

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE COMPLIANCE BY )  
WATER QUALITY CERTIFICATION TO )  
Mr. Frank Shrier )  
with Chapter 90.48 RCW and the )  
Rules and Regulations of the )  
Department of Ecology )

ORDER AMENDMENT No. 5974  
THIRD AMENDMENT OF  
ORDER No. 3679

To: Mr. Frank Shrier  
PacifiCorp  
825 Northeast Multnomah  
Portland, OR 97232

Order No. 3679, dated October 9, 2006, is hereby amended as follows. These actions are required at the location known as the Swift No. 1 Hydroelectric Project located at River Mile 47.9 on the North Fork Lewis River.

Section 4.8, Table 2 on Page 19, the contents under the first row under the heading "Condition No." shall be replaced with the following:

4.2.9 Phase 4 Habitat

The modified section of Table 2 shall now read:

Parameter	Location	Depths (ft)	Frequency	Duration	Condition No.
	Bypass Reach	Bottom and sides	After the second gravel augmentation: Spring following first occurrence of spill of 5,000 cfs or greater into the bypass reach (condition 4.1 Habitat phase 4)	One time	4.2.9 Phase 4 Habitat 4.2.9 Phase 4 Habitat

Section 4.8, Table 2 on Page 19, the contents under the second row the under heading "Condition No." shall be replaced with the following:

4.2.9 Phase 5b Habitat

The modified section of Table 2 shall now read:

Parameter	Location	Depths (ft)	Frequency	Duration	Condition No.
	Bypass Reach	Bottom where gravel deposition is likely to occur in likely fish spawning areas	Spring following third and fourth occurrence of spill of 5,000 cfs or greater into the bypass reach (Conditions 4.1 Habitat Phase 5b)	One time	4.2.9 Phase 5b Habitat 4.2.9 Phase 5b Habitat

Section 4.8, Table 2 on Page 20, the contents under the second row the under heading "Frequency" shall be replaced with the following:

Once every two weeks from September 15 – November 15 and from February 1 to May 31

The contents under the second row the under heading "Condition No." (4.2.3) shall be replaced with the following:

4.2.11

The modified section of Table 2 shall now read:

Parameter	Location	Depths (ft)	Frequency	Duration	Condition No.
Redds	Both constructed Channels and the bypass reach from river mile 44.1 to 47.3	Bottom	<del>Once every two weeks from October 1- November 15 and from February 1 to May 31</del> Once every two weeks from September 15- November 15 and from February 1 to May 31	Ongoing	<del>4.2.3</del> 4.2.11

No other condition or requirement of Order No. 3678 is hereby affected by this amendment.

You have a right to appeal this Order. To appeal this you must:

- File your appeal with the Pollution Control Hearings Board within 30 days of the "date of receipt" of this document. Filing means actual receipt by the Board during regular office hours.
- Serve your appeal on the Department of Ecology within 30 days of the "date of receipt" of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). "Date of receipt" is defined at RCW 43.21B.001(2).

Be sure to do the following:

- Include a copy of this document that you are appealing with your Notice of Appeal.
- Serve and file your appeal in paper form; electronic copies are not accepted.

**1. To file your appeal with the Pollution Control Hearings Board**

Mail appeal to:

The Pollution Control Hearings Board  
PO Box 40903  
Olympia WA 98504-0903

OR

Deliver your appeal in person to:

The Pollution Control Hearings Board  
4224 – 6th Ave SE Rowe Six, Bldg 2  
Lacey WA 98503

**2. To serve your appeal on the Department of Ecology**

Mail appeal to:

The Department of Ecology  
Appeals & Application for Relief  
Coordinator  
PO Box 47608  
Olympia WA 98504-7608

OR

The Department of Ecology  
Appeals & Application for Relief Coordinator  
300 Desmond Dr SE  
Lacey WA 98503

**3. And send a copy of your appeal to:**

Eric Schlorff  
Department of Ecology  
Southwest Regional Office  
P.O. Box 47775  
Olympia, WA 98504-7775

*For additional information visit the Environmental Hearings Office Website:*

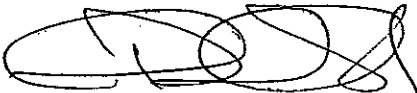
*<http://www.eho.wa.gov>*

*To find laws and agency rules visit the Washington State Legislature Website:*

*<http://www1.leg.wa.gov/CodeReviser>*

Your appeal alone will not stay the effectiveness of this Order. Stay requests must be submitted in accordance with RCW 43.21B.320. These procedures are consistent with Ch. 43.21B RCW.

DATED this 3rd day of October, 2008 at Olympia Washington



Garin Schrieve, P.E.  
Southwest Regional Manager  
Water Quality Program