

LEWIS RIVER AQUATIC COORDINATION COMMITTEE

Facilitator: ERIK LESKO
503-412-8401

Location: TEAMS (online)

Date: December 14, 2023

Time: 9:30 AM – 11:00 PM

AGENDA

9:30 AM	Welcome <ul style="list-style-type: none">➤ Review and Accept 12/14/2023 Agenda➤ Review and Accept 11/09/2023 Meeting Notes
9:40 AM	Public Comment Opportunity
9:45 AM	Decision Template: Proposed Revision to Ground Rules. Vote (<i>Lesko</i>)
10:15 AM	Study/Work Product Updates <ul style="list-style-type: none">➤ Flows/Reservoir Conditions (<i>Lesko</i>)➤ Upstream transport of coho adults into Swift (<i>Karchesky, Lesko</i>)➤ Reservoir Shoreline Development Projects (<i>ACC</i>)➤ ATS (<i>Karchesky, ATS</i>)➤ FPS (<i>Glaser, Karchesky</i>)➤ Fish Passage/Operations (<i>Karchesky</i>)➤ Next meeting agenda
11:00 AM	Meeting Adjourn

Note: all meeting notes and the meeting schedule can be located at:
<https://www.pacificorp.com/energy/hydro/lewis-river/acc-tcc.html>

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**FINAL Meeting Notes
Lewis River License Implementation
Aquatic Coordination Committee (ACC) Meeting
December 14, 2023
TEAMS Meeting**

ACC Representatives and Affiliates Present (10)

Nina Maas, Anchor QEA
Christina E. Donehower, Cowlitz Indian Tribe
Kathryn Blair, NMFS
Erik Lesko, PacifiCorp
Levi Pienovi, PacifiCorp
Chris Karchesky, PacifiCorp
Bryce Glaser, WDFW
Josua Holowatz, WDFW
Peggy Miller, WDFW
Keely Murdoch, Yakama Nation

Public:

None.

Assignments:

Assignments from October 12, 2023	Status
Erik Lesko to finalize Northwoods reporting	Ongoing

Assignments from July 13, 2023	Status
ACC members to review revised Ground Rules Decision Template sent on July 6	Complete 12/14/2023

Opening, Review of Agenda and Meeting Notes

Erik Lesko (PacifiCorp) called the meeting to order at 9:33 a.m. and reviewed the agenda. No revisions to the agenda were made, and the agenda was accepted. Meeting note revisions from November 9, 2023, were reviewed; the notes were approved by representatives present.

Public Comment Opportunity

No comment.

Decision Template: Proposed Revision to Ground Rules (Lesko) (Attachment A)

Erik Lesko began the discussion on the Proposed Revision to Ground Rules. He stated that when this process started, the intent was to define a clear process. After the first couple of iterations, it became clear that that a rigid, or black and white process was not as useful as previously thought and that this draft reflects added flexibility which allows the ACC or TCC to adapt protocols as needed – especially when it comes to decision making.

Lesko presented the Proposed Revision to Ground Rules decision template; he had added a bulleted list of the specific revisions that had been made. Lesko noted that he made minor clarifications and edits earlier that day and apologized for not having time to them send out to the ACC.

Lesko presented the edited Ground Rules document and begun walking through the comments. He stated that there was question of quotations around the word “Consult,” and it was unclear and inconsistent. Lesko and Nina Maas will work with a technical editor to clarify if quotations should be used and finalize.

Lesko discussed the comment about the need and use for confidentiality agreements and noted that the text has now been edited for clarity.

Lesko and Peggy Miller noted that two defined terms had been added to the Ground Rules: the terms “Subcommittee” and “Member.” Lesko clarified to the ACC that the difference between Representatives and Members is that Members are not necessarily Signatories to the settlement agreement and are therefore not authorized to vote on committee decisions. Miller mentioned that some items in the Ground Rules are not applicable to subcommittees. Lesko clarified that subcommittees are a recommending body to the ACC.

Lesko discussed a comment about agendas. Miller clarified that the comment was made to address the addition of text that clarified Representatives that can request additional meetings that are outside of the standard committee meeting time.

Miller addressed a comment that clarified the changes to informal and formal decisions definitions. The terms “informal” and “formal” decision were removed from the Ground Rules document. The term “major decision” was added to replace previous terminology. A major decision will require a decision template; all other decisions will not.

Bryce Glaser stated that there was a lot of discussion during the Ground Rules review about the difference between informal and formal decisions. The solution was to remove the terms completely and provide guidance on what could be classified as a major decision. The term “major” has been defined but “minor” has not, to allow for flexibility.

Miller stated that there is space to add more requirements to the definition of a major decision, and the ACC will determine whether a decision document will be needed on a case-by-case basis. The Ground Rules provide guidance for consideration.

Glaser asked to discuss the four requirements for classifying a decision as major. He stated that more requirements could be added at a future date as needed. Lesko stated that the Ground Rules are still only guidance, and even if some of the major decision requirements are met, the committees can decide whether a decision template is needed or not. Lesko expressed his concern that there may be situations where a major decision could cause delay. In particular, he expressed concern with the requirement to classify a decision as major if a consultation was made. He stated that the flexibility in the Ground Rules eased his concern about this scenario.

Glaser asked Lesko to provide comments or edits if any were made during the 7-day review period of this document. He reminded the ACC that if comments were made, the document would return to the ACC at the following monthly meeting for discussion.

Lesko discussed a comment regarding the documentation of committee decisions. He stated that a record of decision is recorded on the PacifiCorp website, and each decision document has a numerical identifier for reference. Glaser clarified that the intent of the section is to clarify that a decision is any consensus vote; though some will be a major decision that require a decision template, others decisions will not. Glaser clarified that not all consensus statements made by the committees are decisions, for example, adjusting a meeting time does not qualify as a decision.

Lesko thanked Peggy Miller for helping clean up the document. Lesko asked the ACC whether they were comfortable taking vote. Glaser asked to review the decision template language first.

Lesko presented the decision template discussed the changes to the description and justification of request list. Glaser asked whether the previous version of the Ground Rules discussed subcommittee charters or the charter requirement was new. Miller said it was not part of the old document.

Miller stated that she did not add any text to the Ground Rules document discussing the new location of the ACC member tables. Lesko made a note in the Ground Rules to add text and a hyperlink directing to the PacifiCorp website, where the member tables would be located. Miller stated the tables were previously located in the appendices, but all respective appendices have been adjusted during the editing process. Lesko stated he would add the link and text to the Representative and Alternates section of the Ground Rules.

Lesko asked whether the ACC was ready to vote and began taking votes from the ACC and documenting in the voting template.

VOTE: The Ground Rules Are Approved (pending 7-day extension for non-present members and Terrestrial Coordination Committee (TCC) approval).

Lesko reminded the ACC that the Ground Rules document and decision template would be sent to non-present members for a 7-day review, if there is opposition or comments, the documents would be brought back to the ACC meeting in January. If no opposition is noted during the 7-day review, the vote would be considered final. Miller reminded the ACC that until the TCC approves the revisions to the Ground Rules, the vote would not be considered final. Lesko stated that the TCC is aware of the adjustments to the Ground Rules and agreed that the Ground Rules would be considered final after TCC approval. Glaser asked whether all ACC members would receive the request for decision and not just present members. Glaser mentioned that it is helpful for the 7-day review to be sent to all members, so if concerns arise, all members are aware. Lesko said Beth Bendickson would send the 7-day review to all non-present members and include all ACC members in the carbon copy email line.

Study/Work Product Updates

Flows/Reservoir Conditions Update (see Attachment B)

Erik Lesko presented the reservoir elevations. A major flood event occurred in beginning of December, resulting in reservoir elevations net change of 13.9 feet (ft) since the November ACC meeting. He stated that net change was the mostly the result of the elevation increase at Swift Reservoir during the December flood event. Spillgate work has been paused during this event, but will resume once Swift Reservoir elevations reach 952 feet. PacifiCorp is targeting December 18 to reach 952 elevation at Swift. Levi Pienovi said that spill is ongoing at Merwin to

move water through the reservoirs. Lesko stated that during the event, Swift Reservoir gained 27 feet of elevation in two days despite full generation outflows at the Swift Powerhouse No.1 (about 9,000 cfs).

Josua Holowatz asked what the calculated natural inflows to Swift Reservoir was during the flood event. Lesko stated natural inflows at Merwin were approximately 50,000 cfs during the event. Peggy Miller asked whether at all three reservoirs engaged their respective spillways during the flood event. Chris Karchesky confirmed there was spill at all three reservoirs and, at present, all three projects continue to spill.

Lesko presented photographs of the Highway 503 washout. He stated that the washout occurred at the crossing of Dog Creek and impacted the fish passage program. Pienovi provided an update on the road washout in regards to the fish passage program. PacifiCorp worked with Washington State Department of Transportation (WSDOT) to receive approval for the smaller 750-gallon fish transport truck that exceeds the current weight restriction required to bypass the washout. Emergency funding was received by WSDOT to begin road repairs immediately. Pienovi mentioned that there may be road closures in the future that impact fish passage trucks. He also stated that a large amount of debris was dislodged during the flood event and was beginning to show up at the Swift Floating Surface Collector. PacifiCorp is currently working on debris cleanup in and around the FSC and making repairs to the adult release pipe at Eagle Cliff Park.

Pienovi stated the Merwin fish trap remains offline while the project is spilling. He stated that the fish trap will likely be turned on early next week once spillway flow ceased.

Miller asked if there was erosion visible in the regraded area where debris is normally removed from the Swift Reservoir. Pienovi stated that the water was high when he was on site, and he was unsure of the current state of the regraded area. He stated that the debris will not be removed from the reservoir until the elevation increases and the boat launch becomes accessible.

Bryce Glaser said he was appreciative of the fish passage update and happy to hear that PacifiCorp obtained approval to use the road. He asked whether there would be a backlog of fish to move upstream once trapping begins again. Pienovi said that is likely, and there may be the need to make several trips upstream. Coho Salmon were tapering off, and winter steelhead had not picked up yet, but PacifiCorp is prepared to make multiple trips if needed.

