ACC Participants Present (17)

Jim Byrne, WDFW
Clifford Casseseka, Yakama Nation
Michelle Day, NMFS
Jeremiah Doyle, PacifiCorp Energy
Bernadette Graham-Hudson, LCFRB
Mike Hudson, USFWS
Adam Haspiel, USDA FS
LouEllyn Jones, USFWS
Eric Kinne, WDFW
George Lee, Yakama Nation
Jim Malinowski, Fish First (via teleconference)
Chris Maynard, WDOE (via teleconference)
Kimberly McCune, PacifiCorp Energy
Todd Olson, PacifiCorp Energy
Frank Shrier, PacifiCorp Energy
Ruth Tracy, US Forest Service
Steve Vigg, WDFW
Shannon Wills, Cowlitz Indian Tribe (via teleconference)

Calendar:

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>December 10, 2008</td>
<td>TCC Meeting</td>
<td>Lacey, WA</td>
</tr>
<tr>
<td>December 11, 2008</td>
<td>ACC Meeting</td>
<td>Merwin Hydro</td>
</tr>
</tbody>
</table>

Assignments from November 13th Meeting:

- **McCune**: Provide an agenda for the upcoming H&S Plan Subgroup meeting on November 21, 2008.  
  **Status**: Complete – 11/14/08

- **Olson**: Revise the Table 4.1 Aquatic Funding Process Timeline incorporating ACC requests and resubmit for ACC review and approval.  
  **Status**: Complete – 11/24/08

- **ALL ACC**: Submit an argument *in writing* for or against the inclusion of funding East Fork Lewis River projects, a discussion and decision is to occur at the December 10, 2008 ACC meeting.

- **Maynard**: Email a table to McCune in advance of the January 8, 2009 ACC meeting for distribution to the representatives.
Assignments from October 9th Meeting:

<table>
<thead>
<tr>
<th>Assignment</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Olson: Revise the 7-day review text on page 10 of the Strategic Plan document and present back to the ACC for review.</td>
<td>Complete – 11/13/08</td>
</tr>
<tr>
<td>Lesko: Check with WDFW to determine a meeting date for the H&amp;S Subgroup and invite all ACC participants.</td>
<td>Complete – 11/13/08</td>
</tr>
</tbody>
</table>

Opening, Review of Agenda and Meeting Notes

Frank Shrier (PacifiCorp Energy) called the meeting to order at 9:10 a.m. Shrier requested a round table introduction for the benefit of those on the conference call. He also reviewed the agenda for the day and informed the ACC attendees that the Hatchery & Supplementation (H&S) Plan Subgroup Update will be postponed until the December 2008 ACC meeting as the Subgroup does not meet until November 21, 2008. Kimberly McCune (PacifiCorp Energy) was asked to provide an agenda for the upcoming H&S Plan Subgroup meeting. No additional changes to the agenda were requested.

Michelle Day joined  
George Lee joined  
Clifford Casseseka joined

Shrier requested comments and/or changes to the ACC Draft 10/9/08 meeting notes. Michelle Day (NMFS) requested removing the time next to those attendees who arrived after 9:00am. The ACC determined to include it within the body of all future meeting notes as to the time when an ACC attendee arrives and departs. The meeting notes were approved at 9:45am with the requested change.

License Update

Todd Olson (PacifiCorp Energy) informed the ACC attendees that the Federal Energy Regulatory Commission (FERC) responded back to PacifiCorp’s request for clarification and rehearing. For the most part the FERC agreed with PacifiCorp’s requested changes or clarifications with the exception of 1) cost cap and 2) development of a visitors center in Cougar, WA. PacifiCorp will likely notify the Parties regarding inconsistencies with the Lewis River Settlement Agreement in a couple of weeks. The Utilities were invited to Washington, DC in early December to meet with the FERC. The FERC is very interested in how the Utilities will fulfill the obligations of the licenses. The Utilities will have opportunity to ask the FERC questions regarding their review and timeliness process.


Olson provided a cursory review of the revised Strategic Plan document (Attachment A), which illustrates requested changes to address ACC concerns. Olson expressed that the most significant change is on Page 10 relating to Funding Selection Decision meeting, which is a very important meeting. The Utilities need to make all information available prior to the meeting so the final meeting is in fact a “decision making” meeting.
Kate Miller (Trout Unlimited) provided an email dated November 10, 2008 regarding the 7-day review period (Attachment B), whereby she states, “…..This may be appropriate if there is an adequate review period accompanied by an opportunity for the proponent to present their proposal and answer questions and for the ACC to discuss in advance, but if the purpose of the funding selection meeting is to have a thoughtful discussion, then it seems that a final decision should occur within 7 days AFTER the meeting - not 7 days prior. Initial feedback circulated 7 days prior, with a final decision at or after the meeting, seems more appropriate than a prior approval / disapproval. <see Attachment B for more detail>”

Olson communicated to the ACC attendees that PacifiCorp disagrees with the final decision taking place within 7 days AFTER the final meeting. He continued review by discussing the following Funding Process Timeline to ensure adequate review time is allowed prior to a decision-making meeting.

