

FINAL Meeting Notes
Lewis River License Implementation
Aquatic Coordination Committee (ACC) Meeting
November 13, 2008
Ariel, WA

ACC Participants Present (17)

Jim Bryne, WDFW
 Clifford Cassese, 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:

December 10, 2008	TCC Meeting	Lacey, WA
December 11, 2008	ACC Meeting	Merwin Hydro

Assignments from November 13th Meeting:	Status:
McCune: Provide an agenda for the upcoming H&S Plan Subgroup meeting on November 21, 2008.	Complete – 11/14/08
Olson: Revise the Table 4.1 Aquatic Funding Process Timeline incorporating ACC requests and resubmit for ACC review and approval.	Complete – 11/24/08
ALL ACC: Submit an argument <i>in writing</i> 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:	Status:
Olson: Revise the 7-day review text on page 10 of the Strategic Plan document and present back to the ACC for review.	Complete – 11/13/08
Lesko: Check with WDFW to determine a meeting date for the H&S Subgroup and invite all ACC participants.	Complete – 11/13/08

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.

Continued Review of Aquatic Fund – Strategic Plan and Administrative Procedures (September 2005 – Revised October 2008)

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)

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

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 Bryne (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.

Cassese 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:

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

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.

Cassese 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.

Cassese 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 Schlörff (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.

Speelyai Burrows Pond – On schedule with construction planned for 2009; securing contractor in 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

December 11, 2008	January 8, 2008
Merwin Hydro Control Center	Woodland City Hall, Council Chambers
Ariel, WA	Woodland, WA
9:00am – 3:00pm	9:00am – 3:00pm

Meeting Adjourned at 1:55 p.m.

Handouts

- Final Agenda
- Draft ACC Meeting Notes 10/9/08
- [Attachment A](#) –Review of Aquatic Fund – Strategic Plan and Administrative Procedures (September 2005 – Revised October 2008)
- [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

