes is being drafted. I would think that private property owners should be allowed to have boat docks on their own property. My understanding is that there will never be private property all the way around the reservoirs, correct? My husband and I enjoy boating on Merwin, and we do appreciate the fact that there is undeveloped land most of the way around the lake.	11/1/07	Thank you for your input regarding the company's efforts to develop a Shoreline Management Plan for the Lewis River Hydroelectric Projects, specifically your interest on allowing private property owners to have docks. Your understanding is correct for Merwin, and much of the Yale reservoir shoreline as PacifiCorp owns shoreline property. It is not so up on Swift. I appreciate you taking the time to share your concerns and your interest in the area. We are developing a record of the input we receive on this project, and we will include your email. As this process moves forward we will keep you apprised.	Todd Olson – PacifiCorp Energy
10/25/07	Kathryn Kendall	I understand the draft for the Shoreline Management Plan for the Swift Creek, Yale and Merwin Reservoirs is coming out shortly. I would like to voice my opinion that I would like portions of the shoreline designated for dock construction.	11/1/07	Thank you for your input regarding the company's efforts to develop a Shoreline Management Plan for the Lewis River Hydroelectric Projects, specifically your interest on the allowance for dock construction in some areas. I appreciate you taking the time to share your concerns and your interest in the area. We are developing a record of the input we receive on this	Todd Olson – PacifiCorp Energy

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				project, and we will include your email. As this process moves forward we will keep you apprised.	
10/25/07	Mike Kendall	I understand the draft for the Shoreline Management Plan for the Swift Creek, Yale and Merwin Reservoirs is coming out shortly. I would like to voice my opinion that I would like portions of the shoreline designated for dock construction. I appreciate your consideration in this matter.	11/1/07	Thank you for your input regarding the company's efforts to develop a Shoreline Management Plan for the Lewis River Hydroelectric Projects, specifically your interest on the allowance of dock construction. I appreciate you taking the time to share your concerns and your interest in the area. We are developing a record of the input we receive on this project, and we will include your email. As this process moves forward we will keep you apprised.	Todd Olson - PacifiCorp Energy
10/25/07	Richard & Mary Hill	Please consider my opinion of the plan for Swift Creek and Yale and Merwin Reservoirs; I personally would like portions of the shoreline designated for personal/private dock construction. Thank you	11/1/07	Thank you for your input regarding the company's efforts to develop a Shoreline Management Plan for the Lewis River Hydroelectric Projects, specifically your interest on designating portions of the shoreline for personal/private dock construction. I appreciate you taking the time to share your concerns and your interest in the area. We are developing a record of the input we receive on this project, and we will include your email. As this process moves forward we will keep you apprised.	Todd Olson – PacifiCorp Energy
10/25/07	Ron & Beverly George	We understand the draft of the Shoreline Management Plan for Swift Creek and Yale and Merwin Reservoirs is being written for submittal to FEMA. In the past, it has been Pacific Corp's policy to curtail recreation on the lakes by refusing to allow property owners to build docks on their own lands. We feel this is an unreasonable practice, as lakes all over this state have allowed for the building of docks without adverse affect on the environment. We have no personal stake in this decision, as we have no property on the lakes, but do support removal of the restrictions on building docks on private property.	11/5/07	Thank you for your input regarding the company's efforts to develop a Shoreline Management Plan for the Lewis River Hydroelectric Projects, specifically your interest on the allowance of private docks on the reservoirs. In clarification, please note we will be submitting the Plan to the Federal Energy Regulatory Commission for approval not FEMA. I appreciate you taking the time to share your concerns and your interest in the area. We are developing a record of the input we receive on this project, and we will include your email. As this process moves forward we will keep you apprised.	Todd Olson – PacifiCorp Energy
10/25/07	Jason Kronberg	For the interest of shoreline land owners on the three reservoirs: Yale, Merwin and Swift Creek, please provide in the upcoming draft Shoreline Management Plan areas where private dock construction can be authorized.	11/5/07	Thank you for your input regarding the company's efforts to develop a Shoreline Management Plan for the Lewis River Hydroelectric Projects, specifically your interest on the allowance of private dock construction on the reservoirs. I appreciate you taking the time to share your concerns and your interest in the area. We are developing a record of the input we receive on this project, and we will include your email. As this process moves forward we will keep you apprised.	Todd Olson – PacifiCorp Energy
10/25/07	Laura Kemp	For the draft Shoreline Management Plan, please allow for areas on the shoreline for the construction of private	11/5/07	Thank you for your input regarding the company's efforts to develop a Shoreline Management Plan for the	Todd Olson – PacifiCorp Energy

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		docks. Thank you for your consideration.		Lewis River Hydroelectric Projects, specifically your interest on the allowance of shoreline areas for construction of private docks. I appreciate you taking the time to share your concerns and your interest in the area. We are developing a record of the input we receive on this project, and we will include your email. As this process moves forward we will keep you apprised.	
10/25/07	Gerrit Kemp	I understand the draft for the Shoreline Management Plan for the Swift Creek, Yale and Merwin Reservoirs is coming out shortly. I would like to voice my opinion that I would like portions of the shoreline designated for dock construction. Thank you for your consideration,	11/5/07	Thank you for your input regarding the company's efforts to develop a Shoreline Management Plan for the Lewis River Hydroelectric Projects, specifically your interest on the allowance of private dock construction. I appreciate you taking the time to share your concerns and your interest in the area. We are developing a record of the input we receive on this project, and we will include your email. As this process moves forward we will keep you apprised.	Todd Olson – PacifiCorp Energy
10/25/07	William Chenevich	I am a homeowner on Yale Lake and I would like to voice my support for allowing the construction of private docks on Yale Reservoir. The homes on Yale Lake are of recent vintage and high quality in construction and appearance. The addition of private docks built to a common set of high standards would enhance the lakes appearance, reduce the public dock traffic and give added incentive for the homeowners to maintain the shoreline including erosion control activities. I understand a draft Shoreline Management plan will shortly be released. Including the right and the standards for private docks would be an important and worthwhile component for the Plan. Thank you for considering my request.	11/5/07	Thank you for your input regarding the company's efforts to develop a Shoreline Management Plan for the Lewis River Hydroelectric Projects, specifically your interest on the allowance of private docks on Yale Reservoir. I appreciate you taking the time to share your concerns and your interest in the area. We are developing a record of the input we receive on this project, and we will include your email. As this process moves forward we will keep you apprised.	Todd Olson – PacifiCorp Energy
10/26/07	Lori Kendall	I understand the draft for the Shoreline Management Plan for the Swift Creek, Yale and Merwin Reservoirs is coming out shortly. I would like to voice my opinion that I would like portions of the shoreline designated for dock construction. I appreciate your attention to this request.	11/5/07	Thank you for your input regarding the company's efforts to develop a Shoreline Management Plan for the Lewis River Hydroelectric Projects, specifically your interest on designating shoreline areas where docks may be constructed. I appreciate you taking the time to share your concerns and your interest in the area. We are developing a record of the input we receive on this project, and we will include your email. As this process moves forward we will keep you apprised.	Todd Olson and David Moore – PacifiCorp Energy
10/26/07	Arin Starkel	Please allow private docks to be constructed on Yale Reservoir.	11/5/07	Thank you for your input regarding the company's efforts to develop a Shoreline Management Plan for the Lewis River Hydroelectric Projects, specifically your interest on allowing private docks to be constructed on Yale Reservoir. I appreciate you taking the time to	Todd Olson and David Moore – PacifiCorp Energy

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				share your concerns and your interest in the area. We are developing a record of the input we receive on this project, and we will include your email. As this process moves forward we will keep you apprised.	
10/26/07	Ben Huebschman	I understand the draft for the Shoreline Management Plan for the Swift Creek, Yale and Merwin Reservoirs is coming out shortly. I would like to voice my opinion that I would like portions of the shoreline designated for dock construction. Thank you for your time	11/5/07	Thank you for your input regarding the company's efforts to develop a Shoreline Management Plan for the Lewis River Hydroelectric Projects, specifically your interest on designating shoreline areas to be available for dock construction. I appreciate you taking the time to share your concerns and your interest in the area. We are developing a record of the input we receive on this project, and we will include your email. As this process moves forward we will keep you apprised.	Todd Olson and David Moore – PacifiCorp Energy
10/27/07	Ann & Butch Hill	I understand the Shoreline Management Plan for Swift Creek and Yale and Merwin Lakes is being drafted. My husband and I would like to voice our personal opinions that private property owners should be allowed to have boat docks on their own property.	11/5/07	Thank you for your input regarding the company's efforts to develop a Shoreline Management Plan for the Lewis River Hydroelectric Projects, specifically your interest on allowing private property owners the ability to have docks. I appreciate you taking the time to share your concerns and your interest in the area. We are developing a record of the input we receive on this project, and we will include your email. As this process moves forward we will keep you apprised.	Todd Olson – PacifiCorp Energy
10/28/07	Carol Mackey	I totally support that private property owners should be allowed to have boat docks on their own property. Please take this into consideration as the decision is made.	11/5/07	Thank you for your input regarding the company's efforts to develop a Shoreline Management Plan for the Lewis River Hydroelectric Projects, specifically your interest on allowing private property owners the ability to have boat docks. I appreciate you taking the time to share your concerns and your interest in the area. We are developing a record of the input we receive on this project, and we will include your email. As this process moves forward we will keep you apprised.	Todd Olson – PacifiCorp Energy
10/30/07	Page Paulsen Phillips Senior Congressional Aide Office of Congressman Brian Baird	Can you take a look at the attached letter and let me know the background and status of the various issues raised by the Congressman's constituents?	11/7/07	See Exhibit B attached	Todd Olson - PacifiCorp
10/30/07	Barb Asher	I am familiar with Yale Lake and it is a beautiful area. It surprised me that there were no docks for boating in the area. While I would hate to see the area overrun with docks and boats. It would seem that a small public boat ramp along with private property being allowed to have their own dock would be reasonable. I would hate to own property there and not be able to use it with my own small dock.	11/5/07	Thank you for your input regarding the company's efforts to develop a Shoreline Management Plan for the Lewis River Hydroelectric Projects, specifically your interest on the allowance of a small public boat ramp and the ability for private landowners to have their own dock. I appreciate you taking the time to share your concerns and your interest in the area. We are developing a record of the input we receive on this project, and we will include your email. As this process moves forward we will keep you apprised.	Todd Olson – PacifiCorp Energy
10/30/07	Tom Files	First of all, thank you for making the time to listen to	11/5/07	Thank you for your input regarding the company's	Todd Olson – PacifiCorp Energy

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		<p>the public comment regarding pending shoreline issues and property owner concerns as Pac-Corp refines the shoreline management plan as it pertains to Swift, Yale and Merwin reservoirs. I am a 40 year native of Clark County and additionally own shoreline property on Yale reservoir via Yale Estates. As a resident of the area, I am always concerned about the preservation of land owners rights in conjunction with responsible use there of.</p> <p>My email today is to respectfully request that Pac Corp include language in the Shoreline Management Plan that clearly allows for dock construction when done so consistantly to that of Pac-Corps own docks and meets the operational safety standards necessary to maintain safe reservoir operation.</p>		<p>efforts to develop a Shoreline Management Plan for the Lewis River Hydroelectric Projects, specifically your interest on the allowance of dock construction under prudent construction standards consistent with those PacifiCorp must follow. I appreciate you taking the time to share your concerns and your interest in the area. We are developing a record of the input we receive on this project, and we will include your email. As this process moves forward we will keep you apprised.</p>	
10/30/07	Joann Pettyjohn	<p>Dear Sir, I have been made aware that the draft of the Shoreline Management Plan for Swift Creek and Yale and Merwin Reservoirs is being written. We have enjoyed this area for many years and would like to see more recreation available on the lakes. We see no reason why the private property owners cannot have boat docks on their own land. Please consider this request as you write your management rulings. Thank you,</p>	11/5/07	<p>Thank you for your input regarding the company's efforts to develop a Shoreline Management Plan for the Lewis River Hydroelectric Projects, specifically your interest on the availability of recreation opportunities and the allowance of private property owners to have their own docks. I appreciate you taking the time to share your concerns and your interest in the area. We are developing a record of the input we receive on this project, and we will include your email. As this process moves forward we will keep you apprised.</p>	Todd Olson – PacifiCorp Energy
10/30/07	Robert & Linda Dore	<p>As Yale Valley residents, we would like Pacificorp to know we believe shoreline use for lakeside property owners should include their right to build and maintain docks on their property for their use. As their property is taxed below the waterline, they are paying for lakeside, and should have the privileges they pay for. Since docks are permitted in park areas, and in some private property areas, they should be allowed as owners request them.</p>	11/5/07	<p>Thank you for your input regarding the company's efforts to develop a Shoreline Management Plan for the Lewis River Hydroelectric Projects, specifically your interest on allowing shoreline property owners to construct and maintain private docks. I appreciate you taking the time to share your concerns and your interest in the area. We are developing a record of the input we receive on this project, and we will include your email. As this process moves forward we will keep you apprised.</p>	Todd Olson – PacifiCorp Energy
10/31/07	Racquel L. Wall	<p>Being a home owner is an exciting experience. The ability to make and choose what you plan to do with your own property is a goal for many. For those who have the ability to live on their own territory, own their own land, they should have the freedom of choice to do as they please on their property. In regards, the residents of yale reservoir should be allowed to have their own private docks for their private homes. Please consider private docks in the new policy or in the Shoreline</p>			

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		Managment Plan and think about those who live there and the negative impact you are making on their daily lives and daily living.			
11/1/07	Al O'Connor	Please allow private docks to be constructed on Yale Reservoir.	11/5/07	Thank you for your input regarding the company's efforts to develop a Shoreline Management Plan for the Lewis River Hydroelectric Projects, specifically your interest on allowing private docks to be constructed on Yale reservoir. I appreciate you taking the time to share your concerns and your interest in the area. We are developing a record of the input we receive on this project, and we will include your email. As this process moves forward we will keep you apprised.	Todd Olson & David Moore – PacifiCorp Energy
11/2/07	Kristi Kendall	I understand the draft for the Shoreline Management Plan for the Swift Creek, Yale and Merwin Reservoirs is coming out shortly. I would like to voice my opinion that I would like portions of the shoreline designated for dock construction. Thank you for your consideration,	11/5/07	Thank you for your input regarding the company's efforts to develop a Shoreline Management Plan for the Lewis River Hydroelectric Projects, specifically your interest on the allowance of portions of the shoreline being available for dock construction. I appreciate you taking the time to share your concerns and your interest in the area. We are developing a record of the input we receive on this project, and we will include your email. As this process moves forward we will keep you apprised.	Todd Olson – PacifiCorp Energy
11/3/07	Donna M. Metherell	I understand the draft for the Shoreline Managment Plan for the Swift Creek, Yale and Merwin Reservoirs is coming out shortly. I would like to voice my opinion that I would like portions of the shoreline designated for dock construction. Thank you for your attention to this matter,	11/5/07	Thank you for your input regarding the company's efforts to develop a Shoreline Management Plan for the Lewis River Hydroelectric Projects, specifically your interest on designating portions of the shoreline to be available for dock construction. I appreciate you taking the time to share your concerns and your interest in the area. We are developing a record of the input we receive on this project, and we will include your email. As this process moves forward we will keep you apprised.	Todd Olson – PacifiCorp Energy
11/5/07	Nita King	I am writing to support more access to the water at Swift, Merwin & Yale reservoirs. I talk to many people interested in the area and one of the questions is always when can we get more access to the water. The level goes down so drastically that use is very limited most of the year. I know the draft plan is coming soon and hope there are some consensions to the public for more use.			
11/5/07	Sanford King	Please include in your plans for the lakes some designated areas for future dock construction and more access to the water for the public.			
11/7/07	Rob & Amy Rich	As a long time recreational user of the three resevoirs, Merwin, Yale, and Swift, I have concerns about the	11/7/07	Thank you for your input regarding the company's efforts to develop a Shoreline Management Plan for the	Todd Olson – PacifiCorp Energy

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		ever restrictive direction of lake access and useability, especially that of Yale and Merwin have headed in the past several years. We see no reason that the few private property owners on the lakes should not be allowed to have a dock to safely enter and exit the water from and to be able to tie up their boat. Water recreation requires tie up space. Environmentally speaking, boat owners who have docks put less hours on that boat each year than trailer boaters, due to place to tie, rather than usually underway due to no facility. We ask that you consider permitting docks for the few property owners that would like to have one. Thank you for the opportunity to share our view at this time.		Lewis River Hydroelectric Projects, specifically your interest on the allowance and permitting of private docks on our reservoirs. I appreciate you taking the time to share your concern and your interest in the area. We are developing a record of the input we receive on this project, and we will include your email. As this process moves forward we will keep you apprised.	
11/6/07	Rebecca Kendall	Please allow private docks to be constructed on Yale Reservoir.	11/7/07 11/14/07	Thank you for your input regarding the company's efforts to develop a Shoreline Management Plan for the Lewis River Hydroelectric Projects, specifically your interest on allowing private docks on Yale Reservoir. I appreciate you taking the time to share your concerns and your interest in the area. We are developing a record of the input we receive on this project, and we will include your email. As this process moves forward we will keep you apprised. Thank you for your input regarding the company's efforts to develop a Shoreline Management Plan for the Lewis River Hydroelectric Projects, specifically your interest on the allowance of private docks. I appreciate you taking the time to share your concerns and your interest in the area. We are developing a record of the input we receive on this project, and we will include your email. As this process moves forward we will keep you apprised.	Todd Olson – PacifiCorp Energy David Moore – PacifiCorp Energy
11/7/07	Rob and Amy Rich	As a long time recreational user of the three resevoirs, Merwin, Yale, and Swift, I have concerns about the ever restrictive direction of lake access and useability, especially that of Yale and Merwin have headed in the past several years. We see no reason that the few private property owners on the lakes should not be allowed to have a dock to safely enter and exit the water from and to be able to tie up their boat. Water recreation requires tie up space. Environmentally speaking, boat owners who have docks put less hours on that boat each year than trailer boaters, due to place to tie, rather than usually underway due to no facility. We ask that you consider permitting docks for the few property owners		Thank you for your input regarding the company's efforts to develop a Shoreline Management Plan for the Lewis River Hydroelectric Projects, specifically your interest on the allowance and permitting of private docks on our reservoirs. I appreciate you taking the time to share your concern and your interest in the area. We are developing a record of the input we receive on this project, and we will include your email. As this process moves forward we will keep you apprised.	Todd Olson – PacifiCorp Energy

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		that would like to have one. Thank you for the opportunity to share our view at this time.			
11/14/07	Tom Knapp	My name is Tom Knapp and as a frequent user of Yale Reservoir, I would like to voice my support for allowing the construction of private docks to be included in the upcoming Shoreline Management Plan. I think this would not only lighten the load on the public docks but also believe that it will be a positive feature for some of the elegant homes around the lake.	11/16/07	Thank you for your input regarding the company's efforts to develop a Shoreline Management Plan for the Lewis River Hydroelectric Projects, specifically your interest on the allowance of private docks on our reservoirs. I appreciate you taking the time to share your interest in the area. We are developing a record of the input we receive on this project, and we will include your email. As this process moves forward we will keep you apprised.	Todd Olson – PacifiCorp Energy
	Patrica Lee Witter	Phone call	11/21/07	<p>Per your request I am sending this email in follow up to our conversation last week regarding Lewis River Settlement Agreement measures. You have identified several concerns which I identify below and provide a response.</p> <p>1.) The Transmission Right of Way (ROW) line across your property shows up in a www web map as being Federal Energy Regulatory Commission hydro lands - You ask "is this true"?</p> <p>Your lands under the Transmission ROW are not hydro lands, but the Transmission line itself is part of the Commission license for the Lewis River Hydroelectric Project. However, since the land is not owned by PacifiCorp, we cannot take action on your land unless we have permission or an easement. The company does have a Transmission Line Easement across your land, but conditions of the easement limit our actions to "the erection, maintenance, operation, and reconstruction of electric power transmission lines (not more than two such lines) and all necessary appurtenances.....Together with the right to clear said right-of-way and keep the same clear of trees, brush, and other material....." As such we do not plan to conduct any actions on your land other than those allowed per the Transmission Line Easement. The Lewis River Settlement Agreement contains no measures to implement on your property. The Agreement is available for your review on our website at http://www.pacificorp.com/Article/Article76278.html.</p> <p>2.) County maps show a new trail to be developed along the Transmission ROW - You ask "is this in the</p>	Todd Olson – PacifiCorp Energy

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				<p>Settlement Agreement".</p> <p>The Settlement Agreement contains no action to develop a trail associated with the Transmission ROW. It is our understanding that Clark County may have a future interest to develop such a trail, however, we have no such requirement.</p> <p>3.) Please provide a contact at the Federal Energy Regulatory Commission.</p> <p>Mr. Ken Hogan is the Commission's project manager for the relicensing of the Lewis River Hydroelectric Projects. His mailing address is:</p> <p>Mr. Ken Hogan Federal Energy Regulatory Commission 888 First Street, NE Washington, DC 20426 (202) 502-8434</p> <p>In summary PacifiCorp has no Settlement Agreement obligation to conduct actions on your land. We will however continue to periodically conduct actions per the Transmission Line Easement. If you have additional questions please feel free to call me at (503) 813-6657.</p>	
11/24/07	Troy Pederson	I just wanted to express my opinion on the management of the shoreline. I think that it should be the rite of the property owner to be able to put a dock on the lake, since the water does cover part of the property line. Still I think if we could, then it should be up to certain standards, and not just a piece of junk floating by my house. I just thought you would like my opinion. Troy Pederson and I live by Lake Yale.	11/26/07	Thank you for your input regarding the company's efforts to develop a Shoreline Management Plan for the Lewis River Hydroelectric Projects, specifically your interest on the allowance of private property owners on the shoreline to put in a dock given dock standards are in place. I appreciate you taking the time to share your opinion. We are developing a record of the input we receive on this project, and we will include your email. As this process moves forward we will keep you apprised.	Todd Olson- PacifiCorp Energy
12/4/07	Dana Kemper	Hope all is well with the storm in the Northwest. I have been stuck down in Southern Cal off and on all fall so I have not been in the loop on the shoreline management plan for the lewis river. I did go to the first meeting at the golf course in oct but have since not been informed with what is happening. I still am very concerned with making sure that the	12/4/07	Let's see, fires in California, floods in Oregon and Washington, what will happen next? Thanks for the note, we are continuing to move forward on developing the Shoreline Management Plan. It is taking a bit longer than originally anticipated, but we hope to have a draft out for public review late January-ish. I have received a number of emails like yours requesting that private property owners that have reservoir shoreline be	Todd Olson – PacifiCorp Energy

