

LEWIS RIVER AQUATIC COORDINATION COMMITTEE

Facilitator: ERIK LESKO
503-412-8401

Location: TEAMS MEETING ONLY

Date: December 9, 2021

Time: 9:30 AM – 12:00 PM

AGENDA ITEMS

- | | |
|----------|--|
| 9:30 AM | Welcome <ul style="list-style-type: none">➤ Review and Accept 12/9/2021 Agenda➤ Review and Accept 11/16/2021 Meeting Notes |
| 10:00 AM | Public Comment Opportunity – Kelley Jorgensen, timing of proposed final Aquatic Fund proposal (Northwoods habitat restoration) . |
| 10:15 AM | Aquatic Fund Process and Budget Update
<i>Erik Lesko</i> |
| 10:30 AM | Fish Passage Subgroup Development – decision document
<i>Bill Sharp/Erik Lesko</i> |
| 11:15 PM | Study/Work Product Updates <ul style="list-style-type: none">➤ Flows/Reservoir Conditions Update➤ ATS Update➤ Fish Passage Update➤ USFWS update on fish stranding above Swift (tentative)➤ 2022 ACC meeting schedule (teams)➤ NMFS interim representative – Bonnie Shorin |
| 11:45 PM | Next Meeting's Agenda
Public Comment Opportunity |
| 12:00 PM | Meeting Adjourn |
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**FINAL Meeting Notes
Lewis River License Implementation
Aquatic Coordination Committee (ACC) Meeting
December 9, 2021
TEAMS Meeting Only**

ACC Representatives and Affiliates Present (17)

Sarah Montgomery Anchor QEA
Eli Asher, Cowlitz Indian Tribe
Amanda Froberg, Cowlitz PUD
Steve West, LCFRB
Scott Anderson, NMFS
Bonnie Shorin, NMFS
Chris Karchesky, PacifiCorp
Erik Lesko, PacifiCorp
Jeremiah Doyle, PacifiCorp
Mark Ferraiolo, PacifiCorp
Briana Weatherly, PacifiCorp
Jim Byrne, Trout Unlimited
Kate Day, USFS
Jeff Garnett, USFWS
Peggy Miller, WDFW
Bryce Glaser, WDFW
Bill Sharp, Yakama Nation

Guests (3)

Matt Harding (Northwoods)
Kelley Jorgensen (on behalf of Northwoods)
Jase Stefanski (public)

Calendar:

December 9, 2021	ACC Meeting	TEAMS Meeting
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Assignments from December 9, 2021	Status
Lesko: Notify Kelley Jorgensen and Matt Harding if there are any changes to the interpretation of eligibility for Aquatic Funds projects that address stranding in Swift Reservoir (before the submittal deadline).	Completed
Fish Passage Subcommittee: finalize the Decision Document for the formation of the Fish Passage Subcommittee and recommend it to the ACC for final approval.	Ongoing.

Assignments from November 16, 2021	Status
All: Provide comments on the Aquatic Monitoring and Evaluation Plan (AMEP) to Chris Karchesky by February 15, 2022.	Ongoing.

Bridget Moran: Ask Jonathan Stumpf who will be the Fish Passage Subcommittee representative for Trout Unlimited.	Complete.
Erik Lesko: Extend the Aquatic Fund period of performance for the Chum Channel Project.	Ongoing.

Assignments from August 13, 2020	Status
ACC: Members to provide background information regarding why the Merwin floating trap design was identified as part of Settlement Agreement.	Ongoing.

Opening, Review of Agenda and Meeting Notes

Erik Lesko (PacifiCorp) called the meeting to order at 9:35 a.m. and reviewed the agenda. Lesko added an item under public comment for Aquatic Fund applicants. He also added the 2022 ACC meeting schedule and NMFS interim representative updates. Lesko reviewed the November 16, 2021, meeting notes. The meeting notes were approved at 9:55 a.m., with clarifying edits from Washington Department of Fish and Wildlife (WDFW), and with one pending detail from Jorgensen that the ACC requested be included in the final version of the minutes.

Public Comment Opportunity

Matt Harding (Northwoods) said he understands that there is some uncertainty about whether the project proposed by Northwoods is eligible for Aquatic Funds. He asked what the best path forward is, as Northwoods continues to fund proposal development. Erik Lesko (PacifiCorp) responded that the proposed project currently meets the standards of eligibility for Aquatic Funds. If that were to change sometime in 2022, it could affect funding eligibility for the project. He acknowledged there is a risk to the applicant in submitting the final proposal.

Bonnie Shorin (NMFS) said she understands that a project has been proposed by Northwoods that addresses stranding in Swift Reservoir, but projects are not eligible for funds if the work included in the project would be required through other means, such as the Settlement Agreement, terms and conditions of a Biological Opinion (BiOp), etc. She said NMFS is in the process of adding terms and conditions to the BiOp that would address stranding in Swift Reservoir, however the language would not be very specific and likely would not disqualify projects such as the one proposed by Northwoods from receiving Aquatic Funds.

