



# **Lewis River Projects**

## **Draft Shoreline Management Plan**

# Federal Energy Regulatory Commission & Federal Power Act

- The Federal Energy Regulatory Commission (FERC) issues licenses for construction, operation, and maintenance of non-federal hydropower projects.
- The Federal Power Act of 1935 (FPA) authorizes FERC to regulate non-power resources within the Project.
- FERC licenses include “standard land use articles” that require the licensee to file a description of its standards, guidelines, and procedures for management of non-power uses.

# Shoreline Management Plan Development Process

## What is a Shoreline Management Plan (SMP)?

“A comprehensive plan to manage the multiple resources and uses of the project’s shorelines in a manner that is consistent with license requirements and project purposes, and addresses the needs of the public.”

# Benefits of a Shoreline Management Plan

- Identifies PacifiCorp's shoreline management responsibilities.
- Provides consistent policies for PacifiCorp decisions regarding use of lands within the Project boundary.
- Establishes shoreline user's requirements and responsibilities.
- Limits paperwork and FERC oversight
- Supports local/regional/federal permitting & zoning

# Shoreline Management Plan Process Overview

- Stakeholder & Public Input
- Development of SMP
- FERC Review & Approval
- Implementation

# Stakeholder & Public Input

- Public Listening Sessions
  - 8/22/07
  - 2/6/08
- Interface with Resource Agencies and other Stakeholders
  - Aquatic & Terrestrial Coordinating and Recreation Advisory Committee(s) review
- Opportunities for Review of Draft SMP
  - Initial Working Draft posted 1/10/08
  - PacifiCorp Public Review Draft (March)
  - FERC formal comment period

# SMP Process Schedule

## Summer 2007

- Meet with stakeholder groups
- Inventory existing uses
- Develop classifications & allowable uses
- Develop permitting policies

## Fall/Winter 2007 - Winter/Spring 2008

- Distribute Draft SMP for review and comment
- Public meetings to discuss Draft SMP
- Agency review of Draft SMP
- Finalize SMP and submit to FERC

## Summer/Fall 2008

- FERC approves SMP
- PacifiCorp implements SMP policies

# FERC Review & Approval

- PacifiCorp Files SMP with FERC
- FERC provides opportunity for Public Review
- FERC requests Additional Information and/or Drafts EIS or EA
- FERC Approval of SMP
- PacifiCorp Implements SMP



# **Development of Shoreline Management Plan**

## **SMP Elements**

- Management Goals and Objectives
- Shoreline Management Classifications
- Allowable Uses
- Permitting Policies & Standards
- Monitoring & Enforcement Policies
- SMP Update Policies

# **Development of Shoreline Management Plan**

## **Management Goal**

PacifiCorp is committed to developing a forward looking Shoreline Management Plan, 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.

# Shoreline Management Classifications

A series of shoreline “zones” developed to recognize existing uses, environmental resources, management objectives, and hydroelectric operational needs.

Project specific classifications provide PacifiCorp a basis for assessing allowable uses and supporting appropriate and consistent permitting for the reservoir shoreline.

# **Draft Shoreline Management Classifications**

## Integrated Use

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.

# **Draft Shoreline Management Classifications**

## Resource Management

Shoreline areas designated for specific resource management, species protection, and environmental purposes.

# Draft Shoreline Management Classifications

## Project Works

Shoreline areas occupied by Project works such as dams, powerhouses, and other structures as well as any areas necessary to meet any requirements of the FERC license, such as recreational facilities and sites and fish production facilities.

# Development of Shoreline Management Plan

## Allowable Uses



# Draft Allowable Uses

- multi slip docks
- single family docks
- retaining walls
- shoreline stabilization measures (including riprap and other “naturalized” shoreline stabilization measures)
- boat ramps
- marine trestles, railways, trams, & lifts
- moorings
- dredging
- log booms
- water withdrawal
- water elevation gaging stations
- vegetation management (including shoreline planting and vegetation removal)
- stairways and walkways
- footpaths
- public recreation sites
- private picnic/event facilities
- private beaches/common use areas
- installation and maintenance wildlife support facilities
- $\leq 50\%$  replacement, repair, and maintenance (in kind) of existing uses and structures.<sup>[1]</sup>

<sup>[1]</sup> (If actions result in  $> 50\%$ , then a structure is considered a new facility and will require a new permit as opposed to an amendment to an existing permit.)