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		<p>issue of docks be addressed.</p> <p>As with several of the conversations with Pacificorp, it is very important that specific guidelines that allow property owners adjacent to the lake be allowed to put in docks, repair, and replace docks, be put in place.</p> <p>If you could forward this to the correct people to talk to about this issue, I would appreciate it.</p>		<p>able to have docks. We are keeping each email (yours included) as part of our record of process and considering the requests as we develop the various shoreline classifications and "zoning" of the shoreline.</p> <p>As we make information available, you should get notified as you are on our contact list.</p>	
12/4/07	Gary Stuart	<p>Gary & Mary Pleasants live on Craig Drive on the West shore of Yale Lake. We have been discussing their interests in the Shoreline Management Plan in regards to Yale. They have said they would like to be able to place some kind of tie-up/dock for their boat at their property. I am writing you to let you know my thoughts on that kind of agreement between PacifiCorp and them. Both Gary and Mary Pleasants are volunteers with our Fire District. During the course of each summer, we have 3 or 4 calls that originate on the water for each of Yale and Merwin lakes. Quite often, the individuals involved transport themselves to shore to ask for and receive aid. Sometimes, due to the nature of the injuries, or the location of the accident, we have to go to them. When this happens, we usually end up asking for assistance from tourists at the boat launches. Sometimes, the injured people are loaded into boats by individuals that are not medically trained, and brought to shore. This "help", as you know, can sometimes not be so good for the eventual outcome of the injured person. One time a few years ago, Gary Pleasants had his boat tied up to a log sticking into the water off their property. We were able to quickly jump into his boat and give aid to the injured person relatively quickly. Since the Fire District does not own a boat of our own, and the Sheriff's boat bounces back and forth between Merwin and Yale, it would be very nice to have reliable and quick access to the water of Yale Lake. I would like to encourage you to work toward a mutual agreement with PacifiCorp and the waterfront property owners on Craig Drive that would allow them some sort of permanent tie-up for their boats.</p>	12/4/07	<p>Thanks for your note below. I appreciate you taking the time to inform me of the value you see in having a dock/boat mooring in the Craig Drive area on Yale reservoir. Currently we are in the midst of determining the allowable uses for the shorelines around each of our Lewis River reservoirs. Hopefully we will have something for public review in late January. As with other correspondence we have been receiving, Kim will place your email in our project correspondence record; this record will be submitted with our final Shoreline Management Plan to the Federal Energy Regulatory Commission.</p> <p>Thank you again for your email - Todd</p>	Todd Olson – PacifiCorp Energy
12/13/07	Paul Huebschman	<p>Can you update me on the schedule for the draft of the Shoreline Management Plan for the Yale Reservoir?</p>	12/13/07	<p>The team continues to work on drafting the Plan and is currently classifying the shoreline into zones and identifying related allowable uses (e.g. docks). We are on schedule to have a draft Plan available for public</p>	Todd Olson – PacifiCorp Energy

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				review in late January.	
12/17/07	Tom Files	I thought I would check in with you regarding the "public comment" period. Several weeks back we held a short meeting at the Merwin office and three of the Yale Estates owners were present. In that meeting you made mention that the public response played a part in how Pac-Corp would propose the language of the new permit. How is that looking now? Do you need more input or do you have sufficient feedback? Thank you in advance for your time.	12/20/07	We have received a number (approx 50) of emails from the public requesting that private docks be an allowable use on private shoreline areas around our reservoirs. Currently we are preparing a Draft Shoreline Management Plan for distribution and public review in late January. That Draft Plan will have identified shoreline classifications and allowable uses for each classification. We plan to have a public meeting shortly thereafter to gain further input. All of the emails we have received have been made part of the project record and will be an appendix to the final Plan.	Todd Olson – PacifiCorp Energy
12/21/07	Tom Files	Can I conclude from your response that the draft plan will have a provision or classification for docks meeting a certain criteria? I cannot tell by your answer.	12/21/07	That is still to be decided, several things are still being considered.	Todd Olson – PacifiCorp Energy
12/24/07	Tom Files	Thank you for responding. As a board member of a large capital firm that invests and follows Buffett, I like to see how things work from both sides. Instinctively, from a property owners perspective, I like to see land owners rights respected with regards to use. To many times compromise is instituted on those that are placated by being told what they want to hear only to find out in the end they were sold down the road. I am confident that that is not the case here? I actually believe supporting the responsible use of adjacent lands will be a key factor in achieving your goals and to avoid unwanted backlash when you persue further public feedback. Please keep me posted to the next date(s) of your public comment period.		No response required at this time.	
1/15/08	Dana Kemper	I hope your Holidays were filled with blessings for you and your families. Now back to the rain, snow and dark days of our lovely winters. I just went over the documents on the draft SMP. When going over the map showing the Integrated uses and their location, I noticed that the Integrated use designation on the Zorn property to the west of my Diamond Creek Cove property is zoned Integrated, However the use stops at my property line. There is no physical change in the land or land zoning between the two peices, just an arbitrary line drawn on draft document. Actually there is one difference. My Diamond Creek Cove property has the only developed waterfront cabin	1/16/08	Thank you for the review of the draft Shoreline Management Plan and the corresponding classification maps. I appreciate you taking the time to get engaged on this important process. Per our records and available ownership maps, it appears that your property is not on the shoreline, rather PacifiCorp owns the area between you and the reservoir. In light of the Lewis River Settlement Agreement that has us managing our lands for wildlife if the land is not needed for hydro operations or formal recreation sites, our land in your area is designated under the Resource Classification. If the land ownership information we have is incorrect and you do own shoreline land adjacent to us, please let us know. Our maps show surrounding land to be under	Todd Olson – PacifiCorp Energy

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		<p>on the entire lake outside of the Northwoods/Swift Forest Camp area. Located 7 miles west of the boat ramp, it would be in all of our best interest to be included in the adjacent integrated use classification.</p> <p>I therefore officially request to have the boundary of the integrated use moved to the east property boundary of our Diamond Creek Estates plat. It is at that point where there are actual physical changes to the land which would be more adept to be noted as resource land. I welcome the opportunity to discuss this further with you and get it resolved.</p>		<p>ANE ownership, but maybe you now own the land? Again, thanks for the input.</p>	
1/16/08		<p>ANE is the correct name of which Zorn's property is recorded under. Pacific Corp owns a very small irregular ribbon of land at the shoreline to which my property is adjacent, similar to the adjacent properties.</p> <p>Is any of the land classified under "integrated use" on swift owned by Pacific Corp ? And could you show me which it is?</p> <p>Is any of the land classified under "integrated use" on swift owned by Other property owners ? And could you show me which it is?</p> <p>Under what criteria were these lands zoned.</p> <p>What designates Resource from Recreation ? What are the exact criteria for designation ?</p> <p>You said in your prior reply, "I have received a number of emails like yours requesting that private property owners that have reservoir shoreline be able to have docks. We are keeping each email (yours included) as part of our record of process and considering the requests as we develop the various shoreline classifications and "zoning" of the shoreline." . If Pacific Corp is going to allow us a dock (in front of our Cabin) doesn't it have to zone the shoreline in front of our cabin as "Integrated use" or is there another option available ? and if so what is it ?</p> <p>I again wish to request that the shoreline in front of our property be zoned Integrated use, so it is the same as the rest of the adjacent shoreline of the Diamond Creek sub-area.</p>	1/18/08	<p>Our answers to your email are enclosed below in red. All of the maps and the Initial Working Draft of the Shoreline Management Plan are on our website. We appreciate your comments and will add them to the correspondence record.</p> <p>Is any of the land classified under "integrated use" on swift owned by Pacific Corp ? There is no PacifiCorp owned shoreline on Swift Reservoir classified Integrated Use. All shoreline classified Integrated Use on Swift Reservoir is owned by other parties. And could you show me which it is?</p> <p>Is any of the land classified under "integrated use" on swift owned by Other property owners ? Yes And could you show me which it is? Take a look at the Swift Shoreline Classification Map, shoreline that is designated as Integrated Use is blue in color.</p> <p>Under what criteria were these lands zoned. Criteria used to classify shorelines are described in Section 5 of the Draft Shoreline Management Plan.</p> <p>What designates Resource from Recreation ? Resource refers to wildlife, aquatic, and cultural elements associated with the Lewis River Project that need protection. Recreation is a defined allowable use within the Resource Use areas. For example, you can hike across Resource Use areas down to the shoreline, but the clearing of an area and installation of a picnic table and fire pit on the shoreline is not allowed. What are the exact criteria for designation ? Again see the Draft Plan. For wildlife, aquatic, and cultural elements, the Lewis River Settlement Agreement and the expected Federal Energy Regulatory Commission licenses stipulate that we protect them.</p>	Todd Olson – PacifiCorp Energy

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				<p>You said in your prior reply, "I have received a number of emails like yours requesting that private property owners that have reservoir shoreline be able to have docks. We are keeping each email (yours included) as part of our record of process and considering the requests as we develop the various shoreline classifications and "zoning" of the shoreline." . If Pacific Corp is going to allow us a dock (in front of our Cabin) doesn't it have to zone the shoreline in front of our cabin as "Integrated use" or is there another option available ? My above statement does not reflect that we are going to allow everyone the opportunity for a dock or other use, it notes that we have received a number of emails stating that those who have <u>ownership of the shoreline</u> should be allow docks. There are a number of considerations within the plan that directs if and where facilities are allowed. The current Draft Plan does not allow you to have a dock as you do not have shoreline ownership. It does however allow Zorn given they have shoreline ownership in an area that does not appear to impact wildlife, aquatic, or cultural elements. Again, per the Settlement Agreement and the setting aside all of our non-operational lands for Wildlife habitat, our land below your property is in the Resource Classification. and if so what is it ? Currently the Draft Plan allows for consideration of your request under certain conditions, see section 8.2 Appeal/Wavier Process. However this process is not available until we have a Final Plan that has been approved by the Federal Energy Regulatory Commission.</p>	
1/21/08	Jerry Sauer & Brad Thomas	Provided a letter to PacifiCorp requesting modification of shoreline classification at the proposed Marble Creek marina (Exhibit C attached)			
1/21/08	Charly Boyd	Provided a letter to PacifiCorp requesting modification of shoreline classification at the proposed Marble Creek marina (Exhibit D attached)			
1/22/08	Jeff Brugato	Phone call to PacifiCorp	1/22/08	I spoke with Jeff Brugato who has a cabin at Northwoods. He had questions regarding the grandfather section of the SMP (Section 8.3). I explained the different nine month periods for permitting existing facilities and the amnesty period to bring allowable uses to permitting standards.	David Moore – PacifiCorp Energy
2/6/08	Mr. Richart	Request for electronic copies of SMP maps.	2/7/08	Please find attached a PDF of the Merwin, Yale and Swift No. 1 Shoreline Classification Maps.	Kimberly McCune – PacifiCorp Energy

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				Should you require any additional information please feel free to contact me directly.	
2/6/08	LeAnn Bailey	Telephone call regarding availability of 2/6/08 PowerPoint presentation and question as to when & why reservoir levels vary.	2/6/08	<p>It was a pleasure speaking with you this afternoon. As soon as this evenings PowerPoint is available I will post on the Lewis River website. Please expect an email from me when it's available for viewing.</p> <p>In regards to your question as to when & why reservoir levels vary, the factors that determine Lewis River reservoir levels often begin during the winter months. During the winter PacifiCorp is required (by federal operating license) to maintain lower water levels for Lewis River flood control. PacifiCorp then works to have reservoirs filled again before the summer recreation season. Reservoir levels during the summer months are subject to available inflows, downstream flow requirements and power demand. After Labor Day, the process to create space winter runoff begins again.</p> <p>There is, however, no specific set schedule for filling or drafting Lewis River reservoirs. Water levels are dependant on weather, snow packs, customer power demands, market conditions and license requirements for flood control, fish and wildlife issues, and other factors. Droughts, light snow packs, heavy rains, or early thaws can all impact water levels.</p> <p>A few key considerations include:</p> <ul style="list-style-type: none"> · PacifiCorp generates about 80 percent of the electricity needed to meet summer demands. After that, electricity must be purchased on the open market, which sometimes are volatile and at other times, very expensive. To keep prices as low as possible for our customers, we must generate as much power as possible with our own resources. · PacifiCorp is required by its federal operating license to provide minimum flows in the Lewis River below Merwin Dam for fish hatcheries, habitat, and migration. Often such flows are greater than cumulative flows into the project reservoirs. <p>On behalf of PacifiCorp we appreciate your interest in the public meetings relating to the Shoreline</p>	Kimberly McCune – PacifiCorp Energy

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				Management activities. If you have any additional questions or comments please feel free to contact me directly.	
2/6/08	LeAnn Bailey	Thank you for posting the PowerPoint presentation. It was very helpful and addressed a number of permitting issues. I hope the meeting was productive.	2/7/08	<p>The Merwin, Yale and Swift No. 1 licenses we are currently operating under are not available on the Lewis River website. However, you can access these documents through the Federal Regulatory Agency Commission (FERC). The public can search for them on the website, however, because of the age of the documents they are only available on MicroFilm, yet then can be ordered directly from the FERC.</p> <p>eLibrary Questions Local: 202-502-6652 Toll-free: 1-866-208-3676 ferconlinesupport@ferc.gov</p> <p>If you wish to order these documents, including all amendments I've provided the needed information below:</p> <p>Merwin P-935 Issued 10/06/1983 Yale P-2071 Issued 04/25/1951 Swift No. 1 P-2111 Issued 10/29/1956</p> <p>Issuance of our new license(s) is imminent. The latest update is sometime within the 2nd quarter 2008.</p> <p>If I can be of further assistance please let me know.</p>	Kimberly McCune – PacifiCorp Energy
2/7/08	Jim Farance	<p>It was good to meet you last night. We are property owners on Yale Lake at 168 Yale Landing Road. My wife, Kim, and I missed the prior meeting, so the meeting last night was very informative.</p> <p>We would greatly appreciate it if PacifiCorp would review our property, as well as adjoining properties, and consider changing the currently proposed designation of "Resource Management" to the designation of "Integrated Use".</p> <p>As you are aware, Yale Lake is almost entirely classified as "Resource Management". There are so few property owners with access to the Lake, (with us being one of them), we believe the impact of this change would be minimal. We are one of six homeowners in this area where Dog Creek flows into Yale Lake. We all have lake access, and it is an ideal spot to install a</p>	2/7/08	<p>Please find attached a PDF of the Merwin, Yale and Swift No. 1 Shoreline Classification Maps. I will have additional hard copies of the SMP Draft Plan available on Monday at which time I will mail a copy to your attention.</p> <p>Should you require any additional information please feel free to contact me directly.</p>	Kimberly McCune – PacifiCorp Energy

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		community dock for the homeowners' use. Please review the current plans and determine if this small area can be changed to "Integrated Use" for the homeowners. Thank you very much for your consideration.			
2/6/08	Kim and Jim Farance	Requested hard copies of the Draft SMP document.	2/7/08	Please find attached a PDF of the Merwin, Yale and Swift No. 1 Shoreline Classification Maps. I will have additional hard copies of the SMP Draft Plan available on Monday at which time I will mail a copy to your attention. Should you require any additional information please feel free to contact me directly	Kimberly McCune – PacifiCorp Energy
2/7/08	Jim Farance	It was good to meet you last night. We are property owners on Yale Lake at 168 Yale Landing Road. My wife, Kim, and I missed the prior meeting, so the meeting last night was very informative. We would greatly appreciate it if PacifiCorp would review our property, as well as adjoining properties, and consider changing the currently proposed designation of "Resource Management" to the designation of "Integrated Use". As you are aware, Yale Lake is almost entirely classified as "Resource Management". There are so few property owners with access to the Lake, (with us being one of them), we believe the impact of this change would be minimal. We are one of six homeowners in this area where Dog Creek flows into Yale Lake. We all have lake access, and it is an ideal spot to install a community dock for the homeowners' use. Please review the current plans and determine if this small area can be changed to "Integrated Use" for the homeowners. Thank you very much for your consideration.	2/12/08	Thank you for the email below and your attendance at our Lewis River Shoreline Management Public meeting last Wednesday evening February 6, 2008. I appreciate your interest in the process. As we work to prepare the Public Review Draft of the Shoreline Management Plan, we will consider your request.	Todd Olson – PacifiCorp Energy
2/8/08	LeAnn Bailey	Since our Association's permit with PacifiCorp is subject to the provisions of the license, we were hoping to obtain a copy locally. I only can imagine the number of amendments to a 50 plus year-old document.	2/2008	Spoke with LeAnn over the telephone about the Merwin License and Deanna Adams (PacifiCorp) mailed a new Kings Lakeside lease several weeks ago. Spoke about the Merwin License and the Merwin Wildlife lands in general terms. Do not send a copy of the license.	Dave Leonhardt – PacifiCorp Energy
2/9/08	Dana Kemper	I appreciate your time after the SMP meeting this week. I would like to follow up on a few of the items we discussed about how to possibly remedy the issue of the small ribbon of land that was put in the Resource zoning. You stated that through the settlement agreement all remainder lands were placed into Resource Management. The piece in question does not differ from the	2/12/08	Thank you for the email below and your attendance at our Lewis River Shoreline Management Public meeting last Wednesday evening February 6, 2008. I appreciate your interest in the process and the willingness to identify alternatives. As we work to prepare the Public Review Draft of the Shoreline Management Plan, we will consider your request.	Todd Olson – PacifiCorp Energy

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		<p>connected Integrated Use land directly adjacent. The piece is a irregular thin strip of land roughly 2ft to 12+ft wide The land has little or no wildlife, aquatic, and cultural elements. I do have land that could in fact meet the wildlife, aquatic, and cultural elements on my property at Swift. One of the possibilities we talked talked about was a possible land exchange. I believe that it would be possible to do an exchange of my higher quality resource land located on the creeks feeding the cove. This would give you a higher quality resource, value, and a larger contiguous size for which would increase the benefits of the piece. These are rough outlines of thoughts but I believe that it could be beneficial to look at the exchange possibility.</p>			
2/11/08	Mike Richart	<p>I reside at 191 Yale Landing Road, Cougar, WA and was in attendance at the SMP meeting on February 6th. At the meeting it was explained that the shoreline would be “zoned” to allow for permitted uses in certain areas. After reviewing the map of proposed zoning, I noticed that the area around our development was targeted to remain a “resource management area”, which if I understand correctly does not allow for any improvements or modifications to the shoreline. This was disappointing to learn as the shoreline around our development appears to be one of only two shoreline areas on Yale Reservoir that has private lands directly adjacent to the shoreline, and the area is used extensively for recreational purposes. We live in a small development of six private residential lots surrounding Dog Creek Inlet. Currently I am the only full time resident in the development, but the shoreline around Dog Creek Inlet is used extensively during the summer months by the other neighboring landowners, as well as myself, for recreational purposes. I would like to formally submit that you modify the proposed use for this area from “Resource Management” to “Integrated Use”, whereas I believe that this use will allow for the application for permits to perform certain improvements to the shoreline areas. The fact that during peak use times the three launches on Yale Reservoir are completely overwhelmed, limiting the access of many to the water,</p>	2/12/08	<p>Thank you for the email below and your attendance at our Lewis River Shoreline Management Public meeting last Wednesday evening February 6, 2008. I appreciate your interest in the process and for identifying your request for a community dock at the Dog Creek Inlet. As we work to prepare the Public Review Draft of the Shoreline Management Plan, we will consider your request.</p>	Todd Olson – PacifiCorp Energy

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		including us local residents. Allowing adjacent landowners the opportunity to utilize the recreational benefits of the reservoir through permitted improvements such as docks and boat slips would reduce the impact on the already overwhelmed facilities. This seems like the prudent thing to do. It is my belief that that the adjacent landowners in my development agree with my position on this modification. I will be in contact with them to confirm my opinion and I will encourage them to contact you also. As a permanent resident of Cougar, I value the natural integrity of the area and do not desire to see significant changes to the landscape. With that being said, it would seem silly to totally restrict improvements that would simply allow us to use the resources already available.			
2/11/08	LeAnn Bailey	I was reviewing the map attached to the draft Shoreline Management Plan and have a question: Who exactly owns the reservoir water and lake beds? The map refers to "Regional Lakes". Thank you again for all your information and assistance. 2/19/08 Thank you, Kim. As usual, you are a wealth of information. It was beautiful at the Lake this weekend, indeed.	2/18/08	I apologize for the delay but I've been up on the Project much of last week so I'm catching up. In response to your question regarding the land under the reservoirs it is mostly owned by PacifiCorp, however, there is some non-PacifiCorp lands which are inundated. PacifiCorp has the right to flood these lands via flowage easements. Regarding water ownership, PacifiCorp has legal water rights to store and use the Lewis River for hydroelectric generation. As always, if you need additional information from me or other PacifiCorp staff members please let me know.	Kimberly McCune – PacifiCorp Energy
2/13/08	Richard L. Lonergan	I have a few comments on the SMP as it relates to Swift Reservoir. 1. The line drawn in blue, showing the integrated use designation, at the development known as Swift Creek Estates does not encompass the entire shoreline of the Swift Creek Estates property owners and should be altered to include the entire shoreline along of the Swift Creek Estates property owners. The shoreline for the property is located at the 1000 foot level of Section 35 (T7N,R6E,W.M.) on the north shore of the lake. (It is the northwest portion of section 35). If that is not a description that makes sense, please let me know and I will provide a map. All this property has had a developed shoreline for over 40 years. The SMP map also shows the property as "public ownership". I am not sure that it makes any difference, however, that designation is not accurate. Your map also shows a	2/19/08	Thank you for the email below and your attendance at our Lewis River Shoreline Management Public meeting on February 6, 2008. I appreciate your interest in the process and for identifying your concerns and requests below. As we work to prepare the Public Review Draft of the Shoreline Management Plan, we will consider your input.	Todd Olson – PacifiCorp Energy

