

FINAL Meeting Notes
Lewis River License Implementation
Aquatic Coordination Committee (ACC) Meeting
May 8, 2008
Ariel, WA

ACC Participants Present (17)

Jim Byrne, WDFW
 Clifford Casseseka, Yakama Nation (9:00am – 12:00pm)
 Michelle Day, NMFS
 Jeremiah Doyle, PacifiCorp Energy
 Diana Gritten-MacDonald, Cowlitz PUD
 Adam Haspiel, USDA Forest Service
 LouEllyn Jones, USFWS
 Eric Kinne, WDFW
 Erik Lesko, PacifiCorp Energy
 Jim Malinowski, Fish First (9:00am – 12:00pm)
 Kimberly McCune, PacifiCorp Energy
 Kathryn Miller, Trout Unlimited
 Todd Olson, PacifiCorp Energy
 Diana Perez, USDA Forest Service
 Frank Shrier, PacifiCorp Energy
 Neil Turner, WDFW
 Shannon Wills, Cowlitz Indian Tribe (via teleconference)

Calendar:

June 11, 2008	TCC Meeting	Lacey, WA
June 12, 2008	ACC Meeting	Merwin Hydro

Assignments from May 8th Meeting:	Status:
Shrier: Write a draft baseline plan and bring to the next ACC meeting for ACC review and comment after approval by the subgroup.	Draft complete – 6/6/08 (to Subgroup)_
Lesko: Follow up with Rich Turner regarding his comfort to proceed given the SA language then revise the current H&S Plan to incorporate HGMPs.	Complete
Lesko/McCune: Copies of the revised H&S Plan to be provided to the Services and the ACC.	Complete – 6/12/08
Shrier: Request a status update of Gary Winans' (NMFS) genetic work relating to the H&S Plan and schedule a meeting with James Dixon (WDFW), Gary Winans and Todd Cassler (WDFW), perhaps after the June ACC meeting.	Complete – Winan's invited to July ACC meeting.
McCune: Email the ATE summary table, Bryan Nordlund's (NMFS), phased approach data, ATE rationale and associated email to the ACC.	Complete – 5/9/08

Assignments from February 14th Meeting:	Status:
Malone: Provide coho data for the last two years and a like reporting for Spring Chinook.	Complete – 6/2/08

Opening, Review of Agenda and Meeting Notes

Frank Shrier (PacifiCorp Energy) called the meeting to order at 9:10 a.m. Shrier requested a round-table introduction, reviewed the agenda for the day and requested any changes to the agenda. Jim Malinowski (Fish First) requested to move the Review of Aquatic Fund Discussion before noon, if possible. In addition, the Law Enforcement introduction of Isabel Van Vladriken will be rescheduled to the June or July ACC agenda.

Shrier requested comments and/or changes to the ACC Draft 4/10/08 meeting notes and assignments. Notes approved without additional changes other than those received via email from Diana Perez (USDA Forest Service) and Jim Malinowski (Fish First).

The meeting notes were approved with the submitted changes from Perez and Malinowski at 9:15 a.m.

License Issuance Update

Todd Olson (PacifiCorp Energy) communicated to the ACC that he attended the National Hydropower Association (NHA) conference two weeks ago and met with representatives from the Federal Energy Regulatory Commission (FERC); he provided them a draft of the ACC/TCC 2007 Annual Report and a quick briefing on how the ACC and TCC continue to meet on a regular basis to consult on early implementation actions. The FERC schedule is to have licenses out by the end of the 2nd quarter of 2008. The FERC staff has prepared the Swift No. 1 license, which is now undergoing legal review by their attorneys. Olson indicated that it's not confirmed that FERC can meet the 2nd quarter date; however, the Utilities are scheduling projects using an expected license issuance date of July 2008.

Monitoring and Evaluation (M&E) Baseline Monitoring

Shrier informed the ACC attendees that Jim Bryne (WDFW) scheduled a baseline discussion on April 24, 2008 to develop a study plan that adequately establishes aquatic baseline information and that meshes with the current M&E Plan. Attendees at the meeting included the following representatives:

Jim Bryne, WDFW	Frank Shrier, PacifiCorp	LouEllyn Jones, USFWS
Steve Vigg, WDFW	Adam Haspiel, USDA FS	Jeremiah Doyle, PacifiCorp
Shannon Wills, Cowlitz Indian Tribe		

On behalf of PacifiCorp Energy, Shrier offered to write a draft baseline plan, obtain approval from the Baseline subgroup, and bring to the next ACC meeting for ACC review and comment.

SA 8.7 – Broodstock Schedule Discussion (Hatchery & Supplementation Plan, H&S)

Erik Lesko (PacifiCorp Energy) communicated to the ACC attendees that the Utilities do not have a license yet and the reference in SA 8.7 (**Attachment A**) calls for a Hatchery & Supplementation Plan within the first year of license issuance, which is also tied to the HGMP.

