

**Lewis River Hydroelectric Projects Settlement Agreement
Aquatic Coordination Committee (ACC)
Meeting Agenda**

Date & Time: Thursday, August 8, 2013
9:00 a.m. – 12:00 p.m.

Place: Merwin Hydro Control Center
105 Merwin Village Court
Ariel, WA 98603

Contacts: Frank Shrier: (503) 320-7423
Lore Boles (Merwin Desk): (360) 225-4412

Time	Discussion Item
9:00 a.m.	Welcome <ul style="list-style-type: none">➤ Review Agenda & 7/11/13 Meeting Notes➤ Comment & accept Agenda & 7/11/13 Meeting Notes
9:15 a.m.	Review of Aquatic Fund Administrative Procedures <ul style="list-style-type: none">➤ Insurance Requirements➤ Announcement Modification➤ Project Proposal Modification
10:30 a.m.	Break
10:45 a.m.	Acclimation Pond/Crab Creek <ul style="list-style-type: none">➤ Water intake screen size
11:00 a.m.	Study/Work Product Updates <ul style="list-style-type: none">○ Woodland Release Ponds - Status○ Hatchery Upgrades - Status○ Hatchery and Supplementation Plan - Status○ Clear Cr. and Muddy R. Acclimation Pond – Status○ Merwin Upstream Construction - Status○ Swift Downstream Collector - Status○ Future Fish Passage Facilities New Information – Status○ Yale Spillway Barrier Net – Status○ Water Quality Management Plan
11:45 a.m.	<ul style="list-style-type: none">➤ Next Meeting's Agenda➤ Public Comment Opportunity Note: all meeting notes and the meeting schedule can be located at: http://www.pacificorp.com/es/hydro.html
12:00 p.m.	Adjourn

Join by Phone

+1 (503) 813-5252 [Portland, Ore.]

+1 (855) 499-5252 [Toll Free]

Conference ID: 1814916

FINAL Meeting Notes
Lewis River License Implementation
Aquatic Coordination Committee (ACC) Meeting
August 8, 2013
Ariel, WA

ACC Participants Present (11)

Kimberly McCune, PacifiCorp Energy
Frank Shrier, PacifiCorp Energy
Todd Olson, PacifiCorp Energy
Chris Karchesky, PacifiCorp Energy
Erik Lesko, PacifiCorp Energy (via conference)
Diana Gritten-MacDonald, Cowlitz PUD (via conference)
Peggy Miller, WDFW
Eric Kinne, WDFW (via conference)
Aaron Roberts, WDFW
Pat Frazier, LCFRB (via conference)
Jim Malinowski, Fish First

Calendar:

September 12, 2013	ACC Meeting	Merwin Hydro
October 10, 2013	ACC Meeting	Merwin Hydro

Assignments from August 8, 2013 meeting	
Kinne: Report back to PacifiCorp as quickly as possible regarding Crab Creek screening design alternative(s).	Complete – 8/14/13
McCune: Email the revised Aquatic Fund - Strategic Plan and Administrative Procedures to the ACC for review and comment. All comments are requested on or before August 23, 2013.	Complete – 8/8/13

Assignments from July 11, 2013 meeting	
Shrier: Provide Chris Maynard (WDOE) the name of the water right contact specific to the Crab Creek water right application.	Complete - 7/17/13
Kinne: Provide PacifiCorp with final data sets for both the traps.	Complete – 7/12/13

Opening, Review of Agenda and Meeting Notes

Frank Shrier (PacifiCorp) called the meeting to order at 9:05 a.m. Shrier requested all attendees identify themselves for the benefit of all on the conference call. The ACC reviewed the agenda and no additions were requested.

The July 11, 2013 meeting notes were reviewed and approved without change at 9:10 a.m. Kimberly McCune (PacifiCorp) will finalize the July 11, 2013 meeting notes for posting to the Lewis River website.

Review of Aquatic Fund Administrative Procedures

Shrier provided a cursory review of the ACC conference call conducted on July 22, 2013 to address the issue of approving additional insurance expenditures from the Aquatic Funds for the 2013 LCFEG and MSHI projects (see [Attachment A](#)).

The next step is to review the Aquatic Fund administrative procedures to address the insurance requirements for subsequent years and to ensure the cost of such insurance is included in the project proposals.

David Hu (USFS) provided his comments via email on August 7, 2013 ([Attachment B](#)).

Jim Malinowski (Fish First) communicated to the ACC attendees that the levels of coverage required by PacifiCorp are excessive and tough on volunteer groups to come up with the needed coverages.

Todd Olson (PacifiCorp) indicated that the levels of insurance PacifiCorp has identified are required by all contractors who work for PacifiCorp such as for the construction of the Acclimation Ponds and wildlife habitat activities. For such contracts PacifiCorp pays for the added insurance to address project risk. In order to continue to provide funding opportunities to all interested parties, the Aquatic Fund should do the same.

