

Lewis River Fish Passage Subcommittee Meeting

Agenda

Thursday December 8, 2022

2:30 to 4:30 pm

Teams

2:30	Introductions, Review Agenda and Approve Meeting Notes	All
2:45	Design Team Updates	
3:00	Draft "Elements of Fish Passage" – version Nov 17, 2022 Response to comments – Draft "Elements of Fish Passage" version Sep 19, 2022 <ul style="list-style-type: none">• Overview• Stakeholder comment opportunity• Identify remaining topics that may require more discussion	Todd Olson / All
3:40	Alternative Analysis <ul style="list-style-type: none">• Brainstorming Objectives/Criteria for Alternative Review• Settlement Agreement Sections 4.1.8 and 4.5 related text• Next steps	All
4:15	Yale Downstream Fish Passage 30% Design Presentation <ul style="list-style-type: none">• December 14th 12:30 -4:30	Chris Karchesky
4:25	Next FPS meeting – January 12th <ul style="list-style-type: none">• Agenda	All
4:30	Adjourn	

**FINAL Meeting Notes
Lewis River License Implementation
ACC Fish Passage Subcommittee Meeting
December 8, 2022
MS Teams Meeting**

Attendees

Bridget Moran – American Rivers
Christina Donehower – Cowlitz Indian Tribe
Amanda Froberg – Cowlitz PUD
Steve Manlow – LCFRB
Melissa Jundt – NOAA
Beth Bendickson – PacifiCorp
Eric Hansen – PacifiCorp
Nathan Higa – PacifiCorp
Chris Karchesky – PacifiCorp
Todd Olson – PacifiCorp
Jim Byrne – Trout Unlimited
Johnathan Stumpf – Trout Unlimited
Danny Didricksen – WDFW
Bryce Glaser – WDFW
Sam Gibbons – WDFW
Josua Holowatz – WDFW
Peggy Miller – WDFW
Erin Peterson – WDFW
Jeffrey Garnett – USFWS
Keely Murdoch – Yakama Nation Fisheries
Bill Sharp – Yakama Nation Fisheries

Introductions, Review Agenda and Meeting Notes

Bryce Glaser, WDFW, briefly reviewed the meeting agenda.

Design Team Updates – *nothing new to report*

Update on Status of Draft “Elements of Fish Passage” Version November 17, 2022; Response to Comments – Version September 19, 2022

Todd Olson, PacifiCorp, walked through the latest version which includes comments on the previous version. Comments on November 17, 2022 version are due on December 22, 2022. Todd will review and provide a new version for our January 2023 meeting.

Sections 1 (Introduction) and 2 (Anadromous Fish Reintroduction Outcome Goal) Comments – *no comments made at the meeting.*

Section 3 (Studies to Inform Design Decisions and Design Review) Comments

Bryce thanked Todd and said that while we don't need to formally consult with ACC on design review he appreciated PacifiCorp's willingness to do so. WDFW will take another look at Todd's latest comments. Todd said it is the intent of the Utilities to reach consensus with the ACC.

Sections 4 (Timing of Fish Passage Measures) and 5 (Integration of Salmonid and Bull Trout Passage Facilities) Comments – *no comments made at the meeting.*

Section 6 (Downstream Fish Passage Facilities) Comments

Jim Byrne, Trout Unlimited, asked about attraction flows and would they be considered in the fall plan for Yale Downstream. Todd replied yes it will be based on the Services criteria, etc.

Regarding the Alternative Analysis, Bryce said at some point, if we get agreement, that we may want to restructure the first sentence of this section to say something like "based on the alternative analysis and determination of preferred alternative of "X," this is how we're going to design."

Section 7 (Expansion of Upstream Fish Passage Facilities) Comments

Bryce liked that it's a living document. His initial reaction is that it's better but still wants to know the level for the fish collection capacity used for the designs, and wants to get agreement ahead of time or at least describe the process for establishment. He thinks we still have a little work to do on this one. He hopes to learn more at the 30% design meeting.

Section 8 (Determination for Upstream Swim Through Fish Passage Operations) Comments – *no comments made at the meeting.*

Section 9 (Anadromous Fish Marking) Comments

Todd said if we move in the WDFW direction (ATS develop marking strategy), do we still need to mention the first paragraph on anadromous fish marking? Bryce said he would take a harder look at it.

Section 10, (Kokanee Mitigation) 11, (Habitat Preparation Plans) 12, (Transportation Plans) 13 (Monitoring and Evaluation Plans) and 14 (Lewis River Habitat Enhancement Fund) Comments – *no comments made at the meeting.*

Todd asked if there were any specific questions on anything and said if folks had specific language they would like to insert to please add it to their review.