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		<p>small area in Section 27 as "public ownership" that is the property of Swift Creek Estates.</p> <p>2. The SMP needs to clearly spell out what will be required of current uses (or "grand-fathered" uses) as it is unclear what the SMP intends to require to continue a use. It appears that PacifiCorp could impose substantial hardships on people to upgrade current uses. Section 8.3 says that the current uses don't have to be upgraded immediately, however, it is unclear whether the nine month rule within that section is going to come into play. It is also unclear what the actual standards of a specific use will be as the standards are not yet drafted. Another concern is whether all current uses are in fact included in the integrated use category and, therefore, would be allowed to continue. For example, Swift Creek Estates has a private boat ramp on Swift Reservoir. The integrated use category mentions "public boat ramps" and the definition of that term says it includes "private ramps w/public access". It is not clear whether it would include Swift Creek Estates' boat ramp as it is a private ramp with private access only. The integrated use category should include all boat ramps. There may be other such uses that are not identified in the SMP. There undoubtedly are uses above full pond and below any flowage easement that are not included in the integrated use category.</p> <p>3. Any private dock system should exclude the granting or renting of boat slips to people who are not property owners adjacent to the shoreline or who do not have private access to the shoreline and are not property owners within a reasonable proximity to the shoreline. The purpose of this request is to prevent someone from building a dock system for private parties who have no private access and who do not have property within a reasonable proximity of the shoreline. If there is no such prohibition, a person could sell boat slips to friends in Portland or anywhere else. There needs to be some form of proximity of property ownership otherwise a person could develop property a miles from the lake, provide a "community area" at the shoreline, and include boat spaces for those properties. This could substantially increase the boat traffic and associated problems on the lake. In addition, a private developer</p>			
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		<p>should not be allowed to profit from lake access by selling properties that are not adjacent or within a reasonable distance of the lake. Swift Reservoir generally has only a few calm areas for boating. These areas tend to get crowded. Additional boat moorage should not be encouraged.</p> <p>4. The SMP should not allow additional private dock systems east of the public boat ramp not currently in place on Swift Reservoir. Currently there are three areas of private dock systems on Swift Reservoir all within a short distance of each other at the east end of the lake. The remainder of the lake and shoreline is essentially in its natural state. One of the unique and attractive features of the lake is that it lacks developed shorelines. If you launch a boat at PacifiCorp's public ramp, nearly all the shoreline east of the ramp is in its natural state. PacifiCorp should try to maintain this distinction.</p> <p>5. The SMP should not have the integrated use designation east of the existing docks adjacent to steep slopes. Many of the shorelines around the lake that are in private ownership have steep undeveloped shorelines. Shoreline development will require some type of roads or paths to get to a dock system. New development around the Swift area shows that developers have had little regard for aesthetics, environment, or erosion control. Roads have been chopped into steep hillsides and there have been erosion problems. PacifiCorp should not encourage this behavior by allowing boat docks to be adjacent to steep hillsides. The topography of the are should be taken into account.</p>			
2/18/08	Jacquelyn Brown	Letter regarding a property line shared with PacifiCorp. (Exhibit E attached)			
2/20/08	Charly Boyd	<p>I am writing on behalf of Jon Rose and Olympic Resources Management (Listed in Skamania County Assessor's Records as Pope Resources). They own approximately 18,000 acres near and adjacent to Swift Reservoir. They have shoreline ownership they are concerned about in Township 7 North, Range 6 East, Sections 32, 33 and 35.</p> <p>It appears the Pope/ORM shoreline ownership in Section 32 is classified in the Lewis River Shoreline Management Plan Initial Draft as Integrated Use. However, their ownership in adjacent Section 33 is</p>	2/21/08	<p>Good afternoon Charly,</p> <p>Thank you for the email below regarding the classification of Lewis River shoreline areas. I'll review the maps and if you want to give me a call tomorrow (2/22/08) I am available later in the morning or the afternoon.</p>	Todd Olson – PacifiCorp Energy

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		<p>classified partially as Resource Management and partially as Integrated Use. It is unclear why this change occurs in this section as Pope/ORM appears, from Skamania County Assessor's Records, to own the entire shoreline. There are two easement areas along this area of the shoreline (both currently classified Resource Management) that have flowage easements to the State of Washington. However, in other areas – particularly ANE Forests of the Lewis River ownership at Diamond Creek Cove – property with similar flowage easements to the State are classified Integrated Use. I would like to find out why the classification changes in Section 33 for Pope/ORM. Also, in Section 33, there is an area classified Project Works for Woody Debris Collection that appears to be on Pope/ORM land within one of the two State of Washington flowage easements. I would also like to find out more about this area, its classification, and what the area will be used for, specifically, by PacifiCorp. Finally, in Section 35 ORM owns all of the shoreline from the Northwoods development south and west on the Reservoir's south shore to the section line. They are currently pursuing a re-zone with Skamania County and feel this area is suitable for development. However, the shoreline is currently classified Resource Management. I would like to discuss with you the reasoning behind this classification as well and the possibility for changing all the areas of concern to Integrated Use.</p> <p>If possible, I would like to call you and talk about these questions tomorrow morning or late afternoon. I wanted to give you some advance notice to look up the information beforehand, however. I hope to talk to you tomorrow.</p>			
2/27/08	Victor Pagel	<p>Myself, and my two brothers and sister share ownership of a vacation home at 184 Yale Landing Road, Cougar WA. Our neighbor, Mike Richart at 191 Yale Landing Road, attended the SMP meeting in February. He informed me of the proposed area zoning to be "resource management area", which does not allow for any improvements or modifications to the shoreline. We are a small development that uses this area for recreational purposes. I would like to submit that you modify the proposed use of this area from "Resource Management" to "Integrated Use. This would help us properly improve the shoreline, and make this</p>	2/29/08	<p>Thank you for the email below regarding the development of our Lewis River Shoreline Management Plan. I appreciate your interest in the process and for identifying your request. As we work to prepare the Public Review Draft of the Shoreline Management Plan, we will consider your input.</p>	Todd Olson – PacifiCorp Energy

**Pacific Power
Lewis River Projects
Shoreline Management Plan (SMP) Consultation Record**

2007/2008

		recreational area more accessible for myself, my family, and our small community who own property on Yale Landing Road. I know this is a solution that will work well for everyone involved. During peak season, Yale Reservoir is overwhelmed with people, and by allowing us the proper permitting it would help us enjoy the recreational benefits, while reducing the impact on the existing three launches.			
3/4/08	Jon Rose	<p>Enclosed are Pope Resources comments and request regarding shoreline classifications on the Swift Reservoir. We are also sending hard copies.</p> <p>Thank you for your consideration of our ideas. Please confirm your receipt of this so I know that I've used the correct email address. (Exhibit F attached)</p>	3/7/08	<p>Thank you for your input regarding the company's efforts to develop a Shoreline Management Plan for the Lewis River Hydroelectric Projects, specifically your interest in modifications to proposed shoreline classifications on Swift Reservoir. I appreciate you taking the time to share your concerns and your interest in the area. We are developing a record of the input we receive on this project, and we will include your letter. As this process moves forward we will keep you apprised.</p>	David Moore – PacifiCorp Energy

Exhibit A

Response to Barbara Vertz letter identifying list of concerns regarding our management of lands associated with the Lewis River Hydroelectric Projects as well as the operation of our related recreation sites

November 28, 2007

Barbara Vertz
Cougar Area Trail Seekers
P.O. Box 154
Cougar, WA 98616

Dear Mrs. Vertz,

On October 17, 2007 you provided PacifiCorp with a letter identifying a list of concerns regarding our management of lands associated with the Lewis River Hydroelectric Projects as well as the operation of our related recreation sites (See attached letter to PacifiCorp Energy). I would like to take this opportunity and respond to items you have identified. Thank you for attending our public meeting on October 17, 2007 that discussed the Company License Implementation programs. I appreciated the participation of Cougar Area Trail Seekers (CATS) members.

PacifiCorp has worked since the mid-1990's to complete the Federal Energy Regulatory Commission (Commission) relicensing of the Lewis River Hydroelectric Projects. Towards that end, we engaged interested parties and the public in a very extensive process to determine how the Projects should be operated in the future; to achieve a balance of hydroelectric generation resources with natural and social resources. In result, participants reached a Settlement Agreement (Agreement) by which Project operations may continue given the company complete identified Protection, Mitigation, and Enhancement resources. We expect that the Commission will memorialize these commitments in new operating licenses.

As part of the Federal Energy Regulatory Commission relicensing process of the Lewis River Hydroelectric Projects, the company held over 200 meetings that were open to the public. At key milestones in the process, public announcements were made in local papers to solicit comment on project impacts and how to address those impacts. The Settlement Agreement that was reached with 25 other parties (agencies, tribes, and nongovernmental organizations including the Lewis River Community Council) included two Citizens at Large: Mr. Noel Johnson and Mr. John Clapp. Both Mr. Johnson and Mr. Clapp have the opportunity to participate as representatives on the Aquatic Coordination Committee, the Terrestrial Coordination Committee, and the Lewis Recreation Committee. These Committees have a consultation role as PacifiCorp moves through the implementation of resource related measures.

The Settlement Agreement includes numerous recreation obligations as identified in the Lewis River Recreation Management Plan (please see our website <http://www.pacificorp.com/Article/Article28445.html> for a copy of the Plan – REC 7). New actions include recreation facility upgrades, new non-motorized trails, American

Disabilities Act (ADA) fishing access and as needed campground expansions just to name a few. Although contemplated by the parties in preparing the Agreement, **motorized vehicle access and development of motorized trails are not an intended or authorized recreation use on company lands.** For other recreation related observations presented in your letter, please see our attached response.

Per the Settlement Agreement, PacifiCorp lands not used for generation purposes, leased to cabin owners, or used as part of formal recreation sites, are to be managed for wildlife habitat. The purpose is to set aside approximately 10,000 plus acres of land surrounding the projects for big game, raptors such as bald eagles, and other nongame animals to help offset loss of habitat from reservoir inundation. Most of these lands are adjacent to and parallel the reservoir shorelines.

In review of your letter I acknowledge the club's goals to provide responsible stewardship, protect the environment, and promote economic prosperity for the town of Cougar, Washington. Though volunteer clean up efforts are admirable, past events have apparently been conducted via ATVs on company lands without PacifiCorp authorization; this violates the company's non-motorized vehicle policy. For clarification, the plan to gate power line roads was developed approximately three years ago and not as a response to any request made by CATS. Regarding any incidents reported to the Washington State Department of Natural Resources (DNR), PacifiCorp does not distinguish between types of Off-Road Vehicles as impacts are typically analogous.

In reference to your tour with Cowlitz County Commissioner Kathleen Johnson, it is unfortunate that the town is showing deterioration of businesses, however I maintain it is a number of factors that have led to such conditions. My understanding is that other business (e.g. Bluebird Helicopters) which drew visitors to the town of Cougar closed during the time PacifiCorp initiated various land management practices. In case you did not know, PacifiCorp several years ago donated land in town to provide for a public restroom which is in operation.

With regards to any further consideration of ATV trail development and use on PacifiCorp property, the Terrestrial Coordination Committee representatives in attendance at the November 2007 voiced the message that continuous ATV use on lands designated for wildlife habitat was not an option. Other parties have expressed the same opinion.

No doubt this letter comes as a disappointment to the club. So in closing I would like to point out that the Lewis River Hydroelectric Project does provide value to any legitimate ATV experience you may acquire in the basin. We have several campgrounds and day use areas with public facilities available; we are providing additional law enforcement in

Barbara Vertz, C.A.T.S
November 28, 2007
Page 3

the area to enhance safety and the protection of wildlife and habitat, and we are managing the majority of our lands for long term ecological benefit.

Lastly, the Shoreline Management Planning meeting was considered a listening session to collect public comments regarding shoreline management. While minutes were not taken at the meeting, comments were recorded for reference while developing the plan. Comments have not been posted but a complete list of comments will be included in the appendices of the final Plan document. With respect to your inquiry on whether the Clark County property on Yale will become a dispersed camping area, that question is best directed to the county. Unless otherwise agreed with the land owner, PacifiCorp will not take actions on non-company lands.

Thank you for your letter, if you would like to attend the Terrestrial, Aquatic, or Recreation Committee meetings, you are welcome except for confidential topics such as threatened or endangered species. The meeting dates, times, and locations are provided on our website at <http://www.pacificorp.com/Article/Article50926.html>

Sincerely,



Todd Olson
Implementation Program Manager
PacifiCorp

Attachments

cc:

Representatives to the Lewis River Terrestrial, Aquatic, and Recreation Committees
Kaleen Cottingham, Director of Washington Recreation and Conservation Office
Kathleen Johnson, Cowlitz County Commissioner
George Raiter, Cowlitz County Commissioner
Axel Swanson, Cowlitz County Commissioner
Clark County Commissioners

Responses to observations in October 17, 2007, letter to PacifiCorp from Ms. Barbara Vertz

Restricting access to reservoirs by gating boat launch areas and limiting access when gates are open –

Given the close proximity to the major Portland-Vancouver metropolitan area, the limitation of flat water boating in the region, and simply the beautiful surroundings of the Lewis River basin, crowds can overwhelm some of our recreation facilities. The number of such occurrences is really dependent on the weather. As recreation providers, we want to maintain a safe, secure, and enjoyable experience for our users. Unfortunately to do so during hot summer days, we may have to deny entrance to the parks when we reach capacity to ensure public safety and a quality recreation experience.

Gating the existing operating camp areas with gates closed to access after 10:00 PM –
Gates at company campgrounds are closed but not locked after normal operating hours. Camp hosts are present when gates are closed to address issues and direct emergency services.

Decreasing boat ramp size from 2 lanes to 1 at Beaver Bay –

Recent boat ramp enhancements included addressing bank erosion issues but work did not alter the ramp width.

Moving a boat dock at Beaver Bay and documenting it as adding a boat dock to improve recreation –

The boat dock was replaced in 2005 with improved ADA accessible boarding floats and piles driven for increased dock stability

Lowering Yale reservoir levels below the boat launch during the height of summer tourism –

In general we operate to ensure Yale reservoir is accessible during the summer recreation season. Unforeseen emergencies may require reservoir levels to drop during this season.

Decreasing the parking area of Saddle Dam, greatly restricting user access and denying camping at Saddle Dam –

The Saddle Dam recreation site was transformed into a day use site in 2001 in an effort to better accommodate overflow day use from nearby Cresap Bay. The amount of parking has actually increased with the conversion. From a wildlife habitat standpoint, removing overnight camping has improved this area which is adjacent to one of the most important elk foraging areas on PacifiCorp property.

Closing the Saddle Dam trail which included more than 12 miles of multi-purpose trails made, used, and maintained by local residents on the north side of Yale reservoir –

PacifiCorp has always had a non-motorized access rule in place for our lands adjacent to the Lewis hydroelectric projects (i.e. now wildlife lands). Over the years we have had to

address unauthorized trail building, habitat destruction, and litter issues. In 2006 alone we spent approximately \$10,000 to address these issues. To be responsible stewards of our lands and in anticipation of our new licenses, the company is securing the lands with gates and signs. In addition, the Settlement Agreement calls for additional law enforcement.

Closing the IP logging road to discourage shoreline and dispersed upland camping with plans to stop it completely –

After completing a shoreline dispersed site inventory, PacifiCorp will identify suitable shoreline sites to be available on Yale reservoir for camping. Upland dispersed camping is not allowed on any company lands. The Washington Department of Natural Resources (WDNR) owns the majority of upland lands along the IP road and should be contact regarding recreation management on these lands.

Denying access to motorized vehicles including ATVs on the IP logging road –

Parties to the Settlement Agreement identified a unique opportunity to turn the Yale IP road into a non-motorized multi-use trail (see SA Section 11.2.2.2). PacifiCorp agreed to make a reasonable effort to pursue such a trail. In doing so, the company must complete bridge safety evaluations, rock-fall hazard assessments, design for bridge safety retrofit, engineering, discussions with WDNR and permitting.

Denying access to the power line road and gating so we cannot access DNR lands –

Non-motorized access is allowed on power line roads and all PacifiCorp land in the Lewis River Basin. Roads are gated to prevent unauthorized use on company lands.

From Barbara Vertz



**Cougar Area Trail Seekers
C.A.T.S.
P.O. Box 154
Cougar, WA 98616**



October 17, 2007

PacifiCorp Energy

The Cougar Area Trail Seekers ATV club is disappointed with the response we have received since volunteering to clean up and maintain the power line road and the IP road near Cougar and Yale Reservoir. Our request supports our goals to provide responsible stewardship of our neighborhood, protect the environment, and promote economic prosperity for the town of Cougar. Since that request, gates have gone up on the power line roads and we are now told the IP road will be closed to motorized users. These are areas that have been used for multi-use recreation for many years and we are confused and saddened that our efforts to help solve garbage dumping and destruction of these roads and surrounding areas would result in law abiding recreational user lock out. It seems that because we asked permission to help clean up our neighborhood, we and in excess of 750,000 other users now cannot recreate where we have been doing so for years. This is devastating to the prosperity of the town of Cougar.

CATS has held garbage pick up runs on the power lines and DNR lands where we collected 1800 pounds of garbage in one day and paid the dump fees. We have also identified areas that still need to be cleaned up. When we met with PacifiCorp representatives, we told them of areas that have been neglected for years, in terms of garbage dumping and trail maintenance which we would like to help maintain, and now you are locking us out.

We were also told that PacifiCorp reported an incident to DNR which led us to believe this was an ATV issue and CATS members had received citations for destruction of shoreline property along the IP road. We recently heard from DNR that this incident involved 4-wheel drive trucks and, apparently, no ATV users were involved. Call us paranoid, but that sounds a bit like slander.

When the F.E.R.C. agreement was put together, none of the motorized recreational user groups were included in the talks. We are late to the conversation but it appears that your intention is **no** motorized recreational use at all. What exactly are your plans for motorized recreation?

A big part of PacifiCorp's F.E.R.C. agreement is to provide recreation. These are our observations over the past several years that seem contradictory to that mission:

- Restricting access to reservoirs by gating boat launch areas and limiting access when gates are open;

- Gating the existing operating camp areas with gates closed to access after 10:00 PM;
 - This restricts access by emergency personnel and those campers who are unable to arrive before the gate is closed, due to other obligations.
- Decreasing boat ramp size from 2 lane to 1 at Beaver Bay;
- Moving a boat dock at Beaver Bay and documenting it as adding a boat dock to improve recreation;
- Lowering Yale reservoir levels below the boat launch during the height of summer tourism;
- Decreasing the parking area at Saddle Dam, greatly restricting user access;
- Denying camping at Saddle Dam;
- Closing the Saddle Dam trail which included more than 12 miles of multi-purpose trails made, used, and maintained by local residents on the north side of Yale reservoir;
- Closing off the IP logging road to discourage shoreline and dispersed upland camping with plans to stop it completely;
- Denying access to motorized vehicles including ATVs on the IP logging road; and
- Denying access to the power line road and gating so we cannot access DNR lands.

The change in access to the IP logging road and the power line road locks up the town of Cougar from accessing DNR roads for ATV recreation and we were excluded from input into the decision making process.

We toured Cowlitz County Commissioner, Kathleen Johnson through the town of Cougar showing her the deterioration of businesses due to the decrease in recreational access. One of the two remaining restaurants in the area is only open part time. One store and gas station is closed and has been for sale for years. The building where the ceramic shop used to be is falling apart and abandoned. Many of the businesses in town are for sale. Most of these changes came about in the time since PacifiCorp decided to implement fees, restrict access, turn the maintenance and supervision of the parks over to an outside entity, and allow the general appearance of the properties to deteriorate.

There are many places outside Washington State where ATV recreational use is welcomed and recognized as a viable revenue stream. We are simply asking that ATV recreation be considered due to the fact that it **does** work in other areas. If given the opportunity, we believe most people using recreational areas in and around the watershed PacifiCorp uses for profit would, in fact, respect the area and work together to make it mutually beneficial. We have an opportunity, and you have a choice, to turn this area around. We will help, to the best of our abilities, to see that this land is preserved for future generations to enjoy all the recreational opportunities they have enjoyed for years. We really do want to work with you on your commitment to provide recreational opportunity. What are your plans for providing recreational opportunities for ALL user groups? What can we do to help?

An example of quality recreational boating and camping opportunities provided by a power company in Washington State is what Tacoma Power has provided in the Rife Lake and Mayfield Lake areas.

Some final questions:

- We noticed that the minutes from the last Shoreline Management Meeting were briefly posted online and now are gone. Where can we get a copy of those minutes as originally posted?
- What about the old Clark County owned Scout camp on the south side of Yale shoreline? Will this become a dispersed camping area?

Sincerely,

Cougar Area Trail Seekers

Cc: Laura E. Johnson, Director of Recreation and Conservation Office
Kathleen Johnson, Cowlitz County Commissioner
George Raiter, Cowlitz County Commissioner
Axel Swanson, Cowlitz County Commissioner
Clark County Commissioners
The Daily News
The Columbian
The Reflector

From Barbara Vertz



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C.A.T.S.
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Sincerely,

Cougar Area Trail Seekers

Cc: Laura E. Johnson, Director of Recreation and Conservation Office
Kathleen Johnson, Cowlitz County Commissioner
George Raiter, Cowlitz County Commissioner
Axel Swanson, Cowlitz County Commissioner
Clark County Commissioners
The Daily News
The Columbian
The Reflector

Exhibit B

Response to Mike Hayden, cc: Page Phillips, Office of Congressman Brian Baird

November 7, 2007

Mike and Brenda Hayden
P.O. Box 62
Cougar, WA 98616

Dear Mr. and Mrs. Hayden,

On October 11, 2007 you provided PacifiCorp with a letter identifying a list of concerns related to our operation of the Lewis River Hydroelectric Projects and related recreation sites (See attached letter to Kim McCune, PacifiCorp). I would like to take this opportunity and respond to a few general items you have identified through previous conversations, and then respond to your list of concerns. It is unfortunate that you could not attend our public meeting on October 17, 2007 that discussed the Company License Implementation programs, however, the PowerPoint presentation is available on our website (<http://www.pacificorp.com/Article/Article76313.html>) should you wish to view it. As always feel free to call me.

As we have discussed, PacifiCorp has worked since the mid-1990's to complete the Federal Energy Regulatory Commission (Commission) relicensing of the Lewis River Hydroelectric Projects. Towards that end, we engaged interested parties and the public in a very extensive process to determine how the Projects should be operated in the future; to achieve a balance of hydroelectric generation resources with natural and social resources. In result, participants reached a Settlement Agreement (Agreement) by which Project operations may continue given the company complete identified Protection, Mitigation, and Enhancement measures. We expect that the Commission will memorialize these commitments in new operating licenses.

Recreation measures during new Federal Energy Regulatory Commission license period:

The Settlement Agreement includes numerous obligations as identified in the Lewis River Recreation Management Plan (please see our website <http://www.pacificorp.com/Article/Article28445.html> for a copy of the Plan, Rec 7). New actions include recreation facility upgrades, new non-motorized trails, American Disabilities Act (ADA) fishing access, and as needed campground expansions just to name a few. Although contemplated by the parties in preparing the Agreement, motorized vehicle access and development of motorized trails are not an intended recreation use on company lands.

Personal Response:

It has come to my attention that you feel we have ignored your letters. Although you have made points in various conversations, I only find two letters from you to PacifiCorp. On March 2, 2007, I personally responded to a letter you sent on February 5, 2007, and I am responding now to your letter of October 11, 2007. For your information we are also

working on a response to a letter from the Cougar Area Trail Seekers (CATS) that was provided to me by Barbara Vertz, CATS Secretary on October 17, 2007. Although not a requirement, staff strives to respond to public inquires in hopes of clarifying issues and providing open communication. I hope this letter does so. In addition, you have attended two meetings with the Lewis River Terrestrial Coordinating Committee in which the Committee listened and responded to your requests.

Public Input:

As part of the Federal Energy Regulatory Commission relicensing process of the Lewis River Hydroelectric Projects, the company held over 200 meetings that were open to the public. At key milestones in the process, public announcements were made in local papers to solicit comment on project impacts and how to address those impacts. The Settlement Agreement that was reached with 25 other parties (agencies, tribes, and nongovernmental organizations including the Lewis River Community Council) included two Citizens at Large: Mr. Noel Johnson and Mr. John Clapp. Both Mr. Johnson and Mr. Clapp have the opportunity to participate as representatives on the Aquatic Coordination Committee, the Terrestrial Coordination Committee, and the Lewis Recreation Committee. These Committees have a consultation role as PacifiCorp moves through the implementation of resource related measures.

Wildlife lands:

Per the Settlement Agreement, PacifiCorp lands not used for generation purposes or used as part of formal recreation sites, are to be managed for wildlife habitat. The purpose is to set aside approximately 10,000 acres of land surrounding the projects for big game, raptors such as bald eagles, and other non-game animals to help offset loss of habitat from reservoir inundation. Most of these lands are adjacent to and parallel the reservoir shorelines, as does Highway 503.