Olson further stated that the Lewis River Settlement Agreement does not address the issue of insurance specific to the Aquatic Fund habitat enhancement projects. However, this expense is the cost to administer the contracts. PacifiCorp does not charge for administrative costs and Kim spends a lot of her time working on the Aquatic Fund process. The other option is that if another group out there wished to administer the funds then PacifiCorp will issue a check to that entity.

Malinowski said that this additional expense seems like a tax imposed and would like to hear what Diana Gritten-MacDonald has to say.

Diana Gritten-MacDonald (Cowlitz PUD) stated that her position is similar to that of Hu and the Aquatic Fund is for aquatic projects. The project sponsors should provide the required insurance at no additional cost to the ACC or withdraw the projects. It is inappropriate to use the aquatic fund for insurance and not fish habitat enhancement projects. There is the potential to secure insurance that can be used for other business purposes at the expense of the aquatic fund.

Malinowski expressed that he is really opposed to using aquatic funds for insurance purposes.

Pat Frazier (LCFRB) understood PacifiCorp's risk, but didn't like the aquatic funds paying for insurance. PacifiCorp's requirements are significantly higher than other insurance coverages required by other entities such as LCFRB's and BPA. Frazier expressed concern that the increased insurance limits could reduce the number of sponsors that purpose projects. He doesn't want the process limited to one or two contractors due to their ability to carry higher insurance limits.

Peggy Miller (WDFW) communicated that she does not see PacifiCorp changing the insurance requirements and we will probably have to live with it. The ACC could use the cost of insurance as part of the evaluation process (a cost benefit evaluation - evaluation on merits of project vs. cost of insurance).

Shrier stated that PacifiCorp is mostly in agreement with what other ACC participants are expressing. PacifiCorp shares concern that no one could apply for funds because they can't afford insurance. Olson said we want to do all we can to not limit who can apply for the funds.

Malinowski's concern is that special coverages will end up costing more.

Shrier expressed that the insurance premium varies on the riskiness of the project. Olson noted that as a private entity funding large scale habitat projects, PacifiCorp is exposed to a greater risk of being sued; much more so than the federal, state or local government and entities such as the Lower Columbia River Fish Recovery Board. He could not think of any other entity in a comparable situation.

Frazier said he understands that PacifiCorp is the perfect target for law suits. He wants to make sure that it's understood that this level of insurance is not a normal expense for most habitat restoration projects.

Olson communicated that PacifiCorp has to be positional on this topic and must apply the required limits to adequately protect itself or the ACC will have to find another entity to administer the aquatic fund.

McCune asked the ACC if there was interest from other ACC members to accept the role as administrator of the aquatic fund whereby they could accept the lower insurance limits Frazier spoke of earlier (\$1-\$2M) rather than the \$4 - \$5M required by PacifiCorp. Frazier said there is a potential for LCFRB to handle the task but he will have to speak with his management. LCFRB will likely not accept such a task free of charge.

Miller said that the ACC would have to look at the cost of insurance vs. the cost of administration and compare the expense.

In general the participants acknowledged (although not fully supported), that adding in PacifiCorp's greater insurance requirements for a project to receive aquatic funding is needed absent a new fund administrator who could accept the lower insurance limits. Accordingly, Shrier said that PacifiCorp will redline the aquatic fund administrative procedures document and add in the pre-proposal and full proposal documents the required insurance limits so each project sponsor will be aware of the new requirements as they develop applications and pursue funding.

Shrier noted that the insurance coverage PacifiCorp is asking for is by project; not for all projects. The reason for this is that if a claim arises on another project put in by the same project sponsor, then it's possible there would not be enough insurance left to address their Lewis River aquatic fund project.

Shrier also explained that PacifiCorp rates every project on a 0-5 scale to evaluate risk. PacifiCorp will discuss this with its risk management department.

The ACC attendees expressed discontent but they agreed they are not going to stand in the way of spending aquatic funds for the insurance limits required by PacifiCorp.

McCune will email the revised *Aquatic Fund - Strategic Plan and Administrative Procedures* to the ACC for review and comment, which will include as an attachment the insurance limits required and allow two weeks for review. **All comments are requested on or before August 23, 2013.**

Miller suggested the ACC use adaptive management for insurance requirements and evaluate the insurance requirements per project. Olson indicated that when PacifiCorp sends out the announcement letter and project proposal requests, the higher insurance limits will be cited, so each entity will know in advance. PacifiCorp's Risk department can evaluate the project(s) prior to ACC approval to confirm the needed limits for the specific project and reduce the limits, if appropriate.

Malinowski expressed that he wants to know the insurance expense prior to approving a specific project.