Bryce Glaser (WDFW) agreed with Shorin's assessment and noted that another issue is the cost of the project. He said the proposed project is only for design, and the anticipated construction costs of the project could make it cost-prohibitive to fund in the future based on the funds available.

Eli Asher (Cowlitz Indian Tribe) said he also has concerns about the proposed project's costs. He said the cost of the design work and prospective cost of construction should be weighed against the benefits to aquatic species. It is also important to consider whether this is a technically feasible habitat restoration project or whether it is primarily a project that benefits landowners that wish to use the shoreline.

Kelley Jorgensen thanked the ACC for the feedback and said it would be helpful to have these comments as written comments submitted on the draft proposal. Asher said he provided these additional comments as a professional courtesy, not as a formal comment on the technical aspects of the proposal.

Jorgensen said the intent of the proposal is to investigate the feasibility of addressing a documented source of direct mortality in the basin. Because it addresses direct mortality, the benefits would be greater than other projects that address existential threats if considered in a cost-benefit analysis. She said the feasibility study will consider a variety of options, including a no-build alternative, with a range of costs. She said the project has been scaled up to address habitat functions, primarily the threat of stranding. She said though Matt Harding is a cabin owner at Northwoods, he has an environmental background and brought forward this concern. The potential side benefit of restoring aquatic access for Northwoods is not the primary purpose.

Jim Byrne (Trout Unlimited) suggested that due to the documented mortality, stranding should be addressed through a revised BiOp rather than Aquatic Funds. Scott Anderson (NMFS) said the Services are working on addenda to the BiOps, so there is legal coverage for the take occurring. Shorin said the timeline for the addendum to the NMFS BiOp is likely January, due to procedural reviews that need to occur.

Glaser suggested refocusing the discussion to address the public comment—under current rules and regulations, would the project proposed by Northwoods be ineligible for Aquatic Funds? Lesko said the issue of whether the project should be funded will be addressed during the evaluation period, but what he currently understands is that if NMFS amends the BiOp to provide coverage for stranding, that does not necessarily make any restoration project that addresses stranding ineligible.

Jase Stefanski introduced himself to the ACC and provided public comments. He said he has owned land and a small business in the Northwoods area for 22 years. He said he supports fish passage restoration and restoration in general, due to his background in fishing and interest in conservation. He said it seems like PacifiCorp has obligations that have been neglected. He said the primary issue with relicensing appears to be that the fish are not being taken care of, and he would like to see PacifiCorp be responsible for the natural resources. He urged the ACC do more. He added that wildfires are another concern that the ACC should be considering. He said he would like to hear a commitment from the ACC that fish passage is coming, and if that is not possible, a clear reason why. He said there are many community members who share the same concerns, and he intends to stay involved in this process.

Lesko thanked Stefanski for his comments. He said he understands the focus of Jase's comments are related to the extent of PacifiCorp's obligations regarding fish passage including fish stranding in Swift Reservoir.

Glaser also thanked Stefanski for his comments and for joining the meeting. He noted concerns about fish passage and said that the ACC has developed a Fish Passage Subcommittee (FPS) to address these topics. Asher agreed and said the Cowlitz Indian Tribe was looking forward to implementing fish passage at Yale in 2021, and they continue to keep the pressure on PacifiCorp to implement fish passage obligations.

Byrne said Trout Unlimited believes the documented mortality events should be addressed either through Aquatic Funds or through the BiOps. Either way, it is important to eliminate this source of mortality and he hopes the Services put this requirement in writing.

As a point of process, Lesko noted that public comments are welcome at the beginning and end of meetings, and members of the public are welcome to listen in to the other sections of the meeting, but do not have voting rights.

Aquatic Fund Process and Budget Update

Erik Lesko shared a table (Attachment A) summarizing the status of the Lewis River Aquatic Fund. He said there are several subcomponents of the fund (e.g., large woody debris), but for purposes of today he would only focus on the Aquatics Resources and bull trout components of the fund. As of November 2021, the combined funds (aquatic and bull trout) balance is approximately \$3.6 million. Annual contributions are provided by PacifiCorp to the aquatic resources component in the amount of \$225,000 (2004 dollars) through the year 2027. Both the aquatics and bull trout funds will continue to accrue monthly interest on the remaining balances for each component. If no more expenditures occur, the combined balance of both funds would be approximately \$6.2 million at the end of 2027 (after all contribution have been made).

Miller noted that the funds available for bull trout projects must have a nexus to bull trout, so the \$6.2 million total includes a subset that must address bull trout issues. Lesko agreed.

