

# Aquatic Funds – Strategic Plan and Administrative Procedures

Prepared by PacifiCorp and Cowlitz PUD

September 2005 (revised January 2009, September 2013, August 2016,

August 2017, April 2019, September 2020 and October 2024)

## 1.0 Introduction

On November 30, 2004, PacifiCorp, Cowlitz PUD, and a number of interested parties reached a Settlement Agreement (SA) concerning the relicensing of the Lewis River Hydroelectric Projects. Listed within the agreement was an article for PacifiCorp and Cowlitz PUD to establish a Lewis River Aquatics Fund. Specific language from the Settlement Agreement is as follows:

*Aquatics Fund. PacifiCorp and Cowlitz PUD shall establish the Lewis River Aquatics Fund (“Aquatics Fund”) to support resource protection measures (“Resource Projects”). Resource Projects may include, without limitation, projects that enhance and improve wetlands, riparian, and riverine habitats; projects that enhance and improve riparian and aquatic species connectivity that may be affected by the continued operation of the Projects; and projects that increase the probability for a successful reintroduction program. The Aquatics Fund shall be a Tracking Account maintained by the Licensees with all accrued interest being credited to the Aquatics Fund. PacifiCorp shall provide \$5.2 million, in addition to those funds set forth in Section 7.1.1, to enhance, protect, and restore aquatic habitat in the Lewis River Basin as provided below. Cowlitz PUD shall provide or cause to be provided \$520,000 to enhance, protect, and restore aquatic habitat in the Lewis River Basin as provided below; provided that Cowlitz PUD’s funds may only be used for Resource Projects upstream of Swift No. 2, including without limitation the Bypass Reach. The Licensees shall provide such funds according to the schedules set forth below.*

### 7.5.1 PacifiCorp’s Contributions.

*a. PacifiCorp shall make funds available as follows: on each April 30 commencing in 2005, \$300,000 per year until 2009 (a total of \$1.5 million).*

*b. For each of the Merwin, Yale, and Swift No. 1 Projects, PacifiCorp shall make one-third of the following funds available as follows after the Issuance of the New License for that Project: on each April 30 commencing in 2010, \$300,000 per year through 2014 (a total of \$1.5 million); on each April 30 commencing in 2015, \$100,000 per year through 2018 (a total of \$400,000); and on each April 30 commencing in 2019, \$200,000 per year through 2027 (a total of \$1.8 million); provided that, for any New License that has not been Issued by April 30, 2009, the funding obligation for that Project shall be contributed annually in the same amounts but commencing on April 30 following the first anniversary of Issuance of the New License for that Project.*

c. *PacifiCorp shall contribute \$10,000 annually to the Aquatics Fund as set forth in Section 7.1.1.*

7.5.2 Cowlitz PUD's Contributions. *Cowlitz PUD shall make or cause to be made funds available as follows: \$25,000 per year on each April 30 following the first anniversary of the Issuance of the New License for the Swift No. 2 Project through the April 30 following the 20<sup>th</sup> anniversary of the Issuance of the New License for the Swift No. 2 Project (a total of \$500,000); and a single amount of \$20,000 on the April 30 following the 21<sup>st</sup> anniversary of the Issuance of the New License for the Swift No. 2 Project.*

7.5.3 Use of Funds. *Decisions on how to spend the Aquatics Fund, including any accrued interest, shall be made as provided in Section 7.5.3.2 below; provided that (1) at least \$600,000 of such monies shall be designated for projects designed to benefit bull trout according to the following schedule: as of April 30, 2005, \$150,000; as of April 30, 2006, \$100,000; as of April 30, 2007, \$150,000; as of April 30, 2008, \$100,000; and on or before the April 30 following the fifth anniversary of the Issuance of all New Licenses, \$100,000; and such projects shall be consistent with bull trout recovery objectives as determined by USFWS; (2) fund expenditures for the maintenance of the Constructed Channel (Section 4.1.3) shall not exceed \$20,000 per year on average; (3) if studies indicate that inadequate "Reservoir Survival," defined as the percentage of actively migrating juvenile anadromous fish of each of the species designated in Section 4.1.7 that survive in the reservoir (from reservoir entry points, including tributary mouths to collection points) and are available to be collected, is hindering attainment of the Overall Downstream Survival standard as set forth in Section 3, then at least \$400,000 of such monies shall be used for Resource Projects specifically designed to address reservoir mortality; and (4) \$10,000 annually shall be used for lower river projects as set forth in Section 7.1.1. Projects shall be designed to further the objectives and according to the priorities set forth below in Section 7.5.3.1.*

7.5.3.1 Guidance for Resource Project Approval and Aquatics Fund Expenditures.

a. *Resource Projects must be consistent with applicable Federal, State, and local laws and, to the extent feasible, shall be consistent with policies and comprehensive plans in effect at the time the project is proposed. These may include, but are not limited to, Washington's Wild Salmonid Policy, the Lower Columbia River Bull Trout Recovery Plan, and the Lower Columbia Salmon Recovery and Fish & Wildlife Subbasin Plan (LCFRB 2004).*

b. *The Aquatics Fund shall not be used to fund Resource Projects that any entity is otherwise required by law to perform (not including obligations under this Agreement or the New Licenses for use of the Aquatics Fund), unless by agreement of the ACC.*

c. *The Licensees shall evaluate Resource Projects using the following objectives:*

