

FINAL Meeting Notes
Lewis River License Implementation
Aquatic Coordination Committee (ACC) Meeting
May 19, 2005
Toledo, Washington

ACC Participants Present (17)

Taylor Aalvik, Cowlitz Indian Tribe
 Jim Byrne, WDFW
 Michelle Day, NOAA Fisheries
 Diana Gritten-MacDonald, PUD No. 1 of Cowlitz County
 Mike Iyall, Cowlitz Indian Tribe
 Janne Kaje, Cowlitz Indian Tribe (Steward & Assoc)
 Mary Louise Keefe, R2 Resource Consultants
 George Lee, Yakama Nation
 Jim Malinowski, Fish First
 Kimberly McCune, PacifiCorp
 Todd Olson, PacifiCorp
 Frank Shrier, PacifiCorp
 Eugene Stagner, US Fish and Wildlife
 Karen Thompson, USDA Forest Service
 Ruth Tracy, USDA Forest Service
 John Weinheimer, WDFW
 Shannon Wills, Cowlitz Indian Tribe

Calendar:

June 8, 2005	TCC Meeting	Lacey, WA
June 9, 2005	ACC Meeting	Merwin, WA
June 23, 2005	TCC Site Visit	Merwin, WA
June 24, 2005	TCC Site Visit	Merwin, WA

Assignments from May 19th Meeting:	Status:
Shrier: Email a list of potential acclimation pond sites to the ACC for their review.	Complete – 5/20/05
Thompson: Email a project list to McCune for distribution to the ACC for review and discussion, which will represent the highest priority work on USFS land.	Complete – 6/9/05
McCune: Notify absentee ACC representatives of 7-day review and comment period relating to the CC Structure and Ground Rules	Complete – 5/20/05
Shrier and Olson: If approved by PacifiCorp management, draft a letter to Skamania County for ACC review relating to development activity inconsistent with management plan & habitat ordinance.	PacifiCorp will invite counties & request attendance at July meeting
Keefe: Write an addendum to the Merwin Tail Race Study and deliver to Shrier for distribution to the ACC.	Complete – 6/6/05
Shrier: Email comments to the selected Gravel Study consultant the week of 5/23/05.	Complete – 5/25/05

Assignments from April 21st Meeting:	Status:
ACC: Decision on approval of Ground Rules at May 19th meeting.	Approved 5/19/05
Shrier: Contact FERC to see if aquatic projects identified in the Settlement Agreement will be included in their DEIS	*see below
McCune: Add more than one administrative number to all future Agendas for ACC participants to contact in case of emergency or for late arrival notification.	Complete – 4/22/05
McCune: Notify Gritten-MacDonald of details relating to May 4 th Merwin Subgroup meeting.	Complete – 4/22/05
McCune: Where the Ground Rules reference language in the Settlement Agreement, add the verbatim language from the Settlement Agreement to the back of the Ground Rules document as an Appendix C.	Complete – 4/22/05
Olson: Make requested revisions to the Ground Rules and distribute to the ACC and TCC for their review and approval.	Complete – 4/28/05
McCune: Notify absentee ACC representatives of 7-day review and comment period relating to the 2005 Aquatics Funding Process document.	Complete – 4/25/05

* Aquatic projects identified in the SA will NOT specifically be included in FERC's DEIS. Poor timing to do now; best to include as comments on the DEIS. It is also possible to include potential acclimation pond sites as comment to DEIS.

Opening and Review of Agenda

Frank Shrier (PacifiCorp) requested a round table introduction and conducted a review of agenda for the day. Gene Stagner (USFW) requested moving the "Update" Agenda items before lunch as he was unable to stay until 3:00pm. The ACC expressed no objections.

Review of Meeting Notes – 4/21/05

Jim Malinowski (Fish First) requested the acronym SERF reference changed to the correct reference in each instance within the meeting notes document. The correct acronym is SRF. Meeting notes were approved with requested changes at 9:20am.

Shrier pointed out to the ACC that additional written comments made outside of an ACC meeting to the meeting notes or subgroup meeting notes will be attached as an Appendix rather than included within the meeting notes as they are individual contributions not previously shared with the group.

Coordination Committees Structure and Ground Rules

Todd Olson (PacifiCorp) reviewed the CC Ground Rules with the ACC and pointed out the additional Appendix C as an addition to the document for the convenience of the ACC & TCC.

