

DRAFT Meeting Notes
Lewis River License Implementation
Aquatic Coordination Committee (ACC) Meeting
June 12, 2008
Ariel, WA

ACC Participants Present (23)

Fidelia Andy, Yakama Nation (9:00am – 10:30am)
 Jim Byrne, WDFW
 Clifford Casseseka, Yakama Nation
 Jeremiah Doyle, PacifiCorp Energy
 Diana Gritten-MacDonald, Cowlitz PUD
 Adam Haspiel, USDA Forest Service
 LouEllyn Jones, USFWS
 Eric Kinne, WDFW
 George Lee, Yakama Nation
 Erik Lesko, PacifiCorp Energy
 Jim Malinowski, Fish First (9:00am – 12:00pm)
 Kimberly McCune, PacifiCorp Energy
 Kathryn Miller, Trout Unlimited (via teleconference 10:50am – 1:20pm)
 Bryan Nordlund, NMFS (via teleconference)
 Todd Olson, PacifiCorp Energy
 Frank Shrier, PacifiCorp Energy
 Shelley Spalding, USFWS (via teleconference 11:00am – 12:05pm)
 Neil Turner, WDFW
 Steve Vigg, WDFW
 Shannon Wills, Cowlitz Indian Tribe

Isabel Van Vladriken, WDFW (10:00am – 10:45am)
 Rick Webb, WDFW (10:00am – 10:45am)

Tim Whitesel, USFWS (11:00am – 12:10pm)

Calendar:

July 9, 2008	TCC Meeting	Longview, WA
July 10, 2008	ACC Meeting	Merwin Hydro

Assignments from June 12th Meeting:	Status:
McCune: Email the radio telemetry study summary citations Nordlund referenced in the ACC meeting which were used to establish delay times.	Complete – 6/12/08
McCune: Schedule a combined ACC/TCC meeting to discuss land acquisition opportunities.	Complete – Scheduled for 7/10/08

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 July ACC meeting.	Complete – Winans invited to July ACC meeting. Although, scheduled for 8/14/08.
Rich Turner/Michelle Day: Provide update to ACC regarding status of HGMP and timeline for approval of Hatchery and Supplementation Plan	Pending
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 9:05 a.m. Shrier requested a round-table introduction for the benefit of those on the conference call, reviewed the agenda for the day, updated assignments and requested any changes to the agenda. George Lee (Yakama Nation) requested the addition of Habitat Preparation Plan discussion, which will be added just before the morning break.

Shrier requested comments and/or changes to the ACC Draft 5/8/08 meeting notes and assignments. Jim Malinowski (Fish First) requested text to add additional clarification to Diana Gritten-MacDonald's comment on page 8 of the meeting notes regarding discussion about the Lewis River Settlement Agreement language that the intent was not to exclude the East Fork of the Lewis River but rather to consider it a low priority.

Malinowski indicated that he would submit acceptable text via email to clarify his disagreement with Gritten-MacDonald such as, *“Malinowski, a member of the settlement agreement negotiation team, disagreed with 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.”*

The meeting notes will be approved and finalized upon submittal of clarification text from Malinowski.

License Issuance Update

Olson informed the ACC attendees that the FERC has contacted the Utilities with specific questions indicating that they are diligently working on the Lewis River license orders. Gritten-MacDonald indicated that the FERC takes an August recess which will likely delay license issuance until September or October 2008.

Merwin Adult Trap Efficiency (ATE) – DART Passage Time Discussion

Bryan Nordlund (NMFS) recommended to the ACC attendees that we should be looking at a minimum 98% fish trapping efficiency for the new Merwin upstream passage facility, based on consistent achievement of greater than 98% upstream passage survival per dam at 5 Upper Columbia dams, derived by analysis of data from the DART website. Nordlund also pointed out that the per dam upstream passage survival percentage for the Columbia dams includes passage and handling mortality. The Lewis SA calls for a minimum 99.5% upstream passage survival (see 4.1.4a). **<See Addendum for more detail>** Shrier countered that a 95% ATE would be closer to an attainable level; however, PacifiCorp will do everything possible to meet the 98% ATE although it will be difficult. Nordlund stated that the ramifications of not achieving ATE or upstream passage survival means that the additional design adjustments would be triggered, which are already considered in the Merwin trap design. The initial design phase does not meet NMFS passage standards for attraction flow, and evaluating ATE will determine if further design adjustments will be implemented to bring the Merwin upstream facility up to NMFS design standards. Nordlund's opinion is that attraction flow amount is likely the key variable that could reduce tailrace delay time. See the phased approach process described below, proposed by NMFS.

Nordlund proposed a median 24 hour or less delay time; the amount of time by which a fish that enters the Merwin tailrace, moves through the tailrace, then enters the trap. Shrier recommended longer delay times to account for different species. Shrier also expressed that PacifiCorp is more comfortable with a 48 hour delay for Spring Chinook as a more reasonable time frame. In addition, PacifiCorp would like to see a 32 hour period for coho and steelhead. Nordlund supported his proposal by citing several radio telemetry studies, most of which had per dam median delay of less than 24 hours for most anadromous salmonid species. In addition, PIT tag analysis from the DART website (provided previously) indicate that median delay of 24 hours or less is reasonable. The majority of those projects with higher than 24 hour median delay time had subsequent design adjustments, which were largely successful in reducing median delay to less than 24 hours. He also noted that most radio telemetry study report median versus mean as the benchmark statistic. He also noted that the Merwin delay time would need to include cycle time from trap to release, to better compare with Columbia River studies.