Water management and reservoir elevations:

The amount of water in the Merwin, Yale, and Swift reservoirs at any given time is driven by a number of factors. During the winter PacifiCorp is required (by federal operating license) to maintain lower water levels for Lewis River flood control. PacifiCorp then works to have reservoirs filled again before the summer recreation season. Reservoir levels during the summer months are subject to available inflows, downstream flow requirements and power demand. After Labor Day, the process to create space for winter runoff begins again. There is, however, no specific set schedule for filling or drafting Lewis River reservoirs. Water levels are dependant on weather, snow packs, customer power demands, market conditions and license requirements for flood control, fish issues, and other factors. Droughts, light snow packs, heavy rains, or early thaws can also impact the water levels.

A few key considerations include:

- PacifiCorp generates about 80 percent of the electricity needed to meet summer demands. After that, electricity must be purchased on the open market, which is sometimes volatile and at other times, very expensive. To keep prices low for our customers, we must generate as much power as possible with our own resources.
- PacifiCorp is required by its federal operating license to provide minimum flows in the Lewis River below Merwin Dam for fish hatcheries, habitat, and migration. Often such flows are greater than cumulative flows into the project reservoirs.

PacifiCorp manages the three reservoir elevations as above and in order to provide public boat access during the summer recreation season. In the case of drought, one of the reservoirs' elevations might need to go below the minimum for boat launches.

Closure of day use areas and boat ramps:

Given the close proximity to the major Portland-Vancouver metropolitan area, the limitation of flat water boating in the region, and simply the beautiful surroundings of the Lewis River basin, crowds can overwhelm some of our recreation facilities. The number of such occurrences is really dependent on the weather. As recreation providers, we want to maintain a safe, secure, and enjoyable experience for our users. Unfortunately to do so during hot summer days, we may have to deny entrance to the parks to ensure public safety and a quality recreation experience.

Specific Issues:

1. Lack of and elimination of parking and camping at the Saddle dam recreation site. The Saddle Dam recreation site was transformed into a day use site in 2001 in an effort to better accommodate overflow day use from nearby Cresap Bay. The amount of parking has actually increased with the conversion. From a wildlife habitat standpoint, removing overnight camping has improved this area which is adjacent to one of the most important elk foraging areas on PacifiCorp property.
2. Reduction of the amount of parking at Yale Park. To maintain a proper boat launch environment and room in regards to emergency services access to this popular recreation area, PacifiCorp now controls the amount of vehicles allowed inside the park. In doing so, some users are denied access; however the experience is better for launch users.
3. Closing of Cougar campground boat ramp and making the site a reservation only campground. The Cougar campground boat ramp is available to launch when Yale reservoir elevations are greater than 486 foot elevation approximately 4 feet from full pool. Even though this ramp has limited operations, other ramp opportunities are available at Saddle Dam Park and Yale Park both located on Yale reservoir. PacifiCorp has had a campsite registration system in place for a number of years (since the 1980's).

Cresap campground, Cougar campground, and Beaver Bay Group campground are included in the system. The Swift Forest Campground and Beaver Bay individual sites remain available on a first come first served basis. The purpose in having a registration system was to address the growing demand, camper management, and reduce the daily competition for available sites.

4. Improvement to Beaver Bay campground boat ramp:

The parking area around the Beaver Bay boat ramp is limited based on topography and wetlands to the north; as such, campers are encouraged to park vehicles and boat trailers at their campsites. Recent improvements to boat dock included addressing bank erosion issues, however work did not alter the boat ramp width.

5. Low summer elevations in Project reservoirs:

Please see explanation of reservoir water management provided above.

6. Floating debris on Yale and Merwin reservoirs:

As a long time resident of the area you are aware that the Swift reservoir can receive large quantities of woody debris coming down the Lewis River from the Mt. St. Helens Monument, Gifford Pinchot National Forest, and private timberlands. Given this is the most upstream reservoir; we focus our debris collection efforts here in hopes to minimize impacts downstream. The company spends close to \$100,000 annually to remove debris from the lakes. This was consumed entirely on the Swift project in 2007 and does not include efforts to clean the beaches and boat ramps prior to and during the recreation season. The volume of material that entered the reservoirs from winter and spring storms was larger than normal in 2007. An effort to remove debris from Yale and Merwin will be evaluated in 2008. Unfortunately we cannot collect it all. As a user of the reservoir you have the responsibility to complete your activities in a safe manner.

7. Water management effects on shoreline erosion:

As working reservoirs, water elevation and most certainly wind-wave impacts can lead to shoreline erosion. PacifiCorp is developing a Shoreline Management Plan which will identify how a private land owner can work within the Plan objectives to address erosion on their property. This is the first we have heard about an eagle tree falling into the reservoir and are not aware of such an event. The company has annual surveys for both eagle and osprey nests going back over 20 years for determining their location and productivity, so this will be confirmed next year.

8. Closure of multi-use trails to the north of Yale reservoir:

PacifiCorp has always had a non-motorized access rule in place for our lands adjacent to the hydro-electric projects (i.e. now wildlife lands). Over the years we have had to address unauthorized trail building, habitat destruction, and litter issues. In 2006 alone we spent approximately \$10,000 to address these issues. To be responsible

stewards of our lands and in anticipation of our new licenses, the company is securing the lands with gates and signs. In addition, the Settlement Agreement calls for additional law enforcement.

9. Closure of the Yale IP road along the south side of the reservoir will limit access: Within discussion of developing recreation measures, parties to the Settlement Agreement identified a unique opportunity to turn the Yale IP road into an urban type trail. Specifically the Agreement states:

11.2.2.2 Yale/IP Road Phase One. PacifiCorp shall use best reasonable efforts after Issuance of the New License for the Yale Project to secure, at the lowest cost possible, non-motorized multi-use recreational access on the existing Yale/IP Road from the bridge over the Lewis River at the eastern terminus to Healy Road to the west. If a continuous trail is not achievable in the near term, PacifiCorp shall pursue an out-and-back trail. PacifiCorp shall secure access, complete bridge safety evaluations, rock-fall hazard assessments, design for bridge safety retrofit, engineering, and permitting by the fourth anniversary of Issuance of the New License for the Yale Project, at a cost not to exceed \$500,000. If efforts to secure access are not achieved by the fourth anniversary of Issuance of the New License for the Yale Project, PacifiCorp shall make reasonable efforts to secure such access. Should these efforts cost less than \$500,000, PacifiCorp shall add the remaining funds to the budget required under Section 11.2.2.3. The measures required by this Section 11.2.2.2 comprise "Phase One" of the Yale/IP Road measures.

11.2.2.3 Yale/IP Road Phase Two. When Phase One described in Section 11.2.2.2 is complete and all necessary access has been secured, PacifiCorp shall: (1) clean the trail surface and repair potholes; (2) establish 1 trailhead if only an out-and-back trail is possible, or 2 trailheads if the complete trail is possible (each to include 15-20 parking stalls, 1 vault toilet and 2 picnic tables); (3) if the complete trail is possible, develop a mid-point trailhead (to include a single-hole vault toilet and 2 picnic tables); and (4) provide appropriate reservoir access, trail and other signage, necessary gates, and bridge safety railing retrofits ("Phase Two"). PacifiCorp shall provide up to \$596,000 toward the cost of these actions.

11.2.2.4 Yale/IP Road Phase Three. PacifiCorp shall resurface 12 miles of 10-foot-wide, 2-inch-thick asphalt paving along the Yale/IP Road trail corridor ("Phase Three"). PacifiCorp shall implement this requirement at the later of the two following dates: between the fifteenth and sixteenth anniversaries of the Issuance of New License for the Yale Project, or when Yale/IP Road Phases One and Two are complete.

Mike and Brenda Hayden
November 7, 2007
Page 6

As you can see by the measures, the intent is to have a trail that is easily accessible and provide facilities to encourage use.

Thank you for your comment letter, I hope my response helps you better understand our Lewis River recreation operations and the company's interest in providing such opportunities while balancing environmental and generation needs. PacifiCorp is committed to implementing the Lewis River Settlement Agreement and maintains the measures included will provide numerous benefits to the Lewis River Basin.

Sincerely,

A handwritten signature in black ink, appearing to read "Todd Olson", written in a cursive style.

Todd Olson
Implementation Program Manager

Attachment

cc:

Demetra Anas, Federal Energy Regulatory Commission
Kathleen Johnson, Cowlitz County Commissioner
Page Phillips, Office of Congressman Brian Baird
Representatives to the Lewis Recreation Committee and Terrestrial Committee

Congressman Brian Baird
3rd congressional District

RECEIVED

OCT 18 2006

We are copying you in on this list of issues letter because the process for getting the attention of the Federal Energy Regulatory Commission has become very frustrating. They want to give them 50 years of no new recreational issues. They have ignored letters from people of the damage and loss of recreation on the North Fork of the Lewis River over the Years From PacifiCorp. I'm talking about The Dams of Swift, Yale and Merwin. PacifiCorp seems to have an attitude that they don't care what the people want in the area. They want to make the area along side the SR 503 Spur a wild life Habitat (Who makes a narrow habitat with a 50 MPH speed limit highway down the middle of it.) They don't keep enough water in the reservoirs to launch boats safely during the summer months at some of their launches and the children's swimming areas were all empty. Last year 2006 we went to swim in the one at Swift and there was a dead Elk floating in the swimming area. When the dams were put in the people in the area were promised recreational facilities closing them off, not maintaining them, and restricting use I don't feel fills this commitment. This may not be the place to send a letter but any help in getting any of the issues solved would be a help.

Thanks

Mike & Brenda Hayden
133 Harker Ln.
P.O. Box 62
Cougar WA. 98616

Kimberly L. McCune PacifiCorp Energy
Hydro Licensing project Coordinator
825 N.E. Multnomah Street, Suite 1500
Portland Oregon 97232

October 11, 2007

e-mail
10/29/07

I was sorry to see that your follow up meeting from the August SMP meeting happened to be on a Date 10/17/07 we will be out of town and we couldn't change our plans. I hope you will consider and respond to our list of issues as if we were able to make it.

Being a neighbor of PacifiCorp and a long time user of over 45 years of the Lewis river area some changes we have seen have not been for the benefit or recreation for the people.

1. I would like to start out with the lack of and elimination of parking and camping in Saddle dam. This has been done over the years started about 8 years ago.
2. The lowering of the amount of parking in the Yale boat launch area. Also restricting the entry when there is still parking available.
3. The closing of the cougar boat ramp and making the area a reservation only camp ground and if it's not full it usually stays that way nobody knows the difference.
4. The boat ramp at Beaver bay camp ground was suppose to be better but it has been made narrower and parking is used up by the campers so it is inaccessible to the public except if you camp there.
5. The water level in Swift, Yale and Merwin in July and August was so low the children's swimming areas were dry and it made launching a boat a danger or impossible at most launches, the others were full or on weekends or had signs up that they were full.
6. When the water was raised in September the debris in the water was so bad I couldn't even pull my Grand kids in a tube safely. Large logs floated all over in Yale and Merwin reservoirs.
7. As per the SMP meeting it was brought up the amount of erosion along the shore from the water being raised and lowered so much people were loosing feet and yards of shoreline every year. Also the complaint about the tree that was eroded and fell that had an Eagles nest in it and the one that fell on the fisherman and put him in the Hospital for weeks.
8. The miles of muliti purpose trails maintained by the neighbors on the north side of Yale that there are no plans of maintaining except for elimination.
9. The plans for the south side of Yale will not allow disabled and older people access as it has been for years.

This to us is all takeaways and providing less and less recreation areas for the people. The issue of the dams and water level and all the restrictions need to be for the fish and wildlife isn't holding any weight in my book any more. If you really cared about the wildlife and fish **lets take the dams out.**

Mike & Brenda Hayden
P.O. Box 62
Cougar WA. 98616

Cc Demetra Anas F.E.R.C.
Kathleen Johnson Cowlitz county commissioner
Brian Baird Congressman 3rd Congressional District

Kimberly L. McCune PacifiCorp Energy
Hydro Licensing project Coordinator
825 N.E. Multnomah Street, Suite 1500
Portland Oregon 97232

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Mike & Brenda Hayden
P.O. Box 62
Cougar WA. 98616

Cc Demetra Anas F.E.R.C.
Kathleen Johnson Cowlitz county commissioner
Brian Baird Congressman 3rd Congressional District

Exhibit C

Letter from Jerry Sauer identifying a list of concerns regarding the proposed
Marble Creek Marina and public boat launch access

Jerry Sauer
26300 NE 16th Street
Camas, Washington 98607

January 21, 2008

David Moore
Environmental Analyst
PacifiCorp Energy
825 NE Multnomah, Suite 1500
Portland, OR 97232

Re: PacifiCorp Draft Shoreline Management Plan

Dear Mr. Moore:

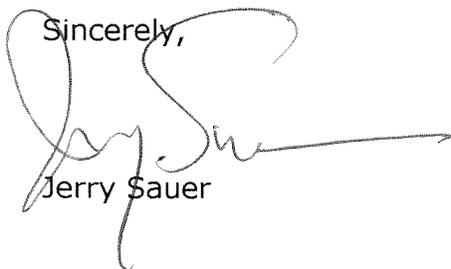
I own land and shoreline on the west side of Marble Creek Cove on the north side of Swift Reservoir. I have been working over the past year with my neighbor, Brad Thomas, and Chuck Leidy of the Washington Department of Fish and Wildlife (WDFW) to donate about 2 acres for a new public boat launch and deep-water marina at this location. The access road to the new recreation site would cross my property. This project would benefit all who love the Swift area. The only thing holding us up is waiting for the Federal Energy Regulatory Commission (FERC) to issue the final Swift license.

Compared to Merwin and Yale reservoirs, public access at Swift is very limited. As you know, there is only one boat launch and no year-round access. In 2006 Skamania County surveyed Swift property owners as part of its comprehensive plan visioning process and 82% of the 261 families who responded said their top reason for owning land or a cabin was boating and other water sports (see Report of Findings for Skamania County Comprehensive Plan Update Visioning Exercise with Emphasis in the Swift Area prepared by Advanced Planning Solutions, Inc. in June 2006). 40% of these people listed public boat launches as their top priority development type and another 42% listed it as a desired development type. In addition to this broad public support our project has WDFW support as well.

Unfortunately, the draft shoreline classifications for the Lewis River Shoreline Master Plan released on January 11, 2008 stop short of including the proposed Marble Creek marina and public boat launch access. I request that you extend the Integrated Use classification south and around the tip of the point on the west side of the cove to accommodate our project. Please do not deny the public this long-awaited year-round water access at Swift.

I thank you for your consideration and request PacifiCorp include this map amendment in its final Shorelines Classification maps and Master Plan.

Sincerely,



Jerry Sauer

Brad Thomas
11100 NE Hwy 99
Vancouver, WA 98686

January 21, 2008

David Moore
Environmental Analyst
PacifiCorp Energy
825 NE Multnomah, Suite 1500
Portland, OR 97232

Re: PacifiCorp Draft Shoreline Management Plan

Dear Mr. Moore:

I own land and shoreline on the west side of Marble Creek Cove, and the western point at its entrance, on the north side of Swift Reservoir. I have been working over the past year with Chuck Leidy of the Washington Department of Fish and Wildlife (WDFW) to donate about 2 acres for a new public boat launch and deep-water marina at this location. This project would benefit all who love to recreate at Swift. However, we have been waiting for the Federal Energy Regulatory Commission (FERC) to issue the final Swift license to move forward.

Compared to the Merwin and Yale reservoirs, public access at Swift is very limited. There is only one boat launch and no year-round access due to seasonal draw downs. When Skamania County surveyed Swift property owners in spring 2006 as part of its visioning process, 82% of the 261 families who responded said their top reason for owning land or a cabin was boating and other water sports (see Report of Findings for Skamania County Comprehensive Plan Update Visioning Exercise with Emphasis in the Swift Area prepared by Advanced Planning Solutions, Inc. in June 2006). 40% of these people listed public boat launches as their top priority development type and another 42% listed it as a desired development type. In addition to this broad public support, I can show WDFW support, in writing, for the project at our Marble Creek location.

Unfortunately, the draft shoreline classifications for the Lewis River Shoreline Master Plan released on January 11, 2008 appear to stop just feet short of including the proposed marina and public boat launch access. However, the map scale is not detailed enough to be sure. Please do not deny the public this long-awaited year-round water access at Swift Reservoir. Please extend the Integrated Use classification south around the tip of the point on the west side of the cove to accommodate the project.

I thank you for your consideration and request PacifiCorp include this map amendment in its final Shorelines Classification maps and Master Plan.

Sincerely,



Brad Thomas

Exhibit D

Letter to PacifiCorp requesting modification of shoreline classification
at the proposed Marble Creek marina



2106 145th Ave. SE
Bellevue, WA 98007
425.749.7038
206.718.5173 cell
425.749.7046 fax
adplasol@isomedia.com

ENVIRONMENTAL PLANNING

January 21, 2008

David Moore
Environmental Analyst
PacifiCorp Energy
825 NE Multnomah, Suite 1500
Portland, OR 97232

Re: PacifiCorp Draft Shoreline Management Plan

Dear Mr. Moore:

I am an environmental planning consultant writing on behalf of three clients who own shoreline property at Swift Reservoir: Dave Creagan, Jerry Sauer and Brad Thomas. They each own land including shorelines adjacent to and within the PacifiCorp project boundary forming the west side of Marble Creek Cove and the shoreline immediately west of the cove on the north side of the Reservoir.

For some time now, these landowners have been in negotiations with Chuck Leidy of the Washington Department of Fish and Wildlife (WDFW) to donate approximately 2 acres of their land for a new public boat launch and deep-water marina at this site. WDFW supports this project and has been in communication with PacifiCorp – through Todd Olsen – on the subject. Currently there is no year-round access to Swift Reservoir due to seasonal draw downs. Swift property owners and visitors in general have expressed support in the past for increased access to the lake, both in number of locations and length of season. Since Marble Cove retains year-round access despite Swift hydropower operations, this site presents a unique opportunity for a public-private partnership to increase recreation options at Swift.

Draft Shoreline Classification maps released January 11, 2008 appear to propose Marble Cove as an Integrated Use area, which would make the planned project an allowable use. The Draft Shorelines Master Plan explains the rationale for the proposed classifications and it appears PacifiCorp finds this area suitable for such a project. However, if the Integrated Use classification may not extend far enough south to include the planned marina and boat launch access area. Due to topography, the best access point to the water for this project is the southeast point of land immediately south of Marble Cove. On behalf of my clients, I request PacifiCorp extend the proposed Integrated Use shoreline classification south approximately 300-600 feet to include the entire west shoreline of Marble Cove and just around the tip of the point. This minor map change would accommodate the long-standing plans supported by WDFW for a new deep-water boat launch and marina on Swift Reservoir. I thank you for your consideration and request PacifiCorp include this map amendment in its final Shorelines Classification maps and Master Plan.

Sincerely,

Charly Boyd
President

Exhibit E

Letter regarding a property line shared with PacifiCorp

*Gerald & Jacquelyn Brown
505 Ham Rd.
P.O. Box 448
Amboy, WA 98601
(360)247-7367*

February 18, 2008

David Moore,
Environmental Analyst
PacifiCorp Energy
825 NE Multnomah, Suite 1500
Portland, OR 97232

Subject: Shoreline Management

Dear Mr. Moore:

I regret that we were unable to attend the meeting on February 6, 2008. It was Ash Wednesday, and Mass took priority that evening. We work full-time and are quite busy with family and other obligations, so I apologize for not reading the SMP in full. I simply wanted to address some issues that concern us as residents that share a property line with PacifiCorp on our south and west sides. The access road that runs from Cresap Bay out toward Speelyai Bay goes past our home, and Merwin Lake is approximately 500 feet to the south of us.

When we bought this property we were thrilled to be so close to the lake, and at the end of a dead-end road. The property was beautiful, and had deer, elk, turkey, and a great variety of birds that visited. We built a house and shop on the property and designed them so that the architecture, siding and roof would be compatible with the setting. We took down fences, cleaned and cleared the property, and consulted the Department of Fish and Wildlife, as well as Kirk Nailor, on how to be best stewards of the property, and enhance it as a home to wildlife.

The Department of Fish and Wildlife gave us a grant and assisted us in clearing blackberries and holly trees from a swampy area of the property to facilitate and encourage the Oregon Ash to thrive, and provide good habitat to the wildlife, particularly the birds. We planted 500 fir trees on the hillside behind our barn. Mr. Nailor discussed spraying our property when PacifiCorp's adjacent property was sprayed to enhance grazing for the deer and elk, and supplying an owl box for our barn to encourage nesting. Neither of those things ever occurred, however. Mr. Nailor did express pleasure that we got rid of the many peacocks that were on the property when we bought it as they were not "native" to this area.

There was a game trail that followed the creek from the back of our property to the lake, which we used when we wanted to visit the lake. We tried to be good stewards by picking up garbage on the beach and along the access road, and by stopping motorcycles and quads riding on the access road to inform them that motor vehicles were not allowed.

Specific concerns regarding the shoreline management include the following:

1. If your boat is not in the water very early on any given morning, the chances are slim that you can get in at all. There is a severe shortage of parking and boat launches on Merwin.
2. If the public manages to get in to either Cresap Bay or Speelyai, there is a severe shortage of useable beach areas. Adding to this, the beaches that are accessible are no longer cleaned or maintained. On the beach south of our home years of garbage and driftwood have built up, and vegetation along the beach is full of blackberry bushes, downed limbs, stinging nettle and general weeds. This is the case on the few other accessible beaches as well.
3. Loose wood and debris are no longer cleared on a regular basis on the lakes, causing real hazards to boaters.
4. PacifiCorp claims that their property is accessible and useable to the public, however, the Company's policies make it very difficult by not maintaining areas that are natural to public use, and discouraging anyone else from doing so.

I'm afraid the only feed-back we've ever received from PacifiCorp is negative and threatening. We believe that when logging was done behind our house, trees were deliberately felled across the trail and creek that provided us access to the lake. I can think of no other reason, aside from spite, why this was done, as falling trees into a creek is not standard forest practice. Naturally, that path is no longer useable by us, or by the wildlife. I surmise this as weeds and blackberries have grown up in the path and game are no longer using is either.

We will admit to clearing a path from our property to the access road in two places about 3 times during the summer. One path stretches about 5 feet, the other about 25 feet. The purpose of clearing the paths was to make it possible to walk to the lake along the access road without our legs, or those of our neighbors getting scratched and stung by the weeds and stinging nettle.

Additionally, twice one year we mowed a path from the road to the beach area south of our house. There is a very nice open grassy space along the beach where PacifiCorp has placed a sign that says "Day Use Only". Mowing was the only way to keep this path open and the grassy spot useable and deter the blackberries and stinging nettle.

PacifiCorp's response was to issue a nasty letter, post "no vehicles" signs where we mowed, and a threat from Kirk Nailor to put up a fence (something that would be very wildlife friendly, I'm sure). We do not use motor vehicles on that road, nor do we abuse the property in any way. We have simply done what is minimally necessary to keep PacifiCorp's day use area useable by all who live along this stretch, and all who visit Cresap Bay and Speelyai.