Olson asked the ACC attendees if they feel comfortable moving forward with the H&S Plan knowing that the HGMP have been submitted to NMFS but not yet approved. Olson suggested providing an outline to the ACC for moving forward with the Spring Chinook portion of the H&S Plan then follow up with Rich Turner (NMFS) or do we wait for NMFS approval?

The ACC agreed that PacifiCorp will follow up with Rich Turner regarding his comfort zone to proceed given the SA language and then revise the current H&S Plan to incorporate the current draft HGMPs. Copies of the revised H&S Plan will be provided to the Services and the ACC.

Jim Bryne (WDFW) requested the ACC revisit genetic testing/analysis. Shrier expressed that a genetic report/analysis from Gary Winans (NMFS) is still pending. In addition, Shrier indicated that these concerns are all part of the H&S Plan and are all open for discussion.

Olson said that PacifiCorp will request a status of Winan's genetic work and try to schedule a meeting with James Dixon (WDFW), Gary Winans and Todd Cassler (WDFW), perhaps after the June ACC meeting.

Review of Aquatic Fund – Strategic Plan and Administrative Procedures (September 2005). *Are changes to the Strategic Plan needed?*

Olson communicated to the ACC attendees that this agenda item will be addressed in a more formalized fashion. The discussion will also be separated into two parts: 1) Discussion on NMFS's concerns with the East Fork Lewis River Instream Structures for Steelhead Project and the Muddy River Thinning/Brushing/Invasive Plant Project, and 2) Changes or issues that need to be addressed in updating the Strategic Plan and Administrative Procedures.

Michelle Day – NMFS

Day expressed her concern about the Aquatic Fund Projects needing to be connected to hydro project related effects (project nexus) as referenced in the Lewis River Final Environment Impact Statement (FEIS). In addition, the East Fork Lewis River Instream Structures for Steelhead Project was already submitted to the Lower Columbia Fish Recovery Board (LCFRB) for funding and was denied.

Day also expressed that she is worried about the FERC denying us opportunities in the future if we place focus on East Fork projects prior to license issuance. She is also concerned about FERC altering license requirements prior to license issuance. Language in the license is clear that the intent is not to proceed with East Fork Lewis River projects

until population concerns in the Lewis River North Fork necessitate focusing efforts on the East Fork Lewis River.

Day communicated that the Aquatic Fund focus is on the Lewis River North Fork; after the licenses are issued, project proponents will need to make a strong argument for connection relating to funding East Fork Lewis River projects.

Day would like some clarification if East Fork summer steelhead are the same fish as on the North Fork, which lends an issue if this is project related.

Although Bryan Nordlund (NMFS) was present at the ACC meetings he said he provided an uninformed yes vote so the ACC was aware. Day would like the ACC to revisit the aquatic funding administrative procedures as she has always had a problem with project proponents arguing for their own project(s).

Day informed the ACC attendees that such issues were identified at the FERC public meeting to discuss the Draft Environmental Impact Statement (DEIS). FERC responded that they wanted a “nexus” to project effects.

Jim Malinowski – Fish First

Malinowski argued that there is a project connection as we have lost prime habitat with the inundation of the river under the reservoirs. The East Fork Lewis project is the best project submitted this year in terms of helping fish. He does not understand the connection argument.

Malinowski also expressed concern about how are we going to mitigate for loss of habitat if we do not move forward with projects below Merwin? If we are being consistent, where is the nexus relating to the Mud Creek Enhancement project? If we are going to defer the East Fork Lewis River project perhaps we should defer the Mud Creek Enhancement project also. He expressed concern that in the interest of fairness and consistency we should consider removing the Mud Creek project as well. Wills responded that this request is outside the 7-day comment period.

Jim Bryne – WDFW

Bryne expressed that he has not heard a scientific reason why the East Fork Lewis River Instream Structures for Steelhead Project should not go forward. The caveats requested by the LCFRB were added into the project requirements prior to approval for funding.

Adam Haspiel – USDA FS

Haspiel expressed that the Forest Service addressed all of the LCFRB concerns and created a tight proposal. Let’s see if a problem exists first rather than withdraw the East Fork Lewis River Instream Structures for Steelhead Project proposal.

Haspiel reminded the ACC attendees that six months ago the ACC subgroup developed a habitat synthesis evaluation tool; this tool identifies that one of the highest restoration potential is in the area of the proposed East Fork project. NMFS did have a representation present at the ACC meeting and heard all the conversation. He expressed concern about NMFS arriving last minute to express their objections to funding a project which was already approved; not sure if that was a very productive thing to do.

Shrier expressed that we have, in the past, denied East Fork projects based on priority.