Table 4.1. Funding Process Timeline (DRAFT)

<table>
<thead>
<tr>
<th>Activity</th>
<th>Target Milestone Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Submit Request For Pre-Proposal Forms</td>
<td>Early September</td>
</tr>
<tr>
<td>Pre-Proposal Forms due</td>
<td>Early October</td>
</tr>
<tr>
<td>Pre-Proposal Listing and Evaluation Report Submitted to ACC</td>
<td>Early November</td>
</tr>
<tr>
<td>Pre-Proposal Report Comments due from ACC</td>
<td>Late November</td>
</tr>
<tr>
<td>Finalize List of Selected Projects for Additional Consideration</td>
<td>Early December</td>
</tr>
<tr>
<td>Submit Request For Proposals to Selected Applicants</td>
<td>Early December</td>
</tr>
<tr>
<td>Proposals due</td>
<td>Mid January</td>
</tr>
<tr>
<td>Proposal Evaluation Report Submitted to ACC (30 day review)</td>
<td>Mid February</td>
</tr>
<tr>
<td>Provide opportunity for Project proponent to present project to ACC</td>
<td>March ACC meeting</td>
</tr>
<tr>
<td>Proposal Report Comments due</td>
<td>Mid March</td>
</tr>
<tr>
<td>Finalize List of Selected Projects and Submit Report to FERC</td>
<td>Early April</td>
</tr>
<tr>
<td>FERC Approval of projects</td>
<td>May</td>
</tr>
<tr>
<td>Notify Project Funding to Recipients</td>
<td>May</td>
</tr>
<tr>
<td>Funding Available for Invoicing</td>
<td>June</td>
</tr>
</tbody>
</table>

Steve Vigg joined the meeting

LouEllyn Jones (USFWS) requested the insertion of the following into the above timeline: November ACC Meeting – Discussion of initial evaluation of projects.

Olson will add text to the table in mid-March regarding time for an initial response matrix. In addition, he will add, in early–April, a final selection funding meeting. Olson will revise the timeline incorporating ACC requests and resubmit for ACC review and approval.

Specific discussion took place regarding the 7-day review process after the decision-making meeting for those absent during much of the Aquatic Funding process. Jim Malinowski (Fish First) expressed that the Forest Service had to withdraw its project last year (2007/2008 funding cycle) because they ran out of time to implement the project.
after its approval due to last minute disapproval during the 7-day review process. Malinowski further expressed concern that given the late date after so many discussions did not give fair concern for the Forest Service East Fork project.

George Lee (Yakama Nation) indicated that each entity has one person designated to sit at the ACC table. If that person cannot be there, an alternate steps in. Shrier responded that the ACC thought NMFS was using Bryan Nordlund as a representative which led to a misunderstanding on the East Fork funding decision. Day expressed that they (NMFS) should have clearly defined Nordlund’s role in the ACC process. This was a lesson learned for NMFS.

Jim Byrne (WDFW) expressed that the Forest Service was misled in the process and not treated fairly.

Day communicated concern to the ACC attendees about the process of what happens if she submits comments against a project yet she can’t be there at the meeting. Olson said if she was the only one who declined approval of the project then he would contact her immediately by phone and not wait until the next ACC meeting. Another lesson learned from last year was to be more timely in follow up and not wait until the next ACC meeting.

Jones appreciates the need for alternates; however, staff resources are often limited. She agrees that it’s a good idea to emphasize a decision making meeting on the agenda.

Clifford Casseseka (Yakama Nation) asked that if an entity has an objection where do we draw the line for the decision? Shrier responded that if they haven’t commented within the 7-days their comments will not be considered for a final decision.

Olson further explained that during the funding decision meeting, the intent is that we all come to consensus at the meeting on the final project selection; no additional comment period will be offered after that point. If we do not have consensus, more meetings or conference calls will be scheduled in a timely manner (within 7 days) to talk through the concerns to reach resolution.

Bryne said that last year’s funding review process was a unique case. The Forest Service also withdrew their East Fork project due to political ramifications of the potential response from the FERC on the merits of the project and project nexus.

Lee said that it’s all a learning process and we are trying to improve what we (ACC) are doing.

Day asked how we deal with Kate Miller’s opposing opinion on the 7-day review process so that the ACC might move forward. Olson responded that he proposed to add a comment on page 10 that addresses if consensus is not reached then additional meetings will be scheduled in an attempt to reach resolution within 7 days.

Malinowski expressed that attendance is critical, otherwise the process is dysfunctional.
Casseseka asked what happens if a federal agency with federal authority attempts to stop or delay a project? Day responded that yes, they could stop or delay a project but with Olson’s proposal, NMFS would be contacted within 7 days to work through the problem. She further stated that it is not the intent of NMFS to stop or delay projects but rather to work with the ACC as best they can and not bypass the process.

Shrier added that the FERC also has the authority to stop a project.

Steve Vigg (WDFW) requested a point of clarification that if someone knows that they cannot make it to a decision-making meeting they can prepare a submittal in writing to the ACC. Or, an ACC participant can give their proxy to another ACC member. If there is an unforeseen emergency, the absent participant will be contacted within 7 days. Olson concurred that Vigg’s understanding is correct.

Olson further stated that let’s try it this year with the recommended edits and see how the process works.

<Break 11:15am>
<Reconvene 11:20am>

Chris Maynard joined

Aquatic Fund Proposals Discussion

Olson provided a cursory review of the CY2009 Aquatic Fund Pre-proposals. He named the following projects under consideration:

<table>
<thead>
<tr>
<th>USDA Forest Service</th>
<th>Pine Creek Instream Nutrient Enhancement</th>
</tr>
</thead>
<tbody>
<tr>
<td>USDA Forest Service</td>
<td>East Fork Lewis River Instream Structures Steelhead</td>
</tr>
<tr>
<td>USDA Forest Service</td>
<td>Clear Creek Instream Habitat Restoration</td>
</tr>
<tr>
<td>USDA Forest Service</td>
<td>Pepper Creek Instream Habitat Restoration</td>
</tr>
<tr>
<td>Lower Columbia Fish Enhancement Group</td>
<td>North Fork Lewis River RM 13.5 Habitat Enhancement</td>
</tr>
<tr>
<td>Cowlitz Indian Tribe</td>
<td>Plas Newydd RM 2.0 Off-Channel Habitat Enhancement</td>
</tr>
<tr>
<td>Cowlitz Indian Tribe</td>
<td>Plas Newydd RM 0.5 Bar Plantings and LWD Structures</td>
</tr>
</tbody>
</table>

The Utilities reviewed the pre-proposals under the fund objectives, in accordance with the fund evaluation matrix (Attachment C). The Utilities inserted comments for ACC review into the matrix and have replied yes that full proposals are recommended for all submittals. Olson also reviewed available funding (Attachment D) for Aquatic Resource and Bull Trout projects.

