

## North Fork Lewis River Project Request for Decision Template

### Creation of Lewis River Fish Passage Subcommittee

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#### Part A –Decision Summary (to be completed after decision is made)

Date of Decision: 10-14-2021  
Expected Implementation Date of Action (if applicable): 11-05-2021  
Expected completion date of action (if applicable): Not Applicable

➤ **Decision Summary** (brief summary of decision or action made by Committee)

*On October 27, 2021, the Services issued their final determination regarding the appropriateness of fish passage at Yale Lake based on new information submitted by the Licensees under Section 4.1.9 of the Settlement Agreement. The Services letter determined that passage, as required in the current license, remains appropriate for Yale Lake. The Services letter also recommended an extension of five years for completion of Yale downstream passage to June 26, 2026.*

*Based on the Services determination letter, the ACC voted unanimously to form a Fish Passage Subcommittee (FPS). The purpose of the FPS will be to provide technical recommendations to the ACC based on review and evaluation of specific milestones in the development of the fish passage facilities on the North Fork Lewis River. Recommendations from the FPS will help guide the ACC in implementing Section 4 of the Settlement Agreement.*

#### Part B –Decision Request (to be completed by Representative(s) requesting decision)

##### 1. Representatives and Affiliations

At the October 14<sup>th</sup> 2021 ACC meeting the formation of the Fish Passage Subcommittee (FPS) was approved. Settlement Parties in attendance unanimously supported formation of the FPS by voice vote.

American Rivers	Yakama Nation
Cowlitz Tribe	US Forest Service
Lower Columbia Salmon Recovery Board	National Marine Fisheries Service
Washington Dept. of Fish & Wildlife	US Fish & Wildlife Service
Trout Unlimited	PacifiCorp & Cowlitz PUD*

*\* PacifiCorp's representative stated that while the Utility supported subcommittee formation, it would not participate in the subcommittee until the Services issued a final determination that fish passage remains appropriate to Yale and Merwin reservoirs per section 4.1.9 of the Settlement Agreement and technical details regarding fish passage design elements. On October 27, 2021 the Services issued a final determination that fish passage is appropriate at Yale Reservoir. The Services have not yet made an "appropriateness" determination regarding Merwin Reservoir and have not yet provided technical guidance on fish passage design elements for either reservoir.*

## 2. Description and Justification of Request

- **Requested Action:** What specifically is the Committee to decide?

Formation of the Lewis River Fish Passage Subcommittee (FPS) within the Aquatic Coordination Committee (ACC) will serve to advance evaluation, design, construction, and operations of Lewis River Hydroelectric Project adult and juvenile salmon passage facilities per FERC licenses and Orders. ~~Section 4 of the 2004 Lewis River Hydroelectric Project Relicensing Agreement and subsequent FERC findings and Settlement Agreement amendments, and report those recommendations to the ACC.~~

### What specifically is the Committee to decide?

Passage Subcommittee members will review existing passage information to update existing ACC passage reports, examine fish passage technologies and current operations, review design plans to make recommendations to the ACC to implement PacifiCorp's and Cowlitz PUD's fish passage obligations under the FERC licenses and Orders.

The Fish Passage sub-committee (FPS), under the direction of the ACC, shall assist in development and review of, downstream passage at Yale Dam, and upstream passage at the Swift Projects designs provided by PacifiCorp (both Yale and Swift facilities) and Cowlitz PUD (Swift upstream passage). The FPS in conjunction with the ACC shall review and provide comment to PacifiCorp's implementation schedule and timelines that identifies each milestone of the process, starting from design study selection through construction completion of the facility by June 26, 2026.

Insert Mervin update here when NMFS and USFWS "Determination" is made (amend FPS DD).

## 3. FERC or Settlement Agreement Requirement(s)

- **What relevant FERC or SA articles justify this action? [Articles xx]**

- 1) Section 4 of the 2004 Lewis River Hydroelectric Project Relicensing Agreement.
- 2) NMFS and USFWS October 27, 2021 FERC filing on their "Determination on Appropriateness of Passage at Yale Lake Lewis River Project (FERC Nos.: P-935-140, P-2071-082, P-2111-080, P-2213-043).

## Part C – Committee Decision (to be completed by the ACC)

#### 4. Committee Decision

- **Was the decision made by consensus (as defined in the Committee ground rules)?**

Yes, including 7-day additional review time for absentee representatives.

- **Document voting record and tally (if applicable)**

All Representatives in attendance at the October 14, 2021 ACC meeting voted in favor of the request to form a Lewis River Fish Passage Subcommittee.

Yes = 10

No=0,

Abstain=0

7-Day Additional Review = No objections received

Representative	Vote
Scott Anderson, NMFS	Yes
Eli Asher, Cowlitz Indian Tribe	Yes
Jim Byrne, Trout Unlimited	Yes
Kate Day, USFS	Yes
Jeff Garnett, USFWS	Yes
Bryce Glaser, WDFW	Yes
Erik Lesko, Utilities	Yes
Bridget Moran, American Rivers	Yes
Bill Sharp, Yakama Nation	Yes
Steve West, LCFRB	Yes

#### 5. Justification for Committee Decision

- **What information (i.e. empirical data) and how was this information used to inform decision?**

*The ACC voted in favor to form a Fish Passage Subcommittee based on the Services October 27, 2021, letter indicating that fish passage remains appropriate at Yale Lake.*

#### 6. Contingencies or Conditions of the Decision

- **Is decision contingent on other actions or information?**

*The Services have not yet made an “appropriateness” determination regarding Merwin Reservoir, and have not yet provided technical guidance on fish passage design elements for either reservoir. Once this determination is made, this decision document will be updated.*

**Request No.** [2021 – 01]

**Request Date:** [10-14-2021]

- **Is implementation of decision contingent on specific actions or information?**

NO

- **Are there any conditions attached to this decision?**

NO

## **7. Additional Information or Notations**