Olson agreed and thought that involving PacifiCorp's Risk department prior to the ACC final review of proposed projects would lead to knowing the insurance cost for each project prior to the ACC's final decision making.

Study/Project Updates

Woodland Release Ponds

NMFS sent a letter to FERC committing to a decision document by the end of July specific to Eulachon consultation but PacifiCorp has received no word if this document has been completed.

Acclimation Pond/Muddy River and Clear Creek Update

Construction is under way at the Muddy pond site; Clear Creek construction to begin next week. No large issues at the Muddy site; Shrier noted that considerable ground water is entering the excavated channel and noticed that the water felt cooler than water in the Muddy River. Possible that groundwater influence will provide better environmental queue for fish to key in on.

Acclimation Pond Crab Creek Update

Shrier informed the ACC attendees that the Crab creek intake is in an area of extremely steep gradient. There is no viable spawning area so the likelihood of fry in the area is almost nil. The plan calls for an intake screen with 3/32" opening. Shrier expressed that there is concern for clogging which could dewater the pond and kill fish; Bryan Nordlund (NMFS) is ok with using a larger (3/4") size screen to prevent clogging if WDFW and the ACC are ok with it. The Forest Service is concerned about the size of excavation and they may need to review the design again.

Eric Kinne (WDFW) suggested a sloped/self-cleaning screen; box design. However, it could have a problem with passing fish upstream. The Forest Service is concerned about upstream passage as they do not want barrier greater than 6".

Shrier communicated that the design work and NEPA is currently held up and asked WDFW to get back to PacifiCorp as quickly as possible regarding their design alternative(s).

Shrier also informed the ACC attendees that Washington Department of Ecology is willing to give PacifiCorp a two year temporary water right. Then, within the two years they see no reason

not to grant PacifiCorp the full 15 year water right. PacifiCorp has yet to receive the two year temporary water right.

Hu provided his comments via email on August 7, 2013 ([Attachment B](#)).

Lower River Surveys

Surveys are scheduled to begin on or around August 15. Redd surveys will be conducted for Chinook in August and September and then the survey crews will move into coho carcass surveys for both early and late coho in the mainstem and tributary streams through January 2014.

Upper River Surveys

Surveys are scheduled to begin on or around August 15. There are approximately 400 spring Chinook that have been transported upstream and it remains to be seen how the early coho returns will be and whether there will be any fish available for transport upstream. The goal is to transport 9,000 adult coho upstream of Swift dam.

Hatchery Upgrades:

Below is the current schedule for remaining hatchery upgrade projects detailed in Section 8.7 of the Settlement Agreement

Projects scheduled for completion in 2013

- Merwin Hatchery – Upgrades to the PLC, metering and alarming at the ozone facility remains on schedule for 2013.
- Speelyai Hatchery – Conversion of Pond 14 to raceways – This project remains on schedule for completion by August 28.

Projects scheduled for 2014

- Speelyai Hatchery – Modifications to the intake structure has been delayed due to county requirements for a geotechnical survey to be completed prior to issuance of the shoreline permit. This work will cause the project to miss the in water work period of the state and therefore delay the project until 2014.
- Lewis River Hatchery – Modifications and structural support for the downstream intake pending Biological Opinion from NMFS.

Hatchery & Supplementation (H&S) Program

The H&S Subgroup met August 7, 2013 with regional experts in the field of genetics to discuss several issues but mainly about concerns with the wild winter steelhead program size, specifically, the relatively low number of broodstock pairs and the rather large number of returns from those limited broodstock. This outcome produces significant risks to the Lewis River population because of the high potential of inbreeding and therefore significant genetic drift and reduced diversity. The subgroup also discussed Genetic Mark Recapture methods with respect to fall Chinook. Additional meetings will be needed to develop a draft AOP for 2014.

Merwin Upstream Construction Status

Placement of an 8 foot diameter pipe across the downstream face of the powerhouse is progressing as planned; welding each section and examining by x-ray. Upstream fish trap is closed during this portion of construction; the hatcheries are relying entirely on Lewis River hatchery ladder for broodstock.

Swift Downstream Collector Construction Status

July fish numbers have gone down ([Attachment C](#)); surface water of Swift reservoir is warm (20-21° C). PacifiCorp will be de-ballasting the vessel in September 2013 and floating it up so that work can be completed in the dry.

Development of New Information to Inform Fish Passage

Contractors are working every day; University of Washington collecting pike minnow and tagging as part of predator population assessment. USGS conducting a lot of stream survey work; genetic analysis; to determine the difference from the 2009 baseline compared to today's samples.

Yale Spillway Barrier Net

The net is not dropping consistently as required, so contractors are working on the issue.

Water Quality Management Plan

Washington State Department of Ecology accepted PacifiCorp's Water Quality Management Plan which was submitted in its final form July 2013.