Transport of Coho Salmon Adults into Swift

Karchesky said that before the flood event, approximately 8,300 adult Coho Salmon had been moved upstream. Karchesky stated that although the program is on track for the original target, it is unclear whether the increased target of an additional 2,000 adults will be achieved this year.

Aquatic Technical Subcommittee Update

Erik Lesko stated that he and Larissa Rohrbach (Anchor QEA) are continuing to update the strategy for estimating pHOS and abundance for late winter steelhead – specifically the capture method for input into the existing pHOS/abundance model. Implementation is expected to begin in February 2024. Mount Hood Environmental, LLC, had been contracted to lead hook and line sampling. Lesko stated that he and Larissa Rohrbach had been updating strategies and the 2024 AOP for Aquatic Technical Subgroup (ATS) review on January 4, 2024, because there would be no December meeting.

Karchesky stated that the ATS discussed increasing adult Coho Salmon transport from nine thousand to eleven thousand as well as transition plans for winter steelhead. Glaser has been leading discussions for the upcoming spring. Glaser stated that the ATS was close to moving into implementation of the new steelhead program, making sure their collection plan was finalized for implementation this year. He stated that the ATS is waiting on PacifiCorp to approve implementation of infrastructural needs and public communication. Glaser stated that the Chambers brood is being collected as a contingency. If approval for the infrastructure was completed during the week, the Chambers Creek program would be terminated. Lesko spoke with Kevin Young (WDFW) about acquiring intermediate troughs from Grays Hatchery, but transportation would be difficult due to current Grays River road washouts. Lesko mentioned that there may be a back way into the facility, and Young was working on it. Glaser said he would follow up with Young. Glaser asked Holowatz for updates on the public communications. Holowatz said he had a draft of the communications from the internal publication team and would be distributing to the Utilities in the next few days.

Fish Passage Subcommittee Update

Karchesky stated that the 60% design would be presented by the design team later that day. The Fish Passage Subcommittee will be discussing the new downstream and upstream facilities at Yale and Swift reservoirs. The previous meetings had focused on large changes, and the design team had adjusted based on comments. Glaser stated that PacifiCorp had extended review period until after the holidays. Karchesky confirmed that the review period would be extended until February 19, 2024. He would like to discuss any initial comments and questions at the January meeting.

Glaser asked about the Yale behavioral study and whether the study would be distributed to the ACC. Karchesky said he had received comments and had sent to Four Peaks Environmental and Data Solutions LLC (Four Peaks). He reminded the ACC that there is acoustic work happening at the Swift FSC, and the future downstream design may be influenced by the acoustic results. Glaser asked to clarify whether the Four Peaks report would be distributed to the ACC for review. Karchesky also wondered whether the draft should be sent to the ACC for comments or whether a final copy should be sent. Glaser is unsure and would like to discuss. Karchesky asked whether the 2022 study was reviewed by the ACC. He asked if it was not, whether it should also be sent to the ACC. Karchesky and Glaser agreed to discuss this later.

Miller stated that during the last meeting, the FPS recapped the Baker tour and discussed the Elements of Fish Passage document. The Services sent letters of support to PacifiCorp, and PacifiCorp sent the documents to the Federal Energy Regulatory Commission (FERC) requesting approval of all the documents including the Elements of Fish Passage. Miller mentioned that PacifiCorp stated that they would honor the Elements of Fish Passage document if issues arose with FERC.

Lewis River Fish Passage (Attachment D)

Administrative Updates

None.

Public Comment Opportunity

None present.

Agenda Items for January 14, 2024

- Pine Creek Aquatic Fund Update – Phil Roni
- Study/Work Product Updates

Adjourn 11:01 pm

Next Scheduled Meeting

January 11, 2024
Teams Call
9:30 a.m.–12:00 p.m.

Meeting Handouts and Attachments

- Agenda from 12/14/2023
- **Attachment A** – Decision Document: Proposed Revision to Ground Rules
- **Attachment B** – Flow/Reservoir Conditions (Nov-Dec 2023)
- **Attachment C** – Lewis River Fish Passage Report (November 2023)
- **Attachment D** – Merwin Adult Trap Collection Report (November 2023)
- **Attachment E** – Swift FSC Facility Collection Report (November 2023)

**Terrestrial and Aquatic Coordination Committees
Structure and Ground Rules
Revised December 2023 (for ACC review)**

I. Introduction

This document has been established to facilitate the purposes of the Lewis River Terrestrial Coordination Committee (TCC), and the Lewis River Aquatics Committee (ACC), collectively known as the “Committees”. This document does not supersede language in the Lewis River Settlement Agreement or Federal Energy Regulatory Commission (Commission) Licenses issued June 26, 2008, which govern this process. Both Committees reserve the right to amend or modify this document as necessary and upon approval of the other Committee.

II. Purpose

The purpose of the Committees is to coordinate:

- 1) For the TCC, the implementation of terrestrial protection, mitigation, and enhancement (PM&E) Measures described in Section 10 of the Settlement Agreement (Agreement) (including any exhibits, schedules, and appendices related to that Section).
- 2) For the ACC, the implementation of aquatics protection, mitigation, and enhancement (PM&E) Measures described in Sections 3 through 9 of the Agreement (including any exhibits, schedules, and appendices related to that Section).
- 3) The Committee Coordinator(s) shall, as their primary responsibilities, oversee the coordination and implementation of the terrestrial and aquatic PM&E Measures that are the responsibility of their respective organizations as provided in the Agreement.

III. Roles and Responsibilities (Section 14.2.3 of the Agreement, see Appendix A)

Each Committee has the following responsibilities:

- a. Coordinates and Consults on development of plans by the Licensees as provided in the Agreement;
- b. Reviews information and oversees, guides, and makes comments and recommendations by the date agreed to by the Committees on implementation and monitoring of the terrestrial and aquatic PM&E Measures, including plans and reports;
- c. Consults with the Licensees on their respective reports prepared under the Agreement and Licenses regarding implementation of the terrestrial and aquatic PM&E Measures as referred to in Section 14.2.6 of the Agreement, (see **Appendix A**).
- d. Makes decisions, grants approvals, and undertakes any additional duties and responsibilities expressly given to the Committees with respect to the terrestrial or aquatic PM&E Measures;

Commented [MPA(1)]: Note for final editing: When do words need quotes (“ or ’)? It’s inconsistent throughout the doc.

- e. Establishes, among other things, (i) procedures and protocols for conducting Committee meetings and deliberations to ensure efficient participation and decision making; (ii) rules for quorum and decision making in the absence of any member; (iii) alternative meeting formats as desired, including phone or teleconference; and (iv) the methods and procedures for updating Committee members on interim progress of development and implementation of the terrestrial and aquatic PM&E Measures;
- f. As deemed necessary and appropriate by either Committee, establishes subcommittees to carry out specified Committee functions and responsibilities described in this Section 14.2.3 of the Agreement (see **Appendix A**), and establishes the size -, membership -, and procedures for any such subcommittees; and
- g. Discusses the protocols and the content of public information releases; provided that each Party, speaking only for itself and not the Committees, retains the right to release information to the public at any time without such discussion.

IV. Comments, Decisions and Recommendations (Section 14.2.4 of the Agreement, see Appendix A)

Each of the Committees shall make comments, recommendations, and decisions in a timely manner as provided below:

- a. Each Party represented on a Committee will have the authority to participate in all Committee discussions relating to, and to provide input and advice on the date agreed to by the Committees; on decisions regarding implementation of the terrestrial and/or aquatic PM&E Measures. If a Representative requests an extension before the agreed upon due date, Licensees will consider accommodating an extension.
- b. The Committees shall strive to operate by Consensus.

“Consensus” means that all Parties participating in a committee or other decision-making group consent to a decision. Consent does not necessarily imply that a Party agrees completely with a particular decision, just that the Party is willing to go along with the decision rather than block the action.
- c. Whether or not the Committees have final authority over decisions on PM&E Measures, the Licensees and other Parties may proceed with actions necessary to implement the Licenses or the Agreement, even though Consensus is not achieved; provided that in such cases where “Consultation” is required, the responsible Licensee or Licensees shall provide copies of Committees comments to the Commission and highlight the areas of disagreement. If this circumstance occurs, and the Licensees do not adopt the recommendations of a Committee member, then the material filed with the Commission will also include the member’s comments along with Licensee’s reasons for not adopting the recommendations of a Committee Representative, based on Project specific (see Recital A of Settlement Agreement) information, as identified in the definition of Consult or Consultation in the Agreement and as follows:

“Consultation” or “Consult” means that the Licensees shall obtain the views of and attempt to reach Consensus among the specified Parties whenever this Agreement requires the

*Licensees to Consult with one or more of the Parties. When Consultation is required under this Agreement, the Licensees shall allow a minimum of thirty (30) days for the specified Parties to provide comments prior to filing written plans, reports, or other items with the Commission. If Consensus is not reached, the Licensees shall take action according to the schedule provided in this Agreement or the New Licenses and shall describe to the Commission how the Licensees' submission accommodates the comments and recommendations of the Parties. If the Licensees do not adopt a recommendation, the filing shall include the Licensees' reasons for not adopting the Parties' recommendations, based on Project-specific information. The Licensees shall provide the Commission with a copy of the Parties' comments. Any Party may seek to resolve such disagreements in accordance with the Alternative Dispute Resolution (ADR) Procedures provided under Section 15.10 of the Agreement (see **Appendix A**). The Parties may submit their own comments to the Commission.*

- d. Where one or more Parties have approval authority under this Agreement, Licensees shall notify the Commission of any approvals that were not obtained, include the relevant comments of the Parties with approval authority, describe the impact of the lack of approval on the schedule for implementation of PM&E Measures, and describe proposed steps to be taken to gain the approval, including dispute resolution.
- e. In no event shall the Committees increase or decrease the monetary, resource, or other commitments made by PacifiCorp and the PUD in the Agreement; override any other limitations set forth in the Agreement; or otherwise require PacifiCorp to modify its three Projects' facilities without PacifiCorp's prior written consent or require Cowlitz PUD to modify its Project's facilities without Cowlitz PUD's prior written consent, which consent may be withheld at the applicable Licensee's discretion.
- f. At any juncture where Consultation, discussion or other contact with the Committees is required by the Agreement or Licenses, when requested by the "Services" (National Oceanic and Atmospheric Administration National Marine Fisheries Service and US Fish and Wildlife Service) or as required by the Agreement, the respective Committee Coordinator shall schedule an opportunity to discuss the relevant issue with the respective Committee. This event shall consist of either a conference call, in-person meeting, or other appropriate forum to enable full consideration of the issue.

