

North Fork Lewis River Project

Request for Decision

North Fork Lewis River Fish Passage Subcommittee Charter

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

Date of Decision: 03-17-2022
Expected Implementation Date of Action (if applicable): 03-17-2022
Expected completion date of action (if applicable): Not Applicable

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

The Services determined that passage, as required in the current license, remains appropriate. Based on the letters, the Aquatics Coordination Committee (ACC) voted unanimously to form a Fish Passage Subcommittee (FPS). The FPS has developed a charter for ACC approval documenting the ACC directive, and FPS roles and responsibilities, scope of work, membership, meeting protocols, recommended documentation for communication with the ACC, and milestones and measures.

The ACC voted unanimously to approve the Fish Passage Subcommittee charter as attached without modification.

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

1. Representatives and Affiliations

The FPS submits this Request for Decision for ACC consideration. The FPS is composed of:

<i>Organization</i>	<i>Primary Contact/Alternate Contact</i>
American Rivers	Bridget Moran/
Cowlitz Tribe	Eli Asher/ Rudy Salakory
Lower Columbia Fish Recovery Board	Steve Manlow/ Steve West
Trout Unlimited	Jonathan Stumpf/ Jim Byrne
Yakama Nation	Bill Sharp/ Elaine Harvey
US Forest Service	J.D. Jones/ Kate Day
NOAA	Logan Negherbon/ Scott Anderson
US Fish & Wildlife Service	Jeffrey Garnett
PacifiCorp	TBD
Cowlitz PUD	TBD
Washington Dept. of Fish & Wildlife	Bryce Glaser/ Josua Holowatz
Fish First	Janae Brock

2. Description and Justification of Request

- **Requested Action:** [What specifically is the Committee to decide?](#)

The FPS requests ACC approval of the Lewis River Fish Passage Subcommittee Charter.

The Services determined that passage, as required in the current license, remains appropriate (Service’s letters dated October 27 and December 23, 2021). The ACC voted unanimously to form a Fish Passage Subcommittee (FPS) on October 14, 2021. Based on the Services letters, the decision template (2021-01) was revised by the ACC without objection on January 11, 2022.

The FPS developed a charter for ACC approval documenting the ACC directive, and FPS roles and responsibilities, scope of work, membership, meeting protocols, recommended documentation for communication with the ACC, and milestones and measures. Membership is fluid and participation is not limited to those mentioned in the charter. Milestones and measures will be identified as more information becomes available.

By approving the Request for Decision, the ACC will recognize and support the ACC directive established in the FPS Charter.

3. FERC or Settlement Agreement Requirement(s)

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

- 1) 2004 Lewis River Hydroelectric Project Relicensing Settlement Agreement (SA) Section 14 Coordination and Decision Making.

- Section 14 directs the Licensees to convene an Aquatics Coordination Committee to coordinate implementation of the aquatics PM&E Measures.
- Section 14.2.3 TCC and ACC Functions (f) gives the ACC ability to “...establish subcommittees to carry out specified committee functions and responsibilities described in this Section 14.2.3, and establish the size of, membership of, and procedures for any such subcommittees”.
- Section 14.2.3 TCC and ACC Functions (e) directs the ACC to establish procedures and protocols

- 2) Decision template No. [2021 – 01] Creation of North Fork Lewis River Fish Passage Subcommittee:

At the October 14, 2021 ACC meeting, representatives voted in favor of the request to form a Lewis River Fish Passage Subcommittee. Formal approval of the FPS was granted on October 22, 2021, after an additional 7-day review period was provided without objection. The decision document was later updated and finalized by the ACC on January 11, 2022, to incorporate the Services final determination letter regarding Yale and Merwin fish passage dated December 23, 2021. The decision template was revised without objection.

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3) Terrestrial and Aquatic Coordination Committees Structure and Ground Rules Revised
June 2020

- The Structure and Ground Rules specify:
 - “If a Representative would like the ACC to consider a specific proposal, that Representative will...prepare and provide a Request for Decision template for distribution to the...” ACC.
 - A request for Decision templated should be prepared for “...any decisions that may deviate from the Settlement Agreement intent or goals, affect existing recovery, or management goals and actions...”
- Although the FPS Charter does not deviate from the SA intent or goals, the FPS Charter Directive will support the development of passage recommendations that will benefit recovery therefore, the FPS submits this Request for Decision for ACC approval.

