

FINAL Meeting Notes
Lewis River License Implementation
Aquatic Coordination Committee (ACC) Meeting
January 12, 2006
Ariel, WA

ACC Participants Present (15)

Jim Byrne, WDFW
Diana Gritten-MacDonald (Cowlitz PUD)
Adam Haspiel, USDA Forest Service
Joe Hiss, USFWS
LouEllyn Jones, USFWS
Janne Kaje, Steward & Associates
George Lee, Yakama Nation
Erik Lesko, PacifiCorp
Tammy Mackey, (American Rivers, Trout Unlimited)
Jim Malinowski, Fish First (via teleconference)
Kimberly McCune, PacifiCorp
Todd Olson, PacifiCorp
Frank Shrier, PacifiCorp
Karen Thompson, Gifford Pinchot National Forest
John Weinheimer, WDFW

Calendar:

Feb 9, 2006	ACC Meeting	Teleconference
Feb 10, 2006	TCC Meeting	Lacey, WA

Assignments from January 12th Meeting:	Status:
McCune: Invite Lars Mobrand of Mobrand-Jones & Stokes to ACC conference call scheduled on 2/9/06	Complete – 2/1/06
Olson/McCune: Send a letter to the Settlement Agreement (SA) parties outlining the extension period for review and comment of the Draft Hatchery & Supplementation Plan.	Complete – 1/19/06
McCune: Include Dan Barrett in ACC email distribution and mail him a hard copy of the Draft H&S plan and pertinent documents.	Complete – 1/12/06
Lesko/Olson: Formally respond to comment received from Steve Manlow (LCFRB), dated 11/29/05 regarding the Construction of Upper Release Point – Swift Canal and copy the ACC.	Complete – 1-27-06

Assignments from December 8th Meeting:	Status:
McCune - Add further discussion of the Draft H&S Plan on the January ACC Agenda.	Complete – 12/13/05

Opening, Review of Agenda and Meeting Notes

Frank Shrier (PacifiCorp) conducted a review of the Agenda for the day and asked if the ACC would like any changes. No changes were requested to the Agenda.

Shrier requested any comments and/or changes to the ACC 12-08-05 Draft meeting notes. The Notes were approved at 9:25am without changes.

High Run-off Update

Shrier informed the ACC that we are currently on flood watch status for the Lewis River. PacifiCorp is currently spilling 18,000 cfs. The total flow below Merwin is 29,000 cfs. More than likely PacifiCorp will have to do an early release of 40,000 cfs.

Draft Hatchery & Supplementation (H&S) Plan Discussion

Olson informed the ACC that Allen Thomas, Staff Writer for The Columbia newspaper is writing an article on the Draft H&S Plan (Plan). The Columbian article will run on 1/19/06 and in it he plans to note that the public is invited to comment to the ACC representatives. To provide newspaper readers with time to respond, PacifiCorp is willing to take public comment until **2/3/06**. Considering that the public will be allowed additional time, in discussions between Olson and Curt Leigh (WDFW), Leigh proposed modifying the **ACC comment schedule** to reflect a **revised date of 2/10/06**, which would be beneficial for all parties. ACC representatives could then include public comments in their individual letters to PacifiCorp.

The extended schedule above does not conform to the SA, and as such would need approval from SA parties. Olson said that if the ACC agrees, he will send a letter to the Settlement Agreement (SA) parties requesting a response on the extension period. The ACC's general opinion was that they are in support of the extension to encourage more public comment. The ACC approved the extensions and Olson will create the letter (see Attachment 1) for distribution to the SA parties promptly.

Shrier communicated to the ACC that today's H&S discussion was intended for specific questions about the Plan not specifically for submitting formal comments. Janne Kaje (Steward & Associates) expressed concerns with the H&S Plan and that he will be providing comments to the ACC in more detail for their review.