(1) *Benefit fish recovery throughout the North Fork Lewis River, with priority to federal ESA-listed species;*

(2) *Support the reintroduction of anadromous fish throughout the Basin; and*

(3) *Enhance fish habitat in the Lewis River Basin, with priority given to the North Fork Lewis River.*

*For the purposes of this Section 7.5, the North Fork Lewis River refers to the portion of the Lewis River from its confluence with the Columbia River upstream to the headwaters, including tributaries except the East Fork of the Lewis River.*

*The Licensees shall also consider the following factors to reflect the feasibility of projects and give priority to Resource Projects that are more practical to implement:*

(i) *Whether the activity may be planned and initiated within one year,*

(ii) *Whether the activity will provide long-term benefits,*

(iii) *Whether the activity will be cost-shared with other funding sources,*

(iv) *Probability of success, and*

(v) *Anticipated benefits relative to cost.*

#### *7.5.3.2 Resource Project Proposal, Review, and Selection.*

(1) *By the first anniversary of the Effective Date, the Licensees shall develop, in Consultation with the ACC, (a) a strategic plan consistent with the guidance in Section 7.5.3.1 above to guide Resource Project development, solicitation, and review; and (b) administrative procedures to guide implementation of the Aquatics Fund. Both may be modified periodically with the approval of the ACC.*

(2) *Any person or entity, including the Licensees, may propose a Resource Project. In addition, the Licensees may solicit Resource Projects proposals from any person or entity.*

(3) *The Licensees shall review all Resource Project*

*proposals, applying the guidance set forth in Section 7.5.3.1. The Licensees shall provide an annual report describing proposed Resource Project recommendations to the ACC. The date for submitting such report shall be determined in the strategic plan defined in subsection 7.5.3.2(1) above. The report will include a description of all proposed Resource Projects, an evaluation of each Resource Project, and the basis for recommending or not recommending a project for funding.*

*(4) The Licensees shall convene a meeting of the ACC on an annual basis, no sooner than 30 days and no later than 60 days after distribution of the report set forth in Section 7.5.3.2(2), for Consultation regarding Resource Projects described in the report.*

*(5) Licensees shall modify the report on proposed Resource Projects, based on the above Consultation, and submit the final report to the ACC within 45 days after the above Consultation. Any ACC member may, within 30 days after receiving the final report, initiate the ADR Procedures to resolve disputes relating to Resource Projects. If the ADR Procedures are commenced, the Licensees shall defer submission of the final report on Resource Projects to the Commission, if necessary, until after the ADR Procedures are completed. If the ADR Procedures fail to resolve all disputes, the Licensees shall provide the comments of the ACC to the Commission. If no ACC member initiates the ADR Procedures, the Licensees shall submit the final report to the Commission, if necessary, within 45 days after submission of the final report to the ACC.*

#### 14.2.4 TCC and ACC Decision-Making Process and Limitations

*(D) In no event shall the TCC or the ACC increase or decrease the monetary, resource, or other commitments made by PacifiCorp and Cowlitz PUD in this Agreement; override any other limitations set forth in this Agreement; or otherwise require PacifiCorp to modify its three Projects' facilities without PacifiCorp's prior written consent or require Cowlitz PUD to modify its Project's facilities without Cowlitz PUD's prior written consent, which consent may be withheld in the applicable Licensee's discretion.*

PacifiCorp and Cowlitz PUD will be responsible for compiling draft and final Proposals and making initial recommendations to the Lewis River Aquatic Coordination Committee (ACC). The ACC will play an important role in the discussion and final selection of projects. The ACC will be responsible for completing the evaluation and scoring template for final proposals. The Settlement Agreement calls for the Licensees to obtain the views of and attempt to reach consensus among the ACC; therefore, it is critical that the ACC

have the ability to reach consensus on funded projects in a timely and well thought out manner.

## **2.0 Purpose**

The intent of this document is two-fold. First the document briefly identifies goals of the aquatic fund, provides evaluation guidance at a program level, and then outlines more specific evaluation components of resource projects such as priorities, technical questions, and policy questions. Second, this document identifies the steps to be undertaken to implement the Aquatics Fund. Process forms are included as appendices.

## **3.0 Funding Process Considerations**

### **3.1 Aquatics Fund Goals:**

The goal of the fund is to support resource protection measures that may include, without limitation, projects that enhance and improve wetlands, riparian, and riverine habitats; projects that enhance and improve riparian and aquatic species connectivity that may be affected by the continued operation of the Projects; and projects that increase the probability for a successful reintroduction program.

The reintroduction outcome goal of the comprehensive aquatics program contained in Section 3 of the SA is to “achieve genetically viable, self-sustaining, naturally reproducing, harvestable populations above Merwin Dam greater than minimum viable populations (“Reintroduction Outcome Goal”)”.