Bryne suggested the Utilities send the selected pre-proposals to the FERC. Olson agreed that there is merit to sending those that have been approved by the ACC to proceed to full proposal. The ACC will give further consideration prior to rendering a decision.
Malinowski raised concern that any East Fork projects will be rejected and he expressed that he felt this was changing the Settlement Agreement intent.

Casseseka expressed that this is a unique situation for the Yakama Nation (putting priority on the North Fork (NF) over the East Fork (EF)) and he does not agree. He cannot make a decision at this time on how to deal with the interpretation of priority of one over the other. He further stated that how do you cut part of the basin and not address the entire system as a whole? To sustain the whole basin you can’t cut it in half. The tribal council may need to sit down with the FERC to get another opinion. There are accumulative affects on the East Fork; one cannot eliminate part of a basin because the dams are not on the East Fork.

Day expressed that since we have limited funds our focus should be on the North Fork at this time, but that the intent is not to undermine the East Fork.

General discussion took place regarding the two recognized steelhead populations (EF vs. NF), versus looking at the river system in its entirety as an ecological system. Malinowski stated that the East Fork is included in the Settlement Agreement and, in order to achieve recovery the entire population, needs to be considered. The SA does not exclude the EF but gives priority to NF and all components should be considered to improve to harvestable levels for entire Lewis River population.

Casseseka requested that the ACC schedule a meeting to specifically discuss the EF vs. NF topic and make a final decision.

Mike Hudson joined

The ACC members were asked to submit argument for or against the inclusion of EF projects in writing, at which time a decision will be rendered at the December 10, 2008 ACC meeting.

Request for approval of late submittal of Pre-proposal from US Forest Service

Ruth Tracy (US Forest Service) expressed that the Pre-proposal titled, “Spencer Peak Road Decommission – Forest Road 9300150 and spurs” was ready for submittal within the time frame; however, it was simply an internal USFS error that the document was not emailed to PacifiCorp. The question to the ACC is, “Is the ACC willing to make a one-time only exception?” Concern was expressed by several ACC attendees that should the pre-proposal be accepted, this may be setting a precedent for late submittals; if door is opened for some it is opened for all.

With this in mind the following attendees agreed to allow the Spencer Peak submittal since the last modified date of the document suggests that the pre-proposal was complete on time. NMFS, WDFW, LCFRB, Fish First and Yakama Nation. The Utilities did not agree but they are not going to stand in the way. The USFS and USFWS abstained from this decision due to potential conflict of interest.

Shelley Spalding joined
Mike Hudson (USFWS) also addressed the ACC attendees and requested late submittal of a Bull Trout and radio telemetry pre-proposal. Hudson explained that they were unaware of the funding timeline therefore they did not submit the pre-proposal within the time provided. Is the ACC willing to make a one-time only exception? Fish First and LCFRB agreed to allow the submittal.

USFS and USFWS abstain from voting due to potential conflict of interest. WDFW, Cowlitz PUD, PacifiCorp, NMFS did not agree with the late submittal under the circumstances.

The ACC agreed to not accept the USFWS pre-proposal for the 2008/2009 funding cycle. McCune communicated to Hudson that she has ensured they are on the ACC email distribution list as well as the aquatic fund announcement mailing list for the next aquatic funding cycle.

**New topics/issues**

As a follow up to an email to the ACC from Chris Maynard (WDOE), dated November 12, 2008 (Attachment E) Maynard expressed to the ACC that he would like to participate in an ACC meeting dedicated to comparing 401 water quality certification/license conditions with the Lewis River Settlement Agreement. He would like to walk through a comparison using PowerPoint. Water quality and fisheries expertise from his agency can be present to help with the discussion.

One objective for WDOE is to avoid future conflicts with PacifiCorp and the ACC. WDOE can do this by improving 401 condition coordination with the ACC; using the ACC meetings to identifying specific items for discussion.

Maynard expressed that the 401 water quality requirements in general parallels the Settlement Agreement but requires really good coordination with the ACC. WDOE wants to come to an ACC meeting to compare water quality conditions between the documents to facilitate close coordination with the ACC.

Eric Schlorff (WDOE) is the lead water quality staff person and he will provide a PowerPoint at the January ACC meeting (1/2 day) to see if any concerns or potential conflicts exist. Maynard will email a table to McCune in advance for distribution to the ACC.

Bernadette Graham-Hudson departed
Jim Malinowski departed

**Definition of ATE – Revised, dated October 15, 2008 (Attachment F)**

Shrier provided a cursory review of the ATE performance standard that is currently under review and revision with the Engineering Subgroup. Effective and timely passage is the basis for collection and reintroduction. PacifiCorp will go back to the Engineering Subgroup for further discussion.
In the fallback data and description think about what can we use to help with monitoring this standard? There needs to be a time component such that PacifiCorp can actually measure whether a fish should be included in the total tailrace population or not.

**Study Updates**

Shrier and McCune provided the following study updates:

*Swift Constructed Channel Concept Design and Swift Upper Release Design* – Designs completed to 90% level. PacifiCorp wants to do one project after another which will require a submittal to USFWS and WDFW requesting the two agencies to extend the construction window.