Some of the topics of concern expressed by the ACC include the following:

- *The Plan needs to provide some way to adapt given assumptions are incorrect; this should include increasing numbers of fish*
- *The draft Plan relies heavily on EDT model outputs to estimate the productive capacity of the basin for all three species that are to be reintroduced; EDT is a tool for comparison of alternatives not for abundance*
- *Substantial disagreement about the validity of the productive capacity numbers; model grossly underestimates productive capacity; model never designed for estimating absolute fish abundance, but that is how it is being used in the Plan; draft Plan provides no framework for evaluating whether assumptions are correct about capacity; may need*

- substantially higher numbers of fish released as part of supplementation to get production going, and the Plan should recognize that possibility*
- *Plan does not consider the possibility that fish passage systems might not work as well as expected (i.e., may not meet standards); since passage introduces additional mortality, the supplementation efforts may have to be much higher to make up for the difference, which is most likely to be seen in juvenile passage success*
 - *Issue of competing stocks*
 - *Segregated vs. integrated stocks;*
 - *More explanation and more logic on why the Plan is being written in the way it is, don't we want to move to integrated vs. segregated management?*
 - *Monitoring; juvenile capture efficiency*
 - *Clarification of language regarding PacifiCorp's obligation to fund H&S production levels vs. hatchery production that might be in addition to the H&S production and funded by another entity such as WDFW.*

Shrier asked George Lee (Yakama Nation) if they intended on creating a subgroup of the supplementation portion of the Plan. Lee said they do not have a subgroup at this time.

AR/TU had no comment on the jack issue at this time.

Definition of Ocean Recruits

The primary topic in this discussion is “should jacks be included as ocean recruits”?

Kaje communicated that jacks should definitely *not* be included in the count. If jacks are included this inclusion would substantially lower the target count intended for fish production. He further communicated that we are talking about adult fish and we should just remove the inclusion of jacks as ocean recruits in the Plan.

Shrier informed the ACC that when they submit formal written comments they should indicate their preference when referencing the three methods of determining ocean recruits.

Jim Malinowski (Fish First) expressed to the ACC that his assumption during negotiations of the Lewis River Settlement Agreement (SA) that we were talking about adults, as described in Table 8.3.1 – Hatchery Targets (see below). Adult fish are important to spawning success and nutrient contribution and he does not want to see any further compromise on the adult targets.

8.3.1 Hatchery Targets. The following Hatchery Targets shall be in effect at the commencement of the Hatchery and Supplementation Program:

Table 8.3.1 – Hatchery Targets

	<i>Spring Chinook</i>	<i>Steelhead</i>	<i>Coho</i>	<i>Total</i>
<i>Hatchery Targets (adult Hatchery Ocean Recruits)</i>	<i>12,800</i>	<i>13,200</i>	<i>60,000</i>	<i>86,000</i>

Kaje asked Shrier if there will be proposed math in the next iteration of the Plan. Shrier responded that he thinks iteration on the ocean recruit methodology will be necessary. Perhaps additional documentation on how ocean recruits would be determined is needed prior to completing the final document.

Olson agreed with Kaje that the next draft of the H&S Plan should include the data source, math, and how everything flows to arrive at ocean recruit numbers.

John Weinheimer (WDFW) communicated that WDFW's methodology is not apparently included in the Plan. He expressed that additional clarification is needed from the consultant inserted into the Plan as to why it was not considered or if it was how the interests of WDFW can be met with suggested methodology.

Shrier said that he will get back to the ACC as quickly as possible regarding the consultant's providing more detail and flushing out the specific methodology regarding ocean recruits.

The ACC was in agreement that jacks are not adults and therefore should not be included in the ocean recruit estimate. Olson agreed to not include jacks in determining the benchmark, however he indicated that there is value to having jacks including in a separate analysis to give biologists insight on the larger global view as they provide some contribution.

Shrier will make every effort to get something to the ACC next Tuesday (1/17/06) or Wednesday (1/18/06).

LouEllyn Jones (USFW) – Land Acquisition Update

USFWS, PacifiCorp, WDFW, RMEF and other parties have worked together with the goal of submitting a grant for land acquisition to protect bull trout, elk and other species in certain areas of concern. The proposal is due February 10, 2006. The first step is to prepare a biological rationale for the grant, identifying resources of value in the area and prioritizing areas that need protection. USFWS has scheduled a meeting inviting those with resource expertise in the areas of interest to a meeting at USFWS on 1/17/06 from 9:00am to 2:00 pm.