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

Yes = 10

No= 0

Abstain= 0

7-Day Additional Review = **no objections received**

Representative Present	Vote
Bonnie Shorin, NMFS	Yes
Eli Asher, Cowlitz Indian Tribe	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

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5. Justification for Committee Decision

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

The ACC used the Services appropriateness (October 27, 2021) and final determination letter (December 23, 2021) regarding fish passage at Yale and Merwin projects (FERC No. P-935 and P-2071).

6. Contingencies or Conditions of the Decision

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

No

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

No

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

None

7. Additional Information or Notations

The final Lewis River Fish Passage Subcommittee Team Charter is attached.

Lewis River Fish Passage Subcommittee Team Charter

Directive:

The Fish Passage Subcommittee (FPS), under the direction of the Aquatic Coordination Committee (ACC), will assist in the development and review of remaining upstream and downstream passage facility designs and transport plans provided by PacifiCorp and Cowlitz PUD. The FPS in conjunction with the ACC will review PacifiCorp's development of an implementation schedule and timeline that identifies each significant step in the process, starting from study selection and extending through completion of the facility.

The FPS under the direction of the ACC will consider lessons learned from the operation and infrastructure of Swift Downstream Collector and Merwin Adult Collection facilities in the development and review of remaining upstream and downstream passage facilities. New information and technologies will be shared with the Aquatic Technical Subgroup (ATS) for their consideration to improve juvenile and adult collection efficiency and survival at Swift Downstream Collector and Merwin Adult Collection facilities.

Roles:

Lewis River Fish Passage Subcommittee: The FPS operates as a recommending body to the ACC on implementation of Section 4 of the 2004 Lewis River Settlement Agreement and strives to facilitate efficiency and an open flow of information for decision documentation and subcommittee management and operate within the established ACC Structure and Ground Rules.

The role of the FPS is to review existing facilities and provide the ACC with an assessment of those systems, identify data gaps, suggest studies, review new technologies, recommend changes to the Transportation Plan and develop recommendations for future juvenile and adult fish passage systems in the Lewis River. The FPS will review materials and provide the ACC with recommendations and rationales for decision making.

Lewis River Aquatic Coordination Committee (ACC): The ACC will consider recommendations provided by the FPS.

PacifiCorp and Cowlitz PUD (Utilities): Members of FPS/ACC and will consider recommendations provided by the FPS/ACC.

Scope of Work:

The FPS will advise and make recommendations to the ACC on the Utilities' development of the implementation schedule and timeline that identifies each significant step in the process, starting from study selection and extending through completion of the facility. The FPS will assist with development and review of design/procedural documents and make

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recommendations to the ACC for the following program facilitation elements, including but not limited to:

- Scope fish passage technologies/alternatives
- Review engineering designs and make recommendation to the Utilities.
- Implementation strategies
- Fish passage plan/adult transport scenarios
- Other duties as assigned by the ACC

Membership:

The FPS is open to all ACC members and technical representatives. As of November 2021, the core organizations on the sub-committee include:

<i>Organization</i>	<i>Primary Contact/Alternate Contact</i>
American Rivers	Bridget Moran/
Cowlitz Tribe	Eli Asher/ Rudy Salakory
Lower Columbia Fish Recovery Board	Steve Manlow/ Steve West
Trout Unlimited	Jonathan Stumpf/ Jim Byrne
Yakama Nation	Bill Sharp/ Elaine Harvey
US Forest Service	J.D. Jones/Kate Day
NOAA	Logan Negherbon/ Scott Anderson
US Fish & Wildlife Service	Jeffrey Garnett
PacifiCorp	TBD
Cowlitz PUD	TBD
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Fish First	Janae Brock

ACC and technical representatives may participate as interested or be added as a core member.

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Meetings:

The FPS will be guided by the existing ACC Structure and Ground Rules. FPS meetings will be held monthly. The FPS will meet primarily on a virtual platform and in person, if needed. If there are no meeting topics to discuss, no meeting will be held that month. An effort will be made to announce all FPS meeting topics to the ACC and technical representatives 7 days before the meeting. Meetings will occur at key decision points to develop and review Lewis River fish passage guidance documents, evaluate alternatives, review emerging data, review design development, and, in conjunction with the ATS, assess program performance and needs for the new facilities. Additional meetings will be scheduled as needed.

Summary notes for each sub-committee meeting will be prepared and made available to ACC members. The notes will include a summary of major discussion points, decisions discussed, alternatives considered, summary of progress on milestones, and next steps.

Recommendation Documentation:

Recommended Decision Documents, supporting materials and presentations will be prepared by the sub-committee and copies disseminated to the ACC one week in advance of ACC meetings as needed to support decision making. All decision points will be formatted as a Decision Document.

Milestones and measures-

TBD