*Hatchery Upgrades*

*Lewis River Pond 15* – On schedule; completed pre-bid construction walk through; finishing up on electrical work design. Construction window begins in January 2009.


*Acclimation Pond Plan* – Request for Proposal ready to go; plan to select an engineer by January 2009.

*Yale BT Entrainment Reduction Study Plan* – PacifiCorp pursuing exclusion net in front of Yale spillway; and may be asking for more time.

*Bull Trout Collection & Transport Program Plan* – PacifiCorp submitted the 30-day review version to the ACC on October 16, 2008. **Comments are due on or before November 17, 2008.**

Habitat Preparation Plan - PacifiCorp submitted the 30-day review version to the ACC on October 28, 2008. **Comments are due on or before December 1, 2008.**

**Public Comment**

None

**Agenda items for December 11, 2008**

- Review November 13, 2008 Meeting Notes
- Definition of Revised ATE – ACC Decision
- Aquatic Funding Proposals Discussion
- Aquatic Fund – Strategic Plan and Administrative Procedures (September 2005 – Revised November 2008) **Approve changes to the Strategic Plan**
- Hatchery & Supplementation Plan – Subgroup Update
- Study/Work Product Updates
- License Update
Next Scheduled Meetings

<table>
<thead>
<tr>
<th>December 11, 2008</th>
<th>January 8, 2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>Merwin Hydro Control</td>
<td>Woodland City Hall,</td>
</tr>
<tr>
<td>Center</td>
<td>Council Chambers</td>
</tr>
<tr>
<td>Ariel, WA</td>
<td>Woodland, WA</td>
</tr>
<tr>
<td>9:00am – 3:00pm</td>
<td>9:00am – 3:00pm</td>
</tr>
</tbody>
</table>

Meeting Adjourned at 1:55 p.m.

Handouts

- Final Agenda
- Draft ACC Meeting Notes 10/9/08
- Attachment B - Email from Kathryn Miller, Trout Unlimited regarding the Aquatic Fund 7-day review process, dated November 10, 2008
- Attachment C – Aquatic Fund Matrix, dated November 7, 2008
- Attachment D – Aquatics Fund Balances for Resource and Bull Trout, as of 10/31/08
- Attachment E – Email from Chris Maynard, WDOE regarding request for ACC meeting dedicated to comparing 401 water quality certification/license, dated November 12, 2008
- Attachment F - Revised Definition of Adult Trap Efficiency (ATE) Nordlund Memorandum, dated October 15, 2008
According to the Settlement Agreement priority is given to the North Fork; however, this does not preclude funding projects in the East Fork. The ACC must provide clear connection of the East Fork projects to the reintroduction efforts.

Add the following language to the Strategic Plan document: edit 3.3.3 6th bullet "Does the project provide for implementation monitoring and an appropriate level of monitoring for biological results?"

A monitoring component that demonstrates project implementation and successful results based on known criteria (biological or physical) should receive a higher evaluation score than those that do not.

Funding should support resource protection measures that, "increase the probability for a successful reintroduction program" and "increase the probability for a successful reintroduction of Chinook salmon, steelhead, and steelhead trout that we can fund East Fork projects but they fall behind any other proposed project that fits the North Fork definition."

Research, monitoring and evaluation components are essential for Adaptive Management of projects, and the development of sustainable, long-term solutions. The ACC would be determining the level of RM&E that is feasible given the time-frame, scope and budget of the specific project.

East Fork projects are to be determined by the following: No questions should be asked of Project proponent at the Funding Selection-Decision meeting. All questions should be directed to the ACC representative. The ACC representative should not be asked to comment or provide information during the Funding Selection-Decision meeting. See edit to page 10 of the Aquatic Fund - Strategic Plan and Administrative Procedures.

Projects that include monitoring at the time of project implementation should have monitoring projects prior to the completion of the project. Projects that include monitoring should also be able to provide potential benefits along those lines.

Q1 - Should projects in the EF be funded? Q2 - Should EF projects be funded after funding of NF projects?

Due to the importance of the EF system on the life of Chinook salmon and steelhead, the EF system should receive a higher priority than the NF system. EF priority should be given to projects that provide greater benefits along the EF system. Projects that meet the requirements of the EF system should be given a higher evaluation score than those that do not.

Facilitator to implement the following: No questions should be asked of Project proponent at the Funding Selection-Decision meeting. All questions should be directed to the ACC representative. The ACC representative should not be asked to comment or provide information during the Funding Selection-Decision meeting. See edit to page 10 of the Aquatic Fund - Strategic Plan and Administrative Procedures.

Although the EF is often considered a separate management unit, the EF and NF are equal in importance. East Fork projects should be considered for funding (but are a lower priority), and only if a clear link can be established (in the body of the proposal) that the project does not interfere with the NF system.

Q1 - Impacts to properly functioning conditions within the EF system should be avoided. Projects that result in the replacement of lost habitat should be given priority. Projects that address habitat loss should be given priority. Projects that provide potential benefits along those lines should be given priority.

Priority should be given to instream habitat restoration projects, next to riparian related projects, and then to road related projects.

Proposed monitoring should be appropriate for the specific project as needed. Proposals should not double count their project, as we provide clear concise information as needed.

We agree with the guidance and recommend that the EF system should receive a higher priority than the NF system. EF priority should be given to projects that provide greater benefits along the EF system. Projects that meet the requirements of the EF system should be given a higher evaluation score than those that do not.

In Section 3.2, under the Process Considerations, it states that ACC representatives may not champion their own projects. We agree with this guidance and recommend that the EF system should receive a higher priority than the NF system. EF priority should be given to projects that provide greater benefits along the EF system. Projects that meet the requirements of the EF system should be given a higher evaluation score than those that do not.

