

FINAL Meeting Notes
Lewis River License Implementation
Aquatic Coordination Committee (ACC) Meeting
June 10, 2010
Conference Call Only

ACC Participants Present (12)

Pat Frazier, WDFW
Adam Haspiel, US Forest Service
David Hu, USDA Forest Service
LouEllyn Jones, USFWS
Eric Kinne, WDFW
George Lee, Yakama Nation
Erik Lesko, PacifiCorp Energy
Jim Malinowski, Fish First
Kimberly McCune, PacifiCorp Energy
Kate Miller, Trout Unlimited
Todd Olson, PacifiCorp Energy
Nathan Reynolds, Cowlitz Indian Tribe

Calendar:

July 8, 2010	ACC Meeting	Merwin Hydro
August 12, 2010	ACC Meeting	Merwin Hydro

Assignments from June 10, 2010 Meeting:	Status:
Olson: Report back to the ACC this week with a response to Kinne's question about the Merwin ramp down request after discussion with PacifiCorp ramping operations.	Complete – 6/11/10; request cancelled, will ramp down per the SA requirements.
Olson: Follow up with Arnold Adams (PacifiCorp Energy) regarding outfitting of the second fish truck and will report back to the ACC.	Complete – 7/8/10
McCune: Mail bull trout brochure to Kate Miller (Trout Unlimited)	Complete – 6/20/10
McCune/Olson: Email revised Merwin Trap Operation Notice to ACC.	Complete – 6/25/10

Assignments from May 13, 2010 Meeting:	Status:
Kinne: Provide more detail to the ACC in regards to the specifics of the fish processing plant food safety process.	Complete – 5/13/10
Frazier: Report back to the ACC on a proposed action to limit harvest of transported salmon (primarily spring Chinook) under the HPP.	Complete – 6/10/10

Assignments from April 8, 2010 Meeting:	Status:
Haspiel: Present more detailed design of the Pine Creek Instream aquatic fund project to the ACC when available.	Pending
Frazier: Schedule a meeting with PacifiCorp, Yakama Nation and WDFW to further discuss Habitat Preparation Plan fish distribution numbers and report back to the ACC.	Complete – 7/8/10

Assignments from April 9, 2009 Meeting:	Status:
ACC: Further investigate WDFW carcass survey methods established in 1978 and determine “next step” regarding modifications needed, if any, to the 1978 methods.	Complete – add to 8/12/10 agenda

Opening, Review of Agenda and Meeting Notes

Todd Olson (PacifiCorp Energy) called the meeting to order at 9:05am and introduced all those participating on the conference call. Olson reviewed the agenda for the day and requested any changes/additions. No changes or additions were requested.

Olson requested comments and/or changes to the ACC Draft 5/13/10 meeting notes. No changes were requested. The meeting notes were approved without change at 9:15am.

Review Draft Merwin Trap Operations Notice

Olson provided a cursory review of the Merwin Trap Operations Notice (**Attachment A**), which was developed in coordination with WDFW and emailed to the ACC for review on June 2, 2010. Emphasis was placed on item number 2, Assumptions as stated below:

2) The Chinook, summer steelhead and coho that arrive at the trap in the June 28, 2010 through February 2012 will either be taken to the hatchery to be held for brood, used in the HPP, provided to the Tribes for ceremonial and subsistence purposes, killed and held for the nutrient program or the Food Bank, or in the case of wild fish (unmarked fish), returned back to the river. With very low numbers of wild fish returning to the trap and survival of these fish at an extremely high level with the current operations, parties have agreed to hold these fish over the weekend unless circumstances turn out to be different than expected. Impacts to wild fish will be closely monitored during this period.

Olson further stated the Michelle Day (NMFS) and LouEllyn Jones (USFWS) had previous reviewed and approved the revised language sent to the ACC.

Nathan Reynolds (Cowlitz Indian Tribe) and George Lee (Yakama Tribe) joined

General discussion took place regarding the trigger point that determines a change in circumstance. Olson explained that the trigger point is a return of large numbers of wild fish. Eric Kinne (WDFW) further explained that currently hatchery staff is clearing the trap one day per week, while the revised notice is going up to five days per week. Kinne communicated that a trigger point is how many wild (unclipped) fish accumulate over Saturday and Sunday, the condition of the fish and any mortality. In addition, WDFW completes a Form 5 adult report on a daily basis, thus keeping notes to determine when it’s appropriate to contact PacifiCorp to talk about any high presence of wild fish and if changes need to be made in trap operations.

Lee asked if there is a consideration of using spring Chinook for nutrient enhancement. After general discussion regarding food bank needs, ceremonial tribal needs, reintroduction, nutrient enhancement and the prioritization schedule referenced in each

individual species annual operating plans (AOPs) Olson suggested the addition of the following in Item 2 as follows shown in red text:

The Chinook, summer steelhead and coho that arrive at the trap in the June 28, 2010 through February 2012 will either be taken to the hatchery to be held for brood, used in the HPP, provided to the Tribes for ceremonial and subsistence purposes, killed and held for the nutrient program or the Food Bank, or in the case of wild fish (unmarked fish), returned back to the river, as described in the individual species Annual Operating Plans (AOPs).