Further land acquisition details were discussed with the ACC, which is considered confidential and proprietary and not for public viewing.

Tagging Study Update – Merwin Trap

Shrier communicated to the ACC that the first group (50) of winter steelhead have been tagged and fifteen have returned.

Spawning Gravel Study Update

PacifiCorp email the Draft Spawning Gravel Evaluation to the ACC on December 14, 2005. There is a 60-day review period allowed for this document, therefore comments are *due on or before February 14, 2006*.

Hydroacoustic Study Update

Hydroacoustic equipment is functioning well and a second video camera will be added the end of January 2006. There is hydroacoustic equipment on both intakes, determining what kind of entrainment and what fish. Shrier explained that hydroacoustic monitoring is 24/7 and the video camera allows PacifiCorp to ID the fish. The hydroacoustic beams are focused on the entrance of each intake, for any fish that are entrained and are counting numbers only not fish identification. The camera will provide for identification and operates for two 2-hour periods at dawn and dusk each day.

Limiting Factors Analysis for Merwin and Swift

Shrier informed the ACC that a request for proposal was sent out to consultants in January 2006. PacifiCorp will present proposals to ACC in March 2006.

Aquatic Fund Update

PacifiCorp mailed request for full proposal letters on December 14, 2005. The potential funding recipient has until January 25, 2006 to submit full proposals.

ACC/TCC Annual Report

PacifiCorp is beginning initial work now with creating a 2005 Annual Report which will provide data relating to ACC/TCC activities completed thus far. The internal schedule for completion is to get the document out to the ACC and TCC by March 1, 2006.

Construction of Upper Release Point – Swift Canal

Erik Lesko (PacifiCorp) informed the ACC that we have received one comment letter from Steve Manlow (LCFRB), dated 11/29/05. PacifiCorp will formally respond to the comment(s) and copy the ACC.

Break <10:10am>

Reconvene <10:25am>

New Topics/Issues

All-Terrain-Vehicle (ATV) Usage Update

Todd Olson (PacifiCorp) informed the ACC that Allen Thomas, Staff Writer for The Columbia newspaper is writing an article about the illegal ATV usage on PacifiCorp's sensitive wildlife lands (See Attachment 2). Olson noted that such recreation motorized vehicles were prohibited on company lands and that once the FERC license is granted; additional law enforcement will be in the area.

Agenda items for February 9, 2006

- Further discussion - Draft Hatchery & Supplementation Plan comments

- Aquatic Fund Evaluation
- Study Updates

Next Scheduled Meetings

Thursday, February 9, 2006
(Teleconference)
9:00a.m. – 12:00p.m.

March 9, 2006
Location TBD
9:00 a.m. – 3:00 p.m.

Meeting Adjourned at 11:30a.m.

Handouts

- Final Agenda
- Draft Meeting Notes 12/08/05



January 19, 2006

To Lewis River Settlement Agreement Parties;

**Subject: Lewis River Settlement Agreement; 8.1 Draft Hatchery and
Supplementation Plan**

Per the Lewis River Settlement Agreement (SA) the Licensees (PacifiCorp and Public Utility District No. 1 of Cowlitz County) shall undertake a hatchery and supplementation program (see SA section 8.1). To ensure that the program is meeting its goals, the Licensees shall Consult with the Lewis River Aquatics Coordination Committee (ACC) and obtain the approval of the Services (US Fish and Wildlife Service and NOAA Fisheries Service) in developing and implementing a Hatchery and Supplementation Plan. The SA identifies that a draft Hatchery and Supplementation Plan must be produced and distributed to the ACC by the first anniversary of the Effective Date. The section 8.2.1 within the SA addresses the consultation around the draft document. The section states:

8.2.1 Development of Plan/Timing. The Licensees, in Consultation with the ACC, shall produce and distribute a draft Hatchery and Supplementation Plan to the ACC by the first anniversary of the Effective Date. The Yakama Nation may chair a subgroup of interested members of the ACC for purposes of coordinating the ACC's input regarding the supplementation elements of the draft H&S Plan. The members of the ACC shall have 60 days to comment on the draft H&S Plan. The Licensees shall provide a 60-day period for the public to provide written comments. The Licensees shall consider and address in writing the written comments provided by the members of the ACC, including the rationale behind the Licensees' decision to not address a comment in the final H&S Plan. The Licensees shall consider comments and submit a revised H&S Plan to the Services for approval within 120 days of the first anniversary of the Effective Date.