Haspiel indicated that the steelhead population on the North Fork is primarily summer fish; but winters get up there if water conditions are right. He also mentioned that a redd was found in the pool of concern. Regarding project proponent's presence during project discussions, Haspiel said that the best way to get better, clearer information is from the project proponent.

Perez asked how real this concern is to the FERC. Olson responded in that the FERC can and does have the choice to require the FERC approval of all aquatic projects. Once the license is received it will be very clear what controls/approvals process the FERC will enforce.

Perez would like to focus on what the level of risk exists with the FERC if we proceed prior to license issuance.

Shannon Wills – Cowlitz Indian Tribe

Wills expressed that the aquatic funds will roll over each year. When we start passing fish above the reservoir the projects will come eventually when we begin moving fish.

Clifford Casseseka – Yakama Nation

Casseseka communicated that the Yakama Nation is interested in reintroduction and supplementation of Spring Chinook. He would like to know how the FERC is addressing Spring Chinook in the East Fork Lewis River. Shrier said that likely the FERC will not step out and say anything about Spring Chinook on the East Fork since there is no nexus for FERC.

LouEllyn Jones – USFWS

Jones echoed the need to revote on funding the Lewis River East Fork Lewis River Instream Structures for Steelhead Project. At this particular time (pre-license), proceeding with the East Fork project is risky.

Kathryn Miller – Trout Unlimited

Miller asked if there is a time sensitive issue for this project? Haspiel responded that we could re-propose this project for next year. The Forest Service is one month behind now for implementing the work this year; it would difficult to complete the work this year.

Frank Shrier – PacifiCorp Energy

Shrier requested Erik Lesko (PacifiCorp Energy) to look up the final EIS on line for the language (see Appendix A, page A-10, of the FEIS below):

Measures to be funded by the Aquatics Fund must mitigate for project effects, or have a clear nexus to the project. Section 7.5 of the SA states that measures under the Fund “may include, without limitation [emphasis added], projects that enhance and improve wetlands, riparian, and riverine habitats; projects that enhance and improve riparian and aquatic species connectivity that may be affected by the continued operation of the Projects; and projects that increase the probability for a successful reintroduction program.” Further, section 7.5.3.1 of the SA states that the licensees shall evaluate

resource projects with the objectives of (1) benefiting fish recovery throughout the North Fork Lewis River, with priority to federally ESA-listed species; (2) supporting reintroduction of anadromous fish throughout the basin; and (3) enhancing fish habitat in the Lewis River Basin, with priority given to the North Fork Lewis River. That section also states that, for the purposes of section 7.5, the North Fork Lewis River refers to the portion of the Lewis River from its confluence with the Columbia River upstream to the headwaters, including tributaries, except the East Fork of the Lewis River. We find this language to be overly broad, and as written may allow expenditures on measures that do not mitigate for the effects of the projects or have a project nexus.

<Break 10:35am>

<Reconvene 10:55am>

Review of Aquatic Fund – Strategic Plan and Administrative Procedures (September 2005). Are changes to the Strategic Plan needed? (cont’d)

Olson expressed that much of the discussion thus far includes, “is our fund process working?” and “is it appropriately being done?”

Perez communicated to the ACC attendees that considering the ACC input and potential FERC response, the USFS is withdrawing the East Fork Lewis River Instream Structures for Steelhead Project for this year, and will wait until the license issued. Perez would like further discussion about the definition of project affects/nexus. She indicated that the ACC is at a great point to further discuss how the ACC will function as a group relating to the aquatics funding process.

The ACC have agreed that the following points require further review and discussion:

*List of Discussion Points	
Issues/Concerns	
<ul style="list-style-type: none"> • Clarify East Fork Lewis in the SA 	<ul style="list-style-type: none"> • EF Lewis in or out after license issuance
<ul style="list-style-type: none"> • Project effects/nexus definition 	<ul style="list-style-type: none"> • ACC representative as project owner
<ul style="list-style-type: none"> • Role of project owner 	<ul style="list-style-type: none"> • Project review consistency (fairness)
<ul style="list-style-type: none"> • Monitoring 	<ul style="list-style-type: none"> • Prioritization of projects
<ul style="list-style-type: none"> • Should we stop funding projects until fish are reintroduced? 	<ul style="list-style-type: none"> •

***discussion points not listed in order of priority**

Day also expressed that the USDA Forest Service should fund the Muddy River project Thinning/Brushing/Invasive Plant Project rather than the Aquatics Fund since this should be a requirement of the Forest Plan. The Forest Service has certain responsibility for riparian protection; however, she will withdraw her efforts to stop approval of the 2008 project funding.

NMFS Decision: Oppose the project but will not stand in the way.

Frank Shrier – PacifiCorp Energy

Shrier communicated to the ACC attendees that we do not want to exclude the East Fork but would like to place priority on the North Fork projects. He also expressed concern about the FERC and how they will respond prior to license issuance. He encourages the ACC to read the Explanatory Statement in the Lewis River Settlement Agreement to gain clarity. Shrier does not see links with project effects on the East Fork Lewis River projects.