Bryce asked if we could go through and discuss the specific items of concern or where more discussion is needed, specifically Sections 3, 4, 6, 9, 10, 12, and 14, along with Section 7 language around capacity design previously discussed.

Regarding design and timing for Merwin Downstream Fish Passage collection facility, Steve Manlow, LCFRB, said it would be prudent to follow the process laid out in the Settlement Agreement and the FERC License and let time work out in terms of type of facility and some of those things that were flagged. Let the Alternative Analysis play out. Bryce agreed. He said for

him, there are three concepts being proposed around Merwin Downstream - Delaying completion, combining projects (spillway construction and fish passage), and is a bypass the right option? For WDFW, they should be separated into three topics to discuss. They don't have a problem with combining pieces but are struggling with the timeline delay. Ultimately, the real issue with Merwin is not jumping to the conclusion that bypass is the right line of thinking. Bill Sharp, Yakama Nation Fisheries, agrees with WDFW's thinking. He mentioned spillway upgrades to address a mega flood. What part of the spillway upgrade construction would make juvenile collection not work. He needs to understand syncing projects to the proposed date. Todd said the reason to sync was based on the unknown extent of the dam safety project and potential impact on a fish bypass or collection facility. The Utilities don't want to build a fish passage structure only to have to redesign and rebuild four years later due to new site conditions in place after the dam safety project. By agreeing to a 2032 date for the Merwin downstream fish passage, we can look to design a facility that makes sense over the long term. A delay to 2032 gives us more time to consider Merwin passage. Bryce asked if the preferred alternative turned out not to be bypass but a surface collector instead, can we start now, or is there a footprint restriction there as well? Todd noted the concern of what the final outcome of the dam safety project will look like and impact to any type of downstream fish passage. Given time, we can have discussions around Merwin downstream, then engage with the dam safety team to make sure everything will work in the future. Our concern is we don't want to have to build and then rebuild. Bryce asked for clarification and understanding regarding the spillway modifications to address a mega flood and is there no way to accelerate faster than 2032? Todd responded with given the time it takes to develop and go through design consultation with FERC Dam Safety and then construct, we don't see the project completed before 2032. Many of you are aware of the time it is taking to address Yale Saddle Dam concerns and the level of back and forth with FERC regarding design of that project. These types of projects are ten-year projects. Bryce said if it's a hard line for PacifiCorp, then we need to work the alternatives analysis into the process. WDFW has not ruled out a Merwin bypass, but we need an alternatives analysis to demonstrate it is the best option. Without a Merwin downstream alternatives analysis, it is hard to jump to the bypass conclusion. Jeff Garnett, USFWS, added if it does seem like we are constrained by the spillway modification until 2032, then we should have some breathing room to consider the Alternative Analysis. He likes the way Bryce separated out the three components. Step wise analysis before we get down the road of determining timing and any mitigation. He supports an Alternative Analysis if it looks like any sort of option would have to wait until 2032. Bryce said the first step would be to determine what the best option is for Merwin Downstream. The second step is how is that preferred alternative impacted by the spillway project. What is the PacifiCorp process to work through for an extension? What is the pathway forward on this issue? Todd said the Utilities will file with FERC the fish passage proposal document (Elements of Lewis River Future Fish Passage), with ACC support. The dates in this document are the dates that FERC would then approve as the new schedule. Steve wants to leave the Settlement Agreement timeline for Merwin Downstream in place but if we need extensions then we would do it at that time or give an alternative timeline upfront. With all due respect, Todd said, the Utilities really need assurance on the construction dates from a capital budget standpoint...we cannot have moving dates on the big projects. The Utilities are interested in working with the group toward the 2032 date for Merwin downstream fish passage.

Regarding Kokanee mitigation, Bryce suggested there are other questions that could get asked rather than those currently captured in the Elements document. The way the language is written now is limiting. Their question for consideration is - how is the current program functioning?

Increasing it could be a good thing, but if not, maybe other actions can or should be taken. Need to figure out current program performance and let that drive what direction we want to go.

Todd appreciated everyone's comments and review of the different versions of this document.

Alternative Analysis

Steve Manlow said what they are looking for in the Alternative Analysis Objectives/Criteria process is to have a structured, transparent objective pathway. From definition, to what we're trying to achieve, to what kind of criteria to lay out, to weigh different alternatives. For basic steps, look at different standards in the Settlement Agreement (fishway prescriptions, performance standards) and see if it meets or doesn't meet it. We were looking at subjective terms. Is it possible to further define them? There are thresholds to compare one alternative to another to determine which route to take. With subjective language it's hard to determine if you are comparing apples to apples. Todd said such an example might be the ability to operate over range of different reservoir levels – for example, up at Swift, the design criteria included the ability to operate between 900 and 1,000 feet elevation as the reservoir can swing between 80 and 90 feet. Steve said it's just a matter of showing transparent criteria where you can.