V. Roles of the Parties

Interested parties

Interested parties are those people or entities that are interested in Committee activities, but were not Parties to the Agreement (e.g., general public) or are Agreement Parties that have not designated Committee representatives for membership. To the extent desired by an individual or party, they may receive respective Committee information and attend meetings; however they will not be included in the Consensus process or during confidential sessions. Time will be provided at each meeting for public comment as needed and determined by respective Committees (e.g., 15 minutes before lunch break and 15 minutes at conclusion of meeting).

Representatives and Alternates

Designated primary and alternate representatives for membership (hereafter referred to as Representatives), are Parties to the Settlement Agreement that have identified (in writing) Representatives to participate in Committee meetings. Representatives, or their designated alternates in the absence of primary Representatives, will have the authority to participate in all respective Committee discussions and to provide input, advice and voting authority on decisions regarding implementation of the terrestrial or aquatic PM&E Measures in the Agreement or Licenses. Representatives are included in the Consensus process. It is expected that TCC Representatives will request to meet in a confidential manner specific to discussions regarding land acquisition interests. Those Representatives wishing to participate in such meetings will be required to sign a Confidentiality Agreement. If the ACC needs to conduct confidential discussions, any Representative may request a confidential session and the session shall be identified on the agenda. Efforts will be made to identify a confidential session before the agenda is released. Confidentiality Agreements are not required for confidential ACC discussions unless agreed to by the ACC.

Links to the most current ACC and TCC Representative list is provided on the PacifiCorp website at:

Proxy Representation

To provide for absentee representation at Committee meetings, a primary or alternate Representative may designate a proxy Representative via written electronic mail notification to the Licensees' Coordinators. If necessary, written proxy designation may be provided to Signatories external to the entity providing the written proxy designation. Written proxy requests should include the designated proxy Representative, affiliation and duration of the proxy authorization.

Licensees' Coordinators

The Licensees' Coordinator(s) oversee the coordination and implementation of the respective terrestrial and aquatic PM&E Measures that are the responsibility of their respective organizations (PacifiCorp or PUD of Cowlitz County) as provided in the Agreement. The Coordinators may be the Licensees' Representatives if so designated. The Coordinators shall act as full participants in the Committee process and, as appropriate, will take the lead in developing necessary information and preparing formal documents.

Chairperson(s)

Generally, the role of the Chairperson is to lead the meetings effectively and ensure the written structure and ground rules are followed. Responsibilities include opening and closing the meetings on time, review and modification of the meeting agenda, introducing the purpose and topics on the agenda, introduce guests, ensure participants are provided equal time when discussing issues, ensure that discussion remains relevant, and call for consensus votes when necessary.

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Commented [LE(3)]: Provide valid links during technical editing

Consultants

A Consultant will serve as a source of technical expertise to the appropriate task or assignment. A Consultant will not have the authority to participate as a Committee Representative on behalf of or bind any Party unless the Party specifically delegates that authority (in writing) on specific issues and informs the other Representatives about such delegation.

Facilitator

If deemed necessary by the Licensees or Committees, a facilitator may be utilized during a part or all of the Committee proceedings. The facilitator is an independent third party. The facilitator's role is to help reach Consensus. The facilitator will help the Representatives to identify goals, identify issues, develop and maintain critical paths, accomplish creative problem solving, reach resolution of issues (facilitate and mediate as necessary). The facilitator will also help the Parties to stay organized and keep track of issues, Committee progress, and assignments. The facilitator may assist the development of agendas (for review and input by Representatives) and focus discussions and efforts. If the Committee(s) deems that an outside facilitator is unnecessary at any time, the Licensee(s) Coordinator(s) or any other Representative may assume that role, as determined by the respective Committee.

Subcommittee(s)

The ACC or TCC may request the formation of subcommittees to carry out specified functions and responsibilities. Subcommittee members (hereafter referred to as Members) may be Representatives or other technical support staff of the Agreement Parties. The primary role of subcommittees will be to provide recommendations to the ACC or TCC for their consideration or approval. A charter for the subcommittee will be prepared outlining the size, membership, roles, and procedures and be provided to the relevant Coordination Committee for approval.

Commented [MPA(4): Definition for Members, i.e., individuals participating on a subcommittee.

VI. Ground Rules

The Committee and subcommittee meetings are subject to the ACC and TCC ground rules. These ground rules are not intended to modify or limit any party's legal rights, authorities, or remedies. For purposes of this document, days shall be defined as calendar days.

VII. Meetings

Meetings will be open to the public, who may observe and provide comment at the appropriate time. Non-member participants (i.e., interested parties) cannot participate in the determination of Consensus. The Committees and subcommittees may schedule meetings that are not open to the public or interested parties; confidential or otherwise. Consultants and legal representatives of the Parties shall not act as advocates during Committee meetings unless they have been designated as a Representative for a Party.

The Committees will have the respective meeting times:

- 1) The TCC will meet regularly from 9:00am until 3:00pm on the second Wednesday of

each month unless determined otherwise by the TCC.

- 2) The ACC will meet regularly from 9:30am until 3:00pm on the second Thursday of each month unless determined otherwise by the ACC.

Additional meetings may be requested outside the regular meeting times as needed.

In general, Representatives of the Committees shall be given a minimum of thirty (30) days' notice prior to any meeting, unless otherwise agreed to by the Representatives. This does not preclude the Committees from conducting meetings with less notice as needed.

Subcommittee meeting times will be established in the charter or determined within the subcommittee. The Committee establishing the subcommittee will be notified of meeting times.

Agendas

Agenda items for the following Committee and subcommittee meetings will be determined at the close of each meeting. Agendas will identify when decisions are expected to be made and if confidential sessions are needed. Representatives or Members may contact the Coordinator(s) at any time to suggest additional agenda items. Representatives or Members may also request a confidential session and the session shall be identified on the agenda. Efforts will be made to identify a confidential session before the agenda is released. The agenda for each meeting shall be distributed at least seven (7) days in advance of the meeting date. At the beginning of each meeting, the agenda will be reviewed, edited, and amended as necessary by the Representatives or Members. A public comment period will be included in each meeting agenda as needed.

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Meeting Notes

The Coordinators will provide for the preparation, review and distribution of draft meeting notes within seven (7) days following the Committee meeting. Representatives may provide editorial comments directly to the Coordinators by email within ten (10) days prior to the next meeting. Edited meeting notes will be distributed (including attachments) to the Committee with the meeting agenda seven (7) days prior to the next meeting. Substantive comments should be raised during the review of the notes at the next meeting for discussion and resolution, as necessary. Following that meeting, the Coordinators will finalize the meeting notes and post on PacifiCorp website. Any changes to meeting notes that were suggested by a Representative, but not accepted by the respective Committee for inclusion, will be appended to meeting notes.

For large attachments (e.g., presentations), a link will be provided in the meeting notes directing reviewers to the attachment on the PacifiCorp website. All attachments are considered part of the meeting notes and subject to review.

Subcommittee process for reviewing meeting notes will be established in the charter or determined within the subcommittee. The Committee establishing the subcommittee will be provided the meeting notes and materials. Draft materials will be clearly marked (e.g., watermark).

VIII. Responsibilities of Committee Representatives

Attendance

Representatives and Members will make a concerted effort to attend meetings and inform the Coordinators in advance of any absence at a Committee, or subcommittee meeting or any change in representation. A teleconference line or virtual meeting link will be available at each meeting for Representatives and Members who cannot attend in person.

If possible, each Representative will have designated one or more alternates who can represent their organization when needed. Representatives attending remotely, or who have designated a proxy (in writing) are considered present at the meeting, and will be included in the Consensus process with voting authority.

Preparation

Representatives and Members will make a concerted effort to complete action items, come prepared for meetings, and review previously distributed material relating to agenda items. If a Representative or Member is new, the Committee or subcommittee should provide a short introduction briefing during the meeting. If a Representative or Member would like the Committee or subcommittee to consider a specific proposal, that Representative or Member will notify the Coordinator(s) to include the item on the agenda, and prepare and provide a "Request for Decision" template (see **Appendix B**) for distribution to the Committee along with meeting notes and agenda at least seven (7) days prior to the meeting in which the proposal will be discussed. Subcommittees or individual Members may also bring a completed 'Request for Decision' template to the Committees for their consideration.

Emergent issues (e.g., trap outages, stream flow variations, FERC submittals, etc.) may be presented at the meeting without prior notification.

Participation

Each Representative or Member is expected to be a willing contributor at meetings, to communicate actively, to share all necessary factual information, and to strive for Consensus on a timely basis. Each Representative or Member is expected to be open minded, to listen to others, to respect others' points of view, to be direct and considerate, to show respect for the other Representatives or Members, to suggest solutions, and to be willing to explain their concerns to others. If a Representative or Member has a personal communication device, they will strive to limit its use in a manner that is least disruptive to meeting participants (i.e., turn it off or to meeting mode during meetings).

Authority

If a Representative or Member does not have authority to bind its organization, the Representative or Member will keep its organization briefed on an on-going basis about the activities of the respective Committee or subcommittee, the issues being addressed, and possible solutions to those issues. The Representative or Member will incorporate the input

they have received from their internal discussions into their participation at Committee or subcommittee meetings.