### **3.2 Project Evaluation Guidance at a Program Level**

The ACC and Licensees shall consider the following factors in the review of potential aquatic projects:

Proposed Projects:

- Benefits to priority fish species and stocks reintroduced to or originating from upstream of Merwin Dam, with emphasis on Spring Chinook. Resource Projects must have specific objectives and expected outcome(s) that help attain the purposes of the Aquatic Fund.
- Resource Projects must be consistent with applicable Federal, State, and local laws.
- Resource Projects, to extent feasible, shall strive to be consistent with policies and comprehensive plans, such as the Lower Columbia Salmon Recovery Plan, in effect at the time the project is proposed.
- Aquatics Fund monies shall not be used to fund projects that any entity is otherwise required by law to perform, except by agreement of the ACC.
- ACC shall evaluate Proposals based upon: (1) “benefit to fish recovery throughout the North Fork Lewis River, with priority to ESA-listed species”, (2) “support the reintroduction of anadromous fish throughout the basin”, and (3) “enhance fish habitat in the Lewis River Basin, with priority given to the NF Lewis River”. (See **Figure 1** for geographic scope of Fund)

- ACC shall consider factors that reflect the feasibility of projects and give priority to resource projects that are more practical to implement. ACC shall consider following factors: (i) “whether the activity may be planned and initiated within one year”, (ii) “whether the activity will provide long-term benefits”, (iii) “whether the activity will be cost-shared with other funding sources”, (iv) “probability of success”, and (v) “anticipated benefits relative to cost”.
- Resource Project must use Best Management Practices (BMPs). The ACC may identify suggested sources of BMPs, but applicants must identify what sources they are using for BMPs and how they will protect resource values.

Process Considerations (or requirements):

- Any interested party may submit resource project Proposals for funding.
- If the organization of an ACC representative proposes a project for funding, he or she may participate in the ACC review of the Utilities evaluation of proposed projects, however they may not champion their own projects(s) and must remove themselves if a conflict of interest arises. The intent is to allow an ACC representative to participate in the process, but to also make sure that no favoritism (perceived or otherwise) is given to ACC members.
- Entity receiving Aquatic Funds must meet all state or federal permitting requirements for their project.

### **3.3 Evaluation of Resource Projects**

Given the expected number of potential Aquatics Fund Resource Proposals to be submitted and the cap on funding, a mechanism to review and evaluate projects is needed. In general evaluation criteria can be grouped into six areas to reflect the feasibility of projects and give priority to Resource Projects that are more practical to implement. All proposals must meet the 5 priority objectives to be accepted (i.e., all 5 objectives must receive a rating of 'GO'). Accepted proposals will be evaluated and scored using the scoring template that includes 14 questions over 4 weighted categories. Reviewers will assign a score (1- 10) for each question based on the merits of the proposal. Finally, each reviewer will provide a categorical rating for each project to identify the level of overall support for each project.

#### 3.3.1 Consistency with Priority Objectives (Go or No-Go):

Given the importance that a proposed project be consistent with Fund priority objectives, proposed projects will be initially evaluated as a “Go” or “No Go” against this specific priority objectives. If during this initial review (1<sup>st</sup> Stage) the project receives a ‘No Go’ for any priority objective, the proposal will be dropped from further evaluation and funding. The Licensees shall document this determination in its recommendation’s scoring template to the ACC.

#### Priority Objectives:

1. Benefit fish recovery throughout the North Fork Lewis River, with priority to federal ESA-listed species?
2. Support the reintroduction of anadromous fish throughout the Basin?
3. Enhance fish habitat in the Lewis River Basin, with priority given to the North Fork Lewis River?
4. Is the proposal consistent with applicable Federal, State, and local laws and plans to the extent feasible?
5. Are any funds requested that would otherwise be required by law to perform?

#### Evaluation categories and questions:

Specific questions are provided for each of the 4 evaluation categories. Reviewers rate each question with a score of 1 to 10 (10 being the best) (see Appendix B). All reviewer scores for each category are summed and averaged to calculate a combined score for each proposal. A weighting multiplier is applied by category to calculate a combined weighted score for each of the four categories. Weighted scores are then summed to assign the final project score. Each proposal is then ranked based on the highest to lowest final project score. Total points available = 140 (14 questions at 10 points possible each). The scoring template automatically applies the weighting factors to standardizes the maximum number of points as 100 (i.e., a perfect score).

In completing the evaluation of accepted proposals and reporting recommendations to the ACC, PacifiCorp and Cowlitz PUD will combine all scoring templates received from each ACC representative organization to calculate an overall score for each proposal.

#### 3.3.2 Proposed project benefit to priority fish species and stocks (Chinook, Steelhead, Coho, Bull Trout, Chum, and Sea-run Cutthroat) and/or properly functioning conditions (35 % weight):

- **Q1:** Does the project provide direct benefit(s) to priority species and habitat reaches?
- **Q2:** Does the project lead to or provide tangible, on the ground benefits?
- **Q3:** Does the project address a limiting factor(s) to the target species without adversely impacting other species, life history stages, or habitat processes?

#### 3.3.3 Scientific validity and technical quality of proposed project (30% weight):

- **Q4:** Does the proposal apply reasonable and proven methods, designs and technologies?
- **Q5:** Are the project objectives reasonable based on the proposed scope and schedule?
- **Q6:** Does the project describe and consider long term benefits and influences (e.g., watershed processes, hydro operations, climate change, etc.)?