Lesko said he prepared this summary to provide perspective for evaluating the costs and benefits of Aquatic Fund proposals, which the ACC will evaluate in February. The ACC thanked Lesko for the materials.

Fish Passage Subgroup Development

Bill Sharp provided an update on the development of the Fish Passage Subgroup (FPS) and Lesko shared the Decision Document for the FPS (Attachment B). Sharp said the FPS has begun meeting on the third Wednesday of every month from 3 to 5 pm. Lesko said the ACC has previously seen the draft version of this Decision Document that Sharp sent out, and he added a few additional details. Procedurally, the ACC will need to approve this decision, but the FPS can review the document, make a clean version, and provide a recommendation to the ACC to approve it. Lesko said the final Decision Document will be provided in advance of the January ACC meeting for formal ACC approval.

Byrne asked for a summary of PacifiCorp's edits. Lesko said one comment is whether the Settlement Agreement will need to be amended to address fish passage. Lesko said the ruling from the Services overrules anything listed in the Settlement Agreement pertaining to Section 18 authority.

Miller said it seems that FERC ruled it would be applicable to submit an extension of time request for five years per the Services' recommendation (as described in the Decision Document); however, she is not aware that an extension of time request has been submitted. She asked whether the Services' letter or FERC's response would take precedent. Lesko said the revisions he provided on the Decision Document are directly from the letter PacifiCorp received from the Services. He said his revisions do not interpret any of that correspondence—he just included the language directly. Asher said he is also not aware of the filing of an extension request and believes that PacifiCorp is stalling the process. Miller suggested deleting the information about the extension of time because it is unknown. Glaser reminded the ACC that the Decision Document should focus on the formation of the subcommittee, so any unknown or divisive language that is not directly

pertinent to the formation of the group could be deleted. He reminded the ACC that the FPS is also developing a charter that will help clarify the scope of the group.

As a point of process, Glaser noted that public comments and questions are generally limited to the public comment periods of the meeting, but Lesko recognized Stefanski and allowed him to proceed with his comments.

Stefanski said he would like to see a summary of the why a subcommittee is necessary to decide on fish passage obligations. Sharp responded that fish passage technology is improving, and one job of the FPS is to understand and communicate the best available science regarding fish passage to PacifiCorp. Glaser added that the FPS is not focused on determining whether fish passage is appropriate or will happen (that occurs at high levels between PacifiCorp and federal agencies). The FPS is focused on technology, methods, and implementation.

Sharp said the next steps for this decision are for the FPS to revise it and provide a final copy for the ACC to approve.

Study/Work Product Updates

Flows/Reservoir Conditions Update

Merwin Reservoir – currently at 232.9 (-6.79)

Yale Reservoir – currently at 464.4 (-25.6)

Swift Reservoir – currently at 977.8 (-22.2)

Total current hole – 54.56 feet (44.56) feet when Yale limitation is included)

Lesko said flows in the Lewis River have settled down since the previous meeting when rivers were in flood stage. Overall, the discharge has decreased (currently, 6,020 cfs), and available reservoir storage (total hole) has increased by approximately 18 feet since our last meeting.

ATS Update

Erik Lesko said the ATS is currently working to finish the 2022 AOP. He has contracted with Anchor QEA to assist in completing the 2022 AOP due to the many changes resulting from the 2020 H&S Plan. He said WDFW are also supporting developing of the genetics monitoring section. He anticipates having a final draft prepared by the end of January.

Merwin Fish Passage Update (see also Attachment C for the November Fish Passage Report)

Karchesky said approximately 8,700 coho have passed upstream and the run is coming to an end and fish condition has deteriorated. This is standard for the end of the migratory period, and he expects that only a few more coho will be taken upstream at the beginning of the year. He said hatchery winter steelhead have started arriving at Merwin Trap. He noted there is a scheduled 24- to 48-hour outage in early January at Merwin to complete minor maintenance (e.g., make sure the crowder is working). Early January is generally a quiet time for upstream passage.

Swift Floating Surface Collector (see also Attachment D for the November Fish Passage Report)

Karchesky said the Swift FSC returned to service last month. The FSC saw a record number of downstream migrants in November, which is likely attributed to high inflows in the upper basin that pushed fish downstream. He said the migrants mainly comprised of smaller smolts and parr.

Since temperatures have reduced and flows are decreased, the number of migrants has also decreased, and they are currently seeing about 300 to 500 per day currently.

Karchesky said the ACC is provided with an annual summary of collection efficiency at the Swift FSC. This usually occurs in January, where the contractor is invited to present the year's results to the ACC. He said this is an opportunity for the ACC to learn more about what has recently been done to improve collection efficiency and provide feedback on general direction for improvements or analyses in future years. He asked the ACC whether they are still interested in having this on the agenda for January, or if it would be better suited for the ATS to discuss as a technical item, to provide recommendations prior to the ACC meeting. Representatives present including Byrne, Miller, and Asher stated that they would like to continue being involved in these discussions, whether at the ACC or ATS level. Karchesky said the ACC can continue being the venue for reviewing collection efficiency data, and this presentation will be scheduled for January.