Discussion Point and Questions	Fish First	LCFRB	Yakama Nation	USEFS	Cowlitz Indian Tribe	USEWS	Utilities	NMFS	WDFW	Decision	Action
Clarify East Fork Lewis language in the Settlement Agreement Q1 - Should projects in the EF be funded? Q2 - Should EF projects be funded after funding of NF projects?	Concerned about limiting funding to North Fork projects only which violates certain parts of the Settlement Agreement. The emphasis should be on the relative aquatic benefits of the project and not the location. If all things are equal in benefit, priority means you select a North Fork project first. If the benefits are greater on an East Fork project, that project should be selected.	It is clear that there is a strong priority given to the North Fork system for project implementation. We agree with this guidance, and feel that investment should be made in the East Fork only if there are no opportunities in the North Fork, including future opportunities. Any project proposed for the East Fork Lewis should make clear, direct connections to benefits to North Fork Lewis populations. We recognize the importance of the East Fork Lewis for salmon recovery efforts, but the purpose of the Aquatics Fund should remain focused on the North Fork Lewis system.	The Yakama Nation is not opposed to funding projects on the East Fork. Fish can not be programed to react in the way we want. Changing the variable upsets the balance of the fish with scientific ideas. All streams should be included in the enhancement efforts. You cannot cut the arm (the tributaries) off which is why the East Fork is important to the reintroduction process. Different streams change with time. Placing a priority on the basin does not consider how the salmon (different species) are related and what they need to do. The North Fork and the East Fork are equal in importance.	Projects should be funded in the East Fork Lewis River with priority given to projects on the North Fork Lewis River. Projects proposed for the East Fork Lewis should have a clear nexus to benefits to North Fork Lewis populations. Projects downstream of Merwin Dam should also be funded with priority given first to projects above the reservoirs.	East Fork projects are to be determined on a case by case basis. The Tribe does not believe any 'clarification' is needed. A project proponent introduces a project, the ACC discusses it and a decision will be made. The project should have a clear connection to the benefits to the North Fork Lewis.	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 will benefit NF populations. FERC has made it clear that there has to be a nexus to project operations or to enhance populations affected by the project.	The SA specifically states that the Aquatic Fund should support resource protection measures that, "increase the probability for a successful reintroduction program" (SA 7.5) The SA goes on to state that for the purposes of Section 7.5, North Fork Lewis refers to the portion of the Lewis River from its confluence with the Columbia River upstream to the headwaters, including tributaries except the East Fork of the Lewis River (SA 7.5.3.1). However, the section above this says that one of the objectives is to "enhance fish habitat in the Lewis River Basin, with priority given to the North Fork Lewis River" (SA 7.5.3.1(3)). Since East Fork is really the only part of the North Fork Lewis River that is not included in the above definition, that is what 7.5.3.1(3) is referring to. All this really says is that we can fund East Fork projects but they fall behind any other proposed project that fits the Nort Fork definition.	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.	Yes, aquatic enhancement projects in the East Fork Lewis should be funded without prejudice. The damage caused by hydropower development on the Lewis is so great and pervasive that artificial constraints on innovative or system-wide enhancement methodologies should not be imposed by attorneys, utilities or bureaucrats. Solutions to re-introduction problems should be judged in terms of efficacy of improving fish survival through the hydropower system (upstream and downstream) – throughout the fishes' life cycles. Habitat improvements should be made within an ecosystem framework that is focused on restoring properly functioning conditions that can support self-sustaining natural populations and sustainable fisheries. WDFW agrees with the comments of Fish First and the Yakama Nation.	East Fork projects may be funded, but priority of spending should go to North Fork as identified in the Settlement Agreement.	Place specific language from the Settlement Agreement into Fund announcement that is distributed the fall of each year. The following language from SA 7.5.3.1c is to be included: "The Licensess shall evaluate Resource Projects using the following objectives: 1 - Benefit fish recovery throughout the North Fork Lewis River, with priority to federal ESA-listed species; 2 - Support the reintroduction of anadromous fish throughout the Basin; and 3 - Enhance fish habitat in the Lewis River Basin, with priority given to the North Fork Lewis River." Also note that project proponents should review the Aquatic Fund - Strategic Plan and Administrative Procedures.
