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5.0 COMPREHENSIVE DEVELOPMENT ANALYSIS

Sections 4(e) and 10(a)(1) of the FPA require the Commission to give equal consideration to all uses of the waterway on which a project is located. When the Commission reviews a proposed project, it considers equally the environmental, recreational, fish and wildlife, and other non-developmental values of the project, as well as power and developmental values. Accordingly, any license issued must be best adapted to a comprehensive plan for improving or developing a waterway or waterways for all beneficial public uses.

Based on a review and evaluation of the various alternatives for the projects as documented in Chapter 3 of this PDEA, PacifiCorp and Cowlitz PUD recommend relicensing the proposed projects with the various PM&E measures of Alternative B as set forth in Section 2.3 as the preferred alternative. PacifiCorp and Cowlitz PUD recommend this alternative because:

- Issuance of new licenses for the projects would provide a substantial, dependable, and inexpensive source of electric energy by providing annual total generation of 1,932,706 MWh. The energy generated annually at the project would be from a renewable resource, thereby reducing the use of fossil-fueled steam-electric generating plants, conserving non-renewable energy resources, and reducing atmospheric pollution.

- The measures proposed in Alternatives B and C would enhance, protect or reasonably mitigate adverse impacts to water quality and quantity, fisheries resources, recreation resources, and cultural and historic properties. By comparison, the environmental impact analysis provided in this PDEA does not support a conclusion that Alternative A adequately enhances, protects or mitigates significant adverse impacts to the environment from relicensing.

- The capital and O&M costs of implementing the PM&E measures in Alternative B, and the associated lost power generation, are significant in comparison with continued operations under the terms of the existing licenses (Alternative A). Nevertheless, with the measures recommended under Alternative B, the projects would remain economical and, accordingly, would continue through the terms of the new licenses to fulfill the power generation, flood control and recreational purposes and needs of the projects and the project areas. By comparison, this PDEA establishes that capital and O&M costs of implementing the PM&E measures recommended in Alternative C, and the associated lost power generation, are dramatically greater than under either Alternatives A or B. Moreover, the incremental mitigation benefits of implementing the PM&E measures recommended in Alternative C are, in some important instances, uncertain, and in total, do not outweigh the net negative economic and power generation effects.

5.1 CONSISTENCY WITH COMPREHENSIVE PLANS

Section 10 (a)(2)(A) of the Federal Power Act requires FERC to consider the extent to which a project is consistent with federal and state comprehensive plans for improving, developing, or conserving waterways affected by a project. The Applicants reviewed the list of 73 plans for the State of Washington that have been filed with FERC. Of these, ten were determined to be relevant to the Lewis River Projects.

Eight of the comprehensive plans provide general resource management guidance that has been followed during the relicensing consultation process. These plans include the Northwest Power Planning Council's Conservation and Electric Power Plan (1991); Northwest Power Planning Council's Columbia River Basin Fish and Wildlife Program (2000); Washington Department of Game's 1987 Strategies for Washington's Wildlife (1986); Washington Department of Fisheries' Hydropower Project Assessment Guidelines (1987); Office of Archaeology and Historic Preservation's Resource Protection Planning Process for Identification of Prehistoric Archaeological Resources in the Lower Columbia Study Area (1987); Office of Archaeology and Historic Preservation's Resource Protection Planning Process: Study Unit Transportation (1989); the Interagency Committee on Outdoor Recreation's Washington State Trails Plan: Policy and Action Document (1991); and the Department of Natural Resource's State of Washington Natural Heritage Plan (2001). Each action alternative is consistent with the consultation recommendations and general resource management objectives put forth in these eight planning documents.

The two other comprehensive plans contain guidance more specific to project-related actions. One such plan, an element of the Statewide Comprehensive Outdoor Recreation Plan (SCORP), was produced by the Interagency Committee on Outdoor Recreation (IAC): Washington Outdoors: Assessment and Policy Plan 1995-2001. It describes the recreation demand and need for western Washington counties and projects the greatest growth in demand for interpretive displays (49 percent), picnicking (46 percent), and day hiking (42 percent). These needs would be addressed by both action alternatives, whereas the No Action Alternative would contribute no new or upgraded facilities to meet plan objectives. Recreation measures proposed under Alternatives B and C are identical and include development of interpretive facilities that feature a new visitor information center in the Town of Cougar. Picnic facilities would be maintained and upgraded under the action alternatives. Trail improvements also are proposed, with measures that include equestrian facility upgrades at the Saddle Dam trailhead, several new and upgraded segments such as converting the private IP Road along Yale Lake to non-motorized public access.

The Department of Ecology's Application of Shoreline Management to Hydroelectric Developments (1986) indicates that many actions entailing ground disturbance within 200 feet of a waterway should comply with the shoreline management regulations from the appropriate county government. The Applicants would work with the counties to follow applicable shoreline regulations in implementing measures under new FERC license orders. Therefore, actions implemented under Alternatives B or C would be consistent with this comprehensive plan.

5.2 RELATIONSHIP OF LICENSE PROCESS TO LAWS AND POLICY

5.2.1 Water Quality Certification

Pursuant to Section 401 (a) (1) of the Federal Water Pollution Control Act (Clean Water Act) and FERC regulations, within 60 days of acceptance of its FERC license application, an applicant is required to file a copy of the Water Quality Certification provided by the state, proof that such a certificate has been applied for, or that the requirement has been waived by the state. The authority to review the projects for consistency with Section 401 is the responsibility of the Washington Department of Ecology (WDOE). Applications for certification will be submitted within the timeframe required.