Lewis River Fish Passage Update

See Attachment E.

USFWS Update on Fish Stranding Above Swift Dam

Jeff Garnett said he has been discussing the fish stranding issue with Scott Anderson and Bonnie Shorin and has been making headway on a path forward, which he will discuss soon with Lesko. Brianna Weatherly asked whether the Services are planning to issue coverage under the existing BiOp in the near term, before revisions related to the in lieu decision are addressed. She noted that draft Biological Assessments for providing fish passage include coverage for fish stranding above Swift Dam. Garnett said this issue was initially discussed independent of the in lieu decision but said it could feasibly be addressed through the existing BiOp, an independent BiOp, or a future BiOp related to the in lieu decision. Shorin said NMFS intends to address the additional source of take not previously analyzed in the 2007 BiOp with an addendum to the 2007 BiOp. She said the other consultation process that was in development relates specifically to revisions to fish passage.

Glaser asked how the consultation pathway might affect the eligibility of projects that address fish stranding for Aquatic Funds. She said she does not see anything in the existing biological opinion that would preclude a habitat restoration project that addresses stranding from being eligible for Aquatic Funds. She noted that this may need to be vetted by NMFS general counsel. Byrne said the stranding issues are not occurring in a vacuum and have multiple causes. He suggested that the mortality should be reduced to the extent possible by whatever means is possible, like through a different relicensing pathway.

Asher, Lesko, and Shorin conferred on the metric that was used to analyze the drawdown rate at which stranding occurs. Lesko said that the Utilities reviewed the Settlement Agreement, FERC licenses and existing BiOps and could find no mention of ramping rates other than in the North Fork Lewis River downstream of Merwin Dam. Shorin noted that she may have been looking at the flow data downstream of Merwin.

Asher said the question the ACC discussed during the last meeting was whether the project, which addresses stranding, could or would potentially be an obligation established in the license. He said his goal has been to address the stranding issue without the pathway being that the Aquatic Fund pays for it. He said ideally there would be more funds available to address additional needs that have been identified over the term of the license implementation; he does not mean to disqualify habitat restoration projects from funding.

Glaser agreed with Shorin that a term and condition related to down-ramping rates would make sense to address stranding. He said NMFS should also consider needs to monitor stranding and take further action if stranding is not adequately resolved. If language pertaining to further action is included in the BiOp, that could potentially affect eligibility of projects for funding, in his opinion. He said he too does not seek to eliminate a project from eligibility, but to understand if there will be an obligation for PacifiCorp to work on the issue and provide resources for monitoring and resolving it alongside anything that is implemented through the Aquatic Fund.

Shorin said it is standard for NMFS to include a monitoring component with a term and condition. She noted that the Swift FSC also has performance metrics, so if the collector continues to make iterative improvements, there would be fewer fish in the reservoir that could strand. She said performance metrics for the collector would not be modified by any additional terms and conditions for take related to stranding. Glaser added that the AMEP also has a requirement to estimate or evaluate the number of juveniles entering the reservoir and an expected collection efficiency. He said stranding could therefore affect metrics in the AMEP (it would be challenging to meet downstream passage targets if fish are stranding instead of going downstream). Karchesky added the AMEP's metrics include several metrics that cannot be adjusted, like downstream survival. This metric, for instance, evaluates not only survival through the reservoir, but also collection efficiency. Constant improvements are required to meet those performance standards.

Public Comment Opportunity

Kelley Jorgensen said she appreciates the ACC's discussion and feedback regarding the eligibility of projects that address fish stranding for Aquatic Funds. She said based on today's discussions, she understands that the Northwoods proposal is not precluded from eligibility at this time; however, the situation could change. She asked that the ACC keep her and Matt Harding updated if anything should change, because Northwoods continues to fund development of the final application.

Garnett agreed with Jorgensen's interpretation. Lesko said he will indeed provide any updates on project eligibility to Harding and Jorgensen.

NMFS Interim Representative – Bonnie Shorin

Erik Lesko said Bonnie Shorin will be the interim ACC representative for NMFS while Scott Anderson is on detail. Shorin is familiar with fish passage issues in the Lewis River basin and has experience working with many members of this group. The ACC welcomed Shorin and Lesko noted that he will update the distribution list and representatives list as needed.

Other

Erik Lesko noted that ACC meetings have been scheduled through the end of 2022. He said he will provide a new meeting invitation for the series so the old series can be deleted from calendars. The meetings will continue to be held virtually until decided otherwise.