Project effects/nexus definition Q1 - What are the hydroproject effects that AQ Funded projects should address? Q2 - Should any priority be given to certain project types?		Some of the main impacts of the hydro system are the loss of habitat forming processes below the dam as a result of impacts to flow, sediment, and LWD transport. Projects below the dam should address the loss of these processes and priority should be given to projects that provide potential benefits along those lines. Upstream of the dams, projects that result in the replacement of lost habitat should be given priority.		Priority should be given to instream habitat restoration projects, next to riparian related projects, and then to road related projects.			Priority should be given to instream projects that will provide a "home" for reintroduced salmon and steelhead.		All hydropower impacts should be mitigated – i.e., damage caused by initial construction plus its ongoing existence and operation. Priority should be given to projects that provide significant biological benefits to both target species population health and ecosystem functioning.	Q1- Impacts to properly functioning conditions and habitat/biological benefits to re-introduced and listed fish. Q2 - Priority to instream projects that result in biological benefits and properly functioning conditions.	Add the following language to the Strategic Plan document: 3.3.2....."and/or properly functioning conditions within the Lewis River Basin". (pg 7). Priority to instream projects with biological benefits and that address properly functioning conditions will be addressed in project review.
Role of Project owner Q1 - What is the appropriate level of engagement in the funding process for an ACC entity that is also a project proponent?	The ACC is too small to exclude any members from discussion (whether a proponent or not). Consensus takes care of any advocating of projects. Agree with position of Cowlitz Indian Tribe.	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 feel that this guidance should be more closely followed. While a member of the sponsoring organization can participate in discussions to provide information, the ACC voting member should not advocate for their organization's project. It is the responsibility of the facilitator to determine when this line is being crossed.		The project proponents are most knowledgeable about 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.	The Tribe agrees with Fish First. The ACC is too small to exclude members from discussion and/or voting. ACC members are educated, intelligent individuals with a good working knowledge of the watershed. They also have professional integrity. The Tribe is not concerned with any member's participation, regardless if their agency is a project proponent. Participation of all ACC members is critical if we are to make the best decisions for the Lewis River Watershed. Let the projects speak for themselves.	Agree with position of the LCFRB. Have the project manager leave the discussion if different from the ACC representative. Do not let project questions be asked at the decision meeting.	An ACC entity proposing a project may participate in ACC discussions on their project, but cannot champion their project nor participate in the consensus selection of their project. If requested, they must excuse themselves from the ACC meeting at the appropriate time.	Do not give ACC members more of an advantage or opportunity than non ACC members. A project owner should step out when decision is being made or show that there is a clear division between ACC representative and project proponent.	All ACC members should be encouraged to be project sponsors as well as bringing in and supporting outside entities that could contribute to diverse solutions.	No questions should be asked of Project proponent at the Funding Selection - Decision meeting. New project information should not be presented at the decision meeting. If requested by any ACC representative (at the meeting or by previous notice) and with consensus of participating representatives, a project proponent/entity must remove themselves from the meeting during discussion on their project. All representatives should however, be able to participate in the decision making process. Process should strive to give equal consideration to all projects.	Facilitator to implement the following: No questions should be asked of Project proponent at the Funding Selection-Decision meeting. All representatives may participate in the Decision meeting. See edit to page 10 of the Aquatic Fund - Strategic Plan and Administrative Procedures.
Post-implementation monitoring Q1 - What "value" should be given to those projects that include monitoring to assess the success of the project?		Proposed monitoring should be appropriate for the project in that it can be achieved on an individual project basis. The monitoring should be used to help inform adaptive management and document that the project was effective at creating or enhancing the habitat it proposed to create or enhance.		A higher value of some sort should be given to projects that include monitoring.		Monitoring above and beyond what is already required may be appropriate in a more "experimental" project, i.e., where the ACC is interested in seeing it go forward, but on a pilot or trial basis.	Projects that include monitoring at the appropriate funding level should get a higher rating. ACC should have the right to eliminate funding of monitoring as needed. Project owners must continue to demonstrate that the project was built according to project plan and is functioning as expected (e.g. photos before and after the project).		Research, monitoring and evaluation components are essential for Adaptive Management of projects, and the development of sustainable, long-term solutions. Ideally, implementation projects should have integral RM&E components that enable the success of the project to be objectively judged and modifications to be made. The difficulty would be determining the level of RM&E that is feasible given the time-frame, scope and budget of the specific project.	Projects which have 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 who do not.	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?"