Erik Lesko (PacifiCorp Energy) suggested that the H&S subgroup, as they develop each species AOP, decide the priority for fish captured in the trap or ladders. Consultation during development of AOPs provides the opportunity for discussion and modification of the plans.

- **The ACC attendees agreed that the suggested revision is approved.**
- **The ACC attendees agreed that PacifiCorp and WDFW may begin with the revised trap operations as indicated in the attached operation notice, as revised.**

Discuss Fishing and Harvest Regulation Changes for Swift Reservoir and Upstream of Eagle Cliff

In regards to the assignment indicated below Olson communicated to the ACC attendees that there is a concern about protecting the adult spring Chinook placed upstream of the Eagle Cliff area as part of the Habitat Preparation Plan. Are there rules and regulations in place to protect these fish and this HPP effort?

Assignments from May 13, 2010 Meeting:	Status:
Frazier: Report back to the ACC on a proposed action to limit harvest of transported salmon (primarily spring Chinook) under the HPP.	Complete – 6/10/10

Pat Frazier (WDFW) expressed that the HPP spring Chinook are released at the boat ramp (upper end of Swift Reservoir). The reservoir and Lewis River are open for fish retention April – November. This is a relatively slow flow area, and he doesn't think too many spring Chinook would bite. However, an opportunity exists in the Lewis River upstream of Eagle Cliff bridge. Starting on the first Saturday of June through October this area is open as catch and release only. It is also selective gear rules (no bait, and only barbless hooks).

LouEllyn Jones (USFWS) asked how this will affect bull trout. Frazier said that bull trout could be caught but must be released. The damage to bull trout comes when fisherman are using bait; minimal impact is expected when selective gear rules are in place if they do catch a bull trout.

Frazier indicated that WDFW can add to the next regulation cycle that it's illegal to target bull trout and spring Chinook.

Lesko informed the ACC attendees that PacifiCorp has not caught any spring Chinook in the reservoir near Eagle Cliff. However, it would be helpful to have law enforcement up there to make sure they are not being caught or targeted. Frazier wants to stop illegal activity before it happens and Swift law enforcement emphasis above Eagle Cliff when large numbers of fish are introduced is important.

Study Updates

Olson and Lesko provided the following study updates:

Bull Trout – Netting at Eagle Cliff; 30 bull trout so far which is a low number at this point of the year. The low catch level is due to high flow conditions. PacifiCorp will be conducting surveys of entire reach next week.

Netting from the Yale tailrace has captured 2-3 bull trout; will continue until August 1, 2010.

Hatchery Upgrades –

Lewis River Hatchery Ponds 13 & 14 – Building permit(s) expired which has delayed start of construction. However, the county will reissue. The contractor is currently on site and demolition will begin this week. Valve work needs to be completed by June 21, 2010. The timeline for completion is October 15, 2010.

Merwin rearing pond flow enhancement – Fish derby scheduled for July 17, 2010; working around this event. Target date for completion of 2 of the 4 ponds will be August 1 due to the derby event. The remaining two ponds will be completed by September 1. The adult holding modification will proceed uninterrupted from the derby and is expected to be completed by August 1.

Speelyai Hatchery – Adult expansion completed.
Burrows Ponds bank No. 2 is expected to be completed by November 1, 2010.

Habitat Preparation Plan – 188 spring Chinook have been transported to Eagle Cliff area. WDFW has not been able to get into the Merwin trap over the past two weeks due to high river flow.

Swift Net Pens – Working with county on permitting. County is requesting a critical areas assessment. Hopeful that the pens will be available by July 2010; WDFW will confirm if the net pens are needed by July.

Hatchery & Supplementation Plan – Lesko will set up a full day meeting with the H&S Subgroup in the next 3-4 weeks. The Spring Chinook and Coho Annual Operating Plans (AOPs) are in draft form and will be provided to the H&S subgroup for its review this month. The Annual Report is also in draft form although an Appendix describing WDFW methodology for estimating steelhead numbers through redd surveys is needed from Bryce Glasser.

The FERC recently noticed PacifiCorp that they are in the process of approving the Hatchery & Supplementation. Formal approval may take another 3-4 months. Some changes to the plan could occur as a result of the FERC review; however, PacifiCorp does not expect this to be the case and is proceeding with components of the plan despite the official acceptance by FERC.

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Acclimation Pond Plan – PacifiCorp engineers continuing to move forward; environment surveys to begin soon.

Release Ponds - Survey work near completion; seeking appraisal on area PacifiCorp intends to use. PacifiCorp will be meeting with Washington Department of Transportation aviation department next week on site to address their concern about airplane/bird strikes given the ponds will be located across the river from the Woodland Airport.

Merwin Upstream and Swift Downstream – PacifiCorp submitted the Merwin construction request for proposal approximately 45 days ago. Four contractors bid on the project. Swift bids are due June 18, 2010.

The FERC approved the Merwin Upstream Fish Passage design on June 3, 2010. PacifiCorp will be meeting with FERC/PRO to review projects and how each project affects dam safety.

