



New Hope for Lewis River Salmon and Steelhead

After years of delay, PacifiCorp appears ready to honor its promises. Tribes, the state, and NGOs hope it also plans to compensate for lost generations of salmon.

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(Cougar, Wash) – On March 15, PacifiCorp took a significant step toward restoring access to critical salmon habitat in Washington's Lewis River. After several years of dodging its responsibilities to Tribes, and salmon and steelhead, PacifiCorp finally signaled its [intent to build fish passage at Lewis River dams by the end of 2028](#).

Despite PacifiCorp's lengthy delay in building fish passage, a coalition of the Cowlitz Indian Tribe, the Confederated Bands and Tribes of the Yakama Nation, and the Washington Department of Fish and Wildlife (WDFW), along with American Rivers, Columbia Riverkeeper, and Trout Unlimited (collectively, NGOs) cautiously welcome PacifiCorp's new course of action and view it as a critical step to recovering Endangered Species Act-listed fish in the Lewis River, an important tributary to the lower Columbia River.

PacifiCorp (a Berkshire Hathaway, Inc. subsidiary) operates three dams on the North Fork Lewis River. For over 80 years, these dams have blocked fish passage to over 100 miles of quality salmon and steelhead habitat and have destroyed generations of anadromous fish. In 2019, PacifiCorp successfully pressured federal resource agencies to allow PacifiCorp to

forgo building fish passage into Merwin and Yale reservoirs. Thanks to the tireless advocacy of the Tribes, WDFW, and NGOs, fish passage is back on the table. While PacifiCorp's recent announcement is certainly a step in the right direction, it makes no mention of compensating for the generations of salmon and steelhead that have been and will be, lost due to PacifiCorp's delay tactics. The Tribes, WDFW, and NGOs hope to work closely with PacifiCorp to develop compensatory mitigation strategies that lessen the burden this delay has had on several generations of fish.

"It remains clear that generations of salmon and other anadromous fish have died at the base of these structures," said Yakama Nation Fish and Wildlife Committee Chairman Gerald Lewis. "If PacifiCorp does not follow through and build passage, these native fish resources will die. The Yakama Nation will therefore continue to work with PacifiCorp to ensure promises are kept and fish passage is provided so that our People can continue to conduct commercial, ceremonial, cultural, and subsistence fishing within this tributary."

"The Cowlitz Indian Tribe are the Forever People. Since the beginning of time, we have nurtured our community by stewarding our land and rivers," said Cowlitz Indian Tribe Chairman David Barnett. "It is our legacy, and we stand ready and eager to collaborate with PacifiCorp and other parties on the important work of implementing full fish passage throughout the entire Lewis River."

"We look forward to working with PacifiCorp on forthcoming efforts to implement fish passage and honor commitments to local communities in a timely manner," said Kessina Lee, Southwest Regional Director for WDFW. "Providing full fish passage past the dams on the Lewis River will significantly contribute to salmon recovery in the lower Columbia River, and it serves as a beacon of hope and progress for salmon recovery in the Pacific Northwest."

"PacifiCorp's pointless delay tactics set back Lewis River salmon recovery by at least five years," said Brett VandenHeuvel, Executive Director of Columbia Riverkeeper. "Columbia Riverkeeper will continue holding PacifiCorp accountable for its promises to build fish passage, as well as working to ensure that PacifiCorp mitigates the harm caused by the company's stalling and obstruction."

PacifiCorp's acknowledgement of the need to build fish passage may lead to a brighter future for Lewis River and Columbia River salmon and steelhead. It also honors commitments made to Tribes who continue to manage and rely on salmon for their cultural identity. The Tribes, WDFW, and the NGOs look forward to this critical step toward salmon recovery in the Lower Columbia River basin.

Resources

- [PacifiCorp's Fish Passage Status Update](#) - March 15, 2022
- [2004 Settlement Agreement](#)

Background

In 2004, PacifiCorp promised the Cowlitz Indian Tribe and the Yakama Nation (along with numerous federal and state governments and non-governmental organizations) that PacifiCorp would provide fish passage at each dam to reintroduce salmon and steelhead throughout the upper Lewis River. In exchange, the Tribes and others agreed not to oppose the renewal of the dam licenses. In 2008, this Settlement Agreement was officially made part of PacifiCorp's renewed licenses from the Federal Energy Regulatory Commission (FERC) to operate the Lewis River dams for the next 50 years.

Under the Trump administration, PacifiCorp sought to exploit a provision in the Settlement Agreement that would relieve PacifiCorp of its fish passage obligations. This process would have provided enormous cost savings to the utility while imposing an incalculable cost to salmon recovery. In 2019, federal agencies issued a preliminary determination that PacifiCorp did not need to construct fish passage as promised, but instead could pursue these much less expensive habitat restoration projects. This determination came despite strong objections of other signatories to the Settlement Agreement, who subsequently appealed the decision.

In their [notice of withdrawal](#) of the Trump-era policy, federal resource agencies thoroughly reevaluated the information submitted by PacifiCorp and concluded that there were uncertainties with the evidence used by PacifiCorp to dispute the need for fish passage. PacifiCorp's April 15th letter suggests that PacifiCorp will instead focus on designing and building fish passage structures at Yale and Merwin dams.

Scientific Findings Detailing the Need for Fish Passage in the Lewis River

- [The NMFS 2007 Biological Opinion](#) for the relicensing of the projects found that fish passage at Lewis River dams is "one of the most substantial salmon recovery measures that can be implemented in the Lower Columbia region."
- [The NMFS 2013 Recovery Plan for Lower Columbia River Coho Salmon, Lower Columbia River Chinook Salmon, Columbia River Chum Salmon, and Lower Columbia River Steelhead](#) considers lack of fish passage to the upper Lewis River basin the primary limiting factor in ESA listed-species recovery.
- [The USFWS 2015 Bull Trout Recovery Plan for the Coastal Recovery Unit](#) cites a lack of connectivity as one of the limiting factors for ESA-listed bull trout in the Lewis Basin.

- [The NMFS 2015 Status Review Update for ESA-listed Pacific Salmon and Steelhead](#) reinforces that spring Chinook salmon, coho salmon, and winter steelhead would benefit from additional passage in the North Fork Lewis River.
- [The NMFS' Determination on Appropriateness of Passage at Yale Lake](#) - Oct 27, 2021
- [The NMFS' Determination on Appropriateness of Passage at Lake Merwin](#) - Jan 24, 2022

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PHOTO:



Caption: Merwin Dam on the Lewis River in southwest Washington. Merwin Dam is the lowermost of the three dams blocking fish passage on the North Fork Lewis River.

Credit: Thomas O'Keefe