AQ Fund Spending Q1 - Should we stop funding projects until fish are reintroduced?	No, Only projects that are truly worthy and that really help fish should get funded. The Fund is not just for reintroduction of anadromous fish, but for the whole basin and mitigation for aquatic habitat innundated by the reservoirs. Fund announcement needs to stress what the ACC is looking for in habitat projects.	No, however, more weight should be give to projects that benefit re-introduction of anadromous fish.	No, the Settlement Agreement gives direction for the Aquatic Fund. The ACC should respond accordingly in a professional fashion and work through any funding response differences together.	No, 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 money, perhaps half, should be saved until fish are actually reintroduced. NOAA and USFWS need to play a major role in monitoring reintroduced populations so they can help determine locations for successful projects to be implemented. The ACC should consider how proposed projects address issues identified in the 2008 Habitat Synthesis.	No, 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.	No, however projects that will directly enhance the habitat of reintroduced fish should be of priority. Selected projects should tie directly to items indentified in the Settlement Agreement.	No, the ACC should spend the fund on the appropriate projects while looking to make the anadromous fish reintroduction a success.	No	The ACC should not withhold distribution of Aquatic Funds until anadromous fish are reintroduced upstream of Merwin dam. Future funding should only be spent on projects that justifiably benefit the anadromous fish reintroduction, recovery of listed species, and/or fish habitat (per Lewis River Settlement Agreement).	No action needed
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Discussion Point	Fish First	LCFRB	Yakama Nation	USFS	Cowlitz Indian Tribe	USFWS	Utilities	NMFS	WDFW	Decision	Action
Project review consistency (fairness) Q1 - What steps can be taken to assure fairness?		ACC must provide opportunities to project sponsors that are consistent. This relates to how various ACC participants engage in the funding discussions, application requirements, presentations to the ACC, project evaluation criteria, etc.		All projects from all proponents should be held to the same standard to be fair. Don't ask one proponent to provide information that other proponents aren't also required to provide i.e. detailed budgets.		I wonder if there is a stronger role for the facilitator--i.e., ensuring everyone has the chance to comment, but also not letting the group get bogged down.	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.		Establish "Norms". More use of objective methods, e.g., the new Habitat tool.	All information requests should be consistent across project proposals. No new information should be provided by project owners at regular ACC meetings. The intent is to be fair to all projects and not provide ACC representatives any additional opportunity to promote 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.
Ranking of Projects Q1 - Should prioritization of projects be considered? Q2 - Is additional focus needed on the individual project long-term benefits?		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 Reintroduction Outcome Goal." Can you clarify if this is an overarching goal of the Aquatic Fund, or if this is one of several goals, including those listed in section 1.0 Introduction in the language from the SA describing Resource Projects? To improve fairness and consistency, a specific set of scoring criteria should be used. This ensures that all projects are given the same level of scrutiny, and if necessary during the funding decision process, the scores can be used to assist in decision making. The criteria for project evaluation should include both a project's long-term and short-term benefits in relation to limiting factors in the project area.		When projects are rated using established guidelines they should be ranked by priority. Long-term benefits should be addressed in the project proposal for all projects.	The Tribe believes it would not be a good use of time for the Utilities to prioritize projects based on scores. The current method of reviewing projects, which includes a 'Selected by Utilities for Full-Proposal' category in the pre-proposal evaluation and the 'Total Score' category in the final proposal matrix, is adequate.	It would be useful to make a distinction between long term benefits that restore ecological function (e.g., log jams or restoring riparian habitat), vs. one time action, (e.g., adding spawning gravel that would wash away).	Project funding should be prioritized based on evaluation score		Ranking should be based on biological benefits -- for the target species and ecosystem health.	Q1 - Yes - Utilities should rank the projects according to final score. Q2 - Higher priority should be given to projects with long-term biological benefits.	Within Aquatic Fund report, Utilities will provide individual project scoring and will rank the projects based on cumulative score. Add following language to Strategic Plan document "The report shall includean evaluation and ranking of each Resource Project....."(page 9).