Facilitator to implement the following: No questions should be asked of Project proponent at the Funding Selection-Decision meeting. All questions should be directed to the ACC representative. The ACC representative should not be asked to comment or provide information during the Funding Selection-Decision meeting. See edit to page 10 of the Aquatic Fund - Strategic Plan and Administrative Procedures.

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The Tribe agrees with Fish First. The Tribe is concerned about limiting further enhancement efforts and should be allowed to participate in discussions about the proposed project as needed. Proponents should not champion their project, just provide clear concise information as needed.

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Projects that include monitoring at the project and should be allowed to participate in discussions about the proposed project as needed. Proponents should not champion their project, just provide clear concise information as needed.

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<table>
<thead>
<tr>
<th>AQ Fund Spending</th>
<th>Should we stop funding projects until fish are reintroduced?</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>No</strong></td>
<td>The Settlement Agreement gives direction for the Aquatic Fund. The ACC should respond in a professional fashion and work through any funding response differences.</td>
</tr>
<tr>
<td><strong>No</strong></td>
<td>If we wait until fish are reintroduced to do any work, we may be years behind habitat needs of reintroduced fish, and create an unsuccessful reintroduction effort. Some of the fish projects identified in the Settlement Agreement may not be suitable for reintroduction efforts. The ACC should consider how proposed projects address issues identified in the 2008 Habitat Synthesis.</td>
</tr>
<tr>
<td><strong>No</strong></td>
<td>Look at each project on a case by case basis and ask the question does the project benefit anadromous fish reintroduction efforts? We should continue funding projects now, and not wait until reintroduction takes place. Projects that will directly enhance the habitat of reintroduced fish should be of priority. Selected projects should tie directly to items identified in the Settlement Agreement.</td>
</tr>
<tr>
<td><strong>No</strong></td>
<td>The ACC should spend the fund on the appropriate projects while working to make the reintroduction of anadromous fish a success. The ACC should not withhold distribution of Aquatic Funds until anadromous fish are reintroduced upstream of Merwin dam. Future funding decisions should consider the habitat of reintroduced fish, be of priority, and be consistent with the Settlement Agreement.</td>
</tr>
</tbody>
</table>
The Tribe believes it would not be a
should be ranked by priority. Long-term benefits should be addressed in the project proposal for all projects.

ACC shall self police discussions at ACC meetings. Project proponents will be given the opportunity to present projects and answer questions during review period. See edit to page 10 of the Aquatic Fund - Strategic Plan and Administrative Procedures.

Section 3.1 Aquatics Fund Goals – states in the first paragraph, final sentence, “The purpose of the Aquatic Fund is to fund projects that directly help achieve the ... should include both a project’s long-term and short-term benefits in relation to limiting factors in the project area.”

If a request of information is made to a project proponent, that same request goes to all applicants. Discussion of projects by the ACC should be limited to the information on hand, unless all project applicants are participating.

Add the following language to the Strategic Plan document: “In order to approve or disapprove a proposed project, the ACC representative must be in agreement with the project’s objectives and financial plan. Absenteeism will only be allowed per unforeseen emergency or conditions beyond representative’s control.” (see page 10).

We recommend strengthening the proposal instructions to encourage sponsors to better describe how their projects relate to the Aquatics Fund objectives and their project’s co-benefits. A more detailed budget form should be provided in the proposal.

As a suggestion, voting members or project sponsors and projects, we recommend those involved in the funding decisions be present during the project review meetings. This ensures all ACC members have the same information about the projects and the projects are evaluated by a consistent group of reviewers.

Add the following language to the Strategic Plan document: “To be efficient and timely in decisions, participating ACC representatives shall provide input on the project at least two weeks prior to the annual meeting such that input can be compiled and distributed back out to the ACC. Additional requirements added to the Full Proposal form under item 5 Project Objective(s) and item 13 Budget.”

The Tribe agrees with Fish Pak. The ACC needs to make sure everyone understands the project application process. Each proponent should be provided the application and how to fill it out. This is the first time this requirement has been included in the Aquatics Fund applications. We recommend clearer instructions be given within the application to help sponsors to meet schedule requirements. It may make sense to do this when the final proposal is submitted.

Add the following language to the Strategic Plan document: “The Tribe feels the review process could be improved by requiring project proponents to provide a draft proposal at least one month before the annual meeting so that input can be compiled and distributed back out to the ACC. Additional requirements added to the Full Proposal form under item 5 Project Objective(s) and item 13 Budget.”

The following is a transcript of the November 11, 2008, meeting’s discussion on project review. It is an unedited transcript of the meeting. The Tribe feels the ACC needs to make sure everyone understands the project application process. Each proponent should be provided the application and how to fill it out. This is the first time this requirement has been included in the Aquatics Fund applications. We recommend clearer instructions be given within the application to help sponsors to meet schedule requirements. It may make sense to do this when the final proposal is submitted.
Section 7.5.3.1 of the Agreement proposes the establishment of an Aquatic Fund. The Agreement explains that the fund may be used for projects that would benefit fish recovery throughout the study area. The EIS emphasized, however, that the fund should only be used for measures that provide a demonstrated benefit to resources affected by project facilities and operation. The EIS emphasized the need for the fund to be used for measures that provide a demonstrated benefit to resources affected by project facilities and operation. The EIS also emphasized the need for the fund to be used for measures that provide a demonstrated benefit to resources affected by project facilities and operation. The EIS further emphasized the need for the fund to be used for measures that provide a demonstrated benefit to resources affected by project facilities and operation. The EIS also emphasized the need for the fund to be used for measures that provide a demonstrated benefit to resources affected by project facilities and operation.

I concur and require that the annual report be filed for our approval in each of the Lewis River Project licenses.

