

Final “revised” Notes
Lewis River License Implementation
Aquatic Coordination Committee (ACC) Meeting
February 9, 2005
Ariel, Washington

ACC Participants Present

Craig Burley, WDFW
Clifford Casseseka, Yakama Nation
Diana Gritten-MacDonald, PUD No. 1 of Cowlitz County
Holly Harwood, PacifiCorp
Mike Iyall, Cowlitz Indian Tribe
Janne Kaje, Steward & Associates
George Lee, Yakama Nation
Curt Leigh, WDFW
Erik Lesko, PacifiCorp
Jim Malinowski, Fish First
Kimberly McCune, PacifiCorp
Todd Olson, PacifiCorp
John Roland, USDA Forest Service
Frank Shrier, PacifiCorp
Eugene Stagner, US Fish and Wildlife
John Weinheimer, WDFW

Opening and Review of Agenda

Frank Shrier (PacifiCorp) welcomed the group on behalf of PacifiCorp and Cowlitz PUD, introduced Todd Olson (PacifiCorp) as the Lewis River Program Manager and reviewed the day’s agenda and the purpose of the ACC. Each attendee introduced themselves and their affiliation.

Lewis River ACC Structure and Ground Rules

Shrier provided a copy of the “draft” Lewis River ACC Structure and Ground Rules to each attendee and requested all to review and comment within two weeks, by February 23, 2005. Shrier communicated an overview of the ground rules and its intent, and *(Action) committed to sending an electronic copy to all interested parties both present and non-present.*

Lewis River Implementation Schedule (Work Plan)

Shrier briefed the ACC on the Work Plan, particularly the first few line items: Merwin Tailrace, Merwin Trap Study, Merwin Trap Fyke Repair, Stress release ponds and Biological Evaluations.

- **Merwin Tailrace:** PacifiCorp has completed scope of work (SOW) and sent request for proposals (RFP’s) to the following four consultants: LGL, HTI, Bioanalyst, and R2

teamed with BAE Systems. Proposals are to include but not limited to, fish behavior in tailrace and trap effectiveness.

Janne Kaje (Steward & Associates) asked what the review schedule is. Shrier replied that PacifiCorp wants a consultant on board by end of Feb. 2005. PacifiCorp will select the consultant, have them develop a proposal, and the ACC will have approximately 2-3 weeks to review and comment on proposal.

- **Merwin Trap Study:** Shrier communicated to the ACC that PacifiCorp is currently developing design alternatives for Merwin trap. Need to set up engineering subgroup specifically for technical issues and designs. Preliminary alternatives will be provided to ACC for discussion.

Jim Malinowski (Fish First) said few of us (ACC) have the expertise and said that State Fish & Wildlife people should be involved in this subgroup.

Gene Stagner (US Fish & Wildlife) suggested that engineering subgroup should provide detailed notes and explanations for ACC to review.

Kaje wanted the option to bring in an outside expert; no party objected to request

Curt Leigh (WDFW) requests that hatchery guys get to provide input early on designs. Shrier said this is acceptable.

Swift Forebay Trap Design and 3-D Flow Modeling

Design work is about to begin on the Swift Surface collector. Shrier mentioned that an RFP will go out in a couple of weeks regarding the 3-D flow study that will inform the surface collector design

- **Merwin Trap Fyke Repair:** Shrier said repair will occur in early March 2005 not 2006. Date on Implementation Schedule was incorrect. Repair will consist of cleaning and smooth the fyke, and coating with vinyl.

Biological Evaluations

BE's were submitted into FERC on January 13, 2005.

Stress Release Ponds

Shrier indicated that PacifiCorp is looking at a couple of sites; working with WDFW.

Acclimation Ponds

Leigh asked about the time frame of acclimation ponds. Shrier and Holly Harwood (PacifiCorp) indicated that this is on similar time frame as passage development (8.8.1), which is 4 ½ years from License. Shrier said that PacifiCorp will need to talk with John Roland (USDA Forest Service) since acclimation sites will most likely be on USFS land. John said that it would be best if we could get the acclimation pond sites into the DEIS that FERC is currently developing.

Shrier indicated that he was not sure the timing would work since FERC is already developing the DEIS. It might be possible to get the sites identified and to FERC in time the FEIS.

401 Process

Shrier indicated that the time clock has begun for PacifiCorp's 401 process PacifiCorp applied on February 4, 2005. Diana Gritten-MacDonald (Cowlitz PUD) indicated the PUD sent in their 401 application on February 3, 2005.