Response Time

Representatives will have at least thirty (30) days unless otherwise agreed to by the Committee Representatives or the period as specified by the Settlement Agreement or Licenses, to review reports, documents, and draft deliverables to be filed with the Commission, so that Representatives can meaningfully participate in the collaborative process. In some instances, additional time will be provided to enable the Representatives' internal review as agreed to by the Committee Representatives. Specifically, Representatives will have sufficient time for internal review of major policy matters before making decisions on such matters. Future decision points will be noticed in meeting notes.

Subcommittee process for reviewing reports, documents, and draft deliverables shall be established within the charter of each subcommittee.

Brainstorming

To allow open discussion and collaboration, Representatives and Members will be encouraged to "brainstorm" a variety of solutions to specific issues. When a Representative or Member identifies possible solutions as part of this process it is on behalf of the Committee or subcommittee, not their individual organizations, and a Representative or Member will not be held to any brainstorming ideas until such time as they have indicated a willingness to agree with a proposed solution.

Decision Making

Committees will make decisions by Consensus, as defined in the Agreement and Section IV of this document. With respect to ensuring that all Representatives have a voice in the Consensus process, the following protocol will be applied:

- 1) Discuss the issue to identify all points of view. Invite everyone to speak.
- 2) The group will decide when there has been enough discussion about a topic and are ready for a decision vote.
- 3) Votes in favor and against shall be tallied from each Representative present, or from Representatives identified through written proxy by absentee Representatives prior to the meeting.
- 4) Those voting in the **minority** get the floor. They're invited to say whatever they want and convince others of the rights of their view by:
 - Adding to the body of information already presented.
 - Clarifying their position.
 - Point out flaws, errors, or deficiencies in the other's point of view.
- 5) Continue to ask those in the minority:

- Do you think you have now been heard by the others in the group?
 - Is there more you want to say?
 - Are you ready to have the entire group vote again?
- 6) Vote again. Those voting in the **minority** again get the floor.
- 7) Invite them again to voice their argument to try and convince others to agree with their point of view.

This process will continue until those in the minority are able to say: “We are clear about what the majority would like to do. While we personally would not make that choice, we do think the others understand what our alternative is. We’ve had sufficient opportunity to persuade others to our point of view, and we do think we have been heard.”

If agreement is not possible, minority parties may pursue Dispute Resolution (see below), or other agreed upon approach.

To account for the absence of a Representative during a decision making process and for which no proxy is provided, decisions will be considered preliminary for a period of seven (7) days, post-decision, unless extended by the Committee. If all Committee Representatives are present or have provided a proxy, the additional review period is not needed. The Coordinators will notify absent parties of the preliminary decision via email promptly after the Committee meeting and request a decision response by the end of the seven (7) day period. If a Representative fails to respond within the seven (7) day period, their silence will be considered as no objection to the decision.

The process by which Subcommittees make decisions shall be established within the charter. The level of the decision making authority granted to the subcommittee by the ACC/TCC shall be established within the charter.

Request for Decision

The Request for Decision template (see **Appendix B**) is designed to describe the outcome and justification for major Committee decisions. Guidelines for determining a major decision include but are not limited to:

1. Clarification of actions associated with the Settlement Agreement intent or goals.
2. Documentation of ACC or TCC “Consultation” when the license or Settlement Agreement identifies “Consultation” or to “Consult” with a Committee.
 - a. For example, where the Settlement Agreement requires “Consultation” with the ACC and final approval of the Services.
 - b. Exceptions may include “Consultation” for ACC or TCC annual reports that require a minimum of thirty (30) day comment period (see Section IX or **Appendix A 14.2.6**).

Commented [MPA(6): New: Replaces formal and informal decisions. Establishes guidance for when to prepare a Request for Decision rather than hard requirements.

3. Key recommendations from subcommittees presented to Committee for decision.
4. Approval of subcommittee charters.

The determination for a major decision and the use of a ‘Request for Decision’ template will be made by the respective Committee on a case-by-case basis.

A completed ‘Request for Decision’ template shall be presented to the Committee for their approval. The Committee, through consensus decision making, may decide to act, not to act or defer action on any requested action or decision.

Commented [MPA(7): Moved from Formal Committee Decisions.

Representatives or subcommittees requesting review or decision by the Committee, shall complete the ‘Request for Decision’ template (see **Appendix B**) for distribution to the Committee prior to the meeting as described under ‘*Preparation*’. A completed ‘Request for Decision’ template shall be attached to the meeting notes for the meeting in which the request was considered. Decisions by the Committee shall follow procedures outlined under “Decision Making”.

Commented [MPA(8): Moved from Documentation of Committee Decisions.

Documentation of Committee Decisions

Commented [MPA(9): Combined Documentation of Committee Decisions and Tracking of Committee Decisions under Documentation of Committee Decisions.

All Committee decisions (Major or otherwise) shall be documented in the meeting notes using **red bold font**, and included in the record of decision matrix (see **Appendix C**). Completed and final ‘Request for Decision’ templates (see **Appendix B**) shall be attached to the notes of the meeting in which the decision was made.

A record of decisions matrix (see **Appendix C**) shall be maintained to provide a list of Committee decisions. The record of decision matrix shall include for each decision, a unique code, date of the decision, a summary of the decision and where appropriate, a tally of the vote. While a Representative will not be precluded from reopening a resolved issue, the Representatives will make a concerted effort to move forward once decisions have been made and to only request that the group revisits decisions if Representatives wish to discuss information or perspectives not previously shared with the Committee, or if questions arise from implementation of the decision.

Decisions made within the reporting period and included on the record of decisions matrix shall be included in the Licensees’ ACC/TCC annual report filed with the Commission in June of each year and maintained available on the [PacifiCorp website](#).

Commented [LE(10): Provide link during technical editing

Dispute Resolution

The Coordinators or facilitator will use a variety of dispute resolution techniques, including mediation, to work through difficult issues and reach Consensus. If necessary, the Representatives may follow the Alternative Dispute Resolution Procedures as defined in Section 15.10.2 of the Agreement (see **Appendix A**).

Caucuses

Time will be allowed at each meeting for caucuses, as necessary.

Information

Representatives and Members will have access to all documents developed during Committee or subcommittee activities. To ensure transparency and inclusion, the Coordinators, Representatives, and Members will distribute or make available via a website (<http://www.pacificorp.com/es/hydro/hl/lr.html#>) or email necessary information on a timely basis to all the Representatives. Some information (most likely from the TCC) will need to be subject to a Confidentiality Agreement. It is the responsibility of a Representative or Member providing confidential information to ask the group to treat it confidentially. All Representatives and Members will honor the Confidentiality Agreement to the limits defined by the law. To the extent that non-confidential data or information is draft, preliminary or otherwise qualified, if Representatives or Members use such data/information outside of the context of meetings or activities, they will appropriately qualify the data/information.

IX. Annual Reports

The Coordinators for the Committees shall prepare and file with the Commission detailed annual reports on Committee activities, monitoring and evaluations, and implementation of the terrestrial and aquatic PM&E Measures occurring during the prior year, as well as plans for the coming year as required in the Agreement. The annual reports may also include, but not be limited to, plans and reports required pursuant to Sections 4.9.1, 7.7.1 8.2.3, 8.2.4, 10.5, 10.8.3 of the Agreement (see **Appendix A**), and any other applicable sections. Copies of such reports will be made available to each Party. The annual reports shall be prepared in Consultation with the Committee Representatives and shall be submitted to the appropriate Committee for review each year, in accordance with the Settlement Agreement. Committee Representatives shall have a minimum of thirty (30) days to review and provide comment on a draft report before a final report is prepared and filed with the Commission. The Licensees shall submit the final report to the Commission not later than thirty (30) days after the close of the comment period. To the extent that comments are not incorporated into the final report, an explanation will be provided in writing, and such explanation shall be included in the report.

Appendix A

Lewis River Hydroelectric Projects Settlement Agreement

14.2.1 Committee Coordinators. Within 30 days after the Effective Date, PacifiCorp and Cowlitz PUD each shall designate one Committee Coordinator for the TCC and one Committee Coordinator for the ACC. PacifiCorp and Cowlitz PUD shall make their designations by notice to the Parties in accordance with the notice provisions in Section 16.6. The PacifiCorp Committee Coordinator(s) shall be employed or retained by PacifiCorp and may represent PacifiCorp on the TCC and the ACC. The Cowlitz Committee Coordinator(s) shall be employed or retained by Cowlitz PUD and may represent Cowlitz PUD on the TCC and the ACC. The PacifiCorp Committee Coordinator(s) shall, as their primary responsibilities, oversee the coordination and implementation of the terrestrial and aquatic PM&E Measures that are the responsibility of PacifiCorp as provided in this Agreement. The Cowlitz PUD Committee Coordinator(s) shall oversee the coordination and implementation of the terrestrial and aquatic PM&E Measures that are the responsibility of Cowlitz PUD as provided in this Agreement. PacifiCorp and Cowlitz PUD Committee Coordinators together shall oversee the coordination and implementation of terrestrial and aquatic PM&E Measures for which PacifiCorp and Cowlitz PUD have joint responsibility as provided in this Agreement.

