

FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, D.C. 20426

OFFICE OF ENERGY PROJECTS

SEP 19 2002

**RECEIVED**

SEP 23 2002

**PFMC**

Hans Radtke, Chairman  
Pacific Fishery Management Council  
7700 N.E. Ambassador Place, Suite 200  
Portland, OR 97220-1384

**Reference: Commission Licensing Activities in the Pacific Northwest**

Dear Mr. Radtke:

Thank you for your May 13, 2002 letter concerning Commission hydroelectric licensing activities and fishery resources of the Pacific Northwest. I apologize for the lateness of this response; however, I wanted to give you the most current news.

Your letter discussed a variety of matters, including Essential Fish Habitat (EFH), the Electric Consumers Protection Act (ECPA), fish passage, the National Environmental Protection Act (NEPA), including cumulative impact assessment, instream flow, water quality; the Endangered Species Act (ESA); and adaptive management. Your letter also expressed your concerns about the Alternative Licensing Process (ALP) and expressed your desire for shorter license terms and asked that we support reopening of licenses to address environmental concerns.

We share your goal of minimizing the negative environmental impacts of hydroelectric development, in a manner consistent with our statutory responsibilities and authority. To that end we have been participating in a number of activities and initiatives with federal and state resource agencies aimed at improving the licensing process with respect to stakeholder involvement and coordination of efforts of all parties involved. These include:

- The cooperative development, with the National Marine Fisheries Service, of a process for coordinating compliance with the EFH requirements of the Magnuson-Stevens Act during our environmental review process for licensing and post-licensing actions;
- Participation in interagency workshops, including the Interagency Task Force (ITF), the Interagency Hydropower Committee (IHC),

and the 603 Report, addressing a number of concerns including the ALP process, endangered species, NEPA, noticing, and licensing studies; and

- A series of workshops with the states concerning water quality certification under Section 401 of the Clean Water Act.

With respect to your suggestion that the Commission adjust license expiration dates of hydraulically connected projects in order to allow a better assessment of watershed-based cumulative impacts of these projects, please note that we have been successful in doing this on limited occasions. However, our authority to issue licenses of various terms is limited under the Federal Power Act. In addition, we can not generally change the term of an existing license without the consent of the licensee.

On September 12, 2002, the Commission, in conjunction with the United States Departments of Agriculture, Commerce, and Interior, issued a public notice providing interested entities an opportunity to enter into discussions and make comments and recommendations concerning adoption of a new hydropower licensing process. A copy of the notice is available on the Commission's web site at <http://www.ferc.gov/RM02-4-09-05-02.pdf>. We invite your participation in this endeavor, as it would provide an excellent forum to address many of the issues you raise in your letter.

We appreciate your interest in Commission activities and look forward to establishing a dialogue with the Council with respect to these matters. We would welcome the opportunity to send a representative to one of your Habitat Committee or other appropriate meetings to further discuss these issues. Should you desire to pursue this, please contact John Mudre of my staff (202-502-8902 or [john.mudre@ferc.gov](mailto:john.mudre@ferc.gov)) to discuss scheduling.

Sincerely,



J. Mark Robinson  
Director  
Office of Energy Project

cc: Public Files