Funding process Q1 - How can the process become more efficient to meet schedule?		We recommend strengthening the proposal instructions to encourage sponsors to better describe how their projects relate to the Aquatics Fund objectives and recovery plans. Sponsors should be asked to clearly describe biological benefits and expected outcomes of their projects. Sponsors should include metrics to help the reviewers quantify the scope of their project and relate it to their proposed cost. A more detailed budget form should be provided in the proposal.		Time should be set aside for each project proponent to present their projects to the ACC group at an ACC meeting. This could be at the draft proposal stage, but it may make more sense to do it when the final proposal is submitted. It appears that the ACC group expects to see projects begin a short time after final project approval. A shorter review time of projects would speed up the funding process and may allow this to occur under certain circumstances. However, the amount of time it takes for final project approval, collection agreements to be executed, and to get projects on the docket to be evaluated by our NEPA planning team, a start date of the following calendar year is more realistic. Representatives need to attend ACC meetings to participate and discuss potential projects. Representatives should not be allowed to object to projects without participating in the selection process. Rearrange the time line so that the final vote for project approval is the final vote. The 7 day comment period should be prior to the final vote, and Representatives can provide feedback during this 7 day period if they are not able to attend the final vote. Either the R should vote for final project approval. If a Representative is not present, the ACC decision making process. Project proponents should be allow to stay in the room when t	In the past, the ACC has made decisions in a timely fashion. A problem seems to have arisen when an objection was received after the ACC made a funding recommendation. Addressing the seven day objection period timeline should be adequate to address this problem.The Tribe does not want to see the ACC Aquatics Fund process become a huge, bureaucratic, paperwork nightmare for our project proponents. Most other funding sources in the region are not viewed as user friendly by applicants. The ACC spends a meeting or two a year discussing Aquatics Fund projects. To expect an ACC member to invest 8-16 hours of their time to attend these meetings is not unreasonable. Requiring more paperwork from Aquatics Fund proponents will not streamline the ACC decision making process.	From the language of the license, it sounds like FERC wants to approve the suite of projects prior to funds being released. If so, it really throws our schedule of review off. We should discuss, clarify, and decide how best to respond. The project proposals should include enough information to adequately describe the project and it's context within the Lewis River basin.	See USFS suggestions. They are good and we should discuss these as a group although there is no real way to assure certainty with timing especially given that FERC now says they need to approve each project. The Utilities and ACC need to complete project proposals in a timely manner, and attempt to narrow reievew windo. Everyone to come prepared to the annual meeting; individual project approval or disapproval and feedback should be provided to PacifiCorp so input can be summarized and distributed prior to annual meeting.		Each entity needs to participate at all phases of the process, and not undermining the work of others by exercising a veto at the end.	ACC representatives shall provide project input prior to the annual meeting such that input can be compiled and distributed back out to the ACC. Add additional requirements for full project proposals to include identification of biological metrics and detailed budget.	Add the following language to the Strategic Plan document: "To be efficient and timely in decisions, participating ACC representatives shall provide individual project approval or disapproval 7-days prior to the annual meeting." (see page 10). Additional requirements added to the Full Proposal form under item 5 Project Objective(s) and item 13 Budget.
Funding Decision Meeting Q1 - Should it be a requirement that ACC members should attend or an alternate should be in attendance at the meeting or they lose their voting opportunity?		In an effort to be consistent and fair across sponsors and projects, we recommend those involved in the funding decisions be present during the project review meetings and presentations. This ensures that all reviewers have the same information about the projects and the projects are evaluated by a consistent group of reviewers.	ACC members should attend or an alternate should be in attendance, since we (the ACC) operate on a consensus basis it doesn't mean a project will be approved. He further stated that our group is too small to exclude any members from discussion (whether a proponent or not).	YES. If they don't attend they cannot make an informed decision, and it wastes project proponent's time.	the Tribe agrees with Fish First. The ACC is too small to exclude members from discussion and/or voting. Our ACC members are educated, intelligent individuals with a good working knowledge of the watershed. They also have professional integrity. The Tribe is not concerned with any member's participation, regardless if their agency is a project proponent. Participation of all ACC members is critical if we are to make the best decisions for the Lewis River Watershed.	As a suggestion, voting members or their representative should attend when a decision needs to be made, or assign a proxy who can represent their needs at that meeting. The project proponents are most knowledgeable about 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.	Yes	Giving a proponent more time to argue their own projects is a concern for her; to remove appearance of conflict of interest and bias a project proponent should not champion their proposed project.	Yes, ACC entities should identify primary members and substitutes within their organization and/or have a proxy.	Yes - participating ACC members (or their proxy as identified in writing) must be present at the annual meeting to approve or disapprove a project.	Add the following language to the Strategic Plan document: "In order to approve or disapprove a proposed project, the ACC representative must be in attendance at the annual meeting. If a participating ACC representative cannot attend the meeting, it may, through written notice, provide a proxy. Absenteeism will only be allowed per unforeseen emergency or conditions beyond representative's control." (see page 10).