On November 28, 2005 the Utilities provided representatives of the ACC the Draft Hatchery and Supplementation Plan version November 2005 (see website <http://www.pacificorp.com/Article/Article49202.html>. for document). To facilitate public review, the Utilities requested that if ACC representatives knew of interested public, that they direct them to the website or forward a copy of the Draft Hatchery and

Supplementation Plan. We requested that ACC representatives provide PacifiCorp comments by January 30, 2006.

At our recent ACC meeting on January 12, 2006, the representatives discussed the need to provide an extended comment period for public review. **Parties in attendance (see attached attendance list) agreed to extend the public comment period until February 3, 2006 and the ACC comment period to February 10, 2006.** This extension would allow ACC representatives to include any public comments sent to them in their review letters to PacifiCorp. Given the Settlement Agreement provided a specific comment period of 60 days, the ACC agreed that the extension would only be put into place given the approval of the parties to the Lewis River Settlement Agreement.

As the ACC Co-Committee Coordinator, PacifiCorp would appreciate your yes or no response to the above ACC sponsored extension **by January 25, 2006.** Please respond to Kim McCune, Project Coordinator-PacifiCorp (Phone (503) 813-6078 or email kimberly.mccune@pacificorp.com). If no response is provided by your entity, we will consider that as no preference to outcome.

Thank you for your attention to this matter.

Sincerely,



Todd Olson
Lewis Implementation Program Mgr.
PacifiCorp

Attachment

cc: Diana Gritten-MacDonald – Cowlitz PUD
Erik Lesko/Frank Shier/Kim McCune – PacifiCorp
Aquatics Coordination Committee (ACC)

**Lewis River Hydroelectric Projects Settlement Agreement
Aquatics Coordination Committee (ACC)**

January 12, 2006

Name	Affiliation	Contact Information
<p>Tammy Mackey PO Box 1134 Washougal, WA 98671</p>	<p>American Rivers, Trout Unlimited</p>	<p>PO Box 1134 Washougal, WA 98671 Telephone: 360-513-3725 Fax: 360-835-0830 E-Mail: tammymackey@yahoo.com</p>
<p>George Lee</p>	<p>Confederated Tribes and Bands of the Yakama Nation</p>	<p>P.O. Box 151 Toppenish, WA 98948 Telephone: 509-865-5121 Fax (George): 509-865-6293 E-mail: gdl@yakama.com</p>
<p>Janne Kaje</p>	<p>Steward & Assoc.</p>	<p>120 Avenue A, Suite D Snohomish, WA 98290 Telephone: 360-862-1255 jkaje@stewardandassociates.com</p>
<p>Jim Malinowski (via teleconference)</p>	<p>Fish First</p>	<p>P.O. Box 127 Amboy, WA 98601 Telephone: 360-247-6404 (home) Telephone: 360-992-2974 (work) Fax: 360-247-6405 E-Mail: jmalinowski@clark.edu E-Mail: jhmalin@pacifier.com</p>
<p>Frank Shrier Erik Lesko Kimberly McCune Todd Olson</p>	<p>PacifiCorp</p>	<p>825 NE Multnomah, Ste. 1500 Portland, OR 97217 Telephone: 503-813-6657 Fax: 503-813-6633 E-Mail: frank.shrier@pacificorp.com E-Mail: erik.lesko@pacificorp.com</p>

Lewis River Hydroelectric Projects Settlement Agreement
 Aquatics Coordination Committee (ACC)

