

# Susquehanna River Anadromous Fish Restoration Cooperative

## Cooperators:

U.S. Fish and Wildlife Service  
NOAA - Fisheries  
Susquehanna River Basin Commission  
Pennsylvania Fish and Boat Commission  
Maryland Department of Natural Resources  
New York State Department of Environmental Conservation

c/o U.S. Fish and Wildlife Service  
Mid-Atlantic Fish and Wildlife Conservation Office  
177 Admiral Cochrane Drive  
Annapolis, MD 21401

April 30, 2021

Low Impact Hydropower Institute  
1167 Massachusetts Avenue  
Office 407  
Arlington, MA 02467  
[comments@lowimpacthydro.org](mailto:comments@lowimpacthydro.org)

RE: The Susquehanna River Anadromous Fish Restoration Cooperative's comments on the Low-Impact Hydropower Power Institute Certification Application for the York Haven Hydroelectric Project (FERC No. 1888), dated November 2020.

Dear Low Impact Hydropower Institute:

The Susquehanna River Anadromous Fish Restoration Cooperative (SRAFRC) is an organization comprised of Susquehanna River Basin fishery agencies working together to restore self-sustaining migratory fishery resources to the Basin. Member agencies of SRAFRC include Maryland Department of Natural Resources, New York State Department of Environmental Conservation, Pennsylvania Fish and Boat Commission, Susquehanna River Basin Commission, U.S. Fish and Wildlife Service, and NOAA Fisheries.

The SRAFRC was established over 50 years ago to provide a unified approach to planning, management, stock enhancement, and evaluation of inter-jurisdictional fishery resources and restoration activities in the Susquehanna River Basin. The SRAFRC's purpose includes planning and implementation of migratory fishery stock rebuilding programs and coordinating

agencies' involvement with construction, operation, and evaluation of passage facilities at hydroelectric dams in the lower Susquehanna River Basin.

The SRAFRRC has established a restoration goal in its 2010 Migratory Fish Management and Restoration Plan (2010 Plan). The goal of this plans is to:

*Restore self-sustaining, robust, and productive stocks of migratory fish capable of producing sustainable fisheries, to the Susquehanna River Basin throughout their historic ranges in Maryland, Pennsylvania, and New York. The goals are 2 million American shad and 5 million river herring spawning upstream of the York Haven Dam. Goals for American eel and other migratory species are yet to be determined.*

In order to accomplish this goal, several objectives concerning fish passage are explicitly described in the restoration plans, particularly with respect to restoring access to historic habitats for juvenile and adult migratory fish. To support restoring access to historic habitat, the 2010 Plan calls for upstream fish passage efficiency standards to be applied to all hydroelectric projects in the lower Susquehanna River. The efficiency standard stated in the 2010 Plan is each main-stem hydroelectric project must pass 75% of adult American shad that have passed the next downstream project or at least 85% of adult American shad that arrive to the project's tailwaters. In addition to the upstream passage efficiency criteria, downstream survival targets have also been included as license conditions for these projects: 80% survival for downstream migrating adult American shad, 95% survival for juvenile shad, and 85% survival for adult American eel. These specific fish passage efficiency and survival criteria were incorporated into the Federal Energy Regulatory Commission's (FERC) operating licenses for Conowingo, Muddy Run, Holtwood, and York Haven dams.

The York Haven Dam is the most upstream of the five hydroelectric projects on the lower Susquehanna River and one of four main-stem dams. Successful passage of migrating fish allows access to critical spawning habitat in the river. A fish ladder was installed at the York Haven Dam in 2001 to support migratory fish restoration efforts in the Susquehanna River. The fish passage facility, located on the East Channel Dam between the eastern shore of the Susquehanna River and Three Mile Island is known to have poor upstream fish passage efficiency for American shad. A radio telemetry study conducted in 2010 found that only 4% of the American shad that entered the project tailwaters passed successfully.

To improve fish passage efficiency and to support SRAFRRC's restoration goals for the Susquehanna River, a new fishway is to be installed at the York Haven Dam. Several of the SRAFRRC agencies were party to the 2014 Settlement Agreement (Agreement) with York Haven Power Company that developed the general criteria for a nature-like fishway (NLF) and the timeline for its construction. The NLF is intended to provide a diverse suite of passage conditions that are conducive to upstream passage of American shad, river herring, American eel, and other riverine species. Several of the SRAFRRC agencies have been working with the Company on designs for a NLF since the Agreement was signed. Over the past six years, the project has had three different owners and developed two substantially complete designs in close consultation with the agencies for an NLF that meet the criteria of the Agreement. At this time, the current owner claims that they cannot afford to build either of the existing designs and no

acceptable alternative design has been proposed. According to the Agreement, the NLF should have been constructed by November 2021. That is not possible as there are still no final design plans, no permits secured, and no construction schedule established.

The construction of the NLF at the York Haven Project is just one of a series of fish passage improvements that are currently occurring at the hydroelectric projects on the lower Susquehanna River. These improvements are explicitly described in the U.S. Fish and Wildlife Service comment letter on York Haven Power Company's Low Impact Hydropower Institute (LIHI) recertification application.

The SRAFRFC urges LIHI to examine the applicant's adherence to implementing their fish passage improvements and related studies as required by the project's FERC license and as stated in Condition 2 of the current LIHI certification for the project. Timely installation of the NLF as well as implementation of American eel studies and potential future protection measures will be essential to reduce the impacts this project poses to the fishery resources of the Susquehanna River. Given the importance of fish passage at this project and York Haven Power Company's inability to complete design and construction of the NLF by the agreed-upon deadline and meet fish passage goals required by its FERC license and water quality certification, the SRAFRFC cannot support a LIHI certification at this time. If LIHI makes a determination to recertify the project, SRAFRFC recommends that a contingency be placed on the recertification to temporarily suspend certification until the NLF construction is complete.

Thank you for your consideration of these comments. If you have any questions or need additional information from SRAFRFC, please contact Sheila Eyler, SRAFRFC Technical Committee Chair, at [sheila\\_eyler@fws.gov](mailto:sheila_eyler@fws.gov) or 717-387-2117.

Sincerely,

Sherry White  
SRAFRFC Policy Committee Chair

*On behalf of SRAFRFC*