When logging was done out west of us, there was constant, steady traffic of log trucks, rock trucks and pick-up trucks going up and down the road, blanketing us with dust several times a day. When I called Mr. Nailor to request that he ask drivers to slow down when they go past our house (only one of two houses on the entire stretch of the road), he was very nasty and told me we shouldn't have built our house so close to the property line. Sorry, but it was my impression that vehicle traffic on that road was discouraged because it's a wildlife conservation area.

Although, the trucks were necessary for the logging, road building and work, I would think that even PacifiCorp would prefer they not go ripping up and down at high rates of speed. Further, in light of the traffic during that project, and in light of PacifiCorp's recognition that vehicle traffic is minimally necessary to conduct maintenance, it is interesting that Mr. Nailor and PacifiCorp are so nasty to us for doing infrequent and light maintenance of our own.

PacifiCorp has written a couple of letters in the past to residents touting their own horn about being good neighbors and allowing the public access to their land, and asking residents to be good neighbors in return.

It has been our experience that while we feel we've been very good neighbors to PacifiCorp, we have been met with hostility and actions that make it as inconvenient as possible for anyone wishing to access the lakes or shorelines. It is interesting that the Company gives itself so much "credit" for "letting" the public have access to their lands, in light of contract requirements to that effect.

In closing, we would like to explain that, if anyone bothers to notice, we will no longer be picking up garbage along the beach or access road, and will no longer be stopping vehicles that are using the access road. It does not appear that PacifiCorp values these things as "neighborly".

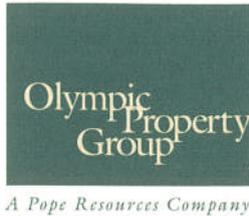
Sincerely,

A handwritten signature in cursive script that reads "Jacquelyn Brown". The signature is fluid and extends to the right.

Jacquelyn Brown

Exhibit F

Pope Resources comments and request regarding shoreline
classifications on the Swift Reservoir



March 4, 2008

David Moore
Environmental Analyst
PacifiCorp Energy
825 NE Multnomah, Suite 1500
Portland, OR 97232

**Re: North Shore of Swift Reservoir and the Lewis River
Hydroelectric Projects Shoreline Management Plan Initial
Working Draft**

Dear Mr. Moore:

Pope Resources owns nearly 24,000 acres around Swift Reservoir on the Lewis River with extensive shoreline ownership in Township 7 North, Range 6 East Sections 29, 33 and 35. PacifiCorp's Lewis River Hydroelectric Projects Shoreline Management Plan Initial Working Draft (Draft SMP) proposes new shoreline classifications for these areas. Our consultant – Charly Boyd of Advanced Planning Solutions, Inc. – spoke with Todd Olson regarding these on February 24, 2008. This letter is submitted to formalize Pope Resource's involvement in the SMP process. Following are comments on the Draft SMP proposed shoreline classifications submitted on behalf of Pope Resources, Olympic Resources Management (ORM) and Olympic Property Group (OPG).

Pope Resources ownership in the Swift area is depicted on Exhibit A. The draft Shoreline Classification is depicted in Exhibit B.

Pope Resources has a long-standing record of creating high-quality recreation communities in Washington's rural areas. Pope is and is about to embark on discussions with Skamania County concerning the visioning and comprehensive planning for a master planned recreation community. Naturally the lake will be a focal attraction of this project along with the area's many other outstanding features, which already draw people from Portland and Seattle. Lake and shoreline access will be important components of the overall plan, but the Draft SMP has come out before the land plans for Pope's property have been prepared. Pope needs to keep its options regarding uses in the shoreline as open as possible.



— *Olympic Property Group* —
19245 Tenth Avenue Northeast, Poulsbo, WA 98370-7456
(360) 697-6626 • Seattle: (206) 292-0517 • Fax: (360) 697-1156



Pope supports PacifiCorp's proposed classification of Section 29 shorelines as Integrated Use. However, there are concerns with classifications proposed in Sections 33 and 35. Section 33 has a mix of all three proposed shoreline classifications. We request the Resource Management areas designation on our property be reviewed to verify presence of specific resources in need of protection. If none are found, we request the classification be changed to Integrated Use.

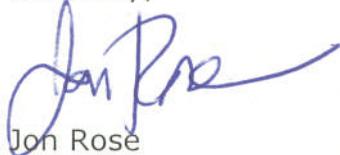
We also request the area labeled 'Woody Debris Collection' and classified Project Works be moved closer to the future site of the new fish collector needing protection from debris migrating downstream. The cove in question would work well as a recreation site. There are a number of suitable bays on the far less accessible south shore including those owned by the state.

Section 35 is proposed for Resource Management south and west of Northwoods, apparently based on County zoning. However, Pope is pursuing a re-zone with Skamania County from Commercial Resource Lands 40 to Mountain Recreation based on this location's proximity to existing commercial and residential developments. As a result the Integrated Use classification would be more appropriate for Pope's shorelines in Section 35 and we request the Draft SMP be changed accordingly.

It appears Section 8.2 of the Draft SMP is intended to provide PacifiCorp flexibility in managing Lewis River shorelines over time. These intentions could be strengthened with the following:

- 1) adding a variance process to allow otherwise prohibited uses where appropriate
- 2) adding a process to re-classify shorelines based on changing zoning and/or development conditions
- 3) including a clearer and more flexible definition of "hardship" in line with PacifiCorp's intentions stated in public meetings on the Draft SMP.

Sincerely,



Jon Rose
President, Olympic Property Group
A Pope Resources Company

cc: Todd Olson, PacifiCorp Energy
Dave Nunes, ORM
Tom Kametz, ORM
Mike Mackelwich, ORM
Brandon Bird, OPG
Charly Boyd, APS, Inc.

EXHIBIT A

**Pope Resources/
Skamania Cour
Swift Reservo**

Jurisdiction: SkamaniaCounty

**R.W. Thorp
& Associates, Inc**

Seattle - Anchorage - Denver - WI

Planning & Landscape Architecture
Environmental & Cultural
Project Management

710 Kings Bay #409
Portland, OR 97204
Skamania Washington 98584

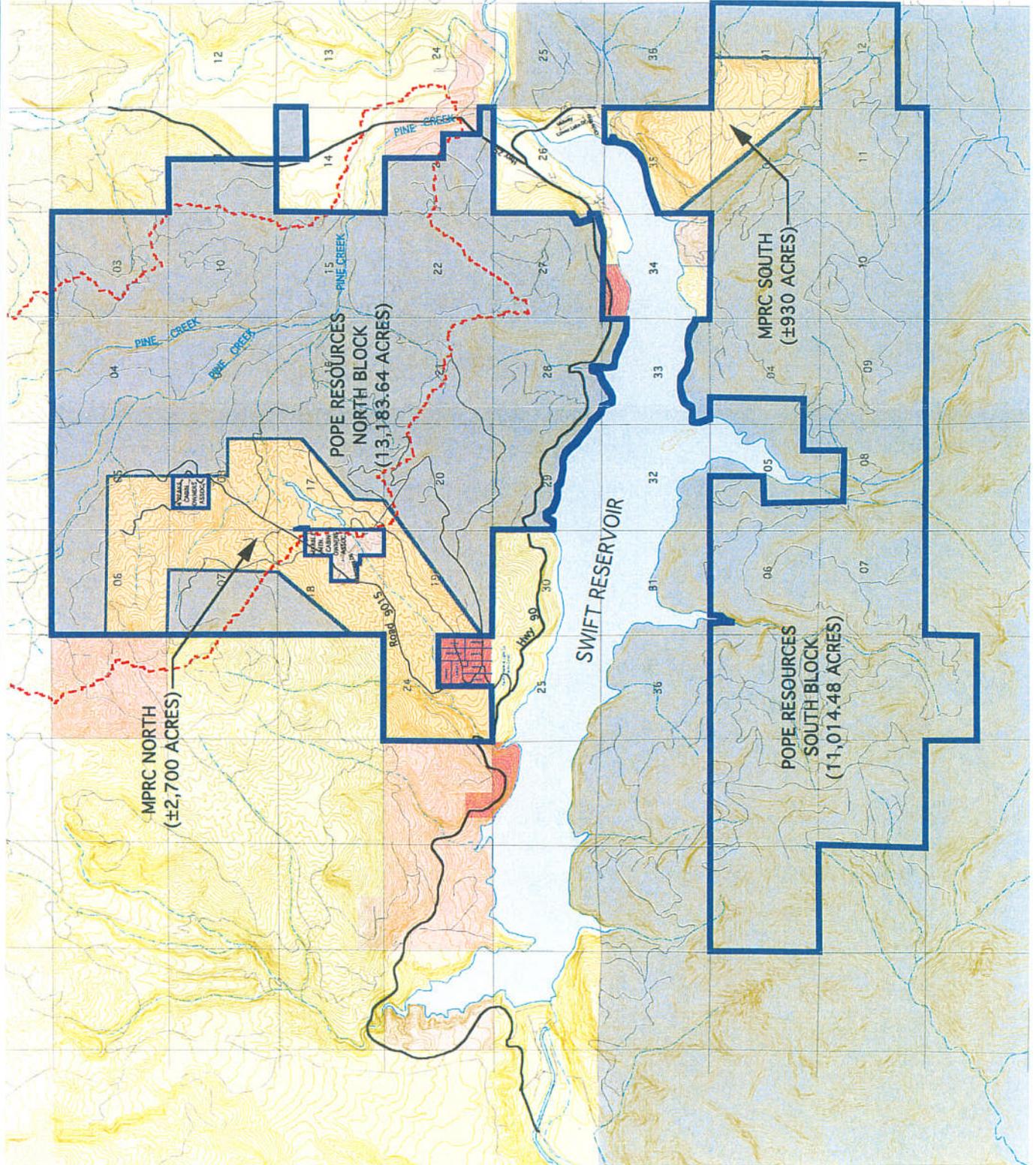
Telephone: 503.634.8729
Fax: 503.634.0940
E-Mail: rpw@rwt.com



Source: Pope Resources

LEGEND

- Commercial Resource Land (CRL40)
- Forest Lands 20 (FL20)
- Swift Recreational (SR)
- Mountain Recreational 20 (MR20)
- Mountain Recreational 10 (MR10)
- Mountain Recreational 5 (MR5)
- Master Planned Recreation Community (MPRC)
- Pope Resources/GRM Property Boundary
- Existing Roads
- 40' Contours
- Water Courses
- Water Bodies
- Pine Creek Watershed Boundary (Watershed)



**Pope Resources/
ORM Change:**

- North Block**
- Total: ±13,183.64 acres
- ± 2,700 acres to be designated MPRC
- South Block**
- Total: ±11,014.48 acres
- ± 930 acres to be designated MPRC

Total Property: ±24,198 acres
15% MPRC: ±3,630 acres
85% CRL: ±20,568 acres

ISSUED	NO.	DESCRIPTION	BY	DATE	SCALE
1		Land Use Map	LD-PDR/RT	04/11	

REVISION	NO.	DESCRIPTION	BY	DATE	SCALE
1		Land Use Map	LD-PDR/RT	04/11	

RWTA JOB NO.	0609131
SHEET TITLE	

Owner: Pope Resources
 Swift Subarea F
 Land Use Map

EXHIBIT B

Lewis River
 Shoreline Management Plan
 Shoreline Classification
 Swift Reservoir

DRAFT

Legend

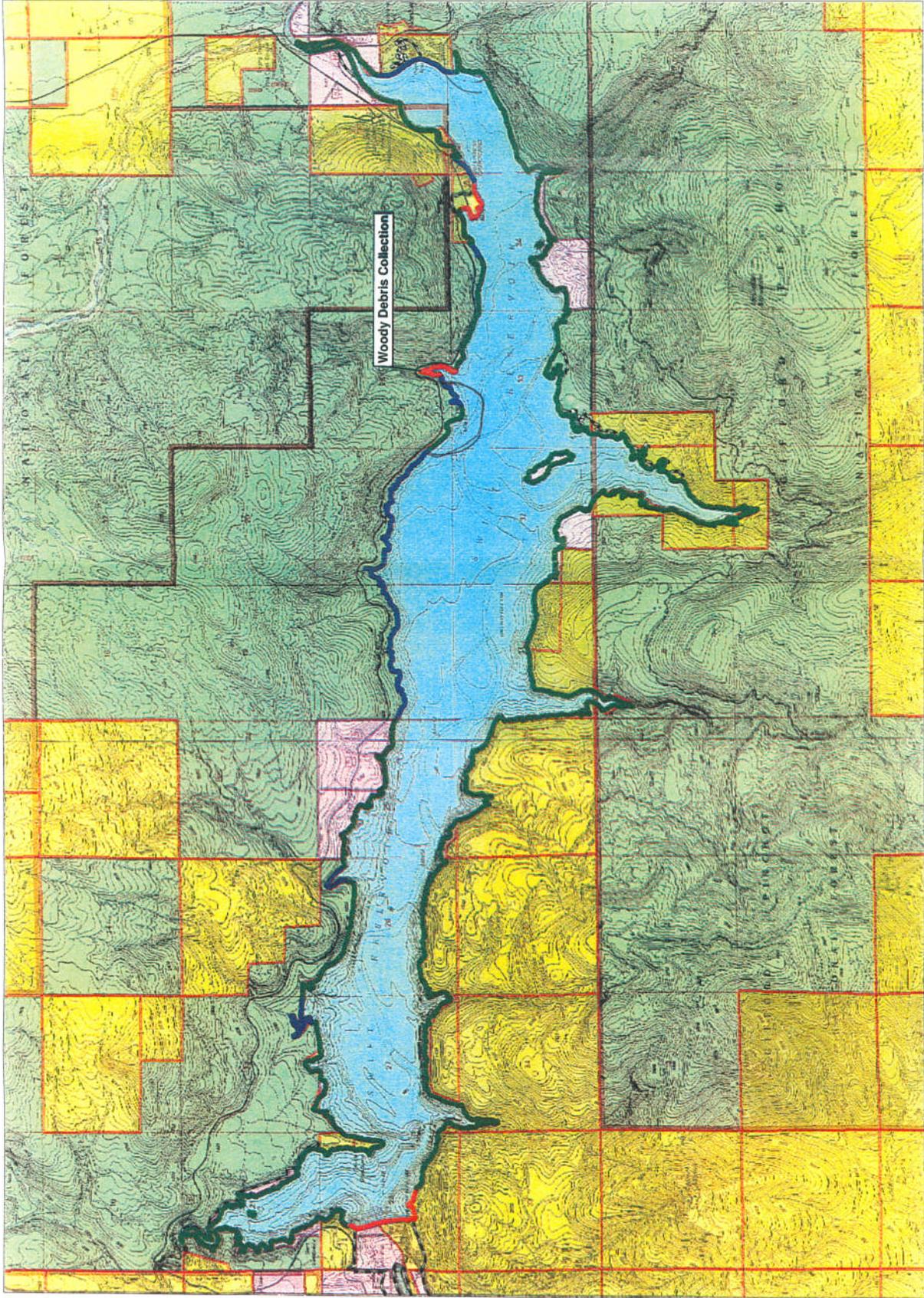
- Shoreline Classification
- Integrated Use
- Project Works
- Resource Management
- FERC Project Boundary
- PacificCorp Ownership
- Public Ownership
- Private Ownership



PACIFICCORP ENERGY
 A DIVISION OF PACIFICORP

Data Management/
 Geographic Information Systems
 Group / Portland, Oregon

Data are projected in UTM Zone 10 NAD83 meters.
 PacificCorp GIS reflects data from a variety of government
 sources. The accuracy, reliability or completeness of these data for
 any application other than that for which they were collected
 is not guaranteed. Users are advised to consult the appropriate
 technical specifications and to verify the integrity of
 the data in their own applications.



FERC Notice of Application
January 5, 2009

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

PacifiCorp

Project Nos. 935-090
2071-041
2111-037

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE AND SOLICITING
COMMENTS, MOTIONS TO INTERVENE, AND PROTESTS

(January 5, 2009)

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

- a. Application Type: Shoreline Management Plan (SMP)
- b. Project Nos: 935-090, 2071-041, 2111-037
- c. Date Filed: December 18, 2008
- d. Applicant: PacifiCorp
- e. Name of Projects: Merwin, Yale, and Swift No. 1 Hydroelectric Projects
- f. Location: The Merwin and Yale Hydroelectric Projects are located on the North Fork Lewis River in Cowlitz and Clark Counties, Washington, and the Swift No. 1 Hydroelectric Project is located on the North Fork Lewis River in Cowlitz and Skamania Counties, Washington.
- g. Filed Pursuant to: Federal Power Act, 16 USC 791a - 825r
- h. Applicant Contact: Todd Olsen, PacifiCorp, 825 NE Multnomah, Suite 1500, Portland, OR 97232; (503) 813-6657.
- i. FERC Contact: Shana High, (202) 502-8674
- j. Deadline for filing comments, motions to intervene, and protest: February 6, 2009. All documents (original and eight copies) should be filed with: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person whose

name appears on the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

k. Description of Request: PacifiCorp filed a shoreline management plan for the Merwin, Yale, and Swift No. 1 Hydroelectric Projects (known as the Lewis River Hydroelectric Projects). The SMP applies to the reservoir shorelines of the Lewis River Hydroelectric Projects, and provides for the management these shorelines.

l. Locations of the Application: A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 502-8371. This filing may also be viewed on the Commission's website at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1-866-208-3676 or e-mail FERCOnlineSupport@ferc.gov, for TTY, call (202) 502-8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. Comments, Protests, or Motions to Intervene: Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers.

p. Agency Comments: Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for

filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

q. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.gov> under the "e-Filing" link.

Kimberly D. Bose,
Secretary.

Stakeholder comments filed
with FERC
February 2009

McCune, Kimberly

From: Olson, Todd
Sent: Tuesday, February 03, 2009 8:23 AM
To: McCune, Kimberly
Subject: FW: projects nos. 935-090, 2071-041, 2111-037

From: Mike Hayden [mailto:mbhayden@tds.net]
Sent: Monday, February 02, 2009 12:22 PM
To: Form1@ferc.gov
Cc: Olson, Todd
Subject: projects nos. 935-090, 2071-041, 2111-037

Motion to intervene

Projects Nos; 935-090, 2071-041, 2111-37

This letter is being put to the commission by Mike and Brenda Hayden landowners near Yale reservoir and interested parties to the Lewis River Shoreline Management Plan. (For project Nos; 935-090, 2071-041, 2111-37) at every meeting I attended with PacifiCorp on the Shoreline Management Plan (SMP) the issue of erosion was brought up.

The final SMP, 9.4 Erosion Control, gives a list of control measures after the fact, but does not have any monitoring for the erosion or safety measures during the process. There was a young man, that a tree fell on while he was fishing along the bank of Swift Reservoir, who received crippling injuries for life. When I took a boat trip around Yale reservoir last summer there were over 30 trees that had slipped into the water causing mud, environmental concerns, and hazards for boaters, fishermen and families that use these reservoirs.

I asked for a copy of the last F.E.R.C. agreement and when I looked over the information they gave me and compared it with the one we have now it appears the reservoir has grown by over 180 acres. Was this all caused by erosion? A man at one of the meetings I attended was complaining he was losing yards of property every year.

I feel there should be a monitoring plan in effect with a point of activation of procedures to protect the environment, fish, safety of recreational users and private land owner's property.

Thank you ;

Mike & Brenda Hayden
P.O.Box 62
Cougar, WA. 98616

COMMENTS

February 2, 2009

Kimberly D. Bose, Secretary
Nathaniel J. Davis, Sr., Deputy Secretary
C/O Shana High, Project Manager
Federal Energy Regulatory Commission
888 First Street, NE
Washington, D.C. 20426

Re: PacifiCorp SMP (Project Numbers P-935-090, P-2071-041, P-2111-037)

Dear Ms. High:

Pope Resources owns approximately 24,000 acres of land surrounding on the north and south sides of the Swift Reservoir (see enclosed exhibit). Olympic Property Group (OPG), a wholly owned subsidiary of Pope Resources has submitted several comments on the PacifiCorp SMP to date. I ask that FERC review and approve the SMP. Further, I ask that FERC accept the shoreline classifications shown on the map submitted with PacifiCorp's draft SMP. They appear, for the most part, to be responsive to comments submitted by OPG and others.

Thank you for your consideration.

Sincerely,

Jon Rose
President
Olympic Property Group,
A Pope Resources Company

cc: Charly Boyd, APS

COMMENTS: As a property owner on Swift Creek Reservoir since 1968, I ask FERC to allow PacifiCorp to GRANDFATHER all existing boom logs and docks on Swift Reservoir. There should be no need for new licensing of docks and boom logs that currently exist on the reservoir and have existed before re-licensing began.

thank you.

Brad Wolverton
Portland, OR

COMMENT
To FERC

Re: Shoreline Management Plan
Applicant: PacifiCorp
Project Nos. 935-090, 2071-041, 2111-037
Project Name: Swift No. 1 Hydroelectric

Dear Sirs:

I am writing this comment to the PacifiCorp Shoreline Management Plan regarding Swift Reservoir. I am a landowner with real property adjacent to Swift Reservoir. My property is affected by the proposed SMP.

On June 19, 2008 I specifically wrote to PacifiCorp requesting that they provide the legal authority to implement the SMP from the 1000 foot level (full pond) to the 1010 foot level. They have not responded.

PacifiCorp does not have sufficient property rights to implement the SMP at Swift Reservoir from 1000 feet to 1010 feet in elevation on the property platted in Skamania County, Washington and commonly known as "Swift Creek Estates". This objection only pertains to Swift Creek Estates property and owners of property at that location. There is a fundamental conceptual legal objection to PacifiCorp's assertion that it essentially has complete and unfettered control over the property at Swift Creek Estates from 1000 feet to 1010 feet. (The property below 1000 feet is not Swift Creek Estates property and control is not disputed). PacifiCorp is attempting to make regulations that apply to land when it has no such authority. The SMP points out that some property rights obtained by PacifiCorp were acquired by easements which were recorded with the county. The only pertinent documented exception to the title of Swift Creek Estates property is an easement obtained by PacifiCorp's predecessor dated April 22, 1959 and recorded December 14, 1959 which in relevant part states:

"The right to cause or permit the waters impounded in said reservoir to rise temporarily from time to time above the normal operating level of said reservoir, which is elevation 1,000 feet above mean sea level, United States Coast and Geodetic Survey datum, and at such time to overflow all of any part of ... [Section] 35 in Township 7 North, Range 6 East, W.M., in Skamania County Washington lying below elevation 1,010 feet above mean sea level, United States Coast and Geodetic Survey datum".

This is a grant of a non-exclusive easement. There are numerous cases in Washington that hold an easement is non-exclusive unless the easement specifically includes language to make it exclusive. This is an easement between two private parties and contains no language giving exclusive rights to PacifiCorp's predecessor in interest. Swift Creek Estates and property owners retain fee title and can use the property in any way that does not materially effect the easement.