Olson asked the ACC if there were any additions or changes. Olson clarified that anyone not present at the meeting has 7 days to comment.

Malinowski pointed out that those ACC participants who have an opportunity to object but have not been involved can make the process more difficult.

Olson said that as the ACC leads up to a decision point that we should be cognizant of those active members who are absent and notify them of decisions being made.

Kim McCune (PacifiCorp) will email the final CC Ground Rules to all ACC representatives and request approval or comment on or before May 27, 2005 before posting on website.

Decision: All ACC participants present approved the document on 5/19/05, at 9:25am.

Public Comment

Jim Byrne (WDFW) expressed concern about nineteen (19) housing developments approved in Skamania County. Byrne expressed the negative impacts these developments would have on the habitat and on-going management plans. Byrne distributed a flyer to the ACC relating to one such development to illustrate the magnitude the development activity. He also expressed that the utilities could spend \$100 of millions in fish reintroduction efforts that could eventually deteriorate due to development in key basins.

Malinowski said that the agencies should assist with this issue and intervene.

Karen Thompson (USDA Forest Service) said that they do not have regulatory authority to tell the developers how to develop their own private land.

Malinowski asked if it would be appropriate to ask the agencies to intervene.

Ruth Tracy (USDA Forest Service) suggested the ACC talk to Skamania County regarding critical areas as our group can be an influence.

Malinowski requested the ACC take an active approach with Skamania County. At a minimum, the ACC should express concern.

Shrier cautioned that the ACC should not act as an advocacy group. Perhaps a letter from the Lewis River Settlement Agreement signatories would be an appropriate step.

Olson addressed the ACC and asked what end solution the ACC would like to accomplish.

Byrne said that the ACC needs to ask Skamania County to apply their ordinances and follow county code before developers log the land.

Stagner said that there is obvious concern; however, it's the ACC's job to implement the requirements of the Lewis River Settlement Agreement and not to act as advocates.

Taylor Aalvik (Cowlitz Indian Tribe) said that it would be wise to send a letter from the ACC to Skamania County to request that our group be consulted and/or notified when any future development which comes before the County, and which is inconsistent with the management plan.

Mike Iyall (Cowlitz Indian Tribe) said that the ACC should take an advisory role. We do not have the funds and the time to fight every step of the way. He further said that developers are thumbing their nose at the rules. The ACC should urge Skamania County to follow the rules.

Byrne said that the developer was not advised by Skamania County of critical areas and management requirements.

Shrier and Olson will check with PacifiCorp Management in response to working with the ACC to draft a coordinated letter.

Malinowski requested we notify Skamania County that they will be included in the ACC meeting notes.

Merwin Tail Race Study

Shrier provided an update to the ACC regarding the Merwin tailrace study. He indicated that acoustic technology *will not* work in the tailrace as it's too confined and currents are too wild. In addition, there are too many bubbles in the system and the equipment cannot penetrate the bubbles to monitor fish behavior effectively. Safety and control of the boat is also an issue in the proposed mobile surveys.

Mary Louise Keefe (R2 Resource Consultants) provided specific details of the Merwin Tail Race Study. She indicated that they can't get the initial population estimate as they had originally intended. R2 proposes that as fish pass the hydroacoustic array downstream – she'll use that as an index as to how many fish are coming up, how many enter the trap, and how many leave the tailrace area.

For the behavior component of the study, Keefe suggested radio telemetry – fixed arrays, and communicated to the group the proposed locations:

- 3 zones along the south side by the existing trap
- 2 larger zones that cover the face of the dam
- 1 zone on the back side of the dam at the back side of the powerhouse
- 1 downstream at the hydroacoustic array so we know when the fish enter the project area

Keefe said that R2 will look at distribution of fish in each zone and between zones observing individual fish behavior, and R2 wants to tag as many fish as they can (50 to 100 tags per species run is a consideration).

Michelle Day (NOAA Fisheries) communicated that the trap must work right, which may include building a new facility if necessary. She further communicated that the

development of the ATE should be decided on the best thing to do for that area (new or modified trap).

Shrier responded that the purpose of the study is to establish the ATE.

Janne Kaje (Steward & Assoc), said if the current trap cannot achieve the level of ATE that's appropriate then we should consider other options. He requested an updated plan as quickly as possible and to be informed about how PacifiCorp's consultant tests the hypothesis.