14.2.3 TCC and ACC Functions. The TCC and the ACC will:

- a. Coordinate and Consult on development of plans by the Licensees as provided in this Agreement;*
- b. Review information and oversee, guide, and make comments and recommendations on implementation and monitoring of the terrestrial and aquatic PM&E Measures, including plans;*
- c. Consult with the Licensees on their respective reports prepared under this Agreement regarding implementation of the terrestrial and aquatic PM&E Measures as referred to in Section 14.2.6 below;*
- d. Make decisions, grant approvals, and undertake any additional duties and responsibilities expressly given to the TCC or the ACC with respect to the terrestrial and aquatic PM&E Measures;*
- e. Establish, among other things, (i) procedures and protocols for conducting committee meetings and deliberations to ensure efficient participation and decision making; (ii) rules for quorum and decision making in the absence of any member; (iii) alternative meeting formats as desired, including phone or teleconference; and (iv) the methods and procedures for updating committee members on interim progress of development and implementation of the terrestrial and aquatic PM&E Measures;*
- f. As deemed necessary and appropriate by the TCC or the ACC, establish subcommittees to carry out specified committee functions and responsibilities described in this Section 14.2.3, and establish the size of, membership of, and procedures for any such subcommittees; and*
- g. Discuss the protocols and the content of public information releases; provided that each Party retains the right to release information to the public at any time without such discussion.*

14.2.4 TCC and ACC Decision-Making Process and Limitations. The TCC and the ACC shall make comments, recommendations, and decisions in a timely manner as provided below:

a. Each Party represented on the TCC and the ACC will have the authority to participate in all committee discussions relating to, and to provide input and advice on, decisions regarding implementation of the terrestrial or aquatic PM&E Measures;

b. The TCC and the ACC shall strive to operate by Consensus. Whether or not the TCC or the ACC has final authority over decisions on terrestrial and aquatic PM&E Measures, the Licensees and other Parties may proceed with actions necessary to implement the New Licenses or this Agreement, even though Consensus is not achieved; provided that in such cases the responsible Licensee or Licensees shall notify the Commission of the comments of the ACC or TCC members and the areas of disagreement. If the TCC or ACC does not reach Consensus, then any member of the TCC or ACC, respectively, may initiate the ADR Procedures as provided in Section 15 below.

c. Where one or more Parties have approval authority under this Agreement, Licensees shall notify the Commission of any approvals that were not obtained, include the relevant comments of the Parties with approval authority, describe the impact of the lack of approval on the schedule for implementation of PM&E Measures, and describe proposed steps to be taken to gain the approval, including dispute resolution.

d. In no event shall the TCC or the ACC increase or decrease the monetary, resource, or other commitments made by PacifiCorp and Cowlitz PUD in this Agreement; override any other limitations set forth in this Agreement; or otherwise require PacifiCorp to modify its three Projects' facilities without PacifiCorp's prior written consent or require Cowlitz PUD to modify its Project's facilities without Cowlitz PUD's prior written consent, which consent may be withheld in the applicable Licensee's discretion.

e. At any juncture where discussion or other contact with the ACC or TCC is required by this Agreement, when requested by the Services or as required by the Agreement, the ACC or TCC Committee Coordinator, respectively, shall schedule an opportunity to discuss the relevant issue with the ACC or TCC. This event shall consist of either a conference call, in-person meeting, or other appropriate forum to enable full consideration of the issue.

14.2.5 TCC and ACC Meetings. Commencing in the first year after the Effective Date and each year thereafter for the terms of the New Licenses, the TCC and ACC Committee Coordinators shall arrange and provide an agenda for an annual meeting of their respective committees. The TCC and ACC Committee Coordinators also shall arrange and provide an agenda for any additional meetings deemed necessary by either coordinator for a committee or at the request of any two Parties on that committee, which request shall be sent simultaneously to all members of that committee. Members of the TCC and the ACC shall be given a minimum of 30 days' notice prior to any meeting, unless otherwise agreed to by the members of the applicable committee.

14.2.6 TCC and ACC Reports. The Committee Coordinators for the TCC and the Committee Coordinators for the ACC shall prepare and file with the Commission detailed annual reports on the TCC and ACC activities, monitoring and evaluations under the M&E Plan, and implementation of the terrestrial and aquatic PM&E Measures occurring during the prior year, as well as plans for the coming year as required in this Agreement. The annual reports may also include plans and reports required pursuant to Sections 4.9.1, 7.7.1, 8.2.3, 8.2.4, 10.5, and 10.8.3. Copies of such reports will be made available to each Party. The annual reports shall be prepared in Consultation with the TCC and ACC committee members and shall be submitted to the committees for review each year, commencing after the Effective Date.

Committee members shall have a minimum of 30 days to review and provide comment on a draft report before a final report is prepared and filed with the Commission. The Licensees shall submit the final report to the Commission not later than 30 days after the close of the ACC and TCC comment periods. To the extent that comments are not incorporated into the final report, an explanation will be provided in writing, and such explanation shall be included in the report.

15.10 Alternative Dispute Resolution

15.10.1 General. The Parties intend that disputes under this Agreement be resolved as expeditiously and informally as possible, and that issues within the scope of the TCC and the ACC be discussed in those committees before being referred to the ADR Procedures. All remaining disputes among the Parties regarding the obligations of the Parties under this Agreement shall, at the request of any Party, be the subject of nonbinding ADR Procedures among the disputing Parties. Each Party shall cooperate in good faith promptly to schedule, attend, and participate in the ADR Procedures. The Parties agree to devote such time, resources, and attention to the ADR Procedures as are needed to attempt to resolve the dispute at the earliest time possible. Each Party shall implement promptly all final agreements reached through the ADR Procedures, consistent with the Party's applicable statutory and regulatory responsibilities. Nothing in Sections 15.10.1 through 15.10.2 is intended or shall be construed to affect or limit the authority of the Commission, the Agencies, or any other agency with jurisdiction over the Projects to resolve a dispute brought before it in accordance with its own authorities and procedures, or to alter the statute of limitations or other requirements for Appeal of any action.

15.10.2 ADR Procedures. A Party claiming a dispute shall give notice of the dispute within 60 days of the Party's actual knowledge of a dispute, event, or omission that gives rise to the dispute, unless this Agreement provides otherwise. If a Party communicates with another Party informally and believes that the dispute is being resolved, the time for notice will not commence until it has been determined that such informal efforts have failed to resolve the dispute. Notification under Section 16.6 shall constitute actual knowledge. At a minimum, in any dispute subject to the ADR Procedures, the Parties shall hold two informal meetings within 30 days after notice, to attempt to resolve the disputed issue or issues. If, within 15 days after the second meeting or any meeting thereafter, a Party notifies the other Parties that such informal meetings failed to resolve the dispute, the Parties may agree to attempt to resolve the dispute using a neutral mediator. The agreement to use a neutral mediator will address allocation of costs and the scope of the dispute. The neutral mediator will be selected by the Parties participating in the mediation. Upon selection, the mediator will mediate the dispute for 60 days. Any of these time periods may be reasonably extended or shortened by agreement of the Parties, or as necessary to conform to the procedure of an agency or court with jurisdiction over the dispute. Unless otherwise agreed among the Parties, each Party shall bear its costs for its own participation in the ADR Procedures. Pending resolution of any dispute under the ADR procedures, and subject to the authority of the Commission or other agency with jurisdiction to order otherwise, PacifiCorp and Cowlitz PUD may continue operating their respective Projects in the manner of their operation prior to the point at which the dispute arose.

15.10.3 Enforcement of Agreement After ADR Procedures. Any Party may seek specific performance of this Agreement by any other Party at the Commission or in a court of competent jurisdiction after compliance with the ADR Procedures, where required, and, to the extent allowed by applicable law, may seek to recover its costs and fees associated with bringing such action. No Party shall be liable in damages for any breach of this Agreement, except that a Party may seek monetary penalties under applicable law. Nothing in Sections 15.10.1 through 15.10.3 is intended or shall be construed to affect or limit the jurisdiction of any agency or court as established under applicable law.

RECITAL A

“Project” and “Projects” - The Lewis River Hydroelectric Projects consist of the Merwin Project (Project No. 935), Yale Project (Project No. 2071), Swift No. 2 Project (Project No. 2213), and Swift No. 1 Project (Project No. 2111) (each individually referred to as a “Project” and collectively as the “Projects”) and associated powerhouses, transmission facilities, recreational facilities, hatcheries, reservoirs, canals, and lands within the Projects’ Boundaries and wildlife lands managed outside the Project Boundaries. PacifiCorp owns the Merwin Yale and Swift No. 1 Project, while Cowlitz PUD owns the Swift No. 2 Project (the combined Projects of Swift No. 1 and Swift No. 2 are referred to collectively as the “Swift Projects”). Construction of the Projects began with the Merwin Dam in 1929 and was completed with the construction of Swift No. 1 and Swift No. 2 ending in 1958. The Federal Power Commission issued the first license for Merwin on November 29, 1929, which expired on November 29, 1979. That license was renewed on October 6, 1983 and was originally due to expire on April 30, 2009 but was accelerated by a Commission Order and now expires on April 30, 2006. The original license for Yale was issued on April 24, 1951 and expired on April 30, 2001. The original license for Swift No. 1 was issued on May 1, 1956 and expires on April 30, 2006. The original license for Swift No. 2 was issued on November 29, 1956, effective May 1, 1956, and expires on April 30, 2006.

Appendix B

Request for Committee Decision Template

Request No. [yyyy – #]
Request Date: [mm-dd-yyyy]

North Fork Lewis River Project

Request for Decision Template

[Project Title]

Part A –Decision Summary (to be completed after decision is made)

Date of Decision: [mm-dd-yyyy]
Expected Implementation Date of Action (if applicable): [mm-dd-yyyy]
Expected completion date of action (if applicable): [mm-dd-yyyy]

- **Decision Summary** (brief summary of decision or action made by Committee)

Part B –Decision Request (to be completed by Representative(s) requesting decision)

1. Representatives and Affiliations

- List all Representatives and Affiliations requesting Committee decision

2. Description and Justification of Request

- **Requested Action:** What specifically is the Committee to decide?
- Introduction and background
- Justification for requested action

3. FERC or Settlement Agreement Requirement(s)

- What relevant FERC or SA articles justify this action? [Articles xx]
- Are there any other regulatory requirements to support the requested action?

Part C – Committee Decision (to be completed by Committee)

4. Committee Decision

- Was the decision made by consensus (as defined in the Committee ground rules)?
- Document voting record and tally (if applicable)

5. Justification for Committee Decision

- What information (i.e. empirical data) and how was this information used to inform decision?