<table>
<thead>
<tr>
<th>Department</th>
<th>Date</th>
<th>Approver</th>
</tr>
</thead>
<tbody>
<tr>
<td>HYDRO</td>
<td>12/12/2008</td>
<td></td>
</tr>
<tr>
<td>Lewis River</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Hi Kimberly -

As we talked about earlier, I am sending along in advance of Thursday's meeting a few comments/questions related to the Process AQ Fund document.

New language would require parties to indicate their approval/disapproval of a project 7 days prior to the decision meeting. I wonder if it is practical? This may be appropriate if there is an adequate review period accompanied by an opportunity for the proponent to present their proposal and answer questions and for the ACC to discuss in advance, but if the purpose of the funding selection meeting is to have a thoughtful discussion, then it seems that a final decision should occur within 7 days AFTER the meeting - not 7 days prior. Initial feedback circulated 7 days prior, with a final decision at or after the meeting, seems more appropriate than a prior approval/disapproval.

The edits create a Funding Selection/Decision meeting - striking out reference to the annual meeting of the ACC, but later the annual meeting is referenced again where the redlines note that ACC members must be present at the annual meeting in order to approve or disapprove a project. Will the decision/approval meeting occur once a year or is the intent to have these meetings occur more regularly?

Also, I am curious about the idea that the facilitator shall not allow questions to be asked of the project proponent at the funding meeting - I recall that the ACC spent a lot of time discussing how to make the review process more fair and to avoid the possibility of improper influence from ACC members who are also project proponents, but it seems that if there is a question, it should be asked before a decision is made. Perhaps an alternative is to have a meeting after distribution of the proposals and prior to the funding meeting where all proponents are afforded an opportunity to present and answer questions. The new language indicates that project proponents may request time at an ACC meeting to present their proposals, however to avoid the situation of hearing a presentation after the close or just before the close of the review period, it may be most appropriate to schedule a meeting specifically for presentations and questions.

Finally, and perhaps most importantly, I am concerned with the new language that requires attendance in order to have a voice - allowing absenteeism only in the event of emergency or unforeseen circumstances beyond the party's control. I agree that all parties should make best efforts to be in attendance at all meetings - particularly at key meetings such as the annual Funding Selection Decision meeting discussed here. I also agree that if a party cannot attend, they should strive to provide feedback or input either to the facilitator or to the group as a whole before the meeting or through a proxy in attendance at the meeting. I disagree, however, with the language that would eliminate a 7 day review period following the meeting and am concerned with the new limited justifications for being absent. Speaking for myself, attendance is not always possible given limited staff resources at my organization and conflicting project schedules. In the occasion that I am unable to attend a meeting either by phone or in person, I stay up to date with upcoming topics and meeting discussions through the agendas and meeting minutes. This 7 day window is critically important to allow full participation as envisioned during the settlement negotiation process.

While I understand the need for efficiency and I recognize the frustration expressed at previous ACC meetings related to absentee participants coming late to the conversation, I think that the 7 day review period is a critical piece of ensuring all parties are provided an opportunity for effective participation. Perhaps if the concern is delay, there could be a special meeting called as soon as someone triggers a concern in the 7 day period rather than waiting until the next ACC meeting.

I intend for these comments to be constructive, not critical, and hope they help contribute to discussion.
Thanks again for carrying these thoughts forward.

Kate Miller
<table>
<thead>
<tr>
<th>No.</th>
<th>Applicant</th>
<th>Project Title</th>
<th>Project Schedule</th>
<th>Benefit</th>
<th>Applicant Project Title</th>
<th>Funding</th>
<th>Shares</th>
<th>Benefit to x4</th>
<th>Scientific Validity x4</th>
<th>Success Potential x5</th>
<th>Cost Effectiveness x6</th>
<th>Total Score</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>USDA Forest Service</td>
<td>Pine Creek Instream Nutrient Enhancement</td>
<td>2009/2010</td>
<td>The project would enhance nutrients in five miles of Pine Creek and two miles of Fork tributary PB using either salmon carcasses or analog style fish nutrient bricks.</td>
<td>USDA Forest Service Pine Creek Nutrient Enhancement</td>
<td>$45,000</td>
<td>Yes</td>
<td>1, yes</td>
<td>2, yes, eventually</td>
<td>3, yes, eventually</td>
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<tr>
<td>2</td>
<td>USDA Forest Service</td>
<td>East Fork Lewis River Instream Structures Steelhead</td>
<td>2009/2010</td>
<td>To enhance the quality of fish habitat in the Upper East Fork Lewis River by installing in-stream structures. Objectives: - Improve the quality and amount of pool habitat - Improve the quality and amount of spawning gravel</td>
<td>USDA Forest Service East Fork Lewis River Structures Steelhead</td>
<td>$45,650</td>
<td>Yes</td>
<td>1, yes</td>
<td>2, yes</td>
<td>3, push</td>
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<tr>
<td>3</td>
<td>USDA Forest Service</td>
<td>Clear Creek Instream Habitat Restoration</td>
<td>2009/2011</td>
<td>This project would install large woody material (LWM) in Clear Creek starting from the mouth to 500 feet upstream from the bridge located on Forest Service 61, an area covering approximately 1.3 miles.</td>
<td>USDA Forest Service Clear Creek Instream Habitat Restoration</td>
<td>$112,000</td>
<td>Yes</td>
<td>1, yes, eventually</td>
<td>2, yes, eventually</td>
<td>3, yes, eventually</td>
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<td>4</td>
<td>USDA Forest Service</td>
<td>Pepper Creek Instream Habitat Restoration</td>
<td>2009/2011</td>
<td>This project would install large woody material (LWM) in Pepper Creek starting from the mouth to 300 feet upstream from the confluence located on Forest Service 909, an area covering approximately 0.5 miles.</td>
<td>USDA Forest Service Pepper Creek Instream Habitat Restoration</td>
<td>$42,000</td>
<td>Yes</td>
<td>1, yes, eventually</td>
<td>2, yes, eventually</td>
<td>3, yes, eventually</td>
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<tr>
<td>5</td>
<td>Lower Columbia Fish Enhancement Group</td>
<td>Lower Columbia River RM 13.5 Habitat Enhancement</td>
<td>2009/2010</td>
<td>The ACC portion is to install an approx. 4,000 linear feet of large wood and rock structures along the north bank whereas the SRFB portion of the project will install engineered logjams and riparian plantings on the right bank.</td>
<td>Lower Columbia Fish Enhancement Group</td>
<td>$159,918</td>
<td>Yes</td>
<td>1, yes</td>
<td>2, yes, eventually</td>
<td>3, yes, eventually</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>6</td>
<td>Cowitz Indian Tribe</td>
<td>Plas Newwyd RM 2.0 Off-channel Habitat Enhancement</td>
<td>2009/2010</td>
<td>Plant a shrub/tree complex of 3,200 shrubs: cottonwood and red cedar drooping along the water’s edge and add 400 kilograms of salmon carcasses into the off-channel itself.</td>
<td>Plas Newwyd Off-channel Habitat Enhancement</td>
<td>$50,000</td>
<td>No</td>
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<td>2, yes</td>
<td>3, yes</td>
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<tr>
<td>7</td>
<td>Cowitz Indian Tribe</td>
<td>Plas Newwyd RM 0.5 Fish Plantings and LWD Structures</td>
<td>2009/2010</td>
<td>Implement a multi-faceted stream enhancement plan which includes the pioneering layer of site-appropriate tree and shrub species and install six LWD structures between the high-elevation know and true left bank of the river.</td>
<td>Plas Newwyd Fish Plantings and LWD Structures</td>
<td>$75,000</td>
<td>Yes - FS No - EL</td>
<td>1, yes</td>
<td>2, yes</td>
<td>3, yes</td>
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</tbody>
</table>