#### 3.3.4 Ability for the project proponent to successfully implement proposed project (20% weight)

- **Q7:** Does the proposal resolve identified or anticipated constraints or contingencies (e.g., permitting, funding, legal, etc.)?

- **Q8:** Does the project have a high probability of success? (in meeting project objectives?)
- **Q9:** Do the qualifications and experience of the team support successful completion of the project?
- **Q10:** Are there other habitat protection or restoration actions in the watershed that would benefit or compliment this project?

### 3.3.5 Cost effectiveness and timeliness (15% weight)

- **Q11:** Does the project include additional funding sources (e.g., grants, matching contributions, in-kind participation, etc.)?
- **Q12:** Is the project budget reasonable based on the proposed scope of proposal?
- **Q13:** Is the project budget reasonable based on the anticipated short and long-term benefits to fish?
- **Q14:** Is the anticipated level of post-project maintenance reasonable given the size and scope of the proposal?

## **4.0 Funding Process**

### **4.1 General Process**

Per the Settlement Agreement, PacifiCorp and Cowlitz PUD will make funds available to the Aquatics Fund in the spring of each year as identified in **Table 4.1**. There is the potential that following the Fund Process non-distributed monies may remain in the account. Likewise, project withdrawals may not occur as expected due to withdrawal of a project or other circumstance. Any monies not distributed shall remain in the Fund, continue to accrue interest and made available for future use unless ACC parties agree to conduct a second Fund process within that same year.

Although the funding process schedule may be modified, it will generally be conducted in the fall and early winter. By late July of each year, PacifiCorp together with Cowlitz PUD will notify potential fund applicants, a list of whom PacifiCorp together with Cowlitz PUD developed in consultation with the ACC, that the Utilities are seeking Draft Proposals for the following year's funding (see Table 4.1 for activity timeline). Such notice shall inform the potential applicants of the need to (1) complete a Draft Proposal form, and (2) submit it to PacifiCorp by mid-October. The notice shall also identify that projects will be evaluated by the following objectives (Settlement Agreement 7.5.3.1(c)):

- (1) *Benefit fish recovery throughout the North Fork Lewis River, with priority to federal ESA-listed species;*
- (2) *Support the reintroduction of anadromous fish throughout the Basin; and*
- (3) *Enhance fish habitat in the Lewis River Basin, with priority given to the North Fork Lewis River*

Applicants will be requested to complete a Draft Proposal form that briefly describes the proposed project, expected results and benefits, and implementation details (see **Attachment A**). Upon receipt of a Draft Proposal, PacifiCorp will acknowledge receipt to author. It is the responsibility of the author to assure delivery of Proposal to PacifiCorp.



## 4.2 Aquatic Fund Evaluation Schedule

### *Draft proposals*

PacifiCorp will compile and provide Cowlitz PUD and the ACC copies of Draft Proposals for review by mid-**October**.

### *Proposed Project Information Meeting*

Applicants will be invited to participate in a project information meeting to present their proposals **during the November ACC meeting**. Following the November ACC meeting and proponent presentations, the ACC will provide the applicant any additional questions or request for clarification in written format by late November.

### *Final Proposal Due Date*

Final full proposals are due to PacifiCorp by late **December**. Any changes to construction methods, design and/or siting should be incorporated into the final proposal using track changes. Response to any ACC request for clarification must be included as an appendix to the final proposal and, as deemed appropriate by the project proponent, reflected in the final proposal.

### *ACC Evaluation of Final Full Proposals*

PacifiCorp will distribute a scoring template form to each ACC Representative organization by early **January**. Each ACC organization will evaluate and rank the Proposals and provide a completed scoring template to PacifiCorp by late **January**. PacifiCorp will distribute a combined master scoring template to ACC shortly thereafter. The submitted scoring templates provide initial responses, and entities may change their responses at any time up to the final project selection point.

### *Project Selection Meeting*

The project selection meeting will occur in February or no later than the March ACC meeting. Project authors are not permitted to attend the selection meeting. The purpose of the meeting is to reach consensus on those projects that are to receive funding from the Lewis River Aquatics Fund. It is the intent of the Settlement Agreement Parties that the ACC shall strive to operate by consensus and in the case of the Aquatics Fund, strive to reach agreement on Resource Projects to be funded. “Consensus” for funding of a project is defined per the Lewis River Settlement Agreement definition: “*Consensus*” means that all Parties participating in a committee or other decision-making group consent to a decision. Consent does not necessarily imply that a Party agrees completely with a particular decision, just that the Party is willing to go along with the decision rather than block the action.” If consensus is not achieved at the meeting, additional meetings will be scheduled and conducted as soon as possible.

Participation by ACC representatives is imperative at the Funding Selection meeting. Each ACC representative should participate, or in the case of a known absence, provide a written

proxy or a written response for the project(s) voting. If a representative is absent due to unforeseen circumstances the Utilities will contact absent representative and identify the consensus outcome of the Funding Selection meeting. If the absent representative objects to the meeting outcome, the Utilities will immediately schedule and conduct another ACC meeting.