6. Contingencies or Conditions of the Decision

- Is decision contingent on other actions or information?
- Is implementation of decision contingent on specific actions or information?
- Are there any conditions attached to this decision?

7. Additional Information or Notations

Appendix C

Record of Decision Matrix

Request No	Request Date	Representative(s) and Affiliation(s)	Title of Request	Requested Action (from decision template)	FERC License or Settlement Agreement Reference	Vote Tally	Description and Justification of Decision	Contingencies for Decision	Date of Decision
2020-XX	mm-dd-yyyy								mm-dd-yyyy

North Fork Lewis River Project Request for Decision

Proposed Revisions to the Terrestrial and Aquatic Coordination Committees Structure and Ground Rules (revised June 2020)

Part A –Decision Summary *(to be completed after decision is made)*

Date of Decision: 12/14/2023

Expected Implementation Date of Action (if applicable):

Expected completion date of action (if applicable):

Decision Summary *(brief summary of decision or action made by Committee)*

The Aquatic Coordination Committee approved the revised ACC/TCC Structure and Ground Rules as proposed and distributed to the ACC on December 8, 2023. No opposition was presented, and all members present at the December 14, 2023 ACC meeting voted in favor or abstained.

Part B –Decision Request *(to be completed by Representative(s) requesting decision)*

1. Representatives and Affiliations

<i>Organization</i>	<i>Representative</i>
PacifiCorp	Erik Lesko
Washington Department of Fish and Wildlife	Peggy Miller, Bryce Glaser

2. Description and Justification of Request

Requested Action: [What specifically is the Committee to decide?](#)

PacifiCorp and WDFW are requesting revisions to the Terrestrial and Aquatic Coordination Committees Structure and Ground Rules (revised June 2020). Revisions are intended to update and clarify the ACC/TCC Structure and Ground Rules, which were last revised in June 2020.

Specific revisions include the following:

- Clarification of the term ‘parties’
- Clarify the need and process for confidential sessions or agreements
- Definitions for ‘subcommittee’ and ‘Members’
- Additional guidance on when Decision Templates may be necessary
- Clarification on how committee decisions are documented and recorded
- Replace ACC/TCC member tables with PacifiCorp links to updated lists
- Establishes need for subcommittee charter

The updated Terrestrial and Aquatic Coordination Committees Structure and Ground Rules (revised December 2023) is attached.

Request No. [2023-02]

Request Date: [12-14-2023]

3. FERC or Settlement Agreement Requirement(s)

What relevant FERC or SA articles justify this action? [Articles xx]

1. Section 14.2 of the Lewis River Settlement Agreement
2. Terrestrial and Aquatic Coordination Committees Structure and Ground Rules (Revised June 2020)

Part C – Committee Decision (to be completed by the ACC)

4. Committee Decision

- **Was the decision made by consensus?** (as defined in the committee ground rules)
Yes, protocol followed consensus decision making protocol as described in the ground rules
- **Document voting record and tally** (if applicable)

All Representatives in attendance at the December 14, 2023, ACC meeting

Yes = Y; No= N; Abstain= A

Organization	Representative Present	Vote
Cowlitz Indian Tribe	Christina Donehower	Y
National Marine Fisheries Service	Kathryn Blair	A
Utilities	Erik Lesko	Y
Washington Dept. of Fish and Wildlife	Bryce Glaser	Y
Yakama Nation	Keely Murdoch	Y

5. Justification for Committee Decision

What information (i.e., empirical data) and how was this information used to inform decision?

At the May 11, 2023, ACC meeting the topic of revising and updating the structure and ground rules document was discussed as part of the agenda and it was agreed that PacifiCorp would propose additional language in the structure and ground rules to clarify the decision-making process by the ACC. Addition updates were also recommended and have been included in the attached draft.

6. Contingencies or Conditions of the Decision

- Is decision contingent on other actions or information?
Yes, this decision is preliminary pending 7-day additional review and approval by the Terrestrial Coordination Committee in January.
- Is implementation of decision contingent on specific actions or information? **No**
- Are there any conditions attached to this decision? **No**

7. Additional Information or Notations

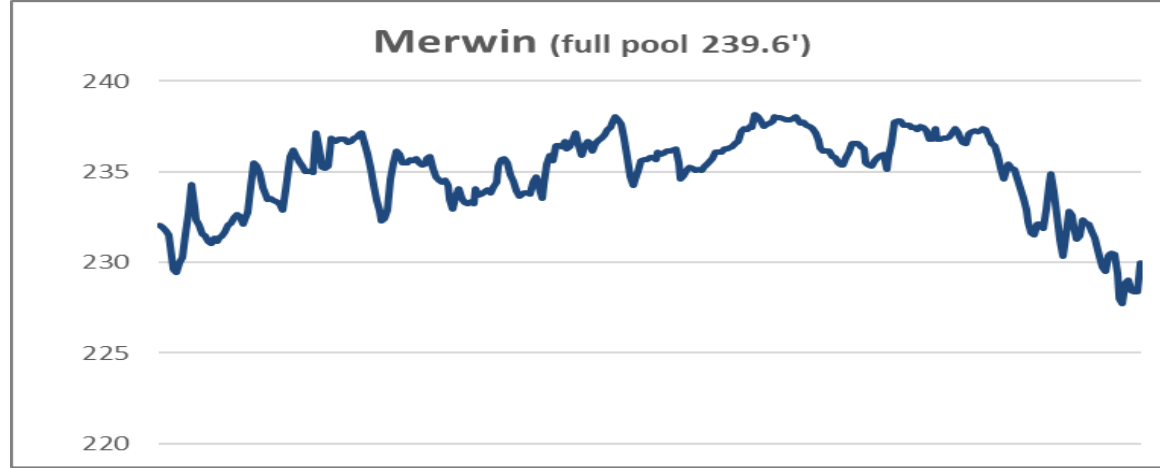
None

Reservoir Elevations

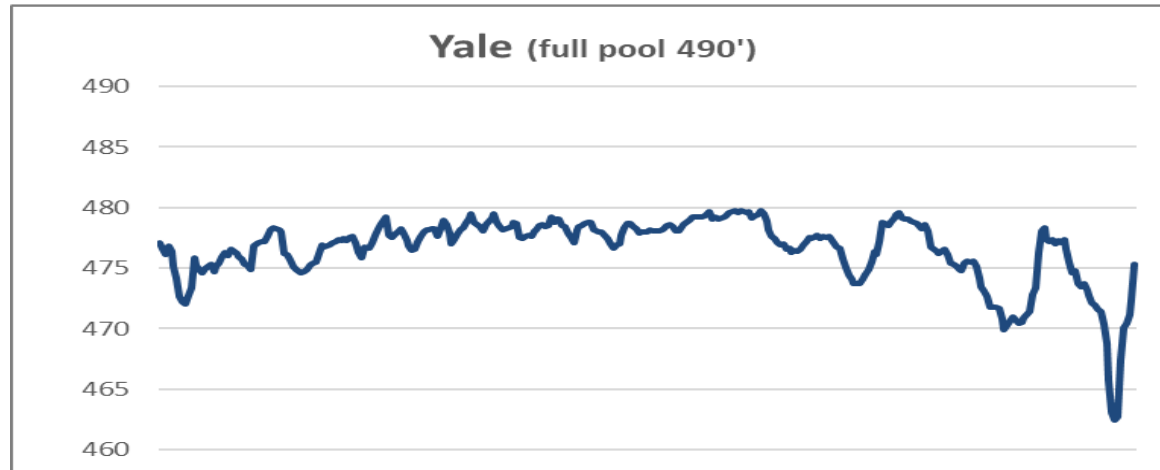
Jan 1 – Dec 11, 2023

Total Draft = **-50.7**
(-40.7 with Yale Restriction)
 Δ since Nov 9 = **+13.8**

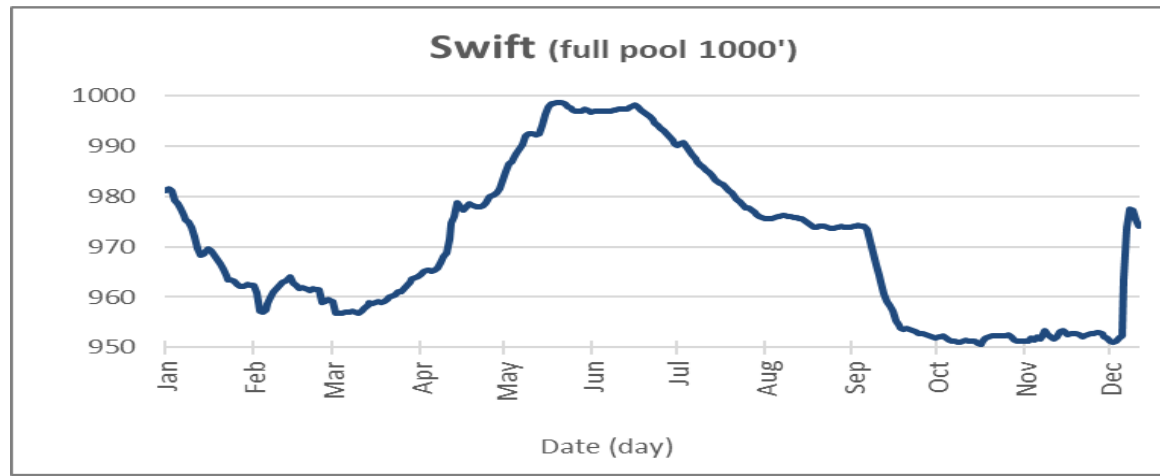
Reservoir Elevation (ft., msl)