**Totals** | **$ 559,588**

**Cost Objectives:**
1. Benefit fish recovery throughout the North Fork Lewis River, priority to federal ESA-listed species
2. Support the re-introduction of anadromous fish throughout the basin
3. Enhance fish habitat in the Lewis River Basin, with priority given to North Fork Lewis River
<table>
<thead>
<tr>
<th>Release Date</th>
<th>Funds Received</th>
<th>Expense</th>
<th>Interest</th>
<th>Balance</th>
<th>Notes</th>
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<tbody>
<tr>
<td>12/31/05</td>
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<td>161,327.11</td>
<td>Contributions in 2004 dollars, adjusted for inflation.</td>
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<td>4/30/06</td>
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<td>$ 46,000.00</td>
<td>Muddy River Tributary Road Decommission - USDA FS</td>
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<td>9/30/06</td>
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<td>$ 46,000.00</td>
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<td>$ 24,305.00</td>
<td>Fish Passage Culvert Replacement - USDA FS</td>
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<td>12/31/06</td>
<td>$ 163,897.54</td>
<td>$ 80,000.00</td>
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<td>2007 Dispersed Camping &amp; Day Use Road Restoration - USDA FS</td>
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<td>8/2/07</td>
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<td>$ 79,000.00</td>
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<td></td>
<td>2007 Aquatic Funding Enhancement Projects - Cowlitz Indian Tribe</td>
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<td>9/6/07</td>
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<td>$ 75,000.00</td>
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<td>12/31/07</td>
<td>$ 225,347.95</td>
<td></td>
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<td>$ 30,833.16</td>
<td>2008 Clear Creek Road Decommission - USDA FS</td>
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<td>7/3/08</td>
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<td>$ 34,000.00</td>
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<td>2008 Muddy River Habitat Improvement - USDA FS</td>
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<tr>
<td>7/3/08</td>
<td></td>
<td>$ 117,000.00</td>
<td></td>
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<td>2008 Mud Creek Enhancement - Cowlitz Indian Tribe</td>
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<td>10/2/08</td>
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<td>$ 43,500.00</td>
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</tbody>
</table>

Total Spent to Date: $ 474,500.00  
Running Total: $ 343,382.79
## Lewis River License Implementation
### Lewis River Aquatics Fund - Bull Trout
#### Sections 7.5, 7.5.1, 7.5.3, 7.5.3.1 & 7.7

**Funding Start Date:** 4/30/05

<table>
<thead>
<tr>
<th>Release Date</th>
<th>Funds Received</th>
<th>Expense</th>
<th>Interest</th>
<th>Balance</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/31/05</td>
<td></td>
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<td>$161,327.11</td>
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<td>Contributions in 2004 dollars, adjusted for inflation.</td>
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<tr>
<td>4/30/06</td>
<td>$106,086.01</td>
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<td>$37,889.08</td>
<td>$19,176.61</td>
<td>Pine Creek Nutrient Enhancement - USDA FS</td>
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<td>11/30/06</td>
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<td>Pine Creek Instream &amp; Floodplain Structures for Bull Trout and Steelhead - USDA FS</td>
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<td>12/31/06</td>
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<td>$20,000.00</td>
<td>$27,400.40</td>
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<td>$43,150.00</td>
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<td>2007 Pine Creek Nutrient Enhancement - USDA FS</td>
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<td>7/3/08</td>
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<td></td>
<td></td>
<td></td>
<td>2008 Panamaker Crk. Rd Close &amp; Culvert Removal - PacifiCorp</td>
</tr>
</tbody>
</table>

**Total Spent to Date:** $151,039.08  
**Running Total:** $439,522.57
Dear Lewis Settlement Agreement Participants;

We want to come to an ACC meeting dedicated to comparing 401 water quality certification/license conditions with the settlement agreement. I would like to walk through a comparison using powerpoint. Water quality and fisheries expertise from our agency can be present to help with discussion.