Agenda Items for January 13, 2022

- Review December 9, 2021, Meeting Notes **(ACC COMMENTS DUE January 6, 2022)**
- Swift FSC Collection Efficiency Presentation
- Finish Decision Document: Fish Passage Subgroup
- Update on Scoring Matrix Template for Aquatic Funds

- Update on In Lieu Decision (Tentative)
- Services Update on Fish Stranding above Swift (Tentative)
- Study/Work Product Updates

Adjourn 11:39 a.m.

Next Scheduled Meeting

January 13, 2021
Teams Call Only
9:30 a.m. – 12:30 p.m.

Meeting Handouts & Attachments

- Meeting Notes from 11/16/2021
- Agenda from 12/9/2021
- **Attachment A** – Aquatic Fund Update
- **Attachment B** – Fish Passage Subcommittee Decision Document
- **Attachment C** – Merwin Adult Trap Collection Report (November 2021)
- **Attachment D** – Swift FSC Facility Collection Report (November 2021)
- **Attachment E** – Lewis River Fish Passage Report (November 2021)

Note: all meeting notes and the meeting schedule can be located at:
<https://www.pacificorp.com/energy/hydro/lewis-river/acc-tcc.html>

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

[+1 563-275-5003](tel:+15632755003),[86743835#](tel:+1563275500386743835) United States, Davenport

Phone Conference ID: 867 438 35#

Lewis River Aquatic Resources Fund

Month	Beginning Balance	Funds Received	Funds Dispersed*	Accrued Interest	Ending Balance
Jan-21	\$ 3,052,356	\$ 59,795		\$ 8,489	\$ 3,120,640
Feb-21	\$ 3,120,640			\$ 7,780	\$ 3,128,420
Mar-21	\$ 3,128,420			\$ 8,635	\$ 3,137,056
Apr-21	\$ 3,137,056	\$ 309,285		\$ 8,407	\$ 3,454,748
May-21	\$ 3,454,748			\$ 9,536	\$ 3,464,284
Jun-21	\$ 3,464,284		\$ 525,696	\$ 8,739	\$ 2,947,327
Jul-21	\$ 2,947,327			\$ 8,135	\$ 2,955,462
Aug-21	\$ 2,955,462			\$ 8,158	\$ 2,963,620
Sep-21	\$ 2,963,620			\$ 7,917	\$ 2,971,537
Oct-21	\$ 2,971,537			\$ 8,202	\$ 2,979,739
Nov-21	\$ 2,979,739			\$ 7,960	\$ 2,987,698

* 2021 Pepper Creek Culvert Removal and Road Hydro-Stabilization, USFS (\$48,210)
 2021 SW Washington Nutrient Enhancement Coalition, LCFEG (\$143,966)
 2021 Clear Creek and Clearwater Creek Restoration Design, USFS (\$333,520)

Lewis River Aquatics Fund - Bull Trout

Month	Beginning Balance	Funds Received	Funds Dispersed*	Accrued Interest	Ending Balance
Jan-21	\$ 834,906			\$ 2,305	\$ 837,210
Feb-21	\$ 837,210			\$ 2,087	\$ 839,298
Mar-21	\$ 839,298			\$ 2,317	\$ 841,614
Apr-21	\$ 841,614			\$ 2,248	\$ 843,863
May-21	\$ 843,863			\$ 2,329	\$ 846,192
Jun-21	\$ 846,192		\$ 192,850	\$ 2,071	\$ 655,413
Jul-21	\$ 655,413			\$ 1,809	\$ 657,222
Aug-21	\$ 657,222			\$ 1,814	\$ 659,037
Sep-21	\$ 659,037			\$ 1,760	\$ 660,797
Oct-21	\$ 660,797			\$ 1,824	\$ 662,621
Nov-21	\$ 662,621			\$ 1,770	\$ 664,391

* 2021 Rush Creek Side Channel, USFS (\$192,850)

Aquatics Fund – Combined

Month	Beginning Balance	Funds Received	Funds Dispersed*	Accrued Interest	Ending Balance
21-Jan	\$ 3,887,262	\$ 59,795	-	\$ 10,794	\$ 3,957,850
21-Feb	\$ 3,957,850	-	-	\$ 9,868	\$ 3,967,718
21-Mar	\$ 3,967,718	-	-	\$ 10,952	\$ 3,978,670
21-Apr	\$ 3,978,670	\$ 309,285	-	\$ 10,656	\$ 4,298,610
21-May	\$ 4,298,610	-	-	\$ 11,865	\$ 4,310,476
21-Jun	\$ 4,310,476	-	\$ 718,546	\$ 10,811	\$ 3,602,740
21-Jul	\$ 3,602,740	-	-	\$ 9,945	\$ 3,612,685
21-Aug	\$ 3,612,685	-	-	\$ 9,972	\$ 3,622,657
21-Sep	\$ 3,622,657	-	-	\$ 9,677	\$ 3,632,334
21-Oct	\$ 3,632,334	-	-	\$ 10,026	\$ 3,642,360
21-Nov	\$ 3,642,360	-	-	\$ 9,730	\$ 3,652,089
		\$369,080	\$718,546	\$ 114,296	

Just for fun...