230.6 Elevation
-9.0 Draft
 $\Delta = -3.9$

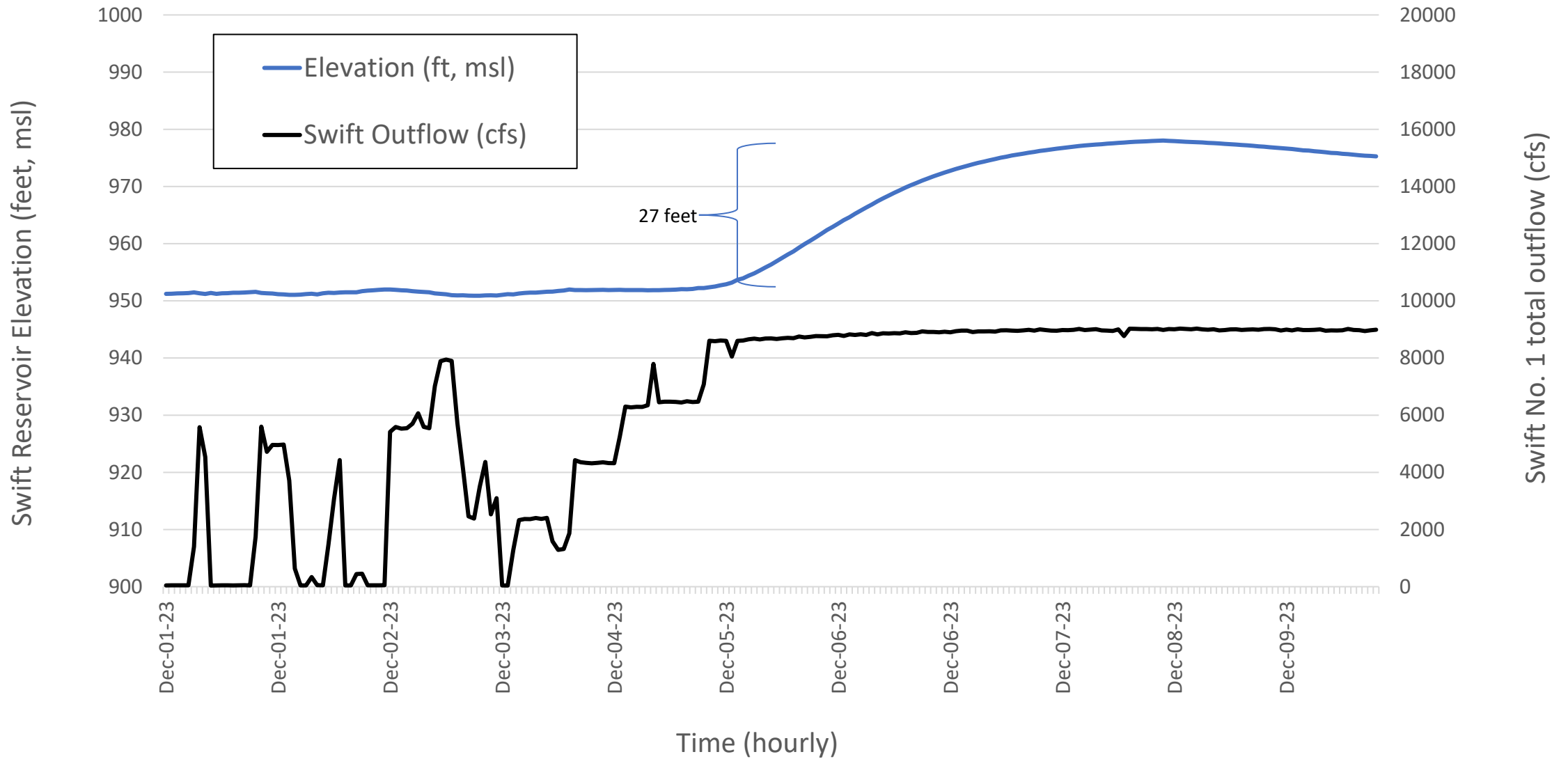


477.7 Elevation
-12.3 Draft
 $\Delta = -0.48$



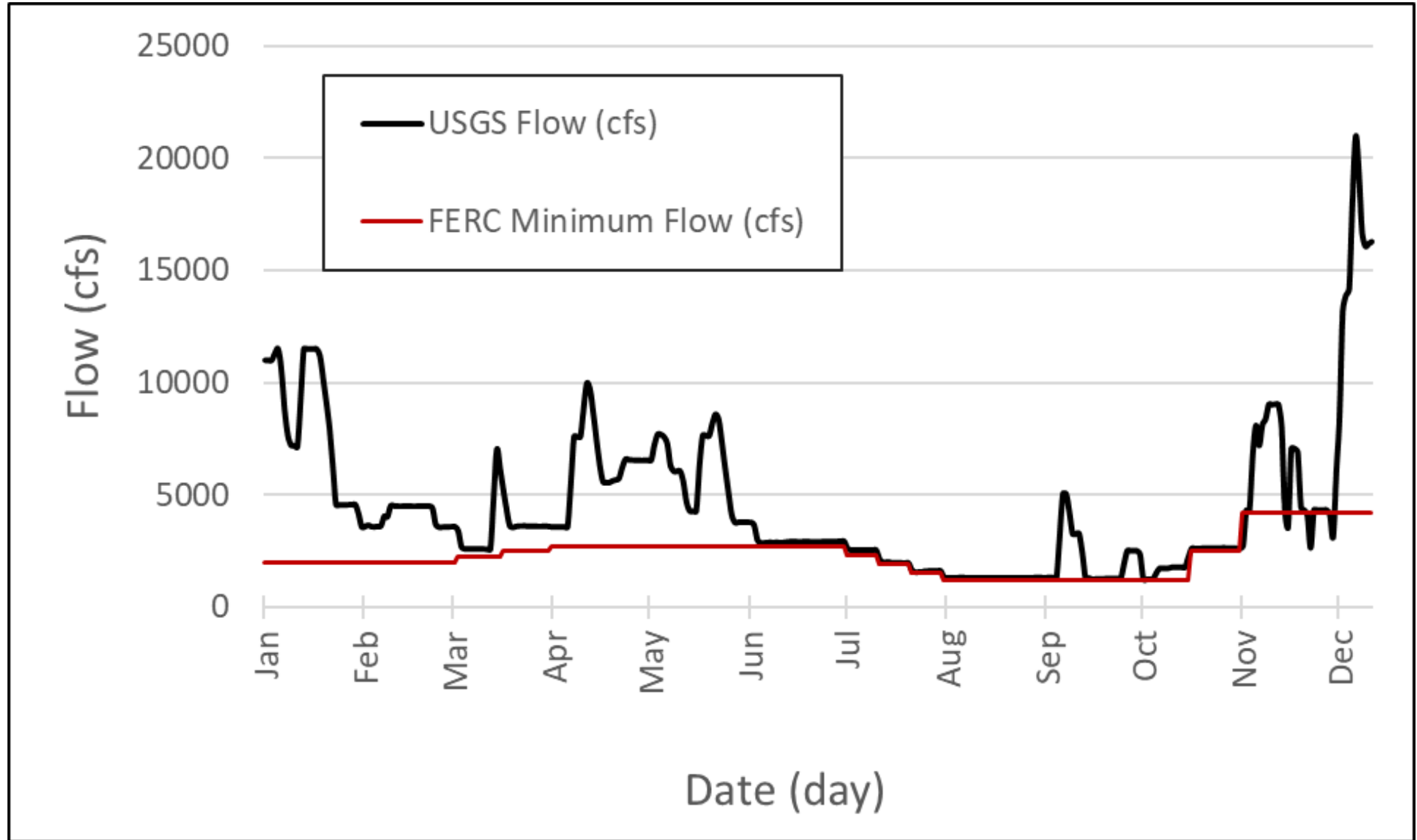
952.3 Elevation
-29.5 Draft
 $\Delta = +18.2$

Swift Reservoir Elevation and Powerhouse Discharge December 1 - 10, 2023



**North Fork Lewis River
Stream flow downstream
of Merwin Dam**

Jan 1 – Dec 11, 2023



Hwy 503 Washout
Dog Creek



Hwy 503 washout

- PacifiCorp received approval by WSDOT to use our 750-gallon tank (F550) to pass the washout
- Debris cleanup at the Swift forebay is now complete
- Repairs to the adult release pipe at Eagle Cliff complete on 12/14/2023
- Fish passage operations will restart once spilling ends at Merwin
- Standard 1,500 gallon fish trucks will be deployed once road repairs are complete
- **WSDOT Repairs to roadway**
 - Work to begin end of this week under *expedited emergency process*
 - Install new and larger culvert
 - Completion date not provided, 3pm virtual meeting today

Lewis River Fish Passage Report

November 2023

Merwin Upstream Collection and Transport Facility and General Operations

During the month of November, 2,580 fish were collected at the Merwin Upstream Collection and Transport Facility (MUCTF), which is less than the October total of 9,316. Early coho (n= 1,392) were the most prevalent species collected, followed by late coho (n= 976), winter steelhead (n= 130), Cutthroat (n= 41), fall Chinook (n= 26), summer steelhead (n= 14), and Chum (n= 1). The cumulative number of NOR coho collected at the MUCTF to-date in 2023 is approximately double the 2014-2022 average (Figure 1).