Shrier indicated that the radio telemetry is a new idea he and MaryLou just spoke about on Tuesday, May 17th. PacifiCorp and R2 have yet to review if PacifiCorp can get the tags needed this year.

Shrier asked the ACC if they had any other thoughts or questions.

There was some discussion about monitoring fall chinook in the trap as part of this study. Day communicated that she does not have a problem to not include Fall Chinook monitoring at this time.

Keefe will write an addendum to the study plan and deliver to Shrier for distribution to the ACC. The ACC will have an opportunity to comment on the Merwin Tail Race Study addendum. PacifiCorp will address written comments received from the ACC via email.

Break <10:30am>

Reconvene <10:45am>

Current Projects (update)

Shrier communicated to the ACC that Finley Engineering has been awarded the Bathymetry Study. Finley will be collecting data to develop 2' contours, starting the week of 5/23/05. The reservoir bathymetry work is expected to be completed by Fall 2005.

Entrainment Study (update)

Shrier is currently working on Request for Proposals for the study. The study is expected to be completed in 2005.

NOAA O. *mykiss* Genetics Study

Shrier informed the ACC that PacifiCorp has provided seed money to NOAA to evaluate the effects of steelhead introduction on existing rainbow trout population, which will be completed summer 2005. Gary Winans is performing the study.

Selection of Gravel Study consultant

Shrier identified the consultants who presented a proposal to PacifiCorp:

- CH2M Hill
- Stillwater Sciences
- Watershed Geodynamics

Shrier requested input from the ACC and any discussion about the study refinements.

Kaje said that this study should be about gravel rather than an over emphasis on gravel needed to optimize spawning.

Shrier clarified for the ACC that he provided specific language from the Lewis River Settlement Agreement within each request for proposal for each consultants review and consideration.

Day clarified that NOAA requested the specific language in the Settlement Agreement to consider a broader outlook of the effects of the gravel study rather than a narrow outlook. Kaje expressed that in his view the purpose of the study is to assess the effects of the project on gravel and that it should not be tied too closely to models linking fish needs or spawning behavior to gravel requirements. Kaje expressed concern that analysis based on modeled fish populations (e.g., EDT) could lead one to conclude that gravel augmentation is not necessary even when gravel loss is observed, and that this would be contrary to the purpose of addressing ongoing effects of the project.

Kaje further expressed his opinions on each consultant's qualifications.

Malinowski said that if there are no other opinions than the ACC should select a consultant to perform the study.

Shrier expressed that he has worked with each consultant so there is no bias toward one consultant or the other. Shrier further communicated his thoughts on the various proposed approaches.

Day said that if modifications to the proposals are requested she is concerned about how the cost will be affected, and whether that will affect the ACC's decision on the choice of consultant.

Olson said that if you like the basic idea of a proposal with minor adjustment to give the study a more appropriate focus, he feels comfortable not to go out for re-bid.

Day requested more detail as to what the consultants are actually going to do.

Shrier clarified that the ACC is going to make a selection today, then refine the scope as a next step.

Day communicated that she will support the majority decision of the ACC relating to the consultant selection.

Shrier noted that the process would be for the ACC to make their selection and then PacifiCorp will feed all comments to the consultant, at which time the consultant will refine the scope of work.

Kaje asked Shrier to share PacifiCorp's comments on the study plan with the ACC.

Olson clarified that the ACC focus should be on the objectives of the study.

Stagner recommended perhaps Kaje, Day and Shrier meet off-line to discuss the objectives of the study at a deeper level.

Malinowski suggested the ACC consider putting together a subgroup to include Al Wald (WDFW), Frank Shrier (PacifiCorp), Janne Kaje (Steward & Associates), and Michelle Day (NOAA Fisheries) to make recommendations to the ACC. Brett Swift (American Rivers) is also a consideration as a participant in the Gravel Study subgroup.

Decision: A consultant was selected by the ACC at 11:15am. Shrier will feed comments to the selected consultant the week of 5/23/05.

Day wants a small group to meet with the selected consultant to discuss the scope of work at a more independent, closer look and have live meetings to be scheduled in the near future.

Stress Release Pond Location (update)

Shrier updated the ACC that engineers, State and some ACC participants have viewed the subject site. Shrier further communicated that the subject site is on a State surplus list and the proximity and access provides the highest potential for the needs of the stress release pond.