January 12, 2006

Name	Affiliation	Contact Information
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Adam Haspiel	USDA Forest Service	42218 NE Yale Bridge Road Amboy, WA 98601-4646 Telephone: 360-449-7833 E-Mail: ahaspiel@fs.fed.us
Karen Thompson Forest Hydropower Coordinator Gifford Pinchot National Forest	USDA Forest Service Cowlitz Valley Ranger District	10024 Hwy 12 Randle, WA 98377 Telephone: 360-497-1136 karenmthompson@fs.fed.us
LouEilyn Jones Joe Hiss	US Fish and Wildlife	510 Desmond Drive SE, Ste. 102 Lacey, WA 98503-1263 Telephone: 360-753-5822 Fax: 360-753-9405 louellyn_jones@fws.gov joe_hiss@fws.gov
John Weinheimer Jim Byrne	Washington Department of Fish and Wildlife	600 Capitol Way North Olympia, WA 98501 Telephone: 360-902-2422 Fax: 360-902-2946 E-Mail: leighcsl@dfw.wa.gov

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Attachment 2

The Columbian – Article dated 1/12/06

PacifiCorp says ATVs are hurting sensitive fish, wildlife lands

PacifiCorp says ATVs are hurting sensitive fish, wildlife lands

Illegal riding on increase at North Fork Lewis River habitat areas

By ALLEN THOMAS
Columbian staff writer

COUGAR — For 20 years, Kirk Naylor has been managing the thousands of acres Pacific Power owns along the North Lewis River.

He's overseen the planting and fertilizing of elk forage under the utility's power lines, preserved kokanee spawning habitat in Cougar Creek and protected dead trees for cavity-nesting birds.

But in the past five years, his job has acquired an added task: Trying to stop damage by all-terrain-vehicle riders on the company's sensitive wildlife lands.

"I didn't see ATVs up here 20 years ago," Naylor said, standing on an path made by ATVs across Panamaker Creek. "Now, 75 percent of our gates have been compromised by ATV traffic in the past five years."

The Portland-based company bought 700 acres from Weyerhaeuser a couple of years ago, bringing its holdings to about 1,200 acres in the Cougar Creek drainage.

"This is a great wintering area for elk," said Sgt. Rick Webb of the state Department of Fish and Wildlife.

Pacific maintains a 500-foot buffer along Cougar Creek and 200 feet along Panamaker Creek, a tributary.

"We're using Cougar and Panamaker creeks to demonstrate it, but we're getting significant ATV use throughout the company's ownership in the Lewis River area," Naylor said.

"In the the past five to 10 years it's gotten so significant we're putting in boulders and gates three and four times in the same areas," he said.

Dave Kvamme, a Pacific Power spokesman, said the company's lands are closed to ATVs and to campfires, except in designated areas.

Webb said public lands also are not open for ATVs.

"If you don't own it, then you need to have permission to ride on it," he said.

Naylor, environmental supervisor for Pacific along the Lewis River, said ATV users are riding up the Cougar-Panamaker corridor into the Mount St. Helens monument.

Cougar Creek is the only spawning stream for the kokanee, a landlocked sockeye salmon, in Yale Reservoir.

"If we lose this, there won't be any kokanee left," said Erik Lesko, a Pacific Power fish biologist.

Cougar Creek also supports a population of bull trout, protected under the federal Endangered Species Act.

Webb said riders are subject to a \$101 off-road-vehicle infraction in Clark County and \$112 infraction in Cowlitz County. The fine applies for each violation of the statute, including failure to obey signs or closures, inadequate mufflers, etc.

If the vehicle crosses a stream, violations of the state's hydraulics code apply, which is a gross misdemeanor and carries a fine starting at \$1,500.

Pacific will finance two law enforcement positions for the county sheriff offices and another for the Department of Fish and Wildlife once the new federal license for the Lewis River dams is issued, probably this summer, said Todd Olson, license implementation program manager.

Naylor said Pacific prefers to educate the public.

"It's just vehicles we're trying to stop," he said. "Pedestrian access is absolutely fine."

THURSDAY, JANUARY 12, 2006