Estimated balance when funding ends (2027) and no further expenditures

	Ending Balance Dec 2021	Additional Funding*	Accrued Interest**	Ending Balance Dec 2027
Aquatics Fund	\$ 2,996,000	\$ 1,860,000	\$ 832,000	\$ 5,688,000
Aquatics Fund - Bull Trout	\$ 666,000		\$ 145,000	\$ 807,000
	\$ 3,662,000		\$ 973,000	\$ 6,267,000

* \$225,000 (2004 dollars) added each year 2023 - 2027:
Total = \$1,350,000 (adjusted 2021 dollars = ~ \$1,860,000)

** Monthly accrual of interest at 3.25%)

North Fork Lewis River Project **Request for Decision Template**

Creation of North Fork Lewis River Fish Passage Subcommittee

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)

The Services determined that passage, as required in the current license, remains appropriate. Based on the letters, 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 Settlement Agreement conditions (Section 4: Fish Passage Measures) in the development of the fish passage facilities on the North Fork Lewis River. Recommendations from the FPS will help guide the ACC in determining their recommendations for the implementation of 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 14th 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, Orders, and Settlement-Agreement, and report those recommendations to the ACC.

What specifically is the Committee to decide?

Passage Subcommittee members will provide recommendations to the ACC for conditions specified in Section 4 of the Settlement Agreement, FERC licenses and Orders. This includes but is not limited to providing information for short term steps to achieve Section 4 conditions such as review of additional passage information, examine fish passage technologies and current operations, identify study needs, and review design plans.

The Fish Passage sub-committee (FPS), under the direction of the ACC, shall assist in development and review of designs for downstream passage at Yale Dam, downstream passage at Merwin, upstream passage at Yale and upstream passage at the Swift projects provided by Utilities. 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 facilities.

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 Settlement 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

Request No. [2021 – 01]

Request Date: [10-14-2021]

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 letters indicating that fish passage remains appropriate.

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?**
NO

7. Additional Information or Notations

Fish Facility Report
Swift Floating Surface Collector
November 2021

Day	Coho			Chinook			Steelhead				Cutthroat		Bull Trout	Planted Rainbow	Total	
	fry	parr	smolt	fry	parr	smolt	fry	parr	smolt	kelt	fry	<13 in				> 13 in
1																
2																
3																
4																
5		266	40			0			0					0	0	306
6																
7																
8																
9																
10	2	150	39			0			0					0	0	191
11	59	418	465			38			6			6	1	0	0	993
12	56	831	252		1	14			4					0	0	1158
13		455	48			1			1			1		0	0	506
14	20	296	52			5		4	2	1		3		0	0	383
15	30	573	345		4	14		3	10			2	1	0	1	983
16	29	1371	647			4	1		5			5		0	0	2062
17	159	2720	1011			28			16			10		0	0	3944
18	53	1203	448			0			20					0	0	1724
19	74	1640	784			17			12			8		0	2	2537
20	41	352	156			4	2		8			4		0	0	567
21	46	629	318			0			4					0	0	997
22	172	1351	176			10		1	0			7	4	0	0	1721
23	94	617	163			20			12			5		0	0	911
24	54	390	47		8	2	1	8	0				2	0	0	512
25	61	638	133			4	5	4	4				1	0	4	854
26	49	433	28			15		5	14			4		0	0	548
27	36	479	4			7			5					0	0	531
28	43	352	14			10	1		0					0	0	420
29	48	178	41			12			8					0	0	287
30	28	678	194			12		1	1					0	0	914
Monthly	1154	16020	5405	0	13	217	10	26	132	1	0	55	9	0	7	23049
Total	1554	20221	45141	27	525	2153	33	172	5522	35	3	700	26	6	4137	80255

Lewis River Fish Passage Report

November 2021

Merwin Fish Collection Facility and General Operations

During the month of November, a total of 5,224 fish were captured at the Merwin Dam Adult Fish Collection Facility (MFCF). Late-run coho were the most prevalent species collected this month (n= 3,383), followed by early run coho (n=1,694), winter steelhead (n=68), cutthroat trout (n=52), Fall Chinook (n=17), summer steelhead (n= 8), and Chum (n=1). Year-to-date coho collection totals remain substantially higher than the 2014-2020 average (Figure 1). In addition to the robust coho run, Cutthroat trout collection totals at the MFCF are the highest recorded since the completion of the facility in 2014. A total of 121 adult coho containing PIT tags have been detected passing the Merwin facility so far this Fall. All of these fish had been PIT tagged as juveniles at the Swift Floating Surface Collector (FSC) in the spring of 2020.