Aquatic Fund and Draft Criteria Process and Protocol Funding Document

Shrier indicated that the aquatic fund first allotment of \$300,000 will be available in April 2005. Shrier suggested the ACC discuss a process on how the aquatic fund would be expended. General discussion items of ACC attendees include the following:

- \$150,000 designated to Bull Trout projects.
- Malinowski - Is PacifiCorp's intent to fully fund or provide matching funds?
 - Shrier and Harwood - There is no requirement in the Settlement Agreement for matching funds so all of the money in the fund comes from PacifiCorp.
- Kaje - Does the ACC want to save the funds or spend when available?
 - Kaje - More important to establish a plan in place before ACC decides to expend the funds.
- Malinowski – Not talking about a lot of money, there is logic to spend funds on upper basin and should make decision soon, not waste time.
- Kaje – Obvious reason to prioritize upper basin but lower basin is part of same river system. As we develop strategic plan both upper and lower should be considered. Upper basin is priority but no exclusion of lower basin.
- Roland would submit USFS proposal for potential projects to ACC; want ACC endorsement before submitting to FERC.
 - Via FERC NEPA we get five years to get project done
 - Even if in NEPA we do not need to do them
 - Try and get all proposals to ACC by June 2005, maybe first one in a few weeks. –
 - He will send the group examples of the Muddy River watershed analysis projects.
- Harwood – If ACC wants to bring proposal to the group this is the right forum for consideration.
- Shrier – Funds do not go away if ACC determines not to use them on any given year. They accrue to the next year; plus interest.
- Malinowski – Nothing wrong with forest service identifying number of items and put into summary form for ACC consideration.
- Stagner – USFWS and USFS have special relationship to get permitting done quickly.
- Roland said worth pursuing as many projects into the NEPA analysis and obtain ACC's endorsement. Roland suggested we submit "no brainer" projects for ACC review in time for NEPA. Roland suggested that proposals be reviewed by ACC and ready for submittal by early June.
- Kaje indicated we need to be able to identify which bull trout projects will benefit other species.

One minor comment. In the ACC meeting notes, you wrote that "Kaje indicated we need to be able to identify which bull trout projects will benefit other species." My point was that we need

to have a way of discriminating what we refer to as a "bull trout project" for purposes of earmarking funds for that purpose. Many projects that would benefit bull trout would also benefit other species. So, we'll need to develop something within the rules of the Aquatics Fund that helps us account for the bull trout "set aside" in the spending plan. (per Kaje email 2.22.05)

- Stagner said that habitat proposals that are not analyzed in the BO may require additional ESA consultation. 'No effect' projects, such as closing roads, are easier to analyze but there still could be terrestrial effects.
- Harwood brought up that the project owner will need to get all the permitting completed including any ESA.
- Shrier suggested ACC submit ideas via email stream.

<Break – 10:25am>

<Reconvene – 10:35am>

Draft Criteria Process and Protocol Funding Document

- Action: Shrier and Olson discussed that they would search out groups that have established similar funding processes and present draft ideas to the ACC for consideration.
- Kaje concurred that we need a criteria in place prior to ACC considering proposals. He recommended ACC think about making this a more friendly process; allow proposals to roll into following year if that year's funding runs out.
- Malinowski said that pre-screening process would be very helpful.
- Stagner and Malinowski suggested reviewing Washington's SERF Board criteria.
- No further discussion on Draft Criteria document.

Spawning Gravel Study

Shrier distributed a copy of the SOW that was a schedule in the SA to ACC attendees for their information. A RFP and SOW will be sent to three organizations (Stillwater Sciences, Watershed Geodynamics and Inter-Fluve) to write a report and monitoring plan. Shrier will add CH2mHill to the list. Shrier will provide link to studies PacifiCorp has already done so consultants have background.

Habitat Preparation Plan

Shrier informed ACC attendees that Erik Lesko (PacifiCorp) is presently working on a draft Habitat Preparation Plan. Coho is the species of choice at this time because:

1. Coho are more numerous;
2. Coho are more likely to swim into the upper reaches of tributaries than Fall Chinook;
and,
3. Coho are not a T&E species.

Lesko requested input from the group as soon as possible. PacifiCorp begins hauling fish in October 2005.

Leigh wants to be sure PacifiCorp works with Weinheimer and the hatchery staff.

Fish Passage Design

Shrier asked ACC attendees if there were any questions about fish passage design. Shrier communicated that the ACC will be involved in decision making and to inform us if an ACC member has a person to be involved in an engineering subgroup. Thus far we know that Brent Denham will take the lead for PacifiCorp, and Pat Powers (WDFW), Jim Stowe (FWS), and Bryan Nordland (NOAA) are on his list As potential subgroup members.

Action: ACC participants are to notify PacifiCorp and Cowlitz PUD of their representatives for the Fish Passage Engineering Subgroup.