Jim Malinowski – Fish First

Malinowski reiterated his support for the reintroduction efforts throughout the basin (see 7.5.3.1 (2) & (3) below):

7.5.3.1 Guidance for Resource Project Approval and Aquatics Fund Expenditures.

(2) *support the reintroduction of anadromous fish throughout the Basin; and*

(3) *enhance fish habitat in the Lewis River Basin, with priority given to the North Fork Lewis River.*

Malinowski also expressed that most of the projects approved thus far are feel good projects and do not do much for fish. We should not, however, be changing the Settlement Agreement.

Kathryn Miller – Trout Unlimited

Miller said that tangible benefit to fish in the immediate vicinity is of course priority number one. In addition, this is an awkward, risky time to introduce anything prior to license issuance.

Jim Bryne – WDFW

Bryne thinks that the East Fork should be included, with priority given to the North Fork projects. If a surplus of annual funds exists after the North Fork projects are funded, the East Fork should be considered. Bryne expressed concern about funding a project if it's in the area of a proponents responsibility/requirement to fund the project themselves. He suggests allowing monitoring as part of a project proposal.

Diana Perez – USDA FS

Perez expressed that it is clearly evident by way of the discussions today that the East Fork is not excluded. If funds left over after North Fork priority projects are funded (after annual contribution) then the East Fork projects should be considered.

Clifford Casseseka – Yakama Nation

Casseseka mentioned that he does not have a clear understanding of how the FERC works. He thinks we should include the East Fork projects; we need all the habitat we can get.

Michelle Day – NMFS

In response to Malinowski's reference to SA 7.5.3.1, this section also states in 7.5.3.1 (1):

7.5.3.1 Guidance for Resource Project Approval and Aquatics Fund Expenditures.

(1) *benefit fish recovery throughout the North Fork Lewis River, with priority to federal ESA-listed species;*

For the purposes of this Section 7.5, the North Fork Lewis River refers to the portion of the Lewis River from its confluence with the Columbia River upstream to the headwaters, including tributaries except the East Fork of the Lewis River.

Diana Gritten-MacDonald – Cowlitz PUD

Gritten-MacDonald expressed that she participated in the Lewis River settlement agreement negotiations. The intent was not to exclude the East Fork but rather to consider it a low priority.

Reintroduction is the outcome goal so the ACC must ask the question, “how do we use this money to meet the outcome goal?”

Malinowski, a member of the settlement agreement negotiation team, disagreed with Gritten-MacDonald saying the intent is clearly stated in the settlement agreement language which says priority is given to North Fork projects not highest priority, nor does it say that projects in the rest of the basin have low priority.

Frank Shrier – PacifiCorp Energy

Shrier read the definition of “outcome goal” from the Lewis River Settlement Agreement as follows:

3.1 Anadromous Fish Reintroduction Outcome Goals. The reintroduction outcome goal of the comprehensive aquatics program contained in Sections 4 through 9 of this Agreement is to achieve genetically viable, self-sustaining, naturally reproducing, harvestable populations above Merwin Dam greater than minimum viable populations (“Reintroduction Outcome Goal”).

Shrier added that, since there is no link between East Fork improvements and the Outcome Goal, he is even less supportive of East Fork funding.

LouEllyn Jones – USFWS

Jones indicated that as an agency they support the Lewis River Settlement Agreement. Priority is given to the North Fork but does not exclude East Fork projects. The ACC has a lot of freedom to decide which projects are funded.

Shannon Wills – Cowlitz Indian Tribe

The ACC does not have to spend funds each year; the committee should consider East Fork but as a lower priority. If its a good biological project then the proponent should bring it to the table for ACC consideration.

Olson suggested the ACC review the *Aquatic Fund – Strategic Plan and Administrative Procedures – September 2005 (Plan)* and add draft clarifying language to the text which addresses the ACC concerns.

The Plan provides text which allows periodic changes of the procedures with approval of the ACC.

<Break 12:10pm>

<Reconvene 12:25pm>

ATE Memorandum – DART Passage Time Discussion

Kimberly McCune (PacifiCorp Energy) provided a handout for the purposes of today’s discussion, which is indicated below:

The following table includes proposals for components of the Adult Trap Efficiency (ATE) and proposed criteria for when the next phase of Merwin Trap is to be implemented (e.g. phase II corner trap entrance expanded to 6 foot entrance and flow increased to approximately 600 cfs).