As part of the plan there will be a Yale tailrace study to determine the effects of temperature fluctuation on the existing biota. There will also be a DO and temperature model that will help PacifiCorp and Ecology determine the baseline.

Other Topics

Miller informed the ACC that she is doing all she can to secure a signature on the landowner release agreement, specific to the LCFEG 2013 Cedar Creek Reach 1A habitat enhancement project.

<10:25 a.m. meeting adjourned >

Agenda items for September 12, 2013

- Review August 8, 2013 Meeting Notes
- 2013/2014 Aquatic Fund Update
- Study/Work Product Updates

Public Comment

None

Next Scheduled Meetings

September 12, 2013	October 10, 2013
Conference Call	Merwin Hydro Control Center
Ariel, WA	Ariel, WA
9:00 a.m. – 11:00am	9:00 a.m. – 3:00pm

Meeting Handouts & Attachments

- Notes from 7/11/13
- Agenda for 8/08/13

- **Attachment A** – ACC Meeting Notes dated July 22, 2013
- **Attachment B** – Email from USFS (David Hu) dated August 7, 2013
- **Attachment C** – Swift Floating Surface Collector – Fish Facility Report, July 2013

FINAL Meeting Notes
Lewis River License Implementation
Aquatic Coordination Committee (ACC) Meeting
July 22, 2013
CONFERENCE CALL

ACC Participants Present (12)

Kim McCune, PacifiCorp Energy
 Frank Shrier, PacifiCorp Energy
 David Hu, US Forest Service
 Adam Haspiel, US Forest Service
 Eric Kinne, WDFW
 Pat Frazier, LCFRB

Topic: Lewis River 2013 Aquatics Fund - Collection Agreement Insurance Requirements

Opening

Frank Shrier (PacifiCorp) called the ACC meeting to order at 9:05 a.m. Shrier and Kim McCune (PacifiCorp) informed attendees that PacifiCorp has called an urgent ACC meeting to seek the approval needed relating to PacifiCorp's increased insurance limits for the 2013 aquatic habitat enhancement projects. The following two project proponents are not able to meet these requirements. PacifiCorp will pay the additional expense but wants these additional monies to come from the Aquatics Fund.

Applicant	Project Title	Approved Funding	Insurance Provision Met	Umbrella Liability Requirement
Mt. Saint Helens Institute (MSHI)	Survey of Bull Trout Stream habitat features to develop future habitat restoration projects	\$59,226	NO	\$5M
Lower Columbia Fish Enhancement Group (LCFEG)	Cedar Creek Reach 1A	\$53,000	NO	\$5M

Applicant	Project Proponent insurance quote to meet PacifiCorp's requested insurance limits	Commercial General Liability Requirement	Umbrella Liability Requirement	Business Automobile Liability Requirement
Mt. Saint Helens Institute (MSHI)	\$4,200/annually	\$4M	\$5M	\$2M
Lower Columbia Fish Enhancement Group (LCFEG)	\$7,200/annually	\$2M	\$5M	\$1M

Shrier informed the attendees that the projects are on hold due to lack of sufficient insurance requirements to cover PacifiCorp adequately. PacifiCorp staff pushed this matter to the Vice President level and hoped the additional funds would not be needed from the Aquatic Fund; the

decision rendered is there would be no relief in the insurance limits and the cost of these increased limits must come from the project proponent via the Aquatic Fund.

McCune stated that the project proponent's insurance carrier too seems to agree with the level of risk evidenced by the cost of the insurance premiums.

David Hu (USFS) indicated that insurance expense is not an appropriate use of aquatic funds regardless of the project proponent.

Pat Frazier (LCFRB) asked if MSHI would have increased their proposal if they had known in advance of the increased insurance limits. Shrier and McCune both said yes, that would be likely had they known. Shrier also expressed that we are headed there in the long term to address these insurance limits prior to the next Aquatic Fund announcement this September. McCune said that the insurance requirement should be stated clearly in the Aquatic Fund Strategic Plan and Administrative Procedures document going forward as well as the Aquatic Fund Announcements.

Adam Haspiel (USFS) communicated that a contractor would normally write the administrative expense(s) into their bids. He further stated that the LCFEG would have included this additional expense in their original 2013 aquatic habitat enhancement proposal if they had known of the increased insurance limits.

Frazier said that if the ACC does not agree to pay for these insurance costs from the ACC funds the 2013 projects will not happen. Haspiel further stated that PacifiCorp will not release funds until MSHI and LCFEG have the required insurance limits which could lead to project failure if we don't agree to pay for the insurance from the ACC funds.