[illegible]

McCune, Kimberly

From: Kate Miller [KMiller@tu.org]
Sent: Monday, November 10, 2008 5:40 PM
To: McCune, Kimberly
Cc: Brett Swift
Subject: FW: LR Aquatic Fund revisions
Attachments: Lewis AQ Fund Process Document REVISION (4).doc

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

Lewis River Aquatic Fund - Utilities' Evaluation of 2008/2009 Project Proposals																
								Cost	Consistency with	Benefit to x4	Scientific Validity	Success Potential	Cost	Total Score	Selected by	
No.	Applicant	Project Title	Project Schedule	Benefit	Bull Trout	Project Partners	Funding	Share?	Fund Objectives	Priority Fish	x4	x1	Effectiveness x1		Utilities for Full-Proposal	Comments
1	USDA Forest Service	Pine Creek Instream Nutrient Enhancement	2009/2010	This project would enhance nutrients in five miles of Pine Creek and two miles of Pine Creek tributary P8 using either salmon carcasses or analog style fish nutrient bricks.	Yes	Potential Partners: Fish First, Clark Skamania Fly Fishers, WDFW	\$45,000	Yes	1. yes 2. yes, eventually 3. yes, eventually						Y	Bare minimum proposal; need more details/justification. This should be the last year. No long term benefit. Wondering why carcasses are being planted so low in Pine mainstem when bulk of fish production is high in the system. Also a worry that low planted carcasses may get blown out of the system.
2	USDA Forest Service	East Fork Lewis River Instream Structures Steelhead	2009/2010	To enhance the quality of fish habitat in the Upper East Fork Lewis River by creating instream structure. Objectives: • Improve the quality and amount of pool habitat • Improve the quality and amount of spawning gravel	No	USDA FS, Fish First, Mt. St. Helens Institute	\$45,650	Yes	1. yes 2. yes 3. push						Y	Missing arguments for scientific validity. WDFW redd surveys have shown no WSTHD spawn this high in the EFT, only SSTHD which are not a reintroduced species, therefore benefit connection to North Fork Lewis is weak.
3	USDA Forest Service	Clear Creek Instream Habitat Restoration	2009/2011	This project would install large woody material (LWM) in Clear Creek starting from the mouth to 300 feet upstream from the bridge located on Forest Service 93, an area covering approximately 1.3 miles.	No	Gifford Pinchot National Forest, USFS, Mt. St. Helens Institute	\$112,000	Yes	1. yes, eventually 2. yes, eventually 3. yes, eventually						Y	Needs to address positive or negative impacts on other resources. 900 pieces of large woody material may create safety hazard and could impact FR93 bridge. What does the habitat look like now? Current fish use? Pictures helpful.
4	USDA Forest Service	Pepper Creek Instream Habitat Restoration	2009/2011	This project would install large woody material (LWM) in Pepper Creek starting from the mouth to 300 feet upstream from the culvert located on Forest Service 9039, an area covering approximately 0.5 miles.	No	Gifford Pinchot National Forest, USFS, Mt. St. Helens Institute	\$42,000	Yes	1. yes, eventually 2. yes, eventually 3. yes, eventually						Y	Amount of large woody material seems high for such a small reach. Limited benefit, but may be of longer duration. Concern is with this amount of LWD in such a small stream, if not placed correctly could create barrier.
5	Lower Columbia Fish Enhancement Group (LCFEG)	North Fork Lewis River RM 13.5 Habitat Enhancement	2009/2010	The ACC portion is to install approx. six large wood and rock structures along the left bank whereas the SRFB portion of this project will install engineered logjams and riparian plantings on the right bank.	No	LCFEG, Lower Columbia Fish Recovery Board (LCFRB), Sam Kysar, Bill Sheretz, Inter-Fluve	\$189,938	Yes	1. yes 2. yes 3. yes						Y	Proposed area is extremely shallow. Limited if any benefit to rearing. One concern is left bank margins are heavily used by wild WSTHD for redd construction per Spring 2008 NFL mainstem WDFW and PacifiCorp redd surveys.
6	Cowlitz Indian Tribe	Plas Newydd RM 2.0 Off-Channel Habitat Enhancement	2009/2010	Plant a shrub/tree complex of 3,200 willows, cottonwood and red-osier dogwood along the water's edge and add 600 kilograms of salmon carcasses into the off-channel itself.	No	Plas Newydd, Cowlitz Indian Tribe	\$50,000	No	1. yes 2. yes 3. yes						Y	Unsure of the true benefit; monitoring is essential. How do tidal and flow stages effect project success? Data suggest that juveniles do not remain in this area for more than 24 hours = little to no benefit for juveniles, thus the carcasses should be eliminated from project.
7	Cowlitz Indian Tribe	Plas Newydd RM 0.5 Bar Plantings and LWD Structures	2009/2010	Implement a multi-faceted riparian enhancement plan which includes enhance 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.	No	Plas Newydd, Cowlitz Indian Tribe, PacifiCorp Energy	\$75,000	Yes - FS No - EL	1. yes 2. yes 3. yes						Y	Documenting benefits is essential. Disagree that the location is "key" refugia.
						Totals	\$ 559,588									
	Fund Objectives:	1. Benefit fish recovery throughout the North Fork Lewis River, priority to federal ESA-listed species				Bull Trout Funds	\$ -									
		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														

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	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		
4/30/07	\$ 163,897.54	\$ 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			\$ 30,833.16		
4/30/08	\$ 225,347.95				
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
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