Shrier informed the ACC that the next steps are:

- MOU with the State
- Appraisal
- Land exchange
- Water right permit (2-year process)

Expected completion of acquiring the subject site is Fall 2005. Shrier asked if there were any objections – no objections from the ACC on moving forward and securing the site.

Upper Release Point (update)

Shrier asked the ACC if any objections relating to the selected release point site. No objections from the ACC.

<Lunch 11:40am>

<Reconvene 12:15pm>

Discussion on Funding Process

Olson provided an update to the ACC of the funding document process.

Malinowski requested the addition of language that breaks out construction costs from actual overhead costs.

Kaje indicated that he is supportive of the statement that “these funds be used on the ground”; most of the funds go to the work.

Kaje pointed out that Section 3.3.3, page 7 list of bullets are not in keeping with the heading, as there is some duplication. He further communicated that of all the sections, this section needs considerable modifications.

Olson requested more comment from the ACC regarding the “2-step process”

Ruth Tracy (USDA Forest Service) cautioned the ACC about how much process is involved to complete a 2-step process.

Kaje said that the 2-step process came from the Salmon Recovery funds and that the ACC is dealing with opportunities for smaller project and local groups who will request funding.

General discussion took place regarding limiting the scope (3 pages) relating to the initial proposal, and then flushing out by way of the final proposal to include more project detail.

Diana Gritten-MacDonald (Cowlitz PUD) described a 2-step process with a shorter time frame, and two windows of opportunity. In essence, the ACC would be reviewing final proposals concurrent with initial proposals.

Kaje communicated that the Funding Process Timeline could be adjusted to reflect a shorter time frame. The ACC should strive to have an agile, self contained process.

MacDonald strongly communicated that the timeline for project completion may very likely be a 2-3 year process, due to lengthy permitting requirements, cost overruns, and unexpected delays.

Olson indicated that he heard some good comments and that he will create another draft with incorporated changes and distribute to the subgroup then ACC for their review.

Malinowski requested the ACC to separate biological effectiveness monitoring and be specific about what kind of monitoring we are asking for. He wants clarification relating to which types of monitoring will the project proponents be responsible for.

Byrne asked the ACC if there is a mechanism for monitoring and evaluation projects. The ACC confirmed that the funding is for habitat only.

There was general discussion about monitoring fund objectives and priorities, goals for the Aquatic Fund, Funding Process Timeline, pre-proposal and proposal forms, incremental funding, setting aside certain funds for unexpected requirements, request for reimbursement, contracting (shortfalls), consensus and periodic invoicing.

Tracy requested more detail in the document relating to Implementation Monitoring as opposed to Effectiveness Monitoring

Gritten-MacDonald cautioned the ACC to be careful with accepting projects that require multi-year funding. Olson said that PacifiCorp will add this for future ACC discussion.

Olson will be making modifications to 3.3.1 (Fund Objectives & Priorities) which will provide additional clarification and present an updated draft to the subgroup and then ACC for further review.

DEIS Discussion

Shrier informed the ACC that PacifiCorp requested FERC provide the full 60-day comment period on the draft DEIS. PacifiCorp wants to work with the ACC and identify potential acclimation sites and a list of potential aquatic habitat projects (via the Aquatics Fund) that could occur on USFS lands in the DEIS.

Shrier proposed that the ACC view how FERC addresses these topics. Shrier will send to the ACC via email on 5/20/05 a list of potential acclimation pond sites to the ACC for their review.

General discussion took place regarding the specificity of the project lists relating to the DEIS. Thompson will email a project list to McCune for distribution to the ACC for review and discussion, which will represent the highest priority work on USFS land.

Miscellaneous

Kaje requested an update from the State regarding the upcoming Habitat Preparation Plan actions and harvesting. Weinheimer said that no fishing was allowed in the upper tributaries and that the State wants to do news releases to inform anglers of the harvest restrictions.

Next Scheduled Meetings

Thursday, June 9, 2005 (Merwin, WA)
Thursday, July 14, 2005 (location TBD)
Thursday, August 11, 2005 (location TBD)
Thursday, September 8, 2005 (location TBD)

Agenda items for June 9, 2005

- Aquatics Fund Process Discussion
- DEIS Discussion
 - Acclimation pond sites
 - Project Lists
- Updates of aquatic studies
- Lower Columbia Fish Recovery workshop

Handouts

- Final Agenda
- Draft Meeting Notes 4/21/05
- CC Ground Rules
- AQ Funding Process and Timeline
- Attendance Record