One objective for us is to avoid future conflicts with PacifiCorp and the ACC. We can do this by improving 401 condition coordination with the ACC through identifying specific needs to include in future agendas.

Most of you know that 401 water quality certification conditions were adopted as license conditions. Those conditions have flow, habitat and water quality requirements and timelines that directly affect the work that the ACC oversees. I hope you agree that coordination between us in our two respective responsibilities for the Lewis Project is critical.

I will attend the November 13 afternoon portion of the meeting by telephone. How does the January meeting sound?

Thank you.

Chris Maynard
Hydropower, Water Resources Program
Washington State Dept. of Ecology
Olympia, WA
(360) 407-6641
Subject: ACC 11/13/08 Meeting Agenda, ACC Draft 10/9/08 Meeting Notes

Attn: ACC Participants

Please find attached the ACC 11/13/08 Meeting Agenda and the ACC 10/9/08 Draft Meeting Notes for your review.

Thank you.

Kimberly L. McCune - PacifiCorp Energy
Hydro Resources Project Coordinator
Phone: 503-813-6078
Fax: 503-813-6633
kimberly.mccune@pacificorp.com

Kimberly McCune from PacifiCorp has invited you to a Voice and Web Conference (Mtg ID 111308) on NOV, 13 2008 at 9:00 AM America/Los_Angeles. If provided, use the following password: 607813

To attend a Voice Conference: Call 503-813-5600 (toll free #800-503-3360), follow the instructions provided and enter Mtg ID 111308 when prompted.

PacifiCorp Employees - To attend a Voice and Web Conference:


Click Attend Meeting

Click on the Join Web Conference button.

(User must be logged into the PacifiCorp wide area network)

For more detailed instructions, visit http://meetingplace/mpweb/HTML/InfoCenter/New/tools/default.asp

External Participants - To attend a Web Conference

1) Click on: https://meetusat.pacificorp.com

2) Enter Meeting ID and click attend meeting.

3) Enter your name in the My Name Is field and click attend meeting.

4) Enter the meeting password and click submit.

5) Say yes to any security warnings you might receive.

11/17/2008
Table 4.1.4 of the Lewis River Settlement Agreement (SA) defines Adult Trap Efficiency (ATE) as “The percentage of adult Chinook, coho, steelhead, bull trout, and sea-run cutthroat that are actively migrating to a location above the trap and that are collected by the trap.” Section 4.1.4c of the SA requires the ACC to “… develop an ATE performance standard for the term of each New License to ensure the safe timely and efficient passage of adult salmonids.”

The ACC agrees that for ATE performance standard evaluation purposes at Merwin Dam, the following conditions apply:

a) ATE is calculated by taking the number of actively migrating test fish that are passed upstream in a safe, timely and efficient manner, divided by the number of actively migrating test fish entering the Merwin tailrace.

b) The Merwin tailrace is defined as the river between Merwin Dam and the project access bridge.

c) Test fish are fish that are tagged for the ATE tracking study, after capture from the Merwin Trap or locations downstream, and are considered to be active migrants subject to the conditions below.

d) Dropbacks are test fish that do not enter the Merwin tailrace. Dropbacks are considered to be either fish that have strayed into the Lewis River system, or fish that spawn in the Lewis River below the Merwin tailrace. Dropbacks are not considered to be active migrants for purposes of calculating ATE.

e) Fallbacks are test fish that require multiple attempts to pass Merwin Dam, and may re-enter the Merwin tailrace multiple times. Fallbacks are considered to be active migrants for purposes of calculating ATE.

f) Tag loss and tagging mortality will be identified by methods to be described in the tracking study plan. Test fish that lose their tags or are tagging mortalities are not considered to be active migrants for purposes of calculating ATE.

g) Test fish that enter the Lewis River Hatchery are not considered to be active migrants for purposes of calculating ATE.

h) Test fish that are captured by the sport or commercial fisheries are not considered to be active migrants for purposes of calculating ATE.

i) Delay time is defined to be the total time it takes for a test fish to locate and enter the Merwin Trap, calculated as the time period between initial tailrace entry and final trap capture.

To achieve the ATE performance standard, the ACC agrees that:

a) Safe passage means that active migrants must be re-captured and passed upstream of Merwin Dam with facility induced injury less than 2% and mortality rates less than 0.5% as defined in Section 4.1.4 of the SA.
b) Timely passage means that the median delay time for active migrants must be measured at
less than or equal to 24 hours, with no more than 5% of the active migrants taking longer than 1
week to pass, and must be transported upstream of Merwin Dam within 24 hours of trap
capture. If study results show the median delay is less than 30 hours and all other upstream fish
passage SA Performance Standards at Merwin dam are met, the 30-hour median delay may be
acceptable based on consensus of the ACC. Median delay times of less than 24 hours have
been demonstrated to be achievable for multiple adult salmonid species at other hydro projects,
as documented in the meeting minutes of the ACC ( ).

c) Efficient passage means that at least 98% of the active adult migrants must be passed
upstream of Merwin Dam. Passage success has been measured at greater than 98% for multiple
adult salmonid species at other hydro projects, as documented in the meeting minutes of the
ACC ( ).

Until ATE performance standards are achieved, the Merwin Trap will be adjusted or modified per
Settlement Agreement Section 4.1.6 and in Consultation with the ACC. After ATE performance
standards are achieved, no further adjustments or modifications to the Merwin upstream passage
facility will be required.