Over the last 45 years, property owners at Swift Creek Estates have asserted their rights to the property without interference or objection from PacifiCorp or its predecessor. This has included many uses and activities that are between 1000 feet and 1010 feet in elevation. Many of these uses were established within a few years of the easement and with the knowledge of PacifiCorp's predecessor. These uses included the building of homes, decks, and sheds. There was no objection that these uses materially effected the temporary water overflow easement. While PacifiCorp has a non-exclusive right to temporarily flood to 1010 (although I believe that height can not be reached without physically altering the spillway gates), it does not have the right to control all uses or activity on Swift Creek Estates land. There may be government land use laws with which we must comply, however, PacifiCorp does not have legislative powers which allows it to make rules that apply to our land. The fact that PacifiCorp applied the integrated use classification to our land does not solve the conceptual legal problem. The classifications and allowed uses are subject to change. If PacifiCorp has the authority to allow me to build paths, plant vegetation and trim trees, why can't it later be taken away or changed?

I have requested the legal authority of PacifiCorp for asserting this claim without an adequate response. PacifiCorp merely relies on calling the 1010 elevation line the "FERC Boundary" apparently implying that the federal government has obtained some additional rights on our property. There have been no condemnation proceedings. If the government takes property it is required to pay just compensation. U.S. Constitution, Amendment V. If the easement does not give PacifiCorp the authority to make rules that apply to our land from 1000 feet to 1010 feet, what is the specific legal authority for such rules? If there is no such authority then PacifiCorp should amend the SMP to specifically exclude the Swift Creek Estates property.

I am concerned that PacifiCorp will use the SMP and the permitting process to coerce landowners to waive the legal rights they have over portions of their land in order to continue using docks and walkways on the lake.

FERC should require the following:

1. Specifically prohibit PacifiCorp from issuing shoreline use permits that are conditioned upon the permit applicant waiving property rights within the flowage easement.
2. FERC should require PacifiCorp to alter the SMP to indicate that the SMP only applies to properties where PacifiCorp has obtained appropriate property rights and may not apply to all flowage easements.

Sincerely yours
Richard L. Lonergan
Lonergan & Lonergan LLP
Attorneys at Law
Suite 606, 620 S.W. 5th Avenue
Portland, OR 97204

COMMENTS

These are my comments on the P-935-090, P-2071-041 and P-2111-037 Dockets.

I own several properties on Swift Reservoir and have submitted several comments on the PacifiCorp SMP so far. I encourage FERC to proceed with review of this plan as quickly as possible. PacifiCorp has refused to allow any requests for new shoreline uses, or for substantial improvements to existing uses, for several years now. It would be a courtesy to the landowners adjacent to the projects if the new SMP could be in effect in time to allow us to begin permitting in the next 2-3 months with a view to beginning construction during the summer/fall of 2009. In addition to this request for timely review, I submit the following specific comments on the SMP.

First, I would like to request that FERC maintain the Swift Reservoir shoreline classifications indicated on the map submitted with PacifiCorp's draft SMP. It has been prepared in response to many comments and, to a large extent, reflects these fairly well.

Second, I am worried about areas proposed for Project Operations on the north side of Swift Reservoir near the east end of the lake. These areas are adjacent to my property, and will be very close to an existing community dock immediately west of the Project Operation area. I hope that PacifiCorp will conduct their operations to avoid any impacts to my property and my dock and I request that FERC direct them to do so.

Finally, I am uncomfortable with PacifiCorp's proposed method of dealing with existing uses. During public meetings PacifiCorp staff and their consultant team portrayed the treatment of existing uses under the SMP as being "Grandfathered". However, in nearly all cases where this concept is employed this term means an existing use may continue as-is (allowing for normal repair and maintenance) until it is either abandoned, or significantly modified. This is not what the draft SMP proposes for existing uses. Instead of being allowed to remain in their historic location, which PacifiCorp has not objected to in the past, the SMP requires landowners begin permitting consultation with PacifiCorp within 9 months. Existing uses in newly-designated Resource Management areas may even have to be removed or re-located. Existing uses in all classifications may be required to undergo expensive upgrades to meet new standards.

PacifiCorp should not require new permitting of existing uses. These should be allowed to continue without further regulation. Many, if not all, of these existing uses underwent extensive state and local permit review which included notice to PacifiCorp without their intervention. We should not be punished now for PacifiCorp's past failure to manage their shoreline resources in a pro-active manner. I urge FERC to ensure the PacifiCorp SMP truly "Grandfathers" all existing shoreline uses in all shoreline classifications by allowing them to continue to exist in their current locations without additional PacifiCorp permit review or regulation until and unless the use is: 1) abandoned for at least one year; 2) replaced beyond 50% of its current value; or 3) expanded. Further, I request that existing uses in Resource Management not be required to move or be removed if replaced beyond 50% of its current value or expanded. Instead mitigation measures should be employed in the current location. Reactivation of all abandoned existing uses should be subject to the SMP and Handbook standards, including siting.

Thank you for your consideration and your timely SMP approval.

Sincerely,
Gerald T. Sauer
26300 NE 16th Street
Camas, WA 98607



United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
620 SW Main Street, Suite 201
Portland, Oregon 97205-3026



9043.1
IN REPLY REFER TO
ER09/19

Electronically Filed

February 6, 2009

Honorable Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, D.C. 20426

Subject: COMMENTS – Notice of Application for Amendment of License (Shoreline Management Plan) for the Merwin, Yale, and Swift No. 1 Hydroelectric Projects; FERC Nos. 935-090, 2071-041, 2111-037; Cowlitz, Clark, and Skamania Counties, Washington

Dear Ms. Bose:

The Department of the Interior has reviewed the Notice of Application for Amendment of License (Shoreline Management Plan) for the Merwin, Yale, and Swift No. 1 Hydroelectric Projects; FERC Nos. 935-090, 2071-041, 2111-037; Cowlitz, Clark, and Skamania Counties, Washington. The Department does not have any comments to offer.

We appreciate the opportunity to comment.

Sincerely,

Preston A. Sleeger
Regional Environmental Officer

These are comments I am writing on behalf of Swift Communities Action Team (S.C.A.T.), an association with members who own property around Swift Reservoir. Many of our members have submitted several comments on the PacifiCorp SMP so far.

We encourage FERC to proceed with review of this plan as quickly as possible. PacifiCorp has refused to allow any requests for new shoreline uses, or for substantial improvements to existing uses, for several years now. It would be a courtesy to the landowners adjacent to the projects if the new SMP could be in effect in 2009. In addition to this request for timely review, we submit the following specific comments on the SMP.

We are uncomfortable with PacifiCorp's proposed method of dealing with existing uses. During public meetings PacifiCorp staff and their consultant team portrayed the treatment of existing uses under the SMP as being "Grandfathered". However, in nearly all cases where this concept is employed this term means an existing use may continue as-is (allowing for normal repair and maintenance) until it is either abandoned, or significantly modified. This is not what the draft SMP proposes for existing uses. Instead of being allowed to remain in their historic location, which PacifiCorp has not objected to in the past, the SMP requires landowners begin permitting consultation with PacifiCorp within 9 months. Existing uses in newly-designated Resource Management areas may even have to be removed or re-located. Existing uses in all classifications may be required to undergo expensive upgrades to meet new standards.

PacifiCorp should not require new permitting of existing uses. These should be allowed to continue without further regulation. Many, if not all, of these existing uses underwent extensive state and local permit review "which included notice to PacifiCorp" without their intervention. We should not be punished now for PacifiCorp's past failure to manage their shoreline resources in a pro-active manner. We urge FERC to ensure the PacifiCorp SMP truly "Grandfathers" all existing shoreline uses in all shoreline classifications by allowing them to continue to exist in their current locations without additional PacifiCorp permit review or regulation until and unless the use is: 1) abandoned for at least one year; 2) replaced beyond 50% of its current value; or 3) expanded. Further, we request that existing uses in Resource Management not be required to move or be removed if replaced beyond 50% of its current value or expanded. Instead mitigation measures should be employed in the current location. Reactivation of all abandoned existing uses should be subject to the SMP and Handbook standards. Thank you for your consideration and your timely SMP approval.

Sincerely,
Mary P. Sauer
S.C.A.T. President and Swift Area Land Owner
26300 NE 16th Street
Camas, WA 98607

Supplemental Filing to FERC
March 27, 2009

March 27, 2009

VIA ELECTRONIC FILING

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, D.C. 20426

RE: Response to Comments on Lewis River Shoreline Management Plan; Lewis River Hydroelectric Projects (FERC Nos. P-935, P-2071, and P-2111)

Dear Secretary Bose:

The purpose of this letter is to respond to comments filed on PacifiCorp Energy's ("PacifiCorp") Shoreline Management Plan ("SMP"), and to convey the consultation record for SMP development to the Commission for inclusion in the administrative record. In doing so, PacifiCorp wishes to clarify certain issues raised by commenters to insure an accurate record in this proceeding.

On December 18, 2008, PacifiCorp submitted the SMP to the Commission pursuant to Articles 412, 413, and 414 of the above-referenced licenses. As explained in the transmittal letter accompanying the SMP, the SMP was developed in consultation with state and federal agencies and other stakeholders. The consultation process included three public meetings to discuss the draft SMP. PacifiCorp notified adjacent landowners, agencies, and other interested parties of the public meetings through a series of direct mailings to the Commission's service list. A copy of the notification letters sent and the list of addressees is enclosed as Exhibit A. After these initial meetings PacifiCorp prepared a draft SMP and provided it to stakeholders for review and comment. A total of 34 comments were received on the draft SMP. The final SMP submitted to the Commission on December 18, 2008, incorporates responses to public and agency comments. A copy of the consultation record resulting from these meetings and public review are enclosed as Exhibit B. Exhibit B also contains PacifiCorp's responses to comments raised during the review period.

Response to Comment Concerning Adequacy of SMP Erosion Control Measures

In response to a January 5, 2009, notice published by the Commission, one commenter raised questions regarding the adequacy of erosion control measures contained in the SMP. In a comment letter dated February 2, 2009, Mr. Mike Hayden comments that erosion control measures contained in the SMP may not be adequate, and that additional erosion monitoring should be required. Mr. Hayden also suggests that a lack of adequate erosion control measures may have resulted in the injuries sustained by an individual that was fishing on a stream bank when struck by a falling tree. PacifiCorp disagrees with the Mr. Hayden's characterization of the facts, and believes erosion control measures contained in the SMP are protective of reservoir

resources.

Contrary to Mr. Hayden's characterization, the injury suffered by a local fisherman in 2006 was not caused by inadequate erosion control measures on PacifiCorp project lands. In July, 2006, Simon Marsh was struck by a tree while fishing in the Lewis River about 0.25 miles upstream of the Eagle Cliff Bridge. Jeremiah Doyle, a PacifiCorp Fish Biologist, accompanied Mr. Marsh, and has firsthand knowledge of events that transpired. The location at which Mr. Marsh was injured is outside the Swift Project boundary, and is not located on the project reservoir. Rather, the location in question is located on U.S. Forest Service land. PacifiCorp was in no way responsible for Mr. Marsh's injury, and PacifiCorp had no control over the land upon which the tree was located.

Regarding shoreline areas within the project boundaries, the majority of the 94-mile shoreline area is owned by PacifiCorp and set aside for wildlife habitat lands. PacifiCorp's general practice is to leave fallen trees for aquatic and terrestrial habitat. Fallen trees that are not anchored by a root wad above the reservoir high water mark and can become floating debris are generally removed as part of a woody debris removal program. Also, under Washington state law there is a "no wake" zone within 200 feet of the shoreline. Boaters must therefore travel at a speed near shoreline areas that enables them to avoid fallen trees.

Mr. Hayden suggests that the surface area of project reservoirs has grown by 180 acres; however, Mr. Hayden fails to describe how he calculated this new acreage. PacifiCorp disagrees that the total acreage of project reservoirs has significantly increased due to erosion and believes any purported discrepancies between original and current project reservoir maps and surveys is likely due to the improved accuracy of available survey information relative to that previously available.

Mr. Hayden asserts that an individual at a public meeting stated that he was "loosing yards of property to erosion" every year due to some unknown cause. PacifiCorp believes the SMP submitted to the Commission provides an appropriate mechanism that enables private shoreline landowners to address shoreline erosion. Section 9.4 of the SMP notes that PacifiCorp will evaluate proposed erosion control measures on a case-by-case basis after consider shoreline characteristics and the Shoreline Management Classification. PacifiCorp also recommends that private parties follow established guidelines contained in the Integrated Stream Bank Protection Guidelines published by Washington Department of Fish and Wildlife in 2002.

Current Status of SMP

On January 5, 2009, the Commission published a notice soliciting comments and interventions on the SMP. In doing so, the Commission noted that PacifiCorp's submission of the SMP constitutes an application on the part of PacifiCorp for license amendment, even though at no time has PacifiCorp filed an application for license amendment under Commission regulations.

In submitting the SMP for Commission review, PacifiCorp did not intend the

Commission to treat the SMP as an application for license amendment. Rather, PacifiCorp intended that the Commission review and approve the plan pursuant to Articles 412, 413, and 414 of the Lewis River Project licenses. PacifiCorp does not propose to amend its existing licenses; rather, PacifiCorp has provided the SMP for Commission approval in accordance with existing license requirements and authorizations.

PacifiCorp maintains it is appropriate for the Commission to approve the SMP under existing license articles for several reasons. First, as described in the Commission's SMP guidance document,¹ the standard land use articles contained in the Lewis River licenses provide that the licensee "may establish a program for issuing permits for the specified types of use and occupancy of project lands and waters to assist the licensee in managing project lands and waters." The Commission's shoreline guidance document goes on to say that the Commission reserves its right to approve the licensee's procedures for managing project lands, and to require modification of these procedures. Thus, the Commission has interpreted its standard land use license articles as permitting a licensee to file shoreline management plans for Commission approval without requiring a license amendment process.

Second, the environmental record developed during the Lewis River licensing process contemplates project land uses and management of such land uses. For example, the Commission's Final Environmental Impact Statement analyzing the new project licenses describes in detail land uses on project lands, and analyzes the environmental impacts of such uses and related land management.² PacifiCorp has conferred with both the U.S. Fish and Wildlife Service and National Marine Fisheries Service, and the Services have informally indicated that effects resulting from the SMP submitted by PacifiCorp to the Commission on December 18, 2008, are not likely to be inconsistent with analyses contained in the Services' respective Biological Opinions on project relicensing. As a result, no need exists to supplement this extensive environmental record to permit SMP approval.

Third, as the consultation record enclosed as Exhibit B illustrates, PacifiCorp responded to public and agency comments during preparation of the SMP. Indeed, one commenter (Olympic Property Group) specifically states that PacifiCorp has adequately addressed comments previously made during development of the SMP. The Department of Interior notes that it does not have any comments on the SMP. Further, both the U.S. Fish and Wildlife Service and the National Marine Fisheries Service have reviewed draft versions of the SMP, and neither Service has expressed concerns with the final SMP. Comment summaries and responses contained in Exhibit B respond to other comments submitted during the Commission's comment period, and demonstrate that the December 18, 2008, SMP addresses all such comments.

¹ See Federal Energy Regulatory Commission, *Guidance for Shoreline Management Planning at Hydropower Projects* (2001), available at <http://www.ferc.gov/industries/hydropower/gen-info/guidelines/smpbook.pdf>.

² See Federal Energy Regulatory Commission, Final Environmental Impact Statement for the Lewis River Projects at 3-160 to 3-176 (March 24, 2006).

March 27, 2009

Page 4

Fourth, the Commission has discretion to issue an order approving the SMP under existing project license articles. Such an order can provide for rehearing by a party to this proceeding, protecting procedural rights. In addition, the Commission has provided notice and an opportunity to comment on the SMP, and only limited public comments were provided. As described above, PacifiCorp has addressed public comments during the preparation of the SMP, and no new comments have been raised to suggest this is not the case. Consequently, the Commission need not treat PacifiCorp's submission of an SMP as an application for license amendment to protect any valid procedural rights or interests.

For the reasons identified above, PacifiCorp requests that the Commission terminate the pending license amendment proceeding initiated by the Commission, and that the Commission approve the December 18, 2009, SMP pursuant to the Commission's authorities under license Articles 412, 413, and 414 contained in the above-referenced licenses. PacifiCorp reserves its right to withdraw the SMP, terminate the amendment proceeding, and reject any proffered license amendment in the event the Commission's self-initiated license amendment proceeding results in new license obligations beyond those specifically contained in the SMP.

Please feel free to call Todd Olson of my staff at (503) 813-6657 if you have any questions regarding these matters.

Sincerely,

A handwritten signature in black ink, appearing to read "Randy Landolt". The signature is fluid and cursive, written in a professional style.

Randy Landolt, Managing Director
Hydro Resources
PacifiCorp Energy

Cc: Service List

Enclosures

EXHIBIT A



February 1, 2007

Dear Lewis River-Area Neighbors:

This letter is being sent to owners and residents of properties adjacent to or near PacifiCorp's Lewis River-area properties. The company's lands are private property, but we welcome and encourage use of our lands for appropriate authorized purposes. The intent of this letter is to help you understand how we manage our lands and to provide you with an overview of company land use provisions associated with our federal operating licenses for the Merwin (FERC No. 935), Yale (FERC No. 2071), and Swift No. 1 (FERC No. 2111) Hydroelectric Projects. These Lewis River hydroelectric projects are all operated under licenses from the Federal Energy Regulatory Commission (FERC).

You may recall that on November 30, 2004, PacifiCorp and the Cowlitz PUD reached a settlement over conditions for new project licenses with interested parties. PacifiCorp expects new FERC licenses in 2007. Settlement parties, including community representatives, tribes, and state and federal fish and wildlife officials have agreed on comprehensive programs to protect and enhance habitat for wildlife and enhancements for recreation and other values.

The popularity of the Lewis River Basin for recreation use has increased dramatically over the last several years. One unfortunate result has been a steady increase in inappropriate use of company lands. Activities such as trail building for off-road vehicles, clearing of vegetation, and informal establishment of facilities such as docks or camping/picnic areas, are affecting efforts to promote a landscape that benefits fish and wildlife, and their associated habitat, while balancing other recreation uses. These activities are prohibited and we will be working with state and federal fish and wildlife authorities to stop these uses in order to protect fish and wildlife and their habitat.

PacifiCorp generally categorizes properties associated with the Lewis River Hydroelectric Projects as one or more of the following:

- **Operating Lands** -- Lands within these areas have been set aside for project operations, formal recreation in our parks, and (occasionally) long-term leases appropriate to the project. Lands near project facilities (dams, power houses and substations) are closed to the public for safety and security reasons. Operating lands are included within the FERC Project boundary.
- **Mitigation and Enhancement Lands** -- The vast majority of the company's Lewis River area land ownership falls within this category. The primary management focus within these properties is the protection and enhancement of fish and wildlife habitat. Although these lands will be managed as fish and wildlife habitat, the company welcomes our neighbors and the public to enjoy the area for casual, non-motorized, recreation use as authorized. Hiking, hunting, and picnicking are allowed unless otherwise posted. Unauthorized activities include motor vehicles use, unless specifically allowed, poaching game, gathering of firewood and

other forestry products, campfires outside designated recreation areas, and construction or placement of physical structures without prior written authorization. Specific authorization is also required to moor items on the reservoirs outside of designated recreation areas.

- **FERC Land** – FERC lands includes all land needed for Project purposes. This includes property directly adjacent to the reservoirs. PacifiCorp, through our FERC licenses, has federal authority to manage these lands for project operations, and to protect and enhance the scenic, recreational, and other environmental values of the project. The FERC boundary areas may include shoreline and project properties not actually owned by the company.

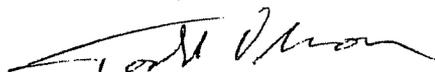
PacifiCorp has responsibility to take lawful action to prohibit unauthorized use. Given the importance of complying with license terms and conditions, it will do so if necessary. If unauthorized use is observed, associated parties will be contacted, and may be required to pay for any damages caused. PacifiCorp will take necessary actions to correct the problem of unauthorized use of company land, up to and including prosecution and pursuing damages to bring company properties back to their original state. In situations where the company believes federal or state law has been broken, the company may seek law-enforcement assistance.

Over the next two years, the company will develop reservoir-use policies to implement our new license responsibilities, and will be seeking public input on the policies. PacifiCorp is committed to environmental stewardship and intends these policies to formalize authorized activities while providing a standard process for evaluating potential new actions. During this period of review and policy development, the company will not permit any new or expanded private uses of the project properties or areas within the FERC boundary.

Our new hydroelectric project licenses are due soon, and this letter today is to help you understand how we will manage company lands in the Lewis River Basin. We appreciate your help and cooperation. By all means we want to share our lands with you, our neighbors, in an appropriate way that complies with our project licenses, but we also want you to appreciate our long-term commitments to land management for fisheries, wildlife and recreation on into the future.

More information on future actions the company has committed to can be found in the Lewis River Settlement Agreement which is available at www.pacificorp.com/Article/Article46545.html. Please don't hesitate to call or write if you have questions or comments.

Sincerely,



Todd Olson
Implementation Program Manager
PacifiCorp
825 NE Multnomah St., Suite 1500
Portland, Oregon 97229
503-813-6657

cc:

Skamania County – Karen Witherspoon

Cowlitz County – Mike Wojtozicz

Clark County – Richard Carson

Washington Department of Fish and Wildlife – Curt Leigh

Federal Energy Regulatory Commission – Ken Hogan

U. S. Fish and Wildlife Service – LouEllyn Jones

NOAA Fisheries – Michelle Day

U.S. Forest Service – Karen Thompson

Yakama Nation – Clifford Casseseka

Cowlitz Indian Tribe – Mike Iyall

Rocky Mountain Elk Foundation – Bob Nelson

July 9, 2007

Subject: Lewis River Public Meeting – Shoreline Management Plan

PacifiCorp invites you to a public meeting as part of its effort to develop a comprehensive Shoreline Management Plan (SMP) for the Lewis River Projects. As owner and operator of the Lewis River Hydroelectric Projects that form Merwin, Yale, and Swift reservoirs, PacifiCorp is responsible to manage the reservoir shorelines under authority of the Federal Energy Regulatory Commission (FERC). Once completed and approved by the FERC, the SMP will clearly identify shoreline management policies including guidelines for shoreline uses within the FERC project boundary and associated permitting requirements. PacifiCorp will use the SMP to manage the types and locations of potential shoreline actions as well as ensure such actions are consistent with the Project license and PacifiCorp policy. PacifiCorp is providing this forum for you to express your opinions on current shoreline policies and provide input on what you feel is important for the company to consider while developing the SMP.

PacifiCorp has selected Kleinschmidt Associates to assist in facilitating stakeholder dialog and preparing the SMP. Kleinschmidt has proven national experience developing SMP's for FERC licensed hydroelectric projects. Kleinschmidt staff will also be available at the meeting to field questions or comments on FERC requirements and procedures for SMP development.

Everyone is welcome. Please feel free to contact me at the number listed below.

Place: Lewis River Golf Course
3209 Lewis River Road
Woodland, WA

Date: Wednesday, August 22, 2007

Time: 7:00pm – 9:00pm

Contact: David Moore, PacifiCorp (503) 813-6945

Thank you for your interest in the above matter.

Sincerely,



David Moore
Environmental Analyst

January 7, 2008

Subject: Lewis River Public Meeting – Shoreline Management Plan

PacifiCorp Energy invites you to the second public meeting as part of our effort to develop a comprehensive Shoreline Management Plan (SMP). The SMP will document how the company will manage the multiple resources and uses of the shorelines along the Lewis River Hydroelectric Project reservoirs in a manner that is consistent with license requirements and project purposes, and addresses the needs of the public.