Shrier informed the ACC that Diana MacDonald (Cowlitz PUD) provided her comments via email (excerpt below):

...If the sponsors cannot provide the required insurance at no additional cost to the ACC, they need to withdraw the projects. If they are able to reorganize under another sponsor who can meet the insurance requirement, then they could resubmit the project during a future funding cycle. What I mean is that some potential sponsors already meet the insurance requirement for their own business purposes and would not have to purchase extra insurance"...

.....The appropriate solution is for the sponsors to withdraw the project, re-organize under a different sponsor and re-apply.

PacifiCorp ACC representatives do not like having to use the Aquatic Fund for this purpose but are inclined to use the funds regardless. McCune expressed that she does not believe the intent of the fund was to pay for administrative costs, or to exclude those proponents that cannot afford the level of insurance PacifiCorp required, but to award funds on the merit of the habitat enhancement project. Frazier said he agrees with McCune that we don't want to only award on the basis of ability to buy the required levels of insurance but on the merit of the proposed project.

Haspiel informed the attendees that a similar situation arose when trying to find a contractor that could transport logs but they did not have the needed insurance requirements or the funds to

purchase these requirements. Chilton Logging did have such insurance limits and PacifiCorp paid them directly for the large woody debris transport using the lower Lewis River LWD fund.

Frazier said that the timing of the 2013 projects is impacted if we wait any longer to make a decision on this request.

Hu stated that he disagrees with MacDonald's approach but he wants to make sure that if we approve of this additional funding we do so equally for all project proponents.

Discussion took place regarding the meaning of consent. McCune informed the attendees that the Aquatics Fund – Strategic Plan and Administrative Procedures, January 2009 document states, “*Consent does not necessarily imply that a Party agree completely with a particular decision, just that the Party is willing to go along with the decision rather than block the action*”.

The Settlement Agreement offers the opportunity for the alternative dispute resolution (ADR) process should a Party strongly object to the ACC's decision.

McCune further stated that she reviewed the Aquatics Fund – Strategic Plan and Administrative Procedures document, the Settlement Agreement (7.5) text and Aquatic Fund Proposal Form and did not find any language that prohibits us from using the funds for this insurance expense however; she did not locate specific language that approves of the expense either. The Settlement Agreement states:

7.5.3.2 Resource Project Proposal, Review, and Selection.

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

The ACC has the authority for adaptive management to address issues such as these that were not previously addressed.

Shrier and McCune noted that the funds gain considerable interest throughout the year which more than covers the additional insurance expense for the MSHI and LCFEG 2013 projects (see **Attachment A – Lewis River Aquatic Fund Tracking, as of April 30, 2013**).

Discussion took place regarding the additional \$10K per year that PacifiCorp places into a fund (**Attachment A**) for LWD projects in the mainstem of the Lewis River below Merwin Dam that benefit anadromous fish, according to Settlement Agreement provision 7.1.1. The ACC agreed that \$10K would be used in 2013 toward the LCFEG project while the remainder (\$43,000), plus insurance expense, will be spent from the Resource Fund to assist with offsetting some of the additional insurance expense providing we reach a consensus on this decision.

The ACC reached the following consensus to use the appropriate Aquatic Fund accounts to fund the 2013 projects (including the additional insurance requirement expense) for an amount not to exceed as follows:

Applicant	Project Title	Approved Funding	Project Proponent insurance quote to meet PacifiCorp's requested insurance limits
Mt. Saint Helens Institute (MSHI)	Survey of Bull Trout Stream habitat features to develop future habitat restoration projects	\$59,226	\$4,200/annually for two years
Lower Columbia Fish Enhancement Group (LCFEG)	Cedar Creek Reach 1A	*\$53,000	\$7,200/annually for two years

The decisions rendered by the ACC is as follows:

ACC Representative	Decision to use Aquatic Fund and LWD Fund for additional insurance related expenses for the above-referenced 2013 Aquatic Fund Projects: Yes or No
Frank Shrier, PacifiCorp Energy	Yes
David Hu, US Forest Service	Yes
Eric Kinne, WDFW	Yes
Pat Frazier, LCFRB	Yes
Diana Gritten-MacDonald, Cowlitz PUD	No – but will not block the decision to move forward (via email)
Jim Malinowski, Fish First	Yes (via email)
Shannon Wills, Cowlitz Indian Tribe	Yes (via email)

***\$10,000 from the LWD fund**

Those ACC representatives not in attendance have seven (7) days to provide a response/decision **on or before Monday, July 29, 2013 by close of business.**

After the 7-day comment period the ACC decisions will be considered final and McCune will proceed with notifying the project proponents.

<9.35 a.m. meeting adjourned >

Attachment A – Lewis River Aquatic Fund Tracking, as of April 30, 2013.