Condition	NMFS (Nordlund)	PacifiCorp
Delay (hours)	<p><u>ATE timely fish passage</u> = Median time ≤ 24 hrs for radio telemetry fish and no more than 5% take longer than 1 week to pass;</p> <p><u>Phased implementation</u> = <92 % of actively migrating radio telemetry fish captured or median fish delay > 32 hrs</p>	<p><u>ATE timely fish passage</u> = Mean time of 48 hrs for radio telemetry Spring Chinook and Mean time of 36 hrs for radio telemetry StHd and Coho, and no more than 5% take longer than 1 week to pass;</p> <p><u>Phased implementation</u> = <92 % of actively migrating radio-telemetry fish or mean fish delay >48 hours for Chinook and >36 hours for coho and steelhead</p>
Capture Efficiency (%)	98%; Range 92-98	95%; Range 92-98
Survival (%)	98%	98%

PacifiCorp would like to see a 95% target. McCune will email the ATE summary table, Bryan Nordlund’s (NMFS), phased approach data and associated email to the ACC. In addition, Nordlund will be invited to the June ACC meeting for additional discussion and questions.

Speelyai Creek Water Right Change of Diversion Discussion

Shrier provided three maps Speelyai Creek diversion illustrations, (**Attachment B**) for ACC review and comment indicating where the Creek comes under Hwy 503; just below is a diversion parallel to the creek bed whereby water empties into Yale Lake. The illustrations/maps indicate the location of two water right permits at the lower diversions

at 15 cfs each for fish rearing purposes, one water right permit at the upper diversion at 70 cfs for power generation at the upper diversion that includes 15 cfs to be released continuously for fish rearing purposes (a sort of minimum flow).

PacifiCorp's proposal is to keep the 70 cfs as a limit and remove the 15 cfs release water from the permit and leave the lower diversion water rights as is.

Day suggested reviewing the long term effects prior to making a decision. Jones suggested an adaptive approach such as do not preclude the 15 cfs as a condition.

Shrier will discuss these suggestions in more detail with the Washington Department of Ecology regarding available options.

Shoreline Management Plan (SMP) Update

Olson communicated to the ACC attendees that a public meeting is scheduled on Wednesday, May 21, 2008 and encouraged all interested parties to attend. The SMP 30-day review document is currently in internal/legal review and we expect to post the document to the Lewis River website on May 9, 2008.

All public comments received on the draft will be provided to FERC in PacifiCorp's submission of a final SMP.

Study Updates

Erik Lesko (PacifiCorp Energy) and Olson provided the following study updates:

Swift Constructed Channel Concept Design and Swift Upper Release Design – The work window is planned for May – September of 2009. Schedule remains unchanged. PacifiCorp is currently working with Washington DNR to address the fact that part of the project will be on state property.

Hatchery Upgrades –

Lewis River Pond 15 – Construction is planned for January 2009.

Speelyai Burrows Pond – Construction planned for 2009.

Lewis River Ponds 13 & 14 – Completed conceptual design - on schedule.

Merwin Hatchery – On schedule pending license issuance in approximately July 2008.

State in process of reviewing Pond 15 - 90% development. Other ponds at 30% design state.

Habitat Preparation Plan – Received comments from LCFRB and requests that PacifiCorp Energy include monitoring work of what the coho are doing after release. No monitoring has been proposed, only transporting. Lesko stated that the Settlement Agreement does not obligate PacifiCorp to conduct monitoring or evaluation of transported fish.

Hatchery and Supplementation Plan (H&S) – Waiting for the results of the HGMPs; hope to finalize H&S Plan by end of 2008.

Acclimation Pond Plan – PacifiCorp in holding pattern; challenges with contracting with engineer. PacifiCorp will proceed with concept designs once contractor is on board.

Yale BT Entrainment Reduction Study Plan – Approval from USFW received for use of electrical barrier (used as a deterrent not as a stun) at Yale. Study Design is due 5/19/08.

New topics/issues

Agenda items for June 12, 2008

- Review May 8, 2008 Meeting Notes
- Review of Aquatic Fund – Strategic Plan and Administrative Procedures (September 2005) *Review suggested changes to the Strategic Plan.*
- SA 8.7 –Hatchery Supplementation Plan Discussion
- Vancouver (FWS) Fisheries Bull Trout Presentation – Mike Hudson
- Speelyai Creek Diversions – water permits
- ATE – DART Passage Time Discussion
- Law Enforcement – Isabel Van Vladriken
- Shoreline Management Planning Update
- Study/Work Product Updates
- Relicensing Update

Public Comment Opportunity

No public comment was provided.