# Draft Allowable Uses

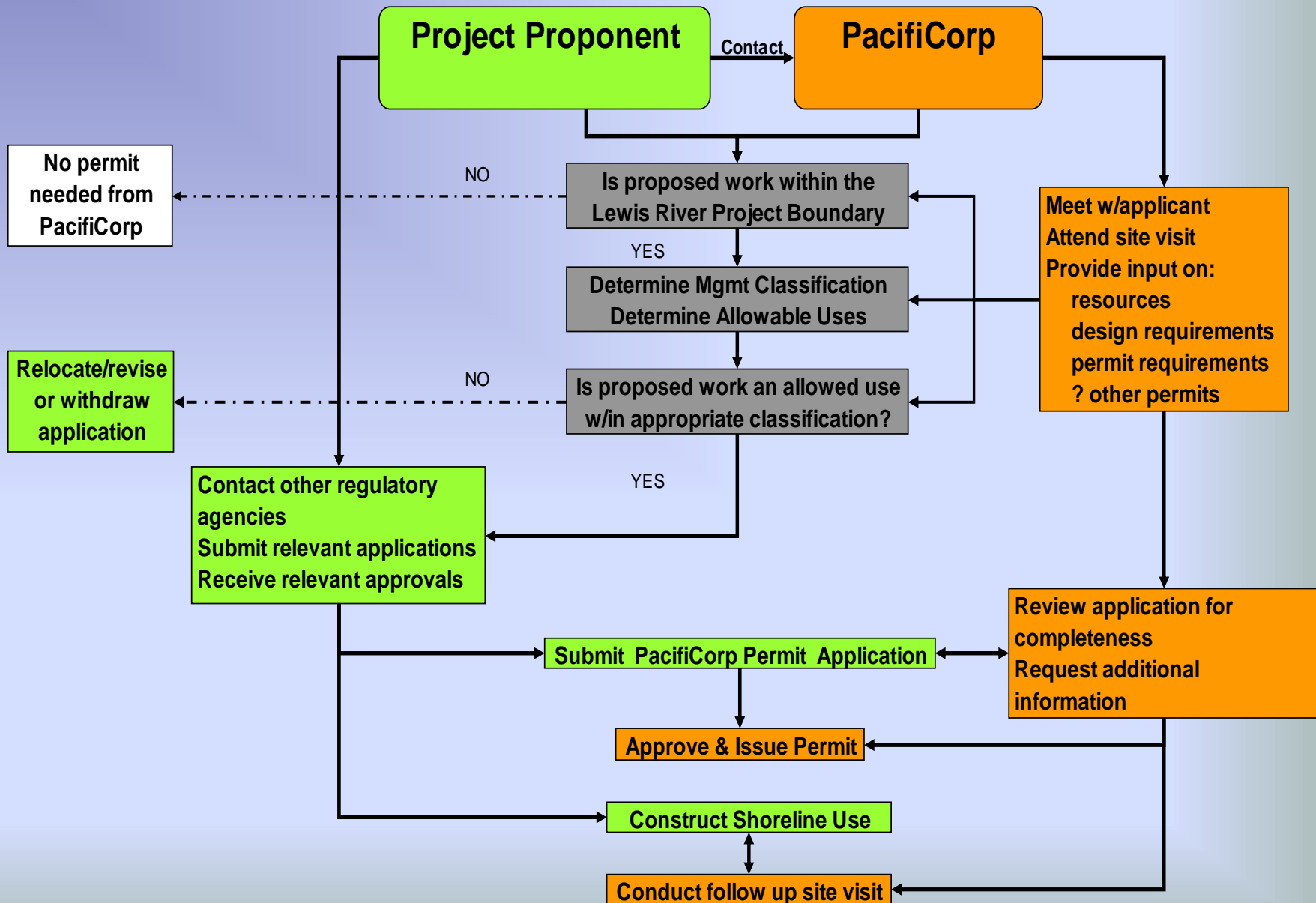
Not all uses listed in the SMP are appropriate for all shoreline management classifications.

# Draft Permitting Policies & Standards

As the recipient of a federal license, FERC requires PacifiCorp to:

- supervise and control uses and occupancies for which FERC grants it permission.
- monitor compliance with any permits or conveyances PacifiCorp issues.

FERC delegates PacifiCorp the authority to issue permits for the non-Project use of lands within the Project boundary



# Draft Permitting Evaluation Process

PacifiCorp evaluation based on:

- public and/or private ‘need’ for the proposed use,
- potential for using reasonable alternatives,
- extent and permanence of the beneficial and/or detrimental effects of proposed use,
- consistency with other regulations.

# Draft Permitting Evaluation Process

## Request for Appeal/Waiver

An applicant must:

- justify the shoreline classification is incorrect, or
- justify the proposed use,
- provide compelling evidence of hardship,
- justify the project location as the only feasible alternative, and
- provide specific protection, mitigation and/or environmental enhancements

# **“Grand-fathering”**

Owners of shoreline uses developed prior to the SMP and/or without a previous permit from PacifiCorp will be given time and opportunity to consult with PacifiCorp to obtain acceptance under the Shoreline Management Plan.

# Enforcement

- PacifiCorp will conduct periodic site visits to review all uses.
- PacifiCorp reserves the right to revoke any permit for good cause including:
  - failure to follow permit requirements,
  - violating applicable local, state and federal laws,
  - interfering with project operations; or
  - causing damage to Project lands or facilities.

## **Enforcement (continued)**

- As necessary PacifiCorp will initiate legal measures
- PacifiCorp reserves the right to require mitigation or restoration



# SMP Update Policies

- Periodic review every six years
- Modifying & Amending the SMP
  - Minor modifications do not involve stakeholder review/input or immediate FERC notification
  - Major modifications may involve stakeholder review/input and will likely require FERC notification and approval

**Comments or Questions?**

# Contact Information

[www.ferc.gov](http://www.ferc.gov)

[www.ferc.gov/industries/hydropower/gen-info/guidelines/smpbook.pdf](http://www.ferc.gov/industries/hydropower/gen-info/guidelines/smpbook.pdf)

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