Permits for both projects have been submitted to Clark County and Cowlitz County.

Fish truck – The second fish truck chassis has been ordered, need to follow up with Arnold Adams (PacifiCorp Energy) regarding outfitting of the truck and will report back to the ACC.

New Topics

Olson informed the ACC attendees that given recent rainfall amount, the Lewis River flow increased to 9,000 cfs. The weather outlook is to dry out, so PacifiCorp expects flow to drop over the weekend. Given high flow, WDFW hatchery staff has not been able to get into the Merwin trap to clear it out.

Olson informed the ACC attendees that Lesko requested approval from PacifiCorp Operations to reduce flow to 5,500 cfs early next week to clean out the trap. To do so the procedure will take approximately 14 hours of ramping. To shorten this period, Olson requested input on the opportunity for approval to ramp during the sunrise and sunset periods which is not allowed until after June 15th. “.....no down-Ramping shall occur (1) commencing one hour before sunrise until one hour after sunrise and (2) commencing one hour before sunset until one hour after sunset for the period February 16 through June 15.” (Settlement Agreement).

Olson asked that given high flows and the time of year, is it an issue to the fish if ramping extended through the crepuscular period?

Kinne asked what the flow would be during the ramping down (sunrise/sunset) periods. Olson will get back to the ACC this week with a response to Kinne's questions after discussion with PacifiCorp Operations.

In addition, Adam Haspiel (US Forest Service) expressed concern if the ramp down would adversely affect its fishing derby at Merwin on Saturday, June 12, 2010. Olson communicated that he does not expect more than a foot or so evaluation change of the Merwin surface elevation.

Agenda items for July 8, 2010

- Review June 10, 2010 Meeting Notes
- Study/Work Product Updates

Public Comment

None

Next Scheduled Meetings

July 8, 2010	August 12, 2010
Merwin Hydro Control Center	Merwin Hydro Control Center
Ariel, WA	Ariel, WA
9:00am – 3:00pm	9:00am – 3:00pm

Meeting Adjourned at 10:10 a.m.

Handouts

- Final Agenda
- Draft ACC Meeting Notes 5/13/2010
- **Attachment A** – Merwin Trap Operations Notice, dated June 2, 2010

June 2, 2010

In the Settlement Agreement, Section 4.2(c), the following is stated:

c. Merwin Trap Upgrades. ... Once the Merwin Trap Upgrades are completed or beginning upon the second anniversary of the Issuance of the New License for the Merwin Project, whichever is later, PacifiCorp shall provide for fish to be sorted at the Lewis River Hatchery rather than at the Merwin Trap and shall provide up to two additional staffers, if necessary, to clear the Merwin Trap once daily for the benefit of the fish in the facility.

PacifiCorp has consulted with WDFW and NMFS on the meaning of this requirement and how we could best address the intent. Per the Settlement Agreement, PacifiCorp will fund up to 2 FTEs for the clearing of the Merwin Trap five days a week. Given that at this point in time we do not see many wild fish collected, parties agree five days is appropriate until monitoring shows impacts to wild fish.

Parties have agreed that Monday through Friday trap clean out can meet the needs at the onset beginning June 26, 2010 through February 2012, unless circumstances turn out to be different than expected. Further, the Merwin trap clearing would occur 7-days a week from March 1, 2012 through June 30, 2012 when the wild winter adult steelhead from the supplementation program will begin to arrive at the trap. After June 30, 2012 and until the New Merwin facility begins operation on December 26, 2012, fish will be collected at the Lewis River Hatchery Ladder.

Some assumptions that go with this decision are:

- 1) The existing Merwin Trap will close at the end of June 2012 for demolition and the new trap will begin operation on December 26, 2012;
- 2) The Chinook, summer steelhead and coho that arrive at the trap in the June 28, 2010 through February 2012 will either be taken to the hatchery to be held for brood, used in the HPP, provided to the Tribes for ceremonial and subsistence purposes, killed and held for the nutrient program or the Food Bank, or in the case of wild fish (unmarked fish), returned back to the river. With very low numbers of wild fish returning to the trap and survival of these fish at an extremely high level with the current operations, parties have agreed to hold these fish over the weekend unless circumstances turn out to be different than expected. Impacts to wild fish will be closely monitored during this period.
- 3) The winter steelhead that begin to return in March through June of 2012 are likely to be either true wild fish (some of which will be held for the wild brood program) or the first returns from the wild brood program. In this case, we will want to take some of the true wild steelhead to the hatchery for the brood program as they arrive at Merwin. For the wild brood program returns, we will want to haul those fish to Swift Reservoir as they arrive. In either case we decided that we did not want to hold these fish for more than 24-hours in the trap and thus

agreed on a 7-day per week trap clearing.

Given these assumptions, it seemed to make the most sense to operate Monday through Friday until March 1, 2012 unless the trapping circumstances change, in which case PacifiCorp, NMFS and WDFW will revisit this operation with the ACC. On March 1 the trap will be cleared daily until trap closure on July 1, 2012.

We are asking for your consideration and concurrence with this decision and will discuss this at the next ACC meeting.