Attachment A

Lewis River License Implementation

Lewis River Aquatics Fund - Resource Projects
Sections 7.5, 7.5.1, 7.5.3, 7.5.3.1 & 7.7

Funding Start Date: 4/30/05

Release Date	Funds Received	Expense	Interest	Balance	Notes
12/31/05	\$ 161,327.11			\$ 161,327.11	Contributions in 2004 dollars, adjusted for inflation
4/30/06	\$ 212,172.03				
9/30/06		\$ 46,000.00			Muddy River Tributary Road Decommission - USDA FS *
12/31/06			\$ 24,305.00	\$ 351,804.14	
4/30/07	\$ 164,776.65	\$ 80,000.00			Fish Passage Culvert Replacement - USDA FS*
8/23/07		\$ 79,000.00			2007 Dispersed Camping & Day Use Road Restoration - USDA FS*
9/6/07		\$ 75,000.00			2007 Aquatic Funding Enhancement Projects - Cowlitz Indian Tribe*
12/31/07			\$ 29,964.05	\$ 312,534.84	
4/30/08	\$ 225,723.71				
7/3/08		\$ 34,000.00			2008 Clear Creek Road Decommission - USDA FS
7/3/08		\$ 117,000.00			2008 Muddy River Habitat Improvement - USDA FS
10/2/08		\$ 43,500.00			2008 Mud Creek Enhancement - Cowlitz Indian Tribe *
12/31/08			\$ 19,538.55	\$ 363,297.10	
4/30/09	\$ 374,275.05				
8/20/09		\$ 190,000.00			2009 NF RM 13.5 Habitat Enhancement - LCFEG*
9/16/09		\$ 106,000.00			2009 Clear Creek Instream - USDA FS*
9/24/09		\$ 33,000.00			2009 Spencer Peak Road Decommission - USDA FS*
9/25/09		\$ 41,000.00			2009 Nutrient Enhancement Pine Creek - USDA FS*
12/31/09			\$ 16,279.44	\$ 383,851.59	
4/30/10	\$ 375,965.20				
12/22/10		\$ 50,000.00			2009 Plas Newydd RM 2.0 Off-Channel Habitat Enhancement - Cowlitz Indian Tribe*
12/31/10			\$ 20,932.67	\$ 730,749.57	
1/11/11		\$ 41,300.00			2010 Pepper-Lewis Side Channel Instream Habitat Restoration - USDA FS*
1/26/11		\$ 32,500.00			2010 Pine Creek Instream and Floodplain Structures for BT & Steelhead - USDA FS*
4/30/11	\$ 382,749.82				
7/21/11		\$ 39,000.00			2011 Muddy River Side Channel Restoration - USDA FS*
8/19/11		\$ 42,000.00			2011 Lewis River Side Channel Near Muddy River Instream Habitat Restoration - USDA FS
9/21/11	\$ 1,695.65				2009 Pine Creek Nutrient Enhancement funds not used - USDA FS
12/31/11			\$ 29,240.92	\$ 989,635.96	
3/23/12	\$ 1,161.06				2007 Dispersed Camping & Day Use Road Restoration funds not used - USDA FS
4/30/12	\$ 391,012.52				
6/15/12	\$ 34,000.00				2008 Clear Creek Road Decommission funds not used - USDA FS
9/4/12		\$ 74,300.00			2010 Eagle Island Site A - Cowlitz Indian Tribe
10/1/12		\$ 85,000.00			2011 Eagle Island Sites B & C - Cowlitz Indian Tribe
12/31/12			\$ 40,430.28	\$ 1,296,939.82	
4/16/13	\$ 13,795.79				2009 Spencer Peak Road Decommission funds not used - USDA FS
4/29/13		\$ 128,000.00			2012 Clearwater Creek Instream Habitat Restoration - USDA FS
4/29/13		\$ 50,000.00			2012 Lewis River Side Channel III Instream Habitat Restoration - USDA FS
4/30/13	\$ 397,908.89				
Total Spent to Date:		\$ 1,550,804.21			
Balance Remaining:		\$ 1,530,644.50			* Project close out complete

Note: In August 2009, the Bureau of Economic Analysis (BEA) restated the index numbers in Table 1.1.9 (Implicit Price Deflators for Gross Domestic Product). The index numbers are now based on 2005 = 100. This changes the beginning adjustment number for year 2000, quarter 3.