Release Date	Funds Received	Expense	Interest	Balance	Notes
12/31/05				\$ 161,327.11	Contributions in 2004 dollars, adjusted for inflation.
4/30/06	\$ 106,086.01	\$ 37,889.08			Pine Creek Nutrient Enhancement - USDA FS
11/30/06					
12/31/06			\$ 19,176.61		
4/30/07	\$ 163,897.54	\$ 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			\$ 27,400.40		
4/30/08	\$ 112,673.98				
7/3/08		\$ 25,000.00			2008 Panamaker Crk. Rd Close & Culvert Removal - PacifiCorp
Total Spent to Date:			\$ 151,039.08		
Running Total:			\$ 439,522.57		

McCune, Kimberly

From: Maynard, Chris (ECY) [cmay461@ecy.wa.gov]
Sent: Wednesday, November 12, 2008 3:08 PM
To: michael_hudson@fws.gov; ahaspiel@fs.fed.us; pebbles@yakama.com; bghudson@lcfbr.gen.wa.us; Bill Bakke; Brett Swift; Bryan Nordlund; Clifford Casseseka; Leigh, Curt S (DFW); spchinook@comcast.net; Darlene Johnson; Diana MacDonald; Doyle, Jeremiah; HML LRN (Kinne, Eric); George Lee; Dixon, James F (DFW); Jeff Breckel; Byrne, Jim (DFW); Eychaner, Jim (RCO); Jim Malinowski; Joel Rupley; John Clapp; Weinheimer, John (DFW); kmiller@tu.org; Lesko, Erik; LouEllyn Jones; M.Reese@tds.net; Melody Tereski; Michelle Day; Nathan Reynolds; Turner, Neil (DFW); Olson, Todd; Frazier, Patrick (DFW); pearce@co.skamania.wa.us; Rich.Turner@noaa.gov; Ruth Tracy; Ryan Lopossa; Shannon Wills; Shelley_Spalding@fws.gov; Shrier, Frank; HML LRN (Branz, Steve); McCune, Kimberly; smanlow@lcfbr.gen.wa.us; Vigg, Steven (DFW); Susan Rosebrough; taalvik@cowlitz.org; Timothy_Whitesel@fws.gov
Cc: Schlorff, Eric (ECY); Caldwell, Brad (ECY); Pacheco, James (ECY); Walsh, Brian (ECY)
Subject: RE: ACC 11/13/08 Meeting Agenda, ACC Draft 10/9/08 Meeting Notes

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

From: McCune, Kimberly [mailto:Kimberly.McCune@PacifiCorp.com]
Sent: Wednesday, November 05, 2008 7:51 AM
To: (michael_hudson@fws.gov); Adam Haspiel (ahaspiel@fs.fed.us); Athena Sanchez (pebbles@yakama.com); Bernadette Graham Hudson (bghudson@lcfbr.gen.wa.us); Bill Bakke; 'Brett Swift'; Bryan Nordlund; Clifford Casseseka; Leigh, Curt S (DFW); Dan Barrett (spchinook@comcast.net); Darlene Johnson; Diana MacDonald; Doyle, Jeremiah; Kinne, Eric (DFW); George Lee; James Dixon (dixonjfd@dfw.wa.gov); 'Jeff Breckel'; Byrne, Jim (DFW); Eychaner, Jim (RCO); Jim Malinowski; Joel Rupley; 'John Clapp'; Weinheimer, John (DFW); Kathryn Miller (kmiller@tu.org); Lesko, Erik; LouEllyn Jones; Mariah Stoll-Smith Reese (M.Reese@tds.net); Maynard, Chris (ECY); Melody Tereski; Michelle Day; Nathan Reynolds; Turner, Neil (DFW); Olson, Todd; Frazier, Patrick (DFW); Paul Pearce (pearce@co.skamania.wa.us); Rich.Turner@noaa.gov (Rich.Turner@noaa.gov); Ruth Tracy; 'Ryan Lopossa'; Shannon Wills; Shelley_Spalding@fws.gov; Shrier, Frank; HML LRN (Branz, Steve); Steve Manlow

(smanlow@lcfrib.gen.wa.us); Vigg, Steven (DFW); Susan Rosebrough; Taylor Aalvik (taalvik@cowlitz.org); Timothy_Whitesel@fws.gov

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 on: <http://meetingplace.pacificorp.com/join.asp?111308>.

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.

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.

Deleted: , or are test fish that enter the tailrace only once and leave after spending less than 24 hours in the Merwin tailrace.

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 ().

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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 ().

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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.