

North Fork Lewis River Project

Request for Decision

Elements of Lewis River Future Fish Passage

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

Date of Decision: 09-14-2023
Expected Implementation Date of Action (if applicable): Upon issuance of FERC Order
Expected completion date of action (if applicable): Various

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

The National Marine Fisheries Service and the US Fish and Wildlife Service (Services) have determined that fish passage into and through Merwin and Yale reservoirs remains appropriate (Service’s letters dated October 27 and December 23, 2021). To guide the design and implementation of new fish passage facilities, the Fish Passage Subcommittee (FPS) has prepared a document that contains key elements of the future fish passage program (“Elements of Lewis River Future Fish Passage”) including but not limited to dates for new facilities to be operational, guidance for upstream reservoir fish distribution (“Select Reservoir Release” and “Swim-Through Release” strategies) and facility sizing, and additional contributions to the Aquatic Fund. Upon ACC approval, the Elements of Lewis River Future Fish Passage document will be provided to the Services for approval. After obtaining approval from the Services, the Utilities will submit a request for an extension of the construction completion schedules to the Federal Energy Regulatory Commission (FERC), along with the approval documents from the Services, for FERC approval.

The ACC voted unanimously in favor of submitting the Future Fish Passage Plan as attached to the Services for approval.

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	Christina Donehower
Lower Columbia Fish Recovery Board	Steve Manlow/ Steve West
Trout Unlimited	Jim Byrne
Yakama Nation	Bill Sharp/ Keely Murdoch
US Forest Service	Joshua Chapman

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NOAA	Bonnie Shorin/Melissa Jundt
US Fish & Wildlife Service	Jeffrey Garnett
PacifiCorp	Chris Karchesky/Todd Olson
Cowlitz PUD	Amanda Farrar
Washington Dept. of Fish & Wildlife	Bryce Glaser/ Peggy Miller

2. Description and Justification of Request

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

The FPS requests ACC review and consideration for approval of the Elements of Lewis River Future Fish Passage document.

The first draft of the document was provided by the Utilities in the spring of 2022, and over the past year, the FPS has considered and discussed the various elements, revising the document along the way. Members of the subcommittee have now reached agreement on the content and language within the document. A final draft has been distributed to the ACC for review and consideration for approval.

Of significance to the fish passage program is the type of new fish passage facilities and timing in which facilities will be operational. The Elements of Lewis River Future Fish Passage identifies the following:

Facility	Facility Type	Operational Date:
Yale Downstream	Floating Surface Collector	June 26, 2026
Yale Upstream	Trap with Truck Transport	June 26, 2026
Swift Upstream	Trap with Truck Transport	June 26, 2026
Merwin Downstream	To Be Determined	June 26, 2032

The document also identifies the general siting of the facilities, an adaptive management pathway for distribution of returning adult fish and identifies the Utilities contribution of \$3,511,516 to the Lewis River Aquatic Fund. The first payment of \$877,879 will be made within six months of FERC's approval of the request for extension of the construction completion schedules. A second contribution of \$2,633,637 to the Aquatic Fund will be provided in the calendar year following FERC's approval. Contribution will be administered consistent with the procedures outlined in Section 7.5 of the Settlement Agreement.

By approving the Request for Decision, the ACC will approve the document as recommendations to the Services, and support the Services' decision for approval and FERC's consideration for approving the revised construction completion schedules.

3. FERC or Settlement Agreement Requirement(s)

- **What relevant FERC or SA articles justify this action? [Articles xx]**
 - SA 4.1.8(b) Upstream Transport After Full Adult Fish Passage
 - SA 4.1.8(d) Downstream Transport
 - SA 4.5 Downstream Passage at Yale Dam
 - SA 4.6 Downstream Passage at Merwin Dam
 - SA 4.7 Upstream Passage at Yale Dam
 - SA 4.8 Upstream Passage at Swift Projects
 - SA 8.0 Hatchery and Supplementation Program
 - Lewis River FERC Licenses, Article 401. Scheduling and Reporting Requirements and Amendment Applications

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

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

Representatives in attendance at the September 14, 2023, ACC meeting.

Yes = Y

No= N

Abstain= A

Representative Present	Vote
Christina Donehower (CIT)	Y
Steve Manlow (LCFRB)	Y
Melissa Jundt (NMFS)	Y
Erik Lesko (Utilities)	Y
Jeff Garnett (USFWS)	Y
Peggy Miller (WDFW)	Y
Keely Murdoch (Yakama Nation)	Y

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 final letters of determination regarding fish passage at the Yale and Merwin projects, engagement from several ACC members on the FPS, and individual review of the Elements of Lewis River Future Fish Passage document.

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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?**

Progress toward completion of fish passage facilities will continue in parallel with the Services approval process and FERC's approval of the Utilities' request for extension of the construction completion schedules.

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

None

7. Additional Information or Notations

The final Elements of Lewis River Future Fish Passage document is attached.