At the Funding Selection meeting, the facilitator shall not allow questions to be asked of the Project proponent. The intent of the meeting is to have thoughtful discussions on the merit and benefit and funding of proposed projects rather than allowing a proponent additional time to promote their project. This process should ensure equal consideration to all projects whether the proponent is present or not. Once the ACC has consensus on the list of projects to receive funding, the Utilities will notify the project owners and submit the list to the FERC. (*Note: FERC defers project selection to the ACC*).

As provided in the Settlement Agreement, any disputes are to be resolved as expeditiously and informally as possible, and that issues within the scope of the ACC are discussed in those committees before being referred to the ADR Procedures. Any disputes among ACC members shall be resolved in accordance with the Settlement Agreement.

For each approved project, PacifiCorp will distribute funding according to an invoiced time and materials basis, with a not-to-exceed amount for the total project. Project proponents will be responsible to include a report of activities for invoiced amount. Upon project completion and prior to final invoice payment, project proponent, the utilities representatives, along with ACC representatives if they so choose, shall visit the project and conduct a project close-out review.

#### *Formal Approval*

Following the ACC's selection of approved projects and the ACC 7-day additional review period has expired without objection; selected projects are considered formally approved by the ACC. Formal approval is considered final and no objection to the project merits or delay in schedule is permitted unless 1) requested by the project applicant, or 2) contractor or applicant performance conflicts with the objectives, permitting approval, schedule or costs of the final proposal submitted to the ACC. Any modifications to approved projects require consultation and approval of the ACC.

#### *Notification to Applicants*

PacifiCorp will notify applicants of final project selections following formal approval noted above in February.

### **5.0 Review of Funding Process**

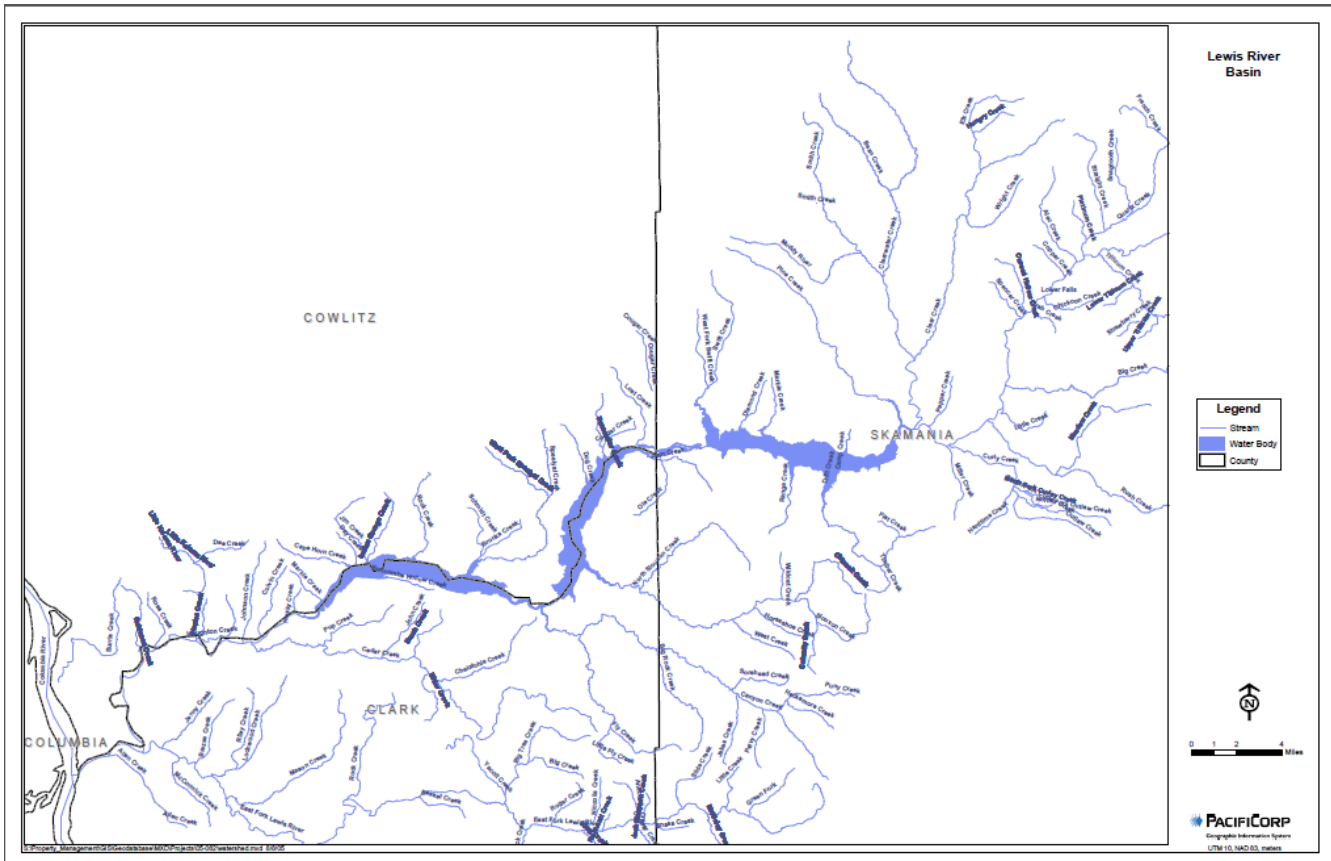
This document has been prepared in Consultation with the ACC representatives to meet identified obligations in the Settlement Agreement. As provided in the Settlement Agreement, this document which includes both the Aquatic Fund strategic plan and administrative aspects may be modified periodically with the approval of the ACC.