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

Release Date	Funds Received	Expense	Interest	Balance	Notes
12/31/05	\$ 161,327.11			\$ 161,327.11	Contributions in 2004 dollars, adjusted for inflation
4/30/06	\$ 106,086.01				
11/30/06		\$ 37,889.08			Pine Creek Nutrient Enhancement - USDA FS*
12/31/06			\$ 19,176.61	\$ 248,700.65	
4/30/07	\$ 164,776.65	\$ 25,000.00			Pine Creek Instream & Floodplain Structures for Bull Trout and Steelhead - USDA FS
7/31/07		\$ 20,000.00			Rush Creek Gravel Restoration - USDA FS
8/21/07		\$ 43,150.00			2007 Pine Creek Nutrient Enhancement - USDA FS*
12/31/07			\$ 26,521.44	\$ 351,848.59	
4/30/08	\$ 112,861.86				
7/3/08		\$ 13,578.84			2008 Panamaker Crk. Rd Close & Culvert Removal - PacifiCorp*
12/31/08			\$ 21,406.20	\$ 472,537.81	
3/25/09	\$ 19,269.66				Return of funds: Rush Creek Gravel Restoration - USDA FS
3/31/09	\$ 23,493.72				Return of funds: Pine Creek Instream & Floodplain Structures for Bull Trout and Steelhead - USDA FS
12/31/09			\$ 16,674.20	\$ 531,975.39	
12/31/10			\$ 17,549.06	\$ 549,524.45	
1/26/11		\$ 32,500.00			2010 Pine Creek Instream and Floodplain Structures for Bull Trout & Steelhead*
12/31/11			\$ 17,130.39	\$ 534,154.84	
12/31/12			\$ 17,620.96	\$ 551,775.80	
4/30/13	\$ 122,433.50				
Total Spent to Date:				\$ 172,117.92	
Balance Remaining:				\$ 674,209.30	

Note: In August 2009, the Bureau of Economic Analysis (BEA) restated the index numbers in Table 1.1.9 (Implicit Price Deflators for Gross Domestic Product). The index numbers are now based on 2005 = 100. This changes the beginning adjustment number for year 2000, quarter 3.

Lewis River License Implementation

Lewis River LWD Fund

Section 7.1.1

Funding Start Date: 12/26/08

Release Date	Funds Received	Funds Dispersed	Balance	Notes
				Unspent balance in any year shall be carried forward
11/25/08	\$ 2,000.00		\$ 2,000.00	7.1.1 Large Woody Debris Program, ILR-LWD
12/25/08	\$ 10,000.00		\$ 12,000.00	7.1.1 LWD projects in the mainstem below Merwin Dam
12/3/08		\$ (2,000.00)	\$ 10,000.00	Chilton Logging - move LWD from Swift boat launch to muddy river access road
4/1/09	\$ 2,000.00		\$ 12,000.00	7.1.1 Large Woody Debris Program, ILR-LWD
4/10/09		\$ (2,000.00)	\$ 10,000.00	Chilton Logging - move LWD for delivery to LCFEG
12/25/09	\$ 10,000.00		\$ 20,000.00	7.1.1 LWD projects in the mainstem below Merwin Dam
4/1/10	\$ 2,000.00		\$ 22,000.00	7.1.1 Large Woody Debris Program, ILR-LWD
7/1/10		\$ (2,000.00)	\$ 20,000.00	Chilton Logging - move LWD for delivery to USFS
12/21/10	\$ 10,000.00		\$ 30,000.00	7.1.1 Large Woody Debris Program, ILR-LWD
4/1/11	\$ 2,000.00		\$ 32,000.00	7.1.1 Large Woody Debris Program, ILR-LWD
12/25/11	\$ 10,000.00		\$ 42,000.00	7.1.1 Large Woody Debris Program, ILR-LWD
4/1/12	\$ 2,000.00	\$ (4,000.00)	\$ 40,000.00	7.1.1 LWD projects in the Yale Reservoir
4/1/12		\$ (8,500.00)	\$ 30,000.00	Chilton Logging - move LWD for delivery to Cowlitz Tribe
12/25/12	\$ 10,000.00		\$ 41,500.00	7.1.1 Large Woody Debris Program, ILR-LWD
6/2/13		\$ (2,000.00)		Chilton Logging - move LWD for delivery to USFS
Total Spent to Date: \$		18,500.00		
Balance Remaining: \$		39,500.00		

Within 180 days after Issuance of the New License for the Merwin Project and annually thereafter, PacifiCorp shall make available in a Tracking Account up to \$2,000, which may be disbursed to qualified entities to defray the costs of LWD transportation and placement in the Lewis River Basin (the "LWD Fund").

In addition, within 180 days after Issuance of the New License for the Merwin Project and annually thereafter, PacifiCorp shall contribute \$10,000 to the Aquatics Fund (Section 7.5) that will be earmarked for LWD projects in the mainstem of the Lewis River below Merwin Dam that benefit anadromous fish.

McCune, Kimberly

From: Hu, David -FS <dhu@fs.fed.us>
Sent: Wednesday, August 07, 2013 5:17 PM
To: McCune, Kimberly; Shrier, Frank; Haspiel, Adam I -FS
Subject: RE: ACC 8/8/13 Meeting Agenda, ACC Draft 7/11/13 Meeting Notes

Hi Kim, Frank,

I will not be able to attend the meeting tomorrow.
As such I am providing my comments upfront for the group discussions.