Leigh asked if Denham has set the schedule for these meetings. Shrier said no, not at this time. Not until after the ACC meeting. Shrier asked ACC attendees to copy Kim McCune, Todd Olson, Frank Shrier of PacifiCorp and Diana Gritten-MacDonald of Cowlitz PUD on emails relating to ACC.

Technical Conference

Shrier communicated that Harwood will discuss the FERC technical conference. Harwood said that FERC was planning to tour the project in early March. Shrier replied back with possible dates (March 9 or 11, 2005), which is an “open” tour. Harwood thought combining the technical conference with tour would be a good idea but if FERC arrives for a tour late in March it is not very doable. Harwood indicated that FERC thought the technical meeting wasn’t imperative but might be useful. Gritten-MacDonald indicated that FERC might complete a tour in lieu of the technical conference. Harwood said it would be helpful to explain the temporal component to FERC rather than just having FERC read the Settlement Agreement (SA). Kaje asked if we can’t combine it for whatever reason how would we do it? Harwood said we would probably have to go back to Washington DC and include phone or video conferencing. Harwood indicated that FERC has not discussed substance of the SA with us and actually can’t because of *ex parte*.

Stagner communicated to ACC attendees that that based on his experience from the Baker Project FERC has three concerns 1) actions need to be tied to project effects, 2) justification rationale needs to be very tight and 3) project cost caps should be provided. Harwood encouraged ACC to think about what should be covered i.e., PowerPoint, what topic areas and requested ideas from the group. Stagner said it is important that a consensus exist when presenting to FERC.

After a quick phone call with Kimberly McCune, this morning (2/14/05) and reading the notes I realized that I missed the mark in what I was trying to say.

About the cost cap. FERC indicated that they would not put a cost cap into a license article, even though we have agreed to one in the SA. That translates into needing to develop the rationale statements in such that we can show that the measures that we have agreed to can be accomplished within that amount. They also seemed to view the cost caps as estimates for what the measure should cost. This does fall into FERC's jurisdiction and I think we also did have some earlier feedback from FERC about the cost cap issue.

Hatchery Supplementation Plan

Yakama Nation will chair development of plan so first step is a meeting with them to plan and coordinate. Shrier communicated to ACC attendees that a draft Plan is due October 30, 2005 to ACC.

Shrier asked ACC attendees if they wish to discuss any additional topics. Malinowski said he was happy to see that PacifiCorp is pushing the group and moving forward so fast.

Miscellaneous

Shrier communicated to all attendees that the ACC meeting dates have been scheduled for the 2nd Thursday of each month, and that PacifiCorp and Cowlitz PUD would make adjustments with ACC concurrence, as needed. April 14th and May 12th require rescheduling for pre-existing conflict.

All attendees agreed to the following rescheduled meeting dates for the months of April and May 2005:

April 21, 2005	9:00am – 3:00pm	Location to be determined
May 19, 2005	9:00am – 3:00pm	Location to be determined

Note: ACC discussion that PacifiCorp and Cowlitz PUD consider alternate sites for those traveling longer distances such as Toledo, WA (Cowlitz Tribe Offices), and Cowlitz PUD meeting facilities. Kim McCune (PacifiCorp) to follow up with Janne regarding using Toledo site.

ACC discussion regarding combining ACC (1/2 day) meeting on same day as TCC (1/2 day). PacifiCorp agreed to discuss with TCC attendees at next meeting scheduled on Friday, February 18, 2005.

Jim Malinowski (Fish First) indicated that he will represent the ACC and wants correspondence only for the Terrestrial Coordination Committee (TCC).

Eugene “Gene” Stagner (US Fish and Wildlife) requested that PacifiCorp set the ACC meeting times shorter than 5:00pm. Shrier recognized Stagner’s concerns and suggested a 9:00am – 3:00pm as a general plan going forward.

Shrier – Recommended ACC have discussion on Yale-Merwin entrainment studies at next meeting.

Stagner indicated that upon review of SA he didn’t think anything prohibits ACC from using \$150,000 of the Aquatic funds on lower basin.

Craig Burley (WDFW) recommended ACC flush out interim deliverables for the work plan.

Shrier asked ACC attendees if they prefer meetings notifications, minutes, etc. sent via email or hard copy. Stagner suggested email using return receipt requirement. Malinowski prefers small documents sent via email but not large documents. George Lee requested consistency when emailing documents i.e., MS Word and Excel. ACC attendees concurred that email was the best choice.

Next Scheduled Meeting

Thursday, March 10, 2005
Merwin Hydro Facility
9:00am – 3:00pm

Meeting adjourned at 11:30am