As owner and operator of the hydroelectric projects that form Merwin, Yale, and Swift reservoirs, PacifiCorp Energy is committed to developing a forward looking SMP, encompassing the spirit and objectives of the Lewis River Settlement Agreement. The SMP will serve as a tool to assist in effectively analyzing appropriate shoreline uses within the Project boundaries, as well as provide a supportable and defensible means for shoreline management and permitting decisions.

At the meeting, Kleinschmidt Associates will present the draft shoreline management classifications that include Resource Management, Integrated Use, and Project Works. They will also present draft allowable uses for each of the shoreline classifications. Time will be available to provide verbal input on these draft determinations and other work products.

To view the draft Shoreline Management Plan, draft shoreline classification maps and related allowable uses, Federal Energy Regulatory Commission project boundary maps, PowerPoint presentations, revised SMP Schedule, and the Lewis River Settlement Agreement please visit us at:

<http://www.pacifcorp.com/Article/Article76278.html>

Everyone is welcome. Please feel free to contact me at the number listed below.

Place: Lewis River Golf Course - Clubhouse
3209 Lewis River Road
Woodland, WA

Date: February 6, 2008

Time: 7:00pm – 9:00pm

Contact: David Moore, PacifiCorp (503) 813-6945

Thank you for your interest in the above matter, we look forward to your participation.

Sincerely,

<David Moore>

David Moore
Environmental Analyst



825 NE Multnomah, Suite 1500
Portland, Oregon 97232

April 16, 2008

Subject: Lewis River Public Meeting – 30-Day Public Review Draft Shoreline Management Plan

PacifiCorp invites you to the third public meeting as part of our effort to develop a comprehensive Shoreline Management Plan (SMP). The SMP will document how the company will manage the multiple resources and uses of the shorelines along the Lewis River Hydroelectric Project reservoirs in a manner that is consistent with license requirements and project purposes, and addresses the needs of the public.

As owner and operator of the hydroelectric projects that form Merwin, Yale, and Swift reservoirs, PacifiCorp is committed to developing a forward looking SMP, encompassing the spirit and objectives of the Lewis River Settlement Agreement. The SMP will serve as a tool to assist in effectively analyzing appropriate shoreline uses within the Project boundaries, as well as provide a supportable and defensible means for shoreline management and permitting decisions.

At the meeting, Kleinschmidt Associates will present draft shoreline management classifications that include Resource Management, Integrated Use, and Project Works. They will also present draft allowable uses for each of the shoreline classifications. Time will be available to provide verbal input on these draft determinations and other work products.

To view the 30-day public review draft Shoreline Management Plan, shoreline classification maps and related allowable uses, Federal Energy Regulatory Commission project boundary maps, PowerPoint presentations, revised SMP Schedule, and the Lewis River Settlement Agreement please visit us at:

<http://www.pacificorp.com/Article/Article76278.html>

If you would like a hard copy of the 30-day review document please contact Kim McCune at (503) 813-6078 or kimberly.mccune@pacificorp.com

Everyone is welcome. Please feel free to contact me at the number listed below.

Place: Lewis River Golf Course - Clubhouse
3209 Lewis River Road
Woodland, WA

Date: May 15, 2008

Time: 7:00pm – 9:00pm

Contact: David Moore, PacifiCorp (503) 813-6945

Thank you for your interest in the above matter, we look forward to your participation.

Sincerely,

<David Moore>

David Moore
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EXHIBIT B

**Exhibit B. Consultation Record and
Response to Public Comments**

**Lewis River Hydroelectric Projects
(FERC Nos. P-935, P-2071, and P-2111)
Shoreline Management Plan and Permitting Handbook**

Comment/Question	Response
SMP and Process	
1. FERC should keep the provision (Support for Waiver of Resource Management Classification) in the final SMP.(multiple similar comments)	The waiver is included in the final SMP. PacifiCorp has included stakeholder comments like this within the final SMP submitted to FERC to show public response. The FERC has the final authority in determining if this policy meets its standards for shoreline management plans.
2. The SMP must address the term “Grandfathering”. The term should be used as it is customarily employed: Existing shoreline uses should be exempt from permitting and permit requirements.	To avoid confusion with other uses of the term ‘grandfathered, grandfathering’ etc., PacifiCorp removed such reference and now uses the phrase ‘prior existing use’ to describe its policies regarding pre-existing structures within the Project boundary.
3. PacifiCorp should remove the “hardship” criteria from the SMP	PacifiCorp has dropped the use of hardship as a criterion.
4. Public should be notified when FERC approves the final SMP and owners should have 9 months from notice to schedule Pre-app meeting with PacifiCorp.	PacifiCorp agrees and has made the appropriate changes to the final SMP and will notify the public and adjacent owners upon FERC’s approval of the plan.
5. Public Notice of FERC approval of SMP should be the beginning of the nine month permitting timeline.	
6. Initiation of Consultation (defined as date of pre-application meeting) should be the standard for meeting the nine month permitting timeline.	PacifiCorp agrees and has made the appropriate changes in the SMP.

Permitting	
7. SMP Section 7 and Handbook Section 4.1 creates a “Catch-22” – PacifiCorp should provide applicants with proof they have permission to proceed with permitting for a use within the project boundary if permits from other agencies are required.	PacifiCorp acknowledges the problem of a “catch -22” and agrees that proof of initial consultation with PacifiCorp can be provided to applicants who must obtain permits from other agencies. The documents have been modified to address this issue.
8. PacifiCorp should provide each applicant with a letter of consultation, determination of eligibility, and authorization to proceed with permitting after the pre-application meeting in order to meet both the PacifiCorp’s and other agency requirements.	
9. The five year permit term (and associated fee of \$250) is too short – should be extended to at least ten years (ideally 15 years)	The final SMP has been revised to identify the new permit fee is \$250 with a permit term of 5 years, and the renewal of the permit costs \$50 and is valid for an additional 5 years. The Permitting document has also been revised accordingly.
10. Permitting fees for grandfathered uses are too high.	PacifiCorp will wave the initial permit fee for previously permitted prior existing shoreline uses. A renewal of the permit after 5 years however will cost \$50. The Permitting document has been revised accordingly.
11. How is the \$250 fee applied to docks owned within an association? Per owner?	The fee is applied per permit not per owner(s). In this example, a single fee will be charged for the homeowner association dock complex.
12. Grandfathered uses should be exempt from permit requirements.	PacifiCorp anticipates FERC will require the company to monitor all uses within the Project boundary. PacifiCorp acknowledges ‘prior existing uses’ before implementation of the SMP and does not require they meet criteria other than those identified in Section 7.3 of the document.
13. Request to modify Permitting Handbook - Appendix B to include language indicating PacifiCorp reserves the right to allow non-conforming structures (specifically docks w/ >30 slips) to accommodate anticipated WDFW and WDNR dock facility at Swift Reservoir.	The SMP has been modified to include language indicating PacifiCorp will consider >30 slips structures on a case by case basis; but such structures may require a more strenuous review process with greater responsibility on the applicant to support the need for a higher capacity dock. Regardless, this type of structure will require final approval from FERC before PacifiCorp can issue a permit.
14. The number of boat slips allowed (30), is not enough.	
15. PacifiCorp should not set a maximum number of boat slips for Community or Light Commercial docks; maximum size should be considered on a case by case basis.	

Permitting (cont.)	
16. The requirement to obtain a building permit or an engineer's stamp to document compliance with local design codes of Handbook Section 1.0 is excessive.	Section 1.0 (Appendix B) of the Permitting Handbook addresses these issues.
17. PacifiCorp should not require additional engineering drawings for permitting if not otherwise required by local permitting authorities	

Definitions and Consistency in Documents	
18. The requirements and timelines for permitting of existing uses needs to be consistent within the SMP and between the SMP and the handbook.	<p>The SMP and the Permitting Handbook have been edited to address inconsistencies in language, use of terms, etc. PacifiCorp added additional definitions as requested.</p>
19. There should only be one standard for the permit application timeline.	
20. All references to “grandfathered use” should be consistent within the documents. SMP indicates a timeline for grandfathered uses achieving compliance with standards but also indicates these uses are not subject to permit criteria.	
21. A definition for the term “initiate consultation” should be included in the SMP and handbook	
22. The following Handbook definitions should be added to the SMP: Community, Drydock, Fill, Lift, Pre-application meeting	
23. The following definitions should be consistent in both SMP and Handbook: Multi-use boat slips (are an allowable use in SMP, but not in Handbook); Community Docks are allowable uses in Handbook but not in SMP	
24. The following SMP definitions should be added to the Handbook: Commercial Facility/Use, Footpath, Inconsistent Use	
25. The following definitions are recommended for use in both documents: Dredge-use the simpler Handbook definition in both docs; Marina- use more specific definition from the SMP; Project- choose one definition for use in both docs; Rip-rap- choose 1 def.; Single Family Docks- use the SMP definition	
26. There is no definition for multi-boat slips in either SMP or Handbook.	<p>The final Permitting Handbook addresses this issue and includes the clarification.</p>
27. Private Picnic and Event Facilities: should be defined in Handbook Appendix B Section 10.0 and the statement regarding their prohibition should be clarified by specifying that these uses are only prohibited within the Project boundary.	

Definitions and Consistency in Documents (cont.)	
<p>28. The definition for “Community Dock” on pg viii of the SMP should be more explicit. It should exclude the granting of boat slips to people who are not property owners adjacent to the shoreline or who do not have private access to the shoreline and are nor property owners w/n a reasonable proximity to the shoreline. Calling it “non-commercial” does not solve the problem.</p>	<p>The definition of “Community Dock” has been modified as follows: A dock system that is used and maintained by multiple individuals, parties or entities for their mutual convenience. Community docks must be owned and maintained by adjacent landowners, homeowner associations, and residents of a specific subdivision or other similar groups.</p> <p>This revised definition does not reflect a change in opportunity for a shoreline land owner to seek permission to construct and operate a light commercial dock system that rents boat slips.</p>
<p>29. SMP Section 7.1(4) should refer the reader to Appendix B of the Permitting Handbook for use-specific requirements, not the SMP as it does currently.</p>	<p>The SMP has been edited to address this issue.</p>

FERC Jurisdiction	
<p>30. A property owner asserts that PacifiCorp does not have sufficient property rights to implement the SMP at Swift Reservoir from 1000 feet to 1010 feet in elevation on the property platted in Skamania County, Washington and commonly known as “Swift Creek Estates”. He requests that PacifiCorp cite legal authority supporting its right to do so.</p>	<p>The property owner pointed out in his letter portions of the Swift Creek Estates adjacent to Swift Reservoir and below elevation 1,010 feet msl are subject to a flowage easement giving PacifiCorp the right to inundate those lands. PacifiCorp believes that this property right permits PacifiCorp to prohibit or otherwise regulate uses of those lands that otherwise would interfere with PacifiCorp’s easement. Uses that could interfere with PacifiCorp’s ability to use its easement include (but are not limited to): (1) placement of fill; (2) erection of habitable structures; (3) ground disturbing activities that could cause bank erosion; and (4) activities that could adversely affect water quality of Swift Reservoir. PacifiCorp’s position is consistent with Washington case law holding that a servient estate owner may not interfere with a grantee’s enjoyment of an easement. <i>Cole v. Laverty</i>, 49 P.3d 924, 926 (Wash. Ct. App., 2002); <i>Veach v. Culp</i>, 599 P.2d 526 (Wash. 1979). No reported Washington cases have applied this general rule of property law to flowage easements, however, cases in other jurisdictions support PacifiCorp’s position. One line of cases holds that any physical intrusion upon the right to unobstructed flowage constitutes unlawful interference. <i>See, e.g. Watuppa Reservoir Co. v. Mackenzie</i>, 132 Mass. 71 (Mass. 1882) (flood easement precluded the grantor from displacing storage capacity with fill); <i>Clifton v. Watuppa Reservoir Co.</i>, 137 N.E. 362 (Mass. 1922) (pilings supporting a building located above the flood easement interfered with flood easement); <i>Brown v. Alabama Power Co.</i>, 156 So. 2d 153 (Ala. 1963)(house with foundation in flowage easement must be removed because permitting encroachment would encourage others to interfere with flowage easement). In these cases, the court declined to carve out a <i>de minimis</i> amount of acceptable interference. At least one court would tolerate minimal interference, where the balance of equities favored the encroaching party. <i>See Alabama Power Co. v. Easterwood</i>, 559 So.2d 158 (Ala. 1990)(house located in reservoir flowage easement allowed to remain on condition that owner created a compensating volume of storage elsewhere on her land and released the flood easement owner from liability). Regardless of which rule, above, governs in Washington, PacifiCorp believes it can implement the SMP on Swift Creek Estates</p>

	lands within the Project Boundary in a manner that does not exceed its flowage easement property rights.
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Application of Classifications	
31. The line drawn in blue at Swift Creek Estates should be altered to include the entire shoreline along the Swift Creek Estates property owners	In review of request and consideration to private ownership and cultural/environmental resources, the Integrated shoreline classification has been extended to include the entire shoreline along the Swift Creek Estates.
32. The SMP should not allow additional docks west of the public boat ramp nor currently in place on Swift Reservoir. (it would disrupt undeveloped state)	Comment noted. PacifiCorp appreciates the concern regarding maintaining an undeveloped state of the Swift reservoir shorelines. In developing the SMP PacifiCorp gave consideration to a variety of resources including operations, cultural resources, environment, aesthetics and recreation (existing and future). PacifiCorp maintains the SMP balances protection while allowing appropriate use. As such, the document has not been revised per request.
33. The SMP should not have the integrated use designation west of the existing docks and adjacent to steep slopes on Swift Reservoir. Shoreline development would require roads or paths to get to a dock system which would be adverse for the steep undeveloped shorelines.	Concern noted. The Integrated classification was made following consideration of a number of items (see SMP section 5.1). As with any permit application for docks or shoreline access, the local topography will need to be considered in the design of reservoir access.
34. Designation of Resource Management along the National Forest property in T7N, R6E, Sec. 26 (the old Pine Creek Work Station) limits Forest Service options for offering a prospectus for special use of that site. This site is a developed site, with nine residences, two currently occupied during the summer months. It should be modified to Integrated Used. Forest Service would be willing to complete an environmental analysis for permits to determine it's suitability for recreational or educational purposes.	In review of land owner request and consideration of the public value and cultural/environmental resources, the shoreline has been classified as Integrated.

APPENDIX D

JANUARY 16, 2014 FERC ORDER MODIFYING AND APPROVING SHORELINE
MANAGEMENT PLAN

146 FERC ¶ 62,037
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

PacifiCorp

Project Nos. 2111-037,
2071-041, and
935-090

ORDER MODIFYING AND APPROVING SHORELINE MANAGEMENT PLAN

(January 16, 2014)

1. On December 18, 2008, and supplemented on March 27, 2009, PacifiCorp (licensee) voluntarily filed a Shoreline Management Plan (SMP) for the Swift No. 1 (FERC Project No. 2111), Yale (FERC Project No. 2071), and Merwin (FERC Project No. 935) hydroelectric projects, collectively known as the Lewis River Hydroelectric Projects (projects). The Swift No. 1 Hydroelectric Project is located on the North Fork Lewis River in Cowlitz and Skamania counties, Washington. The Yale and Merwin Hydroelectric Projects are located on the North Fork Lewis River in Cowlitz and Clark counties, Washington.

BACKGROUND

2. The Commission issued licenses for the Swift No. 1 (240 MW), Yale (134 MW), and Merwin (136 MW) projects to PacifiCorp on June 26, 2008.¹ The projects represent a linked reservoir/powerhouse system extending over 30 miles of the Lewis River, and are operated in a coordinated fashion to achieve benefits for power production, high river flow management, recreation, and natural resource protection. Swift No. 1 is the most upstream and the largest of the projects, and consists of an 11.5 mile-long reservoir with a 4,600-acre surface area and approximately 34 miles of shoreline. Swift No. 1 discharges into Swift No. 2,² which discharges into Yale. Yale consists of a 10.5-mile-

¹ Swift No. 1 (123 FERC ¶ 62,260), Yale (123 FERC ¶ 62,257), Merwin (123 FERC ¶ 62,258).

² The Swift No. 2 Project (FERC No. 2213), is owned by the Public Utility District No. 1 of Cowlitz County, Washington (PUD No. 1), and is part of the collective Lewis River Hydroelectric Projects. The Swift No. 2 Project captures the discharge from Swift No. 1 and discharges directly into Yale reservoir. The Swift No. 2 Project has no
(continued)

long reservoir with a 3,800-acre surface area and approximately 27 miles of shoreline. Yale discharges directly into the Merwin reservoir. Merwin consists of a 14.5-mile-long reservoir with a 4,000-acre surface area and approximately 31 miles of shoreline. The Merwin powerhouse is operated to meet downstream river flows for aquatic resources as required by the project license.

3. PacifiCorp owns and manages much of the land around Merwin and Yale reservoirs, while there are significant pieces of private holdings around Swift reservoir. PacifiCorp holds flowage easements over the land it does not own within the project boundary. PacifiCorp manages a majority of its lands for wildlife habitat under the Lewis River Wildlife Habitat Management Plan (WHMP).³ As private holdings are being developed, PacifiCorp is experiencing increased pressure to provide access to the projects for both private use (from adjacent landowners) and public use.

4. Most development within the project boundaries would fall under state and county shoreline management jurisdiction. Accordingly, any new proposed uses would require review and approval by local and/or Clark, Cowlitz, or Skamania County Planning Boards with subsequent review by the Washington Department of Ecology (WDOE), which exercises jurisdiction under the Washington State Shoreline Management Act of 1971. The Shoreline Management Act and associated County Shoreline Management Programs regulate development within 200 feet of the ordinary high water line, or within the 100-year floodplain of designated shorelines.

5. The standard land use articles (413, 414, and 415, for Swift, Yale, and Merwin, respectively) for the projects allow the licensee to grant permission, without prior Commission approval, for the use and occupancy of project lands for such activities as residential docks, and landscape plantings. Such uses must be consistent with the purposes of protecting and enhancing the scenic, recreational, and environmental values of the projects as well as the Recreation Resource Management Plan (RRMP) for the projects⁴ and county regulations.

shoreline area, and is not included in the proposed SMP.

³ Order Modifying and Approving Habitat Management Plan, issued March 20, 2009 (126 FERC ¶ 62,217).

⁴ Pursuant to article 405 of the project licenses, the Commission requires the licensee to, among other things, implement the RRMP dated April 2004 for the three projects and operate the Swift Forest Campground and Eagle Cliff Park for the term of
(continued)

6. Increasing development and competing uses for resources at the projects pointed to the need for a clearly defined, comprehensive and consistent management strategy for the projects' shorelines during the term of the new licenses. To resolve the issues related to relicensing the projects, PacifiCorp and PUD No. 1 filed a Settlement Agreement on December 3, 2004. Most of the major provisions of the Settlement Agreement were approved as part of the licenses issued for the projects.⁵ In anticipation of the Commission's approval of the Settlement Agreement and license issuance, and because of the increasing resource demands at the projects, PacifiCorp began the process of developing a SMP in 2007. The process was initiated by briefing the various coordinating committees established in the Settlement Agreement on the need for comprehensive shoreline planning and PacifiCorp's intent to develop a SMP for the projects.

7. Because the majority of PacifiCorp lands are managed under the WHMP, the focus and scope of the SMP is exclusively for management of lands within the SMP boundary.⁶ Areas included in the SMP boundary for the projects vary topographically, but are based on reservoir and shoreline elevations. In general the SMP boundaries extend to about 10 feet above the ordinary high water line of the reservoirs, including: the 1,010 feet msl elevation contour around Swift reservoir; the 500 feet msl elevation contour around Yale reservoir; and the 250 feet msl elevation contour around Merwin reservoir.

PROPOSED SHORELINE MANAGEMENT PLAN

8. PacifiCorp developed a unified SMP for the projects to provide a strategy for the management of shoreline development and comprehensive shoreline planning, and to ensure continuity of enforcement. The intent of the SMP is to ensure that PacifiCorp's actions relative to oversight of shoreline uses conform to the projects' license

the license.

⁵ The Order Issuing License for the Swift No. 1 Project (123 FERC ¶ 62,260) also adopts parts of the Offer of Settlement for the four projects.

⁶ The SMP boundary is a subset of lands within the project boundary, and excludes blocks of upland areas located farther from the shoreline. Generally, these excluded lands are subject to the approved WHMP, the goal of which is to protect and enhance specific tracts of land (e.g., transmission lines, timber lands, wetlands, etc.) for wildlife habitat

requirements and are consistent with the purposes of protecting and enhancing the scenic, recreational, and other environmental values of the projects. The SMP draws its management strategies, policies, and practices from PacifiCorp's existing practices, Commission directives and guidance, information gained from the coordinating committees, state and local regulatory agencies, political subdivisions, and public comments.

9. The objectives of the SMP are to: (1) help PacifiCorp manage its shoreline resources in compliance with the Settlement Agreement and the project's licenses; (2) protect and maintain the shoreline's natural and cultural resources; (3) establish an opportunity for some uses of privately owned shoreline within the constraints of protecting natural and cultural resources; (4) establish shoreline management classifications and allowable uses; (5) acknowledge the types and locations of existing and future recreational opportunities; (6) describe the SMP amendment and monitoring process; (7) interface with other project-related studies, management plans and permitting regulations; (8) provide support and rationale for permitting processes and regulations; (9) identify shoreline user responsibilities as well as permit and other regulatory requirements; and (10) alert adjacent property owners to best management practices (BMPs) that they may implement on private lands.

10. The SMP describes the project area and project operations; specific shoreline environmental resources within the project boundary; a shoreline classification system with three classifications (i.e., resource management, integrated use, and project works) and associated allowable uses; criteria for issuing a shoreline use permit (including for existing uses; required and voluntary BMPs; enforcement of the SMP; and a process for future review of the SMP).

11. The SMP proposes that all uses within project boundaries would require a permit from PacifiCorp, and states that most uses along the shoreline would require review and approval by the local municipality, relevant county planning commissions, WDOE, and in some instances, Washington Department of Fish and Wildlife or the U. S. Army Corps of Engineers. PacifiCorp would grant permits for uses that are allowable in the proposed location's shoreline classification, are consistent with the scenic, recreational, and other environmental values of the project (including the Historic Properties Management Plan [HPMP]⁷ and RRMP), comply with the requirements set forth in the Permit Handbook,⁸

⁷ The project licenses require implementation of the Programmatic Agreement Among the Federal Energy Regulatory Commission and the Washington State Historic Preservation Officer for Managing Historic Properties that may be Affected by a License
(continued)

and have received all permits required by the appropriate jurisdictional entities. For commercial shoreline uses or non-commercial shoreline uses that may have greater effects on the project lands, PacifiCorp would consult with federal and state fish and wildlife or recreation agencies (as appropriate), the Washington State Historic Preservation Office (SHPO), and other agencies as required, and consider their remarks when granting a permit. All requests for permits for non-project uses outside standard land use articles require PacifiCorp to file a request for license amendment with the Commission.