===

- NOTES: Draft meeting notes look fine...
- ACCLIMATION PONDS:
 - o FS still waiting for project design from PacfiCorp to begin ESA process for Crab Creek pond
 - o Not sure what our (FS) role is in helping with water use rights permit amendment...let us know if we will need to do anything
 - o Regarding minimum screen size for crab creek intake, again will are look to concur with a consensus between NOAA and WDFW (hoping they will be in agreement)
- INSURANCE:
 - o Already captured that FS will go with this year's coverage for MSHI and LCFEG
 - o Hoping to have a "proponent is required to have coverage" clause in the future and do not want to fund this as a future line item
 - I feel this may become trend for paying for business general insurance and we will pay for insurance on projects that are not ACC funded.
 - o Also feel this is a bonus charge for some proponents and not applicable for those that already have sufficient coverage and don't need additional coverage...my concern here is that the latter may start to ask for this "bonus money" even though they already have coverage in place and don't need it to meet minimum requirements and justify additional ACC funding requested under same argument. This could lock us in an uncomfortable place.
 - o If we do have to do this, I would prefer to not have this included as a future line item to account for in future solicitations and if required, ideally would be proportional to scope of ACC funded project, not to a business' size...this does not seem like not fair/equitable treatment to me.

Thank you,
Dave

Dave Hu

Fish Program Manager
Gifford Pinchot National Forest
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360.891.5108 (ph), 360.891.5045 (fax)
dhu@fs.fed.us

From: McCune, Kimberly [<mailto:Kimberly.McCune@pacificorp.com>]
Sent: Tuesday, July 30, 2013 1:50 PM
To: undisclosed-recipients
Subject: RE: ACC 8/8/13 Meeting Agenda, ACC Draft 7/11/13 Meeting Notes

Attn: ACC Representatives

Please find attached the ACC 8/8/13 Meeting Agenda and the ACC Draft 7/11/13 Meeting Notes for your review.

We will be meeting at the Merwin Hydro Control Center.

Thank you.

Kimberly McCune
Sr. Project Coordinator
PacifiCorp Energy - Hydro Resources
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Fish Facility Report

Swift Floating Surface Collector

July 2013

Day	Coho		Chinook		Steelhead		Cutthroat			Bull Trout			Planted Rainbow
	fry	smolt	fry	smolt	fry	smolt	fry	< 13 in	> 13 in	fry	< 13 in	> 13 in	
01	0	33	0	1	0	0	0	0	0	0	0	0	0
02	0	31	0	2	0	0	0	0	0	0	0	0	1
03	0	11	0	2	0	0	0	1	0	0	0	0	0
04	0	15	0	1	0	0	0	1	0	0	0	0	0
05	0	58	0	5	0	1	3	0	0	0	0	0	0
06													
07													
08													
09													
10													
11	0	7	0	0	0	0	0	0	0	0	0	0	0
12	0	4	0	0	0	0	3	0	0	0	0	0	0
13	0	7	0	1	0	0	2	0	0	0	0	0	1
14	0	6	0	1	0	0	1	0	0	0	0	0	1
15	0	1	0	0	0	0	2	0	0	0	0	0	1
16	0	6	0	0	0	0	1	0	0	0	0	0	2
17	0	1	0	1	0	0	0	0	0	0	0	0	0
18	0	1	0	0	0	0	1	0	0	0	0	0	0
19	0	5	0	0	0	0	0	0	0	0	0	0	0
20	0	2	0	0	0	0	0	0	0	0	0	0	0
21	0	1	0	0	0	0	0	0	0	0	0	0	0
22	0	0	0	0	0	0	0	0	0	0	0	0	0
23	0	0	0	0	0	0	0	0	0	0	0	0	0
24	0	0	0	1	0	0	0	0	0	0	0	0	0
25	0	0	0	0	0	0	0	0	0	0	0	0	0
26	0	1	0	0	0	0	0	0	0	0	0	0	0
27	0	0	0	0	0	0	0	0	0	0	0	0	0
28	0	0	0	1	0	0	0	0	0	0	0	0	0
29	0	0	0	0	0	0	0	0	0	0	0	0	0
30	0	0	0	1	0	0	0	1	0	0	0	0	0
31	0	0	0	0	0	0	0	0	0	0	0	0	0

Monthly	0	190	0	17	0	1	13	3	0	0	0	0	6
Annual	0	14850	0	976	0	162	14	531	6	0	8	1	814

No adult steelhead (kelts) were collected.

All coho, Chinook and steelhead smolts and cutthroat were transported downstream.

All fry, bull trout, and planted rainbow were returned to Swift Reservoir.



Thursday, August 1st, 2013