**Lewis River Aquatic Fund Process Timeline (see annual timeline for exact dates)**

<b>Activity</b>	<b>Target Milestone Date</b>
Request for proposals distributed along with landowner acknowledgement form	Late July
Draft Proposals due to ACC	Mid-October
Conduct Proposed Project Information Meeting ( <i>applicant presentations</i> )	November
ACC members submit written request for clarification of project information if questions not answered in previous meeting/presentation.	Early December
Final Proposals due (ACC requests for clarification need to be included as an Appendix)	Late December
Final Full Proposals and scoring template submitted to ACC for review and evaluation	Early January
ACC scoring template due to Utilities	Late January
Distribute combined scores to ACC	Early February
*Conduct Project Selection Meeting	February ACC meeting. March ACC meeting if additional time is necessary
Submit Aquatic Funding Report to FERC	By June 30

\*Project authors are not permitted to attend this meeting.

**Figure 1**  
**Geographic Scope of Aquatic Fund**



# Attachment A – Full Proposal Form

## FULL PROPOSAL FORM

### *Lewis River Aquatic Fund*

#### Form Intent:

To provide a venue for an applicant to clearly indicate the technical basis and support for proposed project. Specifically, the project's consistency with recovery plans, Settlement Agreement Fund objectives and priorities, technical studies and assessments which support the proposed action and approach.

#### Full Proposal format:

Please complete the following form for your Full Proposal. Maps, design drawings and other supporting materials may be attached.

The deadline for a Draft Full Proposal Form submission is **November 20, 2020**. Please submit materials to:

Erik Lesko  
PacifiCorp  
825 NE Multnomah Street, Suite 1800  
Portland, OR 97232  
[Erik.lesko@pacificorp.com](mailto:Erik.lesko@pacificorp.com)

1. Project Title
2. Requested Funding Amount \$
3. Project Manager (name, address, telephone, email)
4. Identification of problem or opportunity to be addressed

Summarize information about the problem or opportunity addressed by your Full Proposal.

5. Background

Provide information related to how this project fits into greater watershed objectives and any previously collected information at the project site (e.g. fish surveys, habitat delineation, etc.)

6. Project Objective(s)

State the objectives of your Full Proposal including how the project is consistent with Aquatics Fund objectives and priorities, and recovery plans. Clearly describe the biological benefits and expected outcome of your project. Describe the technical basis for the objectives including the identification of any supporting technical references.

Identify biological metrics to help quantify the benefit of the project. Describe effects to other resource areas such as recreation and wildlife.

The Aquatic Fund Subgroup to the ACC has completed a Lewis River Aquatic Fund Priority Reaches (Priority Reaches) document which provides priority rankings for stream reaches within the Lewis River watershed. The Priority Reaches document is aligned with the LCFRB Interactive map which is found on their website at <https://www.lcfrb.org/salmon-resource-map>.

The interactive maps provide a wealth of information that should help project proponents in selecting areas to focus their habitat improvement efforts. For consideration of funding the proponent must demonstrate that they have reviewed both the Priority Reaches and the LCFRB Interactive map and selected appropriate projects/reaches from those two tools. Additionally, proponent must show how proposed project is consistent with fund objectives and priorities. Projects proposed in reaches other than those identified in the Priority Reaches document or high priority reaches in the LCFRB habitat strategy (Tier 1 and Tier 2) need a clear explanation of why they still support Lewis River Aquatic Fund goals.

#### 7. Tasks

State the specific actions which must be taken to achieve the project objectives. [NOTE: if the project will cause any latent, dangerous condition (e.g. submerged wooden structures in a waterway used by boaters and/or tubers) include installation of permanent warning signs in the project tasks.]

#### 8. Methods

Describe methods to be used, by including the following:

- Preliminary Design including existing site plan with bankfull width indicated, plan view drawing overlaid with proposed actions of specific dimensions, and project profile and cross sections at important project locations showing water surface elevations relevant to the design including design flows. Structure design details should also be provided for instream projects involving large wood.
- Identify sources of Best Management Practices (BMPs) and how they will protect resource values.
- Describe how the restoration methods relate to specific fish habitat benefits and seasonal flow conditions, including expected short- and long-term functional habitat responses.

#### 9. Specific Work Products

Identify specific deliverable results of the project. Project managers will be required to provide status updates with submission of project invoices.

## 10. Project Duration

- a. Identify project duration. Note that duration of a project funded from Fiscal Year 2021 appropriations may extend beyond the end of the fiscal year.
- b. Provide a detailed project schedule to include:
  - Initiation of project
  - Completion date for each milestone or major task
  - Project close-out site visit (with PacifiCorp, Cowlitz PUD, and ACC representatives)
  - Monitoring & reporting on results

## 11. Permits and Authorizations

Identify any applicable permits and resource surveys required for project. Please include timeline for obtaining and any action taken to-date. Applicant will be responsible for securing all such necessary permits.