CONSULTATION AND PUBLIC NOTICE

12. The licensee prepared the SMP in consultation with several stakeholders, including adjacent landowners, agencies, and other interested parties, and held three public meetings in formulating the draft SMP. Exhibits A and B of the SMP filing describe PacifiCorp's strategy for notifying stakeholders of the meetings and providing drafts to stakeholders for review and comment, and also includes a record of the comments received as well as licensee responses to comments. The filed SMP incorporates responses to comments from the agencies and public stakeholders.

13. On January 5, 2009, the Commission issued a Notice of Application for Amendment of License and Soliciting Comments, Motions to Intervene, and Protests, and established February 6, 2009, as the deadline to file any such comments. By letter dated February 6, 2009, the U.S. Department of Interior stated that it had no comments on the proposed SMP. In a comment filed February 4, 2009, the Olympic Property Group expressed its support for the proposed SMP. Specific comments in opposition to certain components of the SMP (e.g., erosion control, permitting existing uses, shoreline classifications, and property rights) were received from Mike and Brenda Hayden, Brad Wolverton, Gerald Sauer, Richard Lonergan, and Mary Sauer on February 3, 4, 5, 5, and 9, 2009, respectively. On March 27, 2009, the licensee responded to some of these comments. We will address the comments and licensee's response to comments below.

Issuing to PacifiCorp for the Continued Operation of the Swift No. 1, Yale, and Merwin Hydroelectric Projects in Clark, Cowlitz, and Skamania Counties, Washington, executed on November 24, 2005, including but not limited to the HPMP for the project.

⁸ PacifiCorp provides the Shoreline Use Permitting Information and Application Handbook to assist persons interested in placing structures upon, or making use of, any land or water within the SMP boundary. The handbook is not part of the proposed SMP submitted for Commission approval.

DISCUSSION

Property Rights

14. Richard Lonergan commented that PacifiCorp does not have sufficient property rights to implement the SMP at Swift Reservoir where his property is located, as PacifiCorp only holds a flowage easement there. As such, Mr. Lonergan requests that the Commission prohibit PacifiCorp from issuing permits that require an applicant to waive property rights within the flowage easement, and specify that the SMP only applies to properties where PacifiCorp has obtained appropriate property rights. PacifiCorp did not respond to Mr. Lonergan's comments.

15. Standard article 5 of the projects' licenses requires PacifiCorp to acquire and retain sufficient property rights in order to construct, maintain, and operate the project. In this regard, PacifiCorp is responsible for ensuring that project lands are protected and maintained for their designated project purposes, such as operation and maintenance, flowage, recreation, public access, protection of environmental resources, and shoreline control. PacifiCorp must also monitor project property to ensure that no unauthorized uses and occupancies occur within the project boundary. Such uses may adversely impact project purposes and the projects' scenic, recreational, and environmental values, and are inconsistent with PacifiCorp's obligations and responsibilities under standard article 5.

16. The inclusion of lands within a project boundary serves the function of indicating that the lands are used in some manner for project purposes. However, the mere inclusion of lands within a project boundary will not restrict landowner uses, since such inclusion does not itself create or alter property rights.⁹ A licensee is required to acquire and retain all interests in non-federal lands necessary or appropriate to carry out project purposes. These interests can be obtained through easement, fee title, leases, and other types of conveyances. The instruments of conveyance define the extent of the licensee's right. Similarly, a landowner's use of property within the project boundary is defined by the extent of its interests in such lands and waters.

17. Nothing in the SMP, nor this order, impacts property rights. Unless the licensee has the adequate rights to do so, it cannot control activities on private property (i.e., require shoreline use permits) even when the land is inside the project boundary.¹⁰ Any

⁹ See, e.g., *PacifiCorp, order on rehearing*, 80 FERC ¶ 61,334, at 62,113 (1997).

¹⁰ The standard land use article's permitting provisions assume that the licensee
(continued)

existing rights entities may have on lands within the project boundary are not being altered by this proceeding. In this regard, Mr. Lonergan is correct. The inclusion of lands within the project boundary does not affect property rights, and the Commission has no jurisdiction to rule on property rights, which are matters of state law. Any dispute regarding the rights granted by easement documents must be resolved in an appropriate court. While the licensee may encourage practices such as shoreline buffers and BMPs on lands it does not own or have controlling rights, it may not require such practices unless it possesses the rights to do so. However, PacifiCorp could conceivably grant a permit to a landowner for uses of PacifiCorp property (e.g., a dock) that included conditions to protect resources in the project boundary located on private lands over which it does not possess controlling right. So in this regard, Mr. Lonergan is incorrect. Regardless, the legality of specific land rights will not be ruled on here as they are not matters under the Commission's jurisdiction.

Existing Uses

18. As proposed, the SMP would require landowners with shoreline uses that existed prior to January 1, 2008, to contact PacifiCorp within nine months of the Commission's approval of the SMP to obtain a permit for each existing use. PacifiCorp would issue a permit if it determines that the existing use would not interfere with project purposes, would not pose an undue hazard to persons or property, and would be consistent with the intent of the SMP. Permits for existing uses would not be charged an application fee. If an owner does not initiate consultation within this period, PacifiCorp may remove the existing facility at the owner's expense.

19. Section 7.3 of the SMP describes that existing use permits would be determined on a case-by-case basis, and that permitted existing uses may remain until they require repairs costing more than 50 percent of its replacement cost, at which time the use would become subject to the permitting criteria under the SMP at that time. Although it is not explicitly stated, existing uses within the proposed resource management classification could be subject to permit conditions that mandate renovation or removal from the shoreline to meet the classification; however, the SMP clearly states that each permit application would be reviewed on a case-by-case basis and describes a process to obtain a waiver of permitting criteria within the resource management classification.

has the adequate rights to control project lands, but does not in any way affect the property rights of a particular land parcel, which are matters of state law.

20. Gerald Sauer, Mary Sauer, and Brad Wolverton expressed concern with PacifiCorp's proposed method of dealing with existing uses, and believe that existing uses should not be required to obtain new permits, but instead should be "grandfathered" (i.e., continue as-is until abandoned or significantly modified). Further, Mr. Sauer and Ms. Sauer request that existing uses in resource management areas not be required to move or be removed if replaced beyond 50 percent of its current value or expanded. Rather, they suggest mitigation measures be employed in the current location. Because of PacifiCorp's license responsibilities to oversee shoreline activities at the projects, it is reasonable that PacifiCorp is seeking to bring existing uses under a permit. But, we note that PacifiCorp did not describe how it intends to inform owners of existing uses that a new permit is needed. Due to the potential negative consequences to landowners if they do not initiate consultation with PacifiCorp within nine months of the SMP's approval, we are modifying the SMP to require PacifiCorp to make contact with owners and initiate permitting of prior existing uses.

21. The standard land use articles state that PacifiCorp has the "continuing responsibility to supervise and control the use and occupancies for which it grants permission." Also, the articles state that, "if a permitted use and occupancy violates any condition of this article or any other condition imposed by the licensee for protection and enhancement of the project's scenic, recreational, or other environmental values, ... the licensee shall take any lawful action necessary to correct the violation." The Commission has acknowledged the importance for licensees to know the extent of structures, uses, and occupancies that occur inside the project boundary and the need to ensure that issued permits do not affect project lands.¹¹ In filing this voluntary SMP, which establishes the licensee's intention to monitor its shoreline and take appropriate actions when unauthorized activities take place, PacifiCorp is taking positive steps toward fulfilling its above responsibilities. However, it is apparent that existing uses are present along the shoreline, but PacifiCorp did not identify the extent or amount of such uses or indicate how many of these may be unauthorized or adversely affecting project resources. Existing uses, whether currently permitted or not, would need to receive new permits from PacifiCorp under the SMP. Some portion of the existing uses would be permitted without any additional conditions, and some portion would require additional conditions or need to be relocated prior to PacifiCorp issuing a permit.

22. Because of the licensee's responsibilities to oversee shoreline activities at the projects, the unspecified extent of existing uses at the projects, and the landowner

¹¹ See, e.g., Ameren, *Order on Rehearing and Amending Shoreline Management Plan*, 137 FERC ¶ 61,114 (2011), at P 22.

concerns over permitting existing uses (including the potential requirement that existing uses in resource management classifications be relocated), the licensee should, within 18 months of this order,¹² file for Commission approval a comprehensive report that describes the licensee's progress in bringing all existing uses (individually or in categories, as appropriate) at the projects under a permit. The report should differentiate between: (1) existing uses that may remain as is under a new permit subject to the provisions of the SMP; and (2) existing uses that are affecting project purposes and need to be modified in some way in order to obtain a permit. For each use that requires modifications, removal, or otherwise is not allowed to remain as is (i.e., item 2 above), the report should include the following detailed descriptions: (1) a description of the type, size, and function of the use or structure; (2) a map showing the location of the use in relation to the project boundary, project reservoir shoreline, shoreline classification, and any nearby project features; (3) identify whether or not the existing use was under a prior permit, and if so, the duration of that permit; (4) the licensee's current ownership or rights to the lands underlying the use; (5) the property rights held by the owner of the use; (6) the specific project purposes served by the underlying lands; (7) any adverse impacts of the use on specific project purposes or resources and how the adverse impacts were handled; (8) the proposed resolution (i.e. grant a permit, prescribe mitigation, or require removal), including the duration of any permit issued; and (9) for any existing uses the licensee has yet to resolve, a proposed plan and schedule for resolution. Finally, the report should describe how PacifiCorp informed owners of existing uses that a new permit was needed so that such owners were adequately notified of their responsibility to apply for a permit.

Shoreline Management Classifications

23. The proposed SMP identifies three shoreline management classifications that define and classify allowable uses for the reservoir shorelines: resource management, integrated use, and project works. The resource management classification covers the majority of the shorelines of the three project reservoirs; at all three reservoirs combined, more than 80 percent of the shoreline is classified under resource management, and less than 10 percent are designated under each of the integrated use and project works categories.

¹² We note that PacifiCorp intends to give landowners 9 months to consult about obtaining new a new permit. If 18 months proves to not be enough time to complete its review of existing uses at the project, the licensee may file for an extension of time to complete this requirement.

24. The resource management classification includes shoreline areas designated for specific resource management, species protection, aesthetic, or environmental purposes, and provides the narrowest range of allowable uses. Allowable uses within the resource management classification, other than site-specific maintenance and resource protection activities, would include specific actions required by the Settlement Agreement and project licenses, or uses administered and authorized by PacifiCorp or other signatories to the Settlement Agreement. All PacifiCorp- or publicly-owned land within this classification would be available for low impact day uses such as hiking or hunting. On a case-by-case basis, PacifiCorp may allow temporary activities (e.g., outdoor events, education projects, etc.) if they do not result in any adverse effect on sensitive resources. Any new permanent uses proposed within the resource management classification by adjacent property owners or other entities would only be considered if the proponent of this activity can: (1) justify the proposed use location as the only feasible option; (2) prove that minimal impacts to environmental or cultural resources or project operations would occur; and (3) provide specific protection, mitigation, and environmental enhancements as may be prescribed by PacifiCorp or through any consultation with jurisdictional agencies or the appropriate coordinating committee.

25. The integrated use classification includes shoreline areas with no known significant environmental/cultural resources or associated resource management goals that would preclude shoreline development. It includes some currently undeveloped areas of non-PacifiCorp owned shoreline that may be appropriate for future private and light commercial shoreline uses. Areas within the integrated use classification are available for a variety of uses, including, but not limited to: existing or future private residential shoreline development; public access, and water dependent uses operated for financial profit (i.e., commercial uses), but would be subject to PacifiCorp's permitting standards and requirements.

26. Shoreline areas within the project works classification include infrastructure that are essential to project operations or those facilities, structures, and sites required by the project's licenses. These areas include dams, powerhouses and appurtenant structures, recreational sites, and fish production facilities. For facilities associated with the production of hydroelectric power or for other sensitive activities such as fish rearing, uses are strictly limited to those necessary for operation and maintenance. For recreational facilities, public information, and education sites, or PacifiCorp's offices, PacifiCorp has established site specific regulations as provided in the RRMP.

27. Gerald Sauer comments that an area classified as project works is located near his property, and requests that PacifiCorp conduct its operations to avoid any impacts to this area. It appears that the area Mr. Sauer is referencing is associated with the Swift Forest

Campground. Because this area is an existing project-related recreational site, it would be appropriately classified as project works under PacifiCorp's proposed SMP, and so it is not necessary for PacifiCorp to modify its management of this area. In general, the proposed shoreline classifications are reasonable and would help the licensee enforce its permitting provisions and avoid adverse effects to project resources. No other comments were received on PacifiCorp's proposed shoreline classifications.

Best Management Practices (BMPs)

28. The proposed SMP requires BMPs to be employed on all PacifiCorp-owned lands and for any land management activities within the resource management classification, and encouraged for uses along privately-owned shorelines classified as integrated use. The proposed SMP details its BMPs for: (1) shoreline buffer zones, (2) vegetation management, (3) shoreline debris, and (4) erosion control. Section 9.4 of the SMP describes proposed BMPs related to erosion control. PacifiCorp proposes to evaluate erosion control measures on a case-by-case basis depending on shoreline characteristics and classifications. In general, PacifiCorp prefers biotechnical methods, but would allow broader erosion control measure applications (e.g., rip-rap) in the integrated use and project works classifications. PacifiCorp would allow only natural or biotechnical methods in the resource management classification. The SMP also encourages that applicants follow the Integrated Streambank Protection Guidelines, published by the Washington Department of Fish and Wildlife.

29. Mike and Brenda Hayden, who own lands abutting the Yale Reservoir, question the adequacy of erosion control measures contained in the SMP, and recommend implementation of an erosion monitoring plan for project shoreline areas. As reasons for this recommendation, the Haydens cite personal observations of downed trees along the shoreline, their belief that the surface area of Yale reservoir has grown by 180 acres since the last project license was issued, and an instance where another property owner said that his property was eroding away every year. In its March 27, 2009 response, PacifiCorp maintains that erosion control measures in the SMP are adequate and protective of reservoir resources. With regard to downed trees along the shoreline, PacifiCorp describes its practice to allow fallen trees that are anchored by a root wad to remain for aquatic and terrestrial habitat. In response to the allegation that the Yale reservoir has grown over time, PacifiCorp disagrees and believes that any discrepancies are more likely due to improved accuracy of survey information rather than reservoir growth. Finally, in response to alleged erosion at an individual landowner's property, PacifiCorp responds that the erosion control BMPs allow landowners to address shoreline erosion and recommends that such landowners follow state-issued guidelines.

30. We have found no indication of reservoir surface acreage changes related to shoreline erosion, and find the licensee's explanation to be more likely. In fact, in the relicensing Final Environmental Impact Statement, under the cumulative effects analysis related to geology and soils, Commission staff determined that the combined effects of project and non-project erosion, as well as sediment input from the 1980 eruption of Mount St. Helens (a natural event), would result in continued sediment accumulation in project reservoirs, a minor loss of reservoir storage capacity and upland habitat, and have moderate adverse effects on turbidity and sediment supply, rather than an increase in reservoir surface area.¹³

31. Shoreline erosion may result from permitted activities and construction on or adjacent to the shoreline, especially if appropriate measures are not taken to control or mitigate ground-disturbing activities and to monitor the shoreline to ensure that any erosion of project lands that occurs in the future as a result of the permitted uses is addressed. However, we believe that the proposed BMPs are adequate to protect project lands from erosion due to shoreline use permitting. In addition to the BMPs that allow landowners to implement their own erosion control measures as needed, PacifiCorp's proposed SMP includes BMPs related to vegetation management and shoreline buffer zones, which also would serve to control and limit erosion. Thus, we disagree with the Haydens that an erosion monitoring plan is needed.

SMP Review and Future Modifications

32. To ensure continued relevancy of the SMP in the future, PacifiCorp proposes to review the SMP every six years in conjunction with the FERC Form 80 reporting cycle. The licensee would review the SMP with input from the stakeholders, and if necessary, file the amended SMP for Commission approval. This cycle would allow PacifiCorp to assess new issues that may arise as a result of development around the reservoirs, as well as assess the need for any changes to the SMP as it relates to public access and recreational use or the effectiveness of existing BMPs. PacifiCorp does not propose to file reports on its six-year monitoring efforts, but would file an amended SMP for Commission approval if it determines an amendment is necessary. To help Commission staff to ensure that the licensee is continuing its responsibilities to supervise shoreline uses at the projects, and because the licensee would be reviewing its SMP in consultation with the stakeholders anyway, the licensee should file its six-year monitoring reports with the Commission also.¹⁴ The reports should describe the licensee's consultation process,

¹³ The FEIS was issued March 24, 2006.

¹⁴ Because of the short duration of time until the nearest Form 80 filing deadline
(continued)

its conclusions regarding whether or not the SMP needs to be updated, and if necessary, a plan and schedule for filing a request to amend the SMP.

33. The licensee would informally review and discuss issued permits with county planning staff and coordinating committees annually in order to monitor shoreline uses, development patterns, or other land use issues that are relevant to the SMP. Major changes along the shoreline (e.g., increased residential or commercial development pressures, changes to environmental resources, etc.) may require the licensee to make modifications to the SMP in the future. Such changes would be proposed after consultation with appropriate stakeholders and filed with the Commission for approval. PacifiCorp anticipates the potential for minor, site-specific changes to shoreline management classifications to occur when necessary. PacifiCorp proposes to make any such minor changes internally (i.e., without Commission approval) as they occur, and then provide updated classification maps to adjacent property owners, interested resource agencies, and the Commission every six years during its SMP review process, if applicable. Major changes to the shoreline classifications (i.e., modification of at least 50 percent of a particular shoreline classification segment) would require an amendment to the SMP.¹⁵

Conclusion

34. In our review of PacifiCorp's voluntary SMP, we have determined that, with the above modifications, the SMP would not adversely affect any project resources. To the contrary, the SMP would serve as a tool to assist in effectively analyzing appropriate shoreline uses within SMP boundary, and provide a supportable and defensible means for shoreline management and permitting decisions. Future shoreline development around the projects could occur whether or not an SMP is in place; development would have both adverse and beneficial effects on the lake and the surrounding area. Implementation of the SMP would ensure that the environmental character of the lakes is protected in a coordinated manner. The proposed SMP and its classifications provide control and

(i.e., April 15, 2015), the licensee's first SMP monitoring report should be due April 15, 2021.

¹⁵ Because each shoreline classification segment has a measurable, linear dimension, we would expect PacifiCorp to file an amendment to the SMP when more than 50% of any segment is proposed to be reclassified (e.g., if a segment classified as integrated use measures 200 feet long along the shoreline, an amendment is needed if 100 or more feet of the segment would be reclassified).

protection of shoreline uses and resources. For these reasons, the SMP should be approved. We will require the licensee to file GIS data regarding the reservoir area and shoreline management classifications. This will allow detailed tracking of shoreline resources and uses, and facilitate future reviews.

The Director orders:

(A) The Shoreline Management Plan, filed by PacifiCorp on December 18, 2008, and supplemented on March 27, 2009, for the Swift No. 1 (FERC Project No. 2111), Yale (FERC Project No. 2071), and Merwin (FERC Project No. 935) hydroelectric projects, is approved, as modified by ordering paragraph (B) and (C), below.

(B) Within 18 months of this order, the licensee shall file for Commission approval a comprehensive report that describes the licensee's progress in bringing all existing uses (individually or in categories, as appropriate) at the projects under a permit. The report shall differentiate between: (1) existing uses that may remain as is under a new permit subject to the provisions of the shoreline management plan (SMP); and (2) existing uses that are affecting project purposes and need to be modified in some way in order to obtain a permit. For each use that requires modifications, removal, or otherwise is not allowed to remain as is, (i.e., item 2 above), the report shall include the following detailed descriptions: (1) a description of the type, size, and function of the use or structure; (2) a map showing the location of the use in relation to the project boundary, project reservoir shoreline, shoreline classification, and any nearby project features; (3) identify whether or not the existing use was under a prior permit, and if so, the duration of that permit; (4) the licensee's current ownership or rights to the lands underlying the use; (5) the property rights held by the owner of the use; (6) the specific project purposes served by the underlying lands; (7) any adverse impacts of the use on specific project purposes or resources and how the adverse impacts were handled; (8) the proposed resolution (i.e. grant a permit, prescribe mitigation, or require removal), including the duration of any permit issued; and (9) for any existing uses the licensee has yet to resolve, a proposed plan and schedule for resolution. Finally, the report shall describe how PacifiCorp informed owners of existing uses that a new permit was needed so that such owners were adequately notified of their responsibility to apply for a permit. The Commission reserves the right to require changes to the SMP based on the report.

(C) By April 15, 2021, and every six years thereafter, the licensee shall file with the Commission, its six-year monitoring reports for each project. The reports shall describe the licensee's consultation process, its conclusions regarding whether or not the shoreline management plan needs to be updated, and if necessary, a plan and schedule for filing a request to amend the shoreline management plan.

(D) Within 45 days of the date of this order, the licensee shall file two separate sets of GIS data in a georeferenced electronic file format (such as ArcView shape files, GeoMedia files, MapInfo files, or a similar GIS format) with the Secretary of the Commission, ATTN: OEP/DHAC. The data shall include a) polygon files of the project reservoir(s) surface area including a separate polygon for the tailrace area, and b) polyline files representing the shoreline management classifications. The filing must be in CD or diskette format and shall include polygon data that represents the surface area of each reservoir/tailrace, as shown on the project boundary exhibits, and polyline data that represents the linear extent of each shoreline classification segment as shown on maps in the shoreline management plan.

A polygon GIS data file is required for the reservoir(s)/tailrace; with each reservoir separately identified. The attribute table for each reservoir/tailrace must include at least the reservoir name, water elevation, and elevation reference datum. A polyline GIS data file is required for the shoreline classifications associated with each reservoir. The attribute table for each reservoir must include at least the reservoir name and management classification description for each polyline, consistent with the shoreline management plan.

All GIS data must be positionally accurate to ± 40 feet in order to comply with National Map Accuracy Standards for maps at a 1:24,000 scale. The file name(s) shall include: FERC Project Number, data description, date of this order, and file extension in the following format [P-2111, *reservoir name* polygon/or *reservoir name* shoreline polyline data, MM-DD-YYYY.SHP]. The filing must be accompanied by a separate text file describing the spatial reference for the georeferenced data: map projection used (i.e., UTM, State Plane, Decimal Degrees), the map datum (i.e., North American 27, North American 83), and the units of measurement (i.e., feet, meters, miles). The text file name shall include: FERC Project Number, data description, date of this order, and file extension in the following format [P-2111, project reservoir/or shoreline classification metadata, MM-DD-YYYY.TXT].

(E) This order constitutes final agency action. Any party to this proceeding may file a request for rehearing of this order within 30 days from the date of its issuance, as provided in section 313(a) of the FPA, 16 U.S.C. § 825l (2012), and section 385.713 of the Commission's regulations, 18 C.F.R. § 385.713 (2013). The filing of a request for rehearing does not operate as a stay of the effective date of this order, or of any other date specified in this order. The licensee's failure to file a request for rehearing shall constitute acceptance of this order.

Robert J. Fletcher
Chief, Land Resources Branch
Division of Hydropower
Administration and Compliance