Keely Murdoch, Yakama Nation Fisheries, thanked Steve for walking through it. One thing she was thinking about is how much flexibility is there within a given alternative to be able to adaptively manage it if performance standards are not being met; such as to modify the opening or attraction velocities? Is there a way to capture that? Bryce said we could add a "provide capacity for subsequent expansion or facility adjustments" bullet item. Keely mentioned, yes, it would fit under that bullet. Bryce added, maybe we could combine that item with the "Evaluate facility Recruitment/Minimize Delays" item. Steve Manlow said, he thought the Settlement Agreement had language around performance metrics that spoke to that (adaptive management piece)? Todd said, there was an adjustments and modifications section, but he would have to go back and review the specific language. There is an understanding that if you build something you may have to go back and modify based on monitoring (for example amount of flow, etc.). Peggy Miller, WDFW, said SA 4.1.6 does address this, if we aren't meeting criteria, it would need to be a modification. There's a lot in that section. Keely said she will also take a look at it.

Bryce said, he is trying to get a sense of how to move the analysis forward. He's wondering, if an alternative doesn't meet a criteria, is it immediately off the list or would it stay on the list for consideration if aspects of it work? Steve said, in general, you are defining purpose. They need to be fundamentally tied to the success of the project. If there is no certainty that you are going to meet criteria but several other factors work, then it could be one that remains under consideration.

Chris Karchesky, PacifiCorp, said all the design criteria will be provided next week at the 30% Design meeting. Someone asked about a matrix and Chris replied there would be design memorandums focused on various design elements that includes alternative considerations. Certainly, after the presentation you could use the memos to populate a matrix. Bryce said he is struggling with not having the design material ahead of time so we make sure we're not duplicating efforts. He doesn't have the time to create the Alternative Analysis document. Todd said there seems to be interest in this item as the group wants to make sure we're doing the due diligence (on behalf of customers, resources, etc.). The hard part is to combine what has been done by the design

teams and the work by this subgroup. Todd pulled the Settlement Agreement to see what it said to evaluate fish transport and walked through his notes on SA 4.1.8 and SA 4.5.

Bryce talked about developing a section in the Elements document around the Alternative Analysis for each facility. This group feels they need to have a clear understanding and ensure we have a record of the process. He’s just trying to figure out how to get Alternative Analysis to the finish line. Everyone should review Steve’s comments and look at the matrix again, flush out things that are clear, and identify things that need more discussion. Also, take a look at the technical memos and see how they can fit into this matrix (objectives/criteria) like they’ve done at Skagit. Steve said on one hand we don’t want to go down a rabbit hole and define criteria that is not meaningful. Some of the Settlement Agreement language on feasibility, has greater benefits, to narrowing down criteria - how do you define things? He is wondering after we’ve talked through this, Todd or Chris, is there a disconnect between criteria or is there good alignment as far as where the design team is going? Todd said he and Chris have been talking through these and it’s been the understanding that Chris has been sharing the subcommittee’s interests back to the design team. What this group has come up with and what the design team has come up with are a lot of the same. Chris said there is a lot of alignment in terms of criteria. Performance and design is based on how other facilities are functioning and also the NMFS criteria – they have all been applied. Honestly, he sees where we’re at is the subgroup has done a good job laying it out. The design team has also done a good job. There is similarity in the two. Bryce added we’ll hit pause until after the 30% Design meeting and see how to move further on the alternative analysis.

Yale Downstream Fish Passage 30% Design Presentation

Chris reminded the subgroup that the design team will be presenting the 30% design for all three fish passage projects on December 14, 2022. It’s an opportunity for introduction to the design team and to let them walk through the design, focusing on considered metrics. The technical memos are kind of like chapters within the larger design package. They will eventually be part of the final report but it will be easier to see them separately. They are working hard on putting the presentation and reference documents together. There will be time for high level questions and review. Once it’s all been presented, the documents will be available for download. The design team anticipates creating a comment/response matrix. At the January 2023 fish passage subcommittee meeting, we can open it up for more discussion. A 45-day review period will be provided to the ACC.

Action Items from December 8, 2022	Status
Continue review of Design Elements (Due Date: December 22, 2022)	
Review September, October, and November meeting notes and provide comments to Beth Bendickson for finalization at the January 2023 meeting.	

Action Items from October 13, 2022	Status
Jeff Garnett will share a master/PhD document about bull trout criteria with the group.	

Action Items from September 21, 2022	Status
Review historical documents from original Swift Downstream construction.	

Next meeting: January 12, 2023

The meeting adjourned at 4:30 pm.