Obtain permission of all owners of land used for access to and completion of the project. **Landowner(s) must sign PacifiCorp's Release Agreement prior to finalization of a Funding Agreement with PacifiCorp.**

## 12. Matching Funds and In-kind Contributions

If applicable, describe any matching funds and/or in-kind contributions that you have secured or have requested through other means. Matching funds are those funds contributed to the project from other funding sources. In-kind contributions may include donated labor, materials, or equipment. Please be specific in your description of contributions and use of volunteers (e.g. ACE construction is donating 8 hours of backhoe operation including operator).

## 13. Peer Review of Proposed Project

It is encouraged that the Full Proposal be reviewed by an independent resource professional prior to submission for funding. Focus of such review should be on biological value, site selection and proposed methodology. Please note who completed the review and contact information. This does not have to be a third-party review and can come from someone associated with the sponsoring organization. For large wood projects in the mainstems of the Lewis or Muddy River, a peer review is required.

14. Budget

Provide a **detailed** budget for the project stages (Final design, Permitting, Construction, Signage, Monitoring/Reporting) by work task. Include:

Personnel costs

Labor and estimated hours for each project employee

Operating expenses

Supplies and materials

Mileage

Administrative overhead

Insurance expense, in accordance with Appendix A

If in-kind contributions have been acquired, please note contributions according to project stage within the budget.

15. Photo Documentation (*Per National Marine Fisheries Service's Biological Opinion for Relicensing of the Lewis River Hydroelectric Projects – August 27, 2007*):

Identify process or methodology project will include and provide “*photo documentation of habitat conditions at the project site before, during and after project completion*”.

- a. “*Include general views and close-ups showing details of the project and project area, including pre- and post-construction*”.
- b. “*Label each photo with date, time, project name, photographer's name, and documentation of the subject activity*”.

Please provide schedule of when photo documentation will be provided to the ACC.

16. Insurance. All qualifying applicants shall comply with PacifiCorp's insurance requirements set forth in Appendix A. The policy limits are deemed sufficient by PacifiCorp for project activities involving significant risk, including placement of large woody debris in navigable waterways, and are presumed to be sufficient for all activities likely to be funded under this Full Proposal Form. Should applicant's insurance program not meet these requirements, bid pricing should include any additional costs applicant would incur to comply with these requirements.



**Appendix A**  
**Insurance Requirements**  
**(Risk Mgmt. to evaluate risk by project and report needed insurance**  
**limits to Lewis River Project Coordinator)**

1. INSURANCE

Without limiting any liabilities or any other obligations of [CONTRACTOR], [CONTRACTOR] shall, prior to commencing the Project, secure and continuously carry with insurers having an A.M. Best Insurance Reports rating of A-:VII or better the following insurance coverage:

1.1 Workers' Compensation. [CONTRACTOR] shall comply with all applicable Workers' Compensation Laws and shall furnish proof thereof satisfactory to PacifiCorp prior to commencing the Project.

All Workers' Compensation policies shall contain provisions that the insurance companies will have no right of recovery or subrogation against PacifiCorp, its parent, divisions, affiliates, subsidiary companies, co-lessees, or co-venturers, agents, directors, officers, employees, servants, and insurers, it being the intention of the parties that the insurance as effected shall protect all parties.

1.2 Employers' Liability. Insurance with a minimum single limit of \$1,000,000 each accident, \$1,000,000 disease each employee, and \$1,000,000 disease policy limit.

1.3 Commercial General Liability. The most recently approved ISO policy, or its equivalent, written on an occurrence basis, with limits not less than \$1,000,000 per occurrence/ \$2,000,000 general aggregate (on a per location and/or per job basis) bodily injury (with no exclusions applicable to injuries sustained by volunteers working or participating in the Project) and property damage, including the following coverages:

- a. Premises and operations coverage
- b. Independent contractor's coverage
- c. Contractual liability
- d. Products and completed operations coverage
- e. Coverage for explosion, collapse, and underground property damage
- f. Broad form property damage liability
- g. Personal and advertising injury liability, with the contractual exclusion removed
- h. Sudden and accidental pollution liability, if appropriate
- i. Watercraft liability, either included or insured under a separate policy

1.4 Business Automobile Liability. The most recently approved ISO policy, or its equivalent, with a minimum single limit of \$1,000,000 each accident for bodily injury and property damage including sudden and accidental pollution liability, with respect to [CONTRACTOR]'s vehicles whether owned, hired or non-owned, assigned to or used in the performance of the Project.

1.5 Umbrella Liability. Insurance with a minimum limit of \$4,000,000 each occurrence/aggregate where applicable to be provided on a following form basis in excess of the coverages and limits required in Employers' Liability insurance, Commercial General Liability insurance and Business Automobile Liability insurance above. [CONTRACTOR] shall notify PacifiCorp, if at any time their minimum umbrella limit is not available during the term of this Agreement, and will purchase additional limits, if requested by PacifiCorp.