Next Scheduled Meetings

June 12, 2008	July 10, 2008
Merwin Hydro Facility	Merwin Hydro Facility
Ariel, WA	Ariel, WA
9:00am – 3:00pm	9:00am – 3:00pm

Meeting Adjourned at 1:15pm

Handouts

- Final Agenda
- Draft ACC Meeting Notes 4/10/08
- [Attachment A](#) – SA 8.7 & Schedule 8.7 Hatchery and Supplementation Facilities, Upgrades, and Maintenance
- [Attachment B](#) – Speelyai Creek Diversion Maps, as provided by PacifiCorp

8.7 Hatchery and Supplementation Facilities, Upgrades, and Maintenance. The Licensees shall, in collaboration with the hatchery managers and hatchery engineers and in Consultation with the ACC, undertake or fund facility additions, upgrades, and maintenance actions as provided in Schedule 8.7, consistent with best methodologies and practices. The Licensees, in collaboration with the hatchery managers and hatchery engineers, and in Consultation with the ACC, shall design these facilities, upgrades, and maintenance actions to include elements that ensure usefulness of the facilities for supplementation and production fish culturing practices and to accommodate the facility additions, upgrades, and maintenance actions identified in Schedule 8.7. The Licensees shall complete the upgrades or actions by the deadlines identified in Schedule 8.7, provided that the Licensees shall schedule the updates or actions consistent with (i) the required hatchery production or (ii) the reintroduction program. The Licensees shall not be required to construct new hatchery facilities or to expand the existing Hatchery Facilities except as provided pursuant to this Section 8.7. WDFW retains the right and authority to operate its hatchery and conduct other or additional fish production activities that do not impact the goals set forth in Section 8.1 at the state-owned Lewis River Hatchery at no additional cost to the Licensees.

**SCHEDULE 8.7: HATCHERY AND SUPPLEMENTATION FACILITY UPGRADES
AND MAINTENANCE**

SCHEDULE 8.7: HATCHERY AND SUPPLEMENTATION FACILITY UPGRADES AND MAINTENANCE

Specific details will be developed with engineering input as part of the development of the Hatchery and Supplementation Plan.

In the schedule below, the notation “LY” refers to the number of anniversaries after the Issuance of the New License(s) for the Merwin Project or the Swift Projects, whichever occurs earlier.

Lewis River Hatchery

A. Adult pond modifications

Rebuild of the current adult pond (pond # 15), to accommodate adult collection processes and provide the ability to safely collect, handle (electro-anesthetic or acceptable alternative), sort (by species), and crowd by automation (e.g. Minter Creek Hatchery, Cole M. Rivers Hatchery).

- Complete on the same schedule as the Merwin Trap Upgrade identified in Section 4.2(c) of the Settlement Agreement.

B. Rearing pond raceways

Rebuild all asphalt ponds into concrete raceways to provide rearing versatility and increase water exchange rate to maximize smolt to adult survival. Conversion of these three ponds shall be staged as follows:

- Pond 16 by LY 1
- Pond 13 by LY2
- Pond 14 by LY 2

C. Downstream water intake repair

Replace the two existing submersible pumps with turbine motors, replace common header to handle additional flow, stabilize current structure, and bring into compliance with NOAA Fisheries standards by replacing intake screens.

- Complete by end of calendar year 2008. Will require coordination with rebuild of pond 16.

D. Upstream intake and pond pipe maintenance

Test and repair intake and conveyance pipe.

- Complete by end of calendar year 2006.

Repair or replace pumps as needed for as long as the hatchery is being used to meet Licensees’ hatchery obligations. Conduct appropriate preventative maintenance to assure pump reliability.

Merwin Hatchery

A. Ozone treatment upgrade

Upgrade and replace the existing system with current technology, and add a small backup system for incubation.

- Complete by LY 2

B. Rearing pond flow increase

Replace risers in the ponds, with screened up wells and larger valves, to improve flow patterns and exchange rates.

Lewis River Hydroelectric Projects Settlement Agreement

- Complete by LY 2

C. Modify release ponds to accommodate adult steelhead

Plumb new inflow into the ponds and extend the pond wall and screen heights in order to accommodate quantity of adult summer steelhead needed for broodstock.

- Complete by LY 2

D. Fish Hauling Trucks

Purchase two additional fish hauling trucks designed to handle juveniles and adults for hatchery, supplementation and reintroduction purposes. Given that there are two existing trucks, these additions will bring total to four hauling trucks.

- Purchase first additional truck by LY 1
- Purchase second additional one truck by LY 3

Speelvai Hatchery

A. Rearing pond 14 raceways

Convert pond 14 into raceways for rearing versatility

- Complete by LY 4

B. Raceway and pond maintenance

Convert existing Burrow's Ponds into two raceways and modify the raceways to provide flexibility to segregate fish into three sections. Make necessary repairs to stop leaking between raceways.

- Repair first bank of raceways by LY 1
- Repair second bank of raceways by LY 2

C. Water intake structure repair

Replace existing dam with new intake diversion adjacent to the hatchery stabilize intake location and replace valves.

- Completed by LY 3

D. Adult fertilization area

Increase covered area by extending existing roof and pouring a larger concrete apron. Increase the capacity of the kill bins.

- Completed by LY 2

E. Kokanee Trap

Construct adult kokanee trap to allow kokanee broodstock collection.