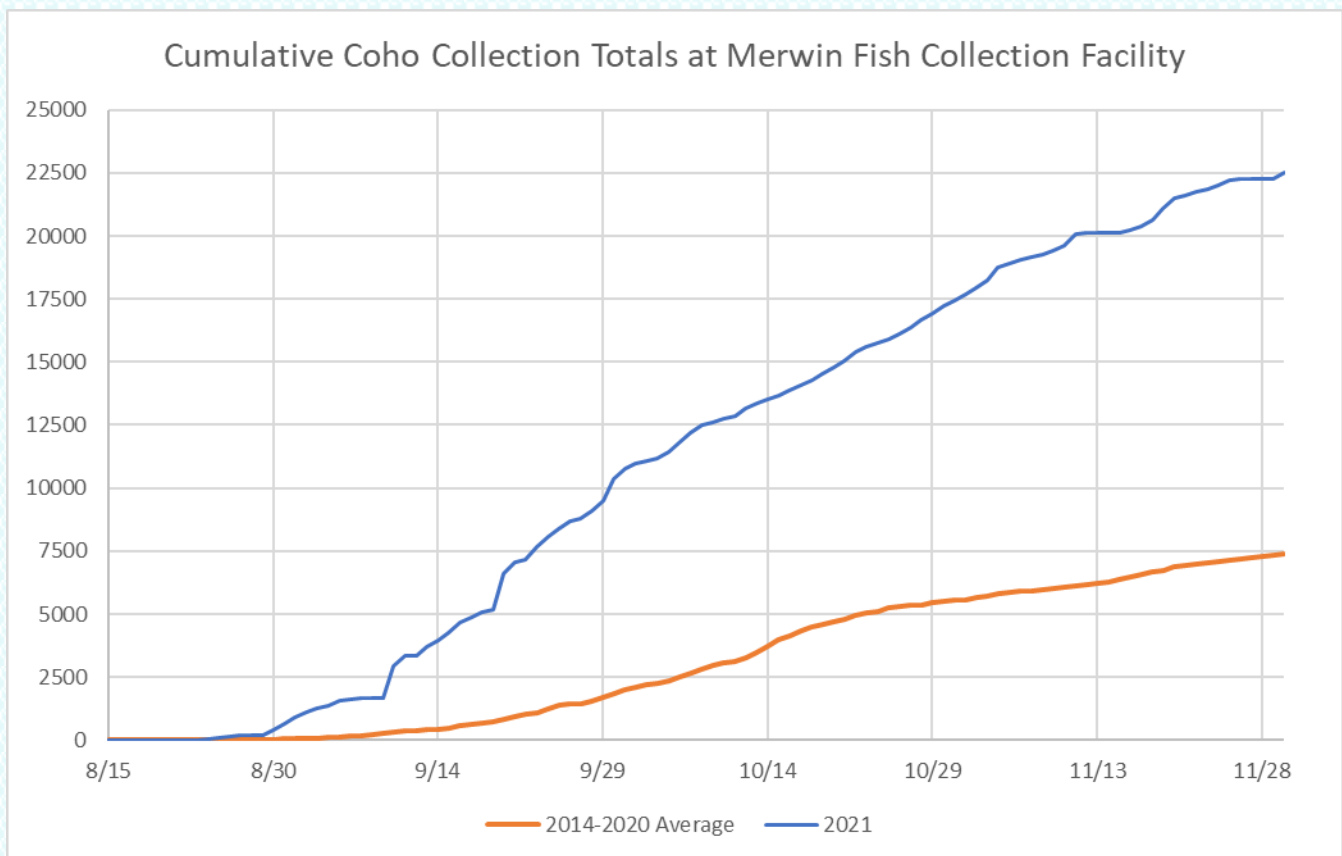


Figure 1. Year-to-date coho collection totals compared to 2014-2020 average collection totals.

The MFCF was taken out of service on November 13 due to high river flows below Merwin Dam exceeding the design capacity of the lift and conveyance system. The facility was returned to

service on November 16. The MFCF was also take out of service again on November 26 through November 29 due to a faulty PLC and control issues associated with the fish lift.

Flows below Merwin Dam varied considerably throughout the month (Figure 2).