5.2.2 Endangered Species Act

Species protected under the Endangered Species Act (16 U.S.C.1531 et seq.) and potentially affected by the projects were identified by the Applicants through consultation with the NMFS and USFWS. Terrestrial species were identified in written consultation from the USFWS on June 24, 2003, with additional information provided by WDFW on June 27, 2003 and by the Washington Natural Heritage Program on July 1, 2003. The status of listed aquatic species was determined from recovery and management plans identified in Sections 3.4.2.6, 3.5.2.2, and 3.6.2. This PDEA analyzes the anticipated effects to listed species from the alternatives considered.

In addition, FERC is expected to consult with NMFS and USFWS pursuant to Section 7 of the ESA, 16 USC § 1536(a)(2), to ensure that any proposed action is not likely to jeopardize listed species or destroy or adversely modify their designated critical habitat.

5.2.3 Coastal Zone Management Act

The Lewis River Projects are located within Skamania, Clark, and Cowlitz counties, which are not considered coastal counties of the State of Washington. Therefore, this regulatory requirement is not applicable to this proceeding.

5.2.4 Pacific Northwest Power Planning and Conservation Act

Under Section 4(h) of the Pacific Northwest Power Planning and Conservation Act, the Northwest Power Planning Council (NPPC) developed the Columbia River Basin Fish and Wildlife Program to protect, mitigate, and enhance the fish and wildlife resources associated with development and operation of hydroelectric projects in the Columbia River basin. Section 4(h) states that responsible federal and state agencies should provide equitable treatment for fish and wildlife resources, in addition to other purposes for which hydropower is developed, and that these agencies should take the Program into account to the fullest practical extent.

The Program directs agencies to consult with fish and wildlife managers and the NPPC during the study, design, construction, and operation of any hydroelectric development in the basin [Section 12.1A. through 12.1A.2]. FERC regulations require applicants to

initiate pre-filing consultation with state and federal fish and wildlife agencies and tribes, and to provide these groups with opportunities to review and comment on the application. This consultation has been ongoing under the Alternative Licensing Procedure approved by the FERC for use on these projects on April 1, 1999.

Although the Lewis River Projects are not located within a protected area designated by this Program, it is recommended that hydroelectric projects include measures to mitigate their effects on fish and wildlife resources [Sections 12.1A.1 through 12.1A.2]. The measures described in Alternatives B and C contribute to this goal; therefore, the projects are consistent with the objectives of this Program.

5.2.5 Americans with Disabilities Act

Public recreation facilities must comply with the Americans with Disabilities Act of 1990 (P.L. 101-336) to the extent possible. As recreation facilities are updated, expanded, or newly developed, PacifiCorp and Cowlitz PUD would ensure that access needs of the disabled are addressed and comply with ADA standards. Many of the recreation measures included in Alternatives B and C are consistent with this Act.

5.2.6 National Historic Preservation Act

Relicensing is considered an undertaking within Section 106 of the National Historic Preservation Act, as amended (P.L. 89-665; 16 U.S.C. 470). Section 106 requires that every federal agency take into account how each of its undertakings could affect historic properties. Historic properties are districts, sites, buildings, structures, and traditional cultural places that are eligible for inclusion in the National Register of Historic Places. As the lead federal agency for issuing a license, the FERC is responsible for ensuring that the Applicants take all necessary steps to evaluate alternatives or modifications that could avoid, minimize, or mitigate any adverse effects on historic properties for the term of a new license. The FERC must also consult with the OAHP, as well as with other land management agencies where the undertaking may have an effect, and with Indian tribes who may have cultural affiliations with affected properties involved in the undertaking. A review of the Section 106 process is conducted by the Advisory Council on Historic Preservation, an independent federal agency. The Advisory Council's implementing regulations of Section 106 (36 CFR Part 800) provide guidelines to planners and federal agencies for carrying out the intent of the Section 106 process. These regulations provide a framework for resolving conflicts between historic preservation objectives and a development project.

PacifiCorp and Cowlitz PUD, under the authority of the FERC, have conducted Section 106 consultation with the OAHP, Cowlitz Tribe, Yakama Nation, the Gifford Pinchot National Forest, and other interested parties since 1999. This consultation included scheduled collaborative cultural resource workgroup meetings, as well as individual meetings conducted by the utilities. FERC staff will continue Section 106 consultation following submittal of the license applications and this PDEA. Under Alternatives B and C, PacifiCorp would continue to finalize its Historic Properties Management Plan (HPMP). The HPMP will provide specific guidance to utility personnel about the

treatment of historic, archaeological, and traditional cultural resources during the terms of the new licenses. Cowlitz PUD will not be preparing a HPMP for the Swift No. 2 Project because no archaeological sites were recorded during the surveys, no traditional cultural properties have been identified, and there are no buildings or historic structures eligible for listing under the National Register of Historic Places within the project boundary. Cowlitz PUD will train field and supervisory staff about appropriate procedures to follow in the event of unanticipated discoveries of cultural resource material.

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