- Completed by LY 3

F. Incubation area expansion

Expand incubation building to cover existing intermediate troughs and incorporate new early rearing vessels to provide capacity for multiple species and, Add early rearing vessels.

- Completed by September of LY 1

Net Pens

Install net pens with capacity not to exceed 20,000 pounds, either in Swift Reservoir or in the Swift No. 2 canal. Investigate which location is better for net pens and install net pens in the single most appropriate location.

- Siting and permitting by LY 1
- Complete by LY 2

Speelyai Diversions



Legend

Generation Facilities

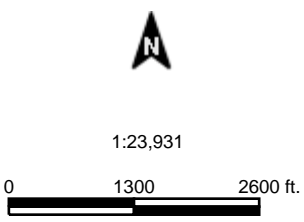
- Hydro
- Geothermal
- Thermal
- Wind
- Biomass

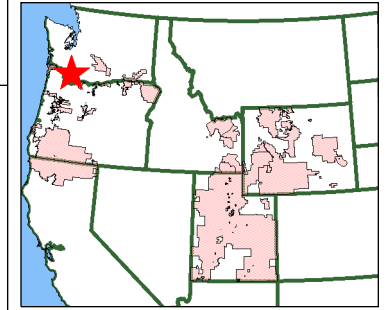
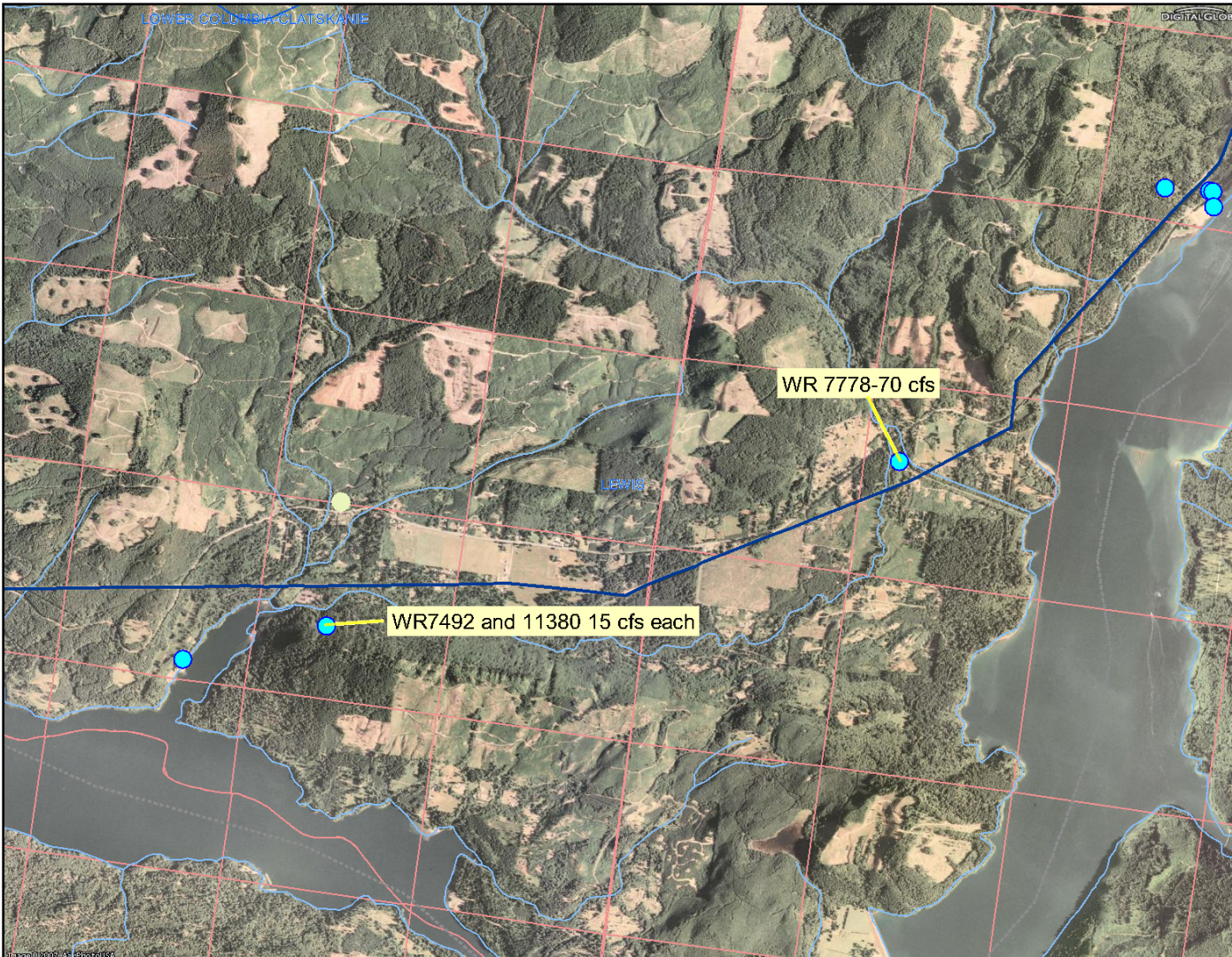
Surveyed Corner