In addition to the requirements stated above any and all parties providing underground locate, engineering, design, or soil sample testing services including [CONTRACTOR], subcontractor and all other independent contractors shall be required to provide the followings insurance:

Professional Liability: [CONTRACTOR] (or its contractors) shall maintain Professional Liability insurance covering damages arising out of negligent acts, errors or omissions committed by [CONTRACTOR] (or its contractors) in the performance of this Agreement, with a liability limit of not less than \$1,000,000 each claim. [CONTRACTOR] (or its subcontractors of any tier) shall maintain this policy for a minimum of two (2) years after completion of the work or shall arrange for a two (2) year extended discovery (tail) provision if the policy is not renewed. The intent of this policy is to provide coverage for claims arising out of the performance of work or services contracted or permitted under this Agreement and caused by any error, omission for which the [CONTRACTOR] its subcontractor or other independent contractor is held liable.

Except for Workers' Compensation insurance, the policies required herein shall include provisions or endorsements naming PacifiCorp, its affiliates, officers, directors, agents, and employees as additional insureds.

To the extent of [CONTRACTOR]'s negligent acts or omission, all policies required by this Agreement shall include provisions that such insurance is primary insurance with respect to the interests of PacifiCorp and that any other insurance maintained by PacifiCorp is excess and not contributory insurance with the insurance required hereunder, provisions that the policy contain a cross liability or severability of interest clause or endorsement, and that [CONTRACTOR] shall notify PacifiCorp immediately upon receipt of notice of cancellation, and shall provide proof of replacement insurance prior to the effective date of cancellation. No required insurance policies, except Workers' Compensation, shall contain any provisions prohibiting waivers of subrogation. Unless prohibited by applicable law, all required insurance policies shall contain provisions that the insurer will have no right of recovery or subrogation against PacifiCorp, its parent, affiliates, subsidiary companies, co-lessees, agents, directors, officers, employees, servants, and insurers, it being the intention of the Parties that the insurance as effected shall protect all parties.

A certificate in a form satisfactory to PacifiCorp certifying to the issuance of such insurance shall be furnished to PacifiCorp prior to commencement of the Project by [CONTRACTOR] or its volunteers or contractors. If requested, [CONTRACTOR] shall provide a copy of each insurance policy, certified as a true copy by an authorized representative of the issuing insurance company, to PacifiCorp.

[CONTRACTOR] shall require subcontractors who perform work at the Project to carry liability insurance (auto, commercial general liability and excess) workers' compensation/employers' or stop gap liability and professional liability (as required) insurance commensurate with their respective scopes of work. [CONTRACTOR] shall remain responsible for any claims, lawsuits, losses and expenses including defense costs that exceed any of its subcontractors' insurance limits or for uninsured claims or losses.

PacifiCorp does not represent that the insurance coverage's specified herein (whether in scope of coverage or amounts of coverage) are adequate to protect the obligations [CONTRACTOR], and [CONTRACTOR] shall be solely responsible for any deficiencies thereof.

# Attachment B – Sample Scoring Template

## AQUATIC FUNDS PROJECT SCORING TEMPLATE

Reviewers: to complete your evaluation, please fill in each of the green shaded boxes for each of the proposals listed. Please send your completed evaluation to erik.lesko@pacificcorp.com

Reviewing Representative or Agency:

Project Number	Project Name	PRIORITY OBJECTIVES					Benefits to Fish (35%)			Scientific Validity (30%)				Feasibility (20%)				Cost Effectiveness (15%)				Project of Concern?	TOTAL PROJECT					
		GO or NO-GO					Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13	Q14	Weighted Score		Rank					
		1	2	3	4	5	Scores (use only whole numbers, 0 - 10 with 10 being best)																					
							10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10		100.0	1
							0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0.0	2

### PRIORITY OBJECTIVES

- 1 Benefit fish recovery throughout the North Fork Lewis River, with priority to federal ESA-listed species?
- 2 Support the reintroduction of anadromous fish throughout the Basin?
- 3 Enhance fish habitat in the Lewis River Basin, with priority given to the North Fork Lewis River?
- 4 Is the proposal consistent with applicable Federal, State, and local laws and plans to the extent feasible?
- 5 Are any funds requested that would otherwise be required by law to perform?

### EVALUATION QUESTIONS

- Q1 Does the project provide direct benefit(s) to priority species and habitat reaches?
- Q2 Does the project lead to or provide tangible, on the ground benefits?
- Q3 Does the project address a limiting factor(s) to the target species without adversely impacting other species, life history stages, or habitat processes?
- Q4 Does the proposal apply reasonable and proven methods, designs and technologies?
- Q5 Are the project objectives reasonable based on the proposed scope and schedule?
- Q6 Does the project describe and consider long term benefits and influences (e.g., watershed processes, hydro operations, climate change, etc.)?
- Q7 Does the proposal resolve identified or anticipated constraints or contingencies (e.g., permitting, funding, legal, etc.)?
- Q8 Does the project have a high probability of success? (in meeting project objectives?)
- Q9 Do the qualifications and experience of the team support successful completion of the project?
- Q10 Are there other habitat protection or restoration actions in the watershed that would benefit or compliment this project?
- Q11 Does the project include additional funding sources (e.g., grants, matching contributions, in-kind participation, etc.)?
- Q12 Is the project budget reasonable based on the proposed scope of proposal?
- Q13 Is the project budget reasonable based on the anticipated short and long-term benefits to fish?
- Q14 Is the anticipated level of post-project maintenance reasonable given the size and scope of the proposal?