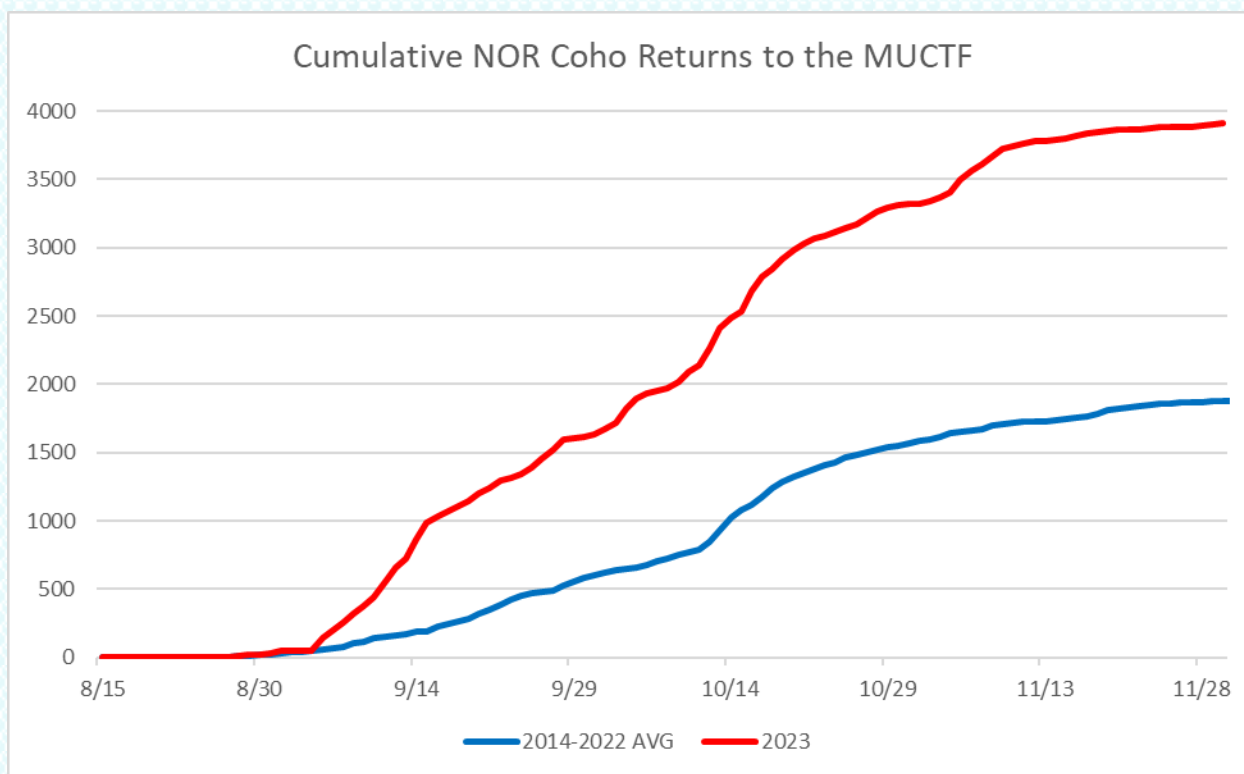


Figure 1. Cumulative number of Natural origin (NOR) coho collected at Merwin Adult Fish Collection Facility in 2023, relative to the 2014-2022 average.

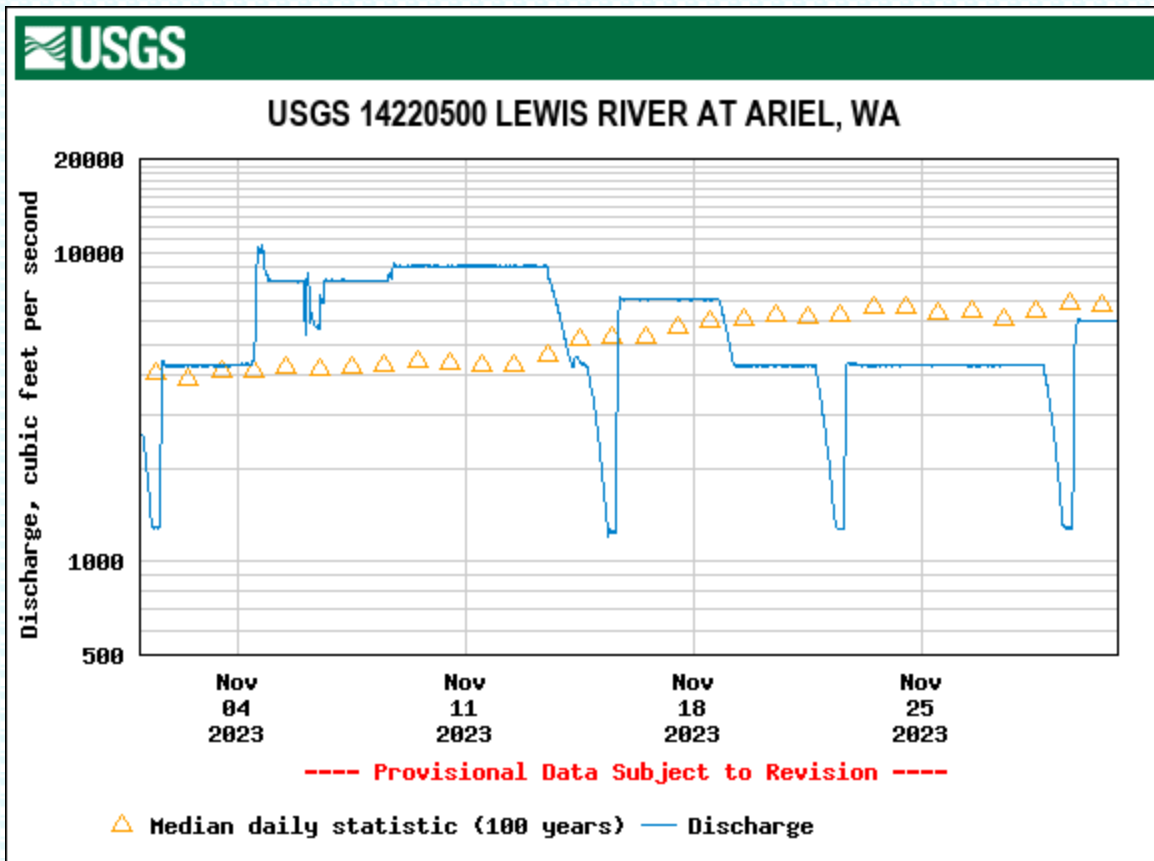


Figure 2. Flow in cubic feet per second recorded at the USGS Ariel, WA gauge (14220500) located immediately downstream of Merwin Dam.

The MUCTF ran continuously for during the month of November. Lewis River flows below Merwin Dam ranged from approximately 1,200 to 10,200 cubic feet per second (Figure 2).

Eleven (11) coho collected at the MUCTF in November had been previously PIT tagged. All of these fish were tagged as juveniles in the Lewis River Basin. For calendar year 2023 to-date, a total of 134 previously PIT tagged fish have been collected at the MUCTF (91 natural origin coho, 32 winter steelhead, nine cutthroat trout, and two spring Chinook). Tagging history and detections of PIT tagged fish passing through the Lewis River Fish Passage Facilities are available through Columbia Basin PIT Tag Information System (PTAGIS).

Upstream Transport

Fewer fish were transported above Swift Dam in November than were transported in October (1,720 and 3,750, respectively). Similar to October, coho accounted for the overwhelming majority of the fish transported upstream (n= 1,679). Forty one (41) cutthroat trout were also transported upstream in November. Year-to-date in 2023, a total of 1,855 spring Chinook (1,594 HOR and 261 NOR), 810 winter steelhead (631 BWT and 179 NOR), 7,071 early run coho (3,579 NOR and 3,492 HOR), 1,572 late run coho (471 NOR and 1,101 HOR), and 123 cutthroat trout have been transported upstream of Swift Dam. An additional 1,790 HOR coho have been transported into Yale Reservoir, as part of the Yale Habitat Preparation Plan.

Swift Floating Surface Collector (FSC)

The Swift Reservoir Floating Surface Collector (FSC) encountered an unscheduled outage on November 19 through November 20, when a communication failure to the attraction and discharge pumps occurred. A total of 17,742 fish were collected in November, which is the second highest number collected for the month since the facility began operation in 2012 (Table 1). The majority of fish collected were coho (n= 16,651), followed by Chinook (n= 1,090), steelhead (n= 71), cutthroat trout (n= 17), and Bull Trout (n= 1). The Bull Trout (590 mm fork length) was subsequently returned to Swift Reservoir.

Table 1: Total number of out-migrating salmonids (by species) collected at the Swift FSC and transported downstream of Merwin Dam during the month of November since 2013.

Run Year	November Collection Totals by Run Year at the Swift FSC				
	Coho	Chinook	Steelhead	Cutthroat	TOTAL
2013	75	239	1	7	322
2014	271	236	6	2	515
2015	115	91	7	0	213
2016	675	213	15	25	928
2017	2,654	1,106	37	40	3,837
2018	157	178	5	0	340
2019	605	412	17	31	1,065
2020	618	26	27	13	684
2021	22,579	230	168	64	23,041
2022	3,073	94	47	12	3,226
2023	16,561	1,090	71	17	17,739

Fish Facility Report
Swift Floating Surface Collector
November 2023

Day	Coho			Chinook			Steelhead				Cutthroat		Bull Trout	Planted Rainbow	Total	
	fry	parr	smolt	fry	parr	smolt	fry	parr	smolt	kelt	fry	<13 in				> 13 in
1			16			21			0					0	0	37
2		3	0			12			0					0	0	15
3			56			13			0					0	0	69
4		1	61			17		1	1					0	0	81
5			71			12			0			2		0	0	85
6		84	157			24	1		3			2		0	0	271
7		267	253			14	4		3			2		0	0	543
8		1323	262			26		7	3					0	0	1621
9		2115	175		3	159		2	3			1		0	0	2458
10	4	1305	362			201			3			1		0	0	1876
11		773	418			101			2			1		0	0	1295
12		1047	421			66			3			1		0	0	1538
13		1568	15			86			1					0	0	1670
14		399	8			14	1		0			1		0	0	423
15		1340	18			31	1		4			3		0	2	1399
16		1019	26			53			0			1		1	0	1100
17		898	26			38			1					0	0	963
18		145	16			23			4					0	0	188
19																
20																
21		578	42			53	5		12			1		0	0	691
22		282	1		4	9			0					0	0	296
23		94	85			22			0					0	0	201
24		143	31			6			0					0	0	180
25		41	143			8			0					0	0	192
26		25	66			15			1					0	0	107
27		70	81			29			4					0	0	184
28		44	0			4			0					0	0	48
29		151	2			23			0			1		0	0	177
30		30	0			3			1					0	0	34
Monthly Total	4	13745	2812	0	7	1083	12	10	49	0	0	17	0	1	2	17742
	341	19116	67073	233	228	4168	16	53	4379	31	0	532	48	13	2037	98268