- Surveyed Section Corner
- Surveyed Property Corner
- Other Surveyed Corner

Section

- NWI Wetland/Stream





Legend

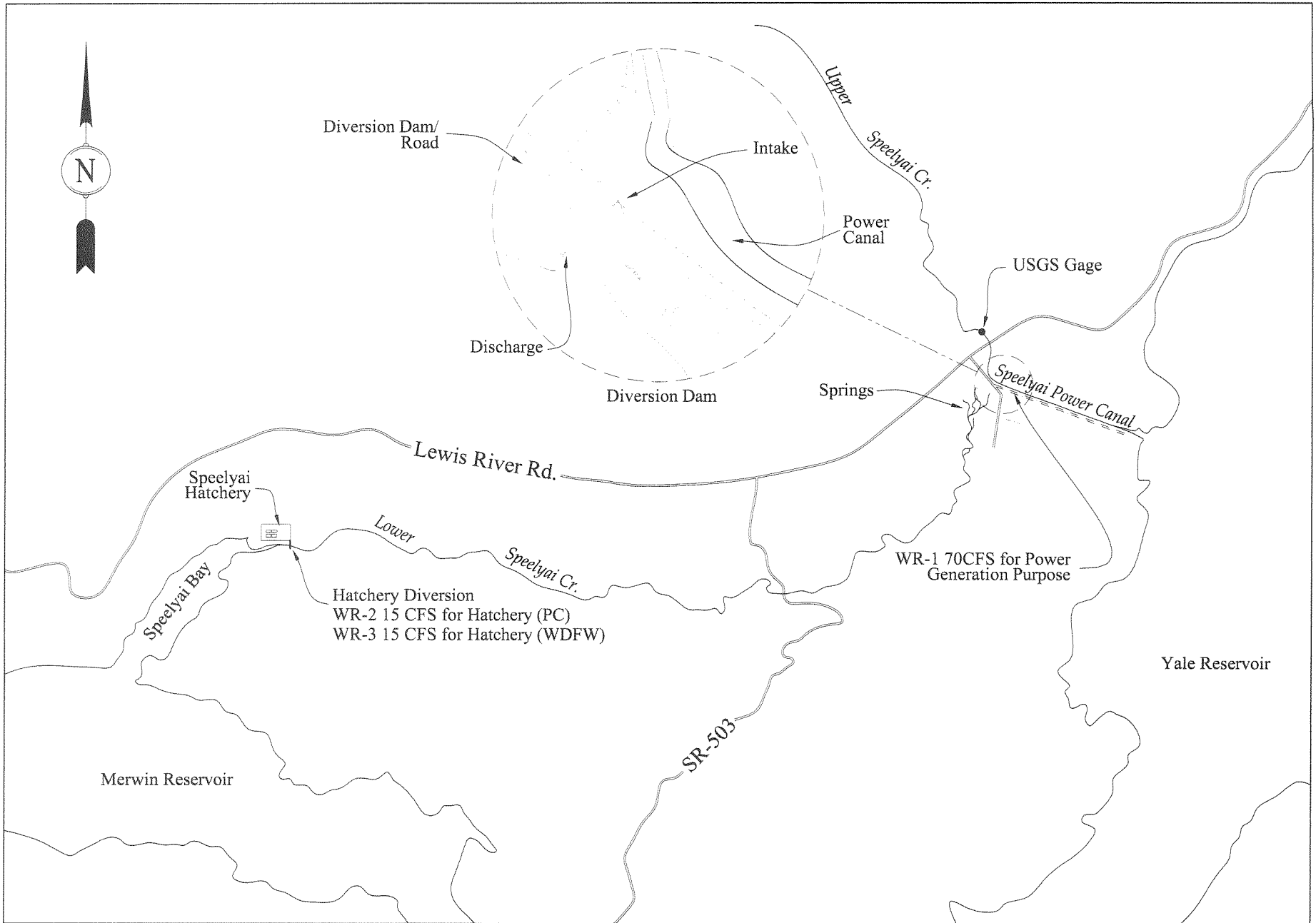
- Towns
- Water Rights - Point of Diversion - PacifiCorp
- Water Rights - Point of Diversion
- Water Rights - Places of Use
- Ocean
- Transmission Lines
- Rivers
- Counties
- Drainage Basin
- Sections
- Service Territory
- Cities
- States

0 5500 11000 16500 ft.



Scale: 1:55,992

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SPEELYAI CREEK DIVERSIONS