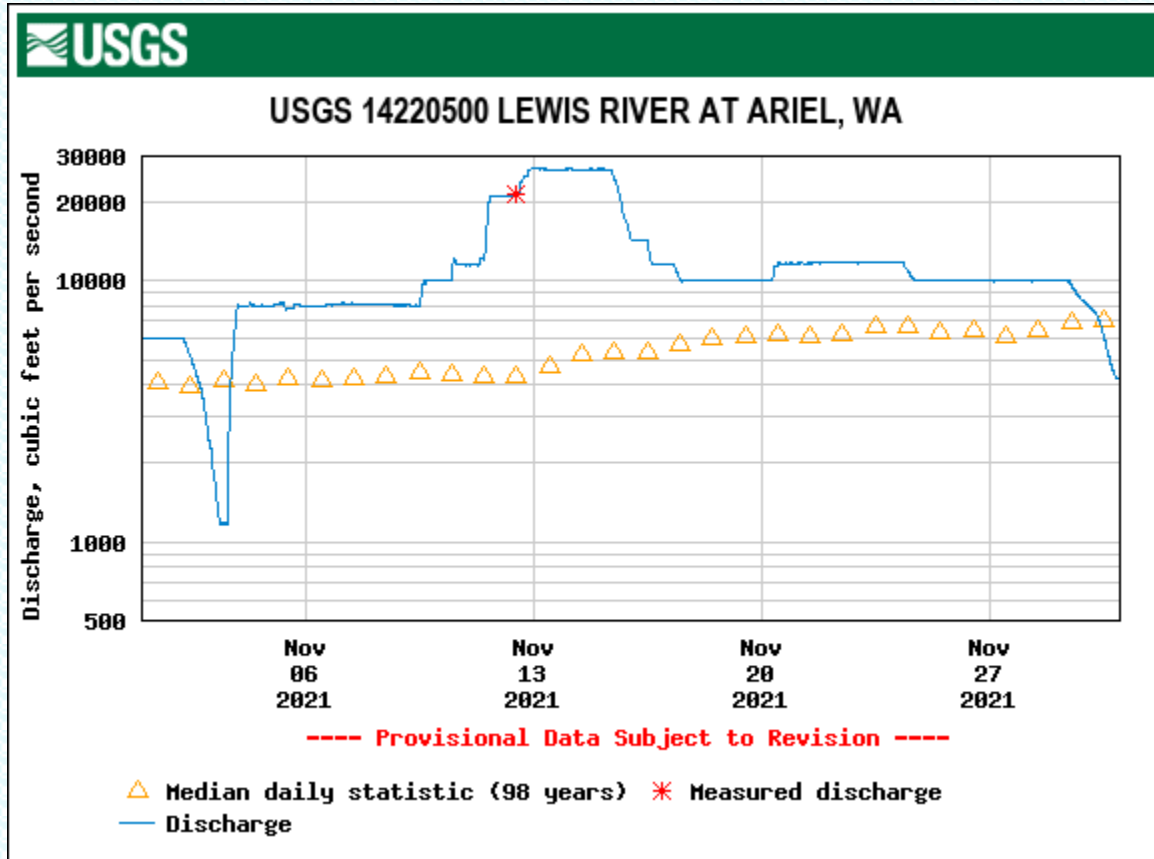


Figure 2. Discharge in cubic feet per second recorded at the USGS Ariel, WA gauge (14220500) located immediately downstream of Merwin Dam.

Upstream Transport

A total of total of 2,490 adult fish were transported upstream in November, the majority of which were late run coho (n=1,853), followed by early run coho (n=637),and cutthroat (n=52). Lewis River Hatchery supplied 105 of the 2,490 fish transported upstream in November.

For calendar year 2021 to-date, a total of 6,174 early-run coho (4,149 HOR/2,025 NOR), 2,541 late run coho (1,769 HOR/772 NOR),1,184 spring Chinook (897 HOR/ 287 NOR), 311 winter steelhead (207 BWT/104 NOR), and 144 cutthroat trout have been transported upstream of Swift Dam.

Floating Surface Collector (FSC)

The Swift Reservoir Floating Surface Collector (FSC) was returned to operation on November 5th, following the summer maintenance outage and installation of additional traveling screens to improve debris management. The facility was turned off on November 6 due to a fault that occurred with one

of the facility’s Sort Area Flow pumps. The pump was pulled and a spare installed, and the facility was returned to service on November 9. A total of 23,049 fish were collected this month, which is considerably higher than any other November since the facility was commissioned in 2013 (Table 1). The overwhelming majority of the fish collected in November were coho (n= 22,579), followed by spring Chinook (n= 230), steelhead (n=168), cutthroat trout (n=64), and hatchery rainbow trout (n=7).

Table 1: Total number of out-migrating salmonids (by species) collected at the Swift FSC and transported downstream of Merwin Dam during the month of November since 2013.

Run Year	November Collection Totals by Run Year at the Swift FSC				
	Coho	Chinook	Steelhead	Cutthroat	TOTAL
2013	75	239	1	7	322
2014	271	236	6	2	515
2015	115	91	7	0	213
2016	675	213	15	25	928
2017	2,654	1,106	37	40	3,837
2018	157	178	5	0	340
2019	605	412	17	31	1,065
2020	618	26	27	13	684
2021	22,579	230	168	64	23,041