Shrier informed the ACC attendees that the ACC must decide the ATE standards. Nordlund agreed that it is worthwhile looking at delay time for each species. Nordlund still thinks that less than a median 24 hour delay is doable for each species; the data available supports this maximum delay time.

Shrier expressed that if the longer delay time relates to behavior rather than flow there is nothing PacifiCorp can do to meet the 24 hour delay time expectation.

Shrier requested Nordlund email the radio telemetry study summary citations he referenced in the ACC meeting which were used to establish delay times. Kimberly McCune (PacifiCorp Energy) will email the information to the ACC.

Shrier outlined Nordlund's Phased approach (inserted below) for the ACC attendees and described the references used to obtain the desired ATE as adaptive management steps in the phased approach.

PHASE I	Phase I would be constructed as required by timing in the Settlement Agreement. The main design feature would be a nominal 420 cfs corner entrance with a removable 4 foot wide slot entrance set with invert at 38.0 feet elevation, with no flow control gate. Phase I would include construction of an AWS intake fine-trashrack capable of providing 500 CFS to the AWS, with an average through fine-trash rack velocity of less than 1 ft/s, and the capability to add AWS capacity up to 800 cfs. Initial AWS capacity would be 400 cfs, nominally. Telemetry studies for each species would be conducted over a two-year period to determine the level of compliance with the ATE. Based on the results of the initial two year test period, the initial design would be adjusted to Phase II or Phase III. If ATE is close to being achieved (between 92-98% passage with less than 32 hours total passage time for each species), telemetry work can be repeated for 2 more years to determine if ATE can be met, or can move to phase II. If ATE is poor (less than 92% passage or greater than 32 hours total passage time for any species), go to Phase III. Any handling/sorting injury mechanism would be rectified as soon as possible, no later than the next migration season. If ATE is accomplished for each species, no phase II would be required.
PHASE II	Phase II would be constructed by either year 3 (if ATE accomplishment does not seem possible based on Phase I telemetry) or by year 5 (if ATE is not accomplished for each species and repeatable in the 4 years of telemetry tests in Phase I). Phase II adds a third attraction flow pump bringing fishway flow to nominally 600 cfs, and replaces the 4' corner entrance with a 6' corner entrance. Phase II would be evaluated with a two-year radio-telemetry study, with the same type of "results" assessment as described for Phase I leading to either an adjustment to phase III or retesting Phase II.
PHASE III	Phase III would be constructed by year 7, if ATE is not accomplished and repeated in Phase I or II based on the results of telemetry studies, or by year 3 if Phase I yields poor ATE results. Phase III consists of adding a second fishway entrance along the face of the powerhouse, plus the fish ladder to link with the trap and hoist, plus bringing AWS capacity to 600 cfs (if phase II is skipped). Phase III splits 600 cfs attraction flow between a 4 foot wide corner entrance, along with a 4 foot wide powerhouse face entrance. Phase III would be tested for at least two years.
PHASE IV	Phase IV would entail the final adjustment available to the initial design, implemented after Phase III is tested if ATE isn't achieved. Phase IV adds flow (from forebay or via hydraulically optimized pumps) to provide 800 cfs attraction flow split between a six foot wide corner entrance and a four foot wide powerhouse face entrance. Phase IV would be tested for at least two years.
PHASE V	IF ATE is not accomplished with Phase IV, a design modification would have to be developed, possibly locating a third entrance below the bridge and constructing a ladder to the sorting facility, or locating a third entrance at another appropriate location as determined by telemetry results. Could also potentially further increase fishway attraction flow.

The other spreadsheet tabs demonstrate how the four phases could be operationally implemented at the project. Any deviation from NMFS design standards is highlighted. Also, note that the powerhouse face entrance dimensions are for example only - I hope to have this clarified by results from the model.

Olson expressed that through considerable review at the engineering subgroup meetings he is encouraged that with each meeting we are coming much closer to agreeing on the standards for determining which actions to take under the phased approach.

Habitat Preparation Plan (HPP)

Lee expressed concerns about transporting any adult Spring Chinook into the upper basin given the low return numbers. He requested that no adult Spring Chinook be transported as outlined in the 2008 Habitat Preparation Plan. Representatives of WDFW and PacifiCorp agreed. For 2008, only coho adults will be transported this fall, however, Shrier indicated that we may not have enough coho either.

The ACC attendees expressed interest to visit this topic again when we begin seeing the coho return numbers later this year.

Law Enforcement – Officer Isabel Van Vladricken and Sergeant Rick Webb

Olson introduced Rick Webb and Isabel Van Vladricken, WDFW law enforcement officers. Sergeant Webb and Officer Van Vladricken expressed that they would like to spend a few minutes with the ACC attendees to address any questions, concerns, share information about coordination with the counties such as Skamania County law enforcement and eventually Cowlitz and Clark County law enforcement, although the latter two have yet to be contracted with.

Malinowski asked what the biggest problems are in the area. Van Vladricken responded that fishing without licenses and what activities are allowed vs. what activities *are not* allowed on the IP Road. Webb expressed that with the development around the reservoirs, particularly Pine Creek, they have experienced methamphetamine problems, folks with warrants who want to homestead, underage kids with alcohol, ATV use taking on a life of its own, cutting cross country and creating quad roads is a big challenge, Bull Trout protection in upper watershed, dogs chasing wildlife and people harassing wildlife. Webb also expressed that it is important to educate folks about Bull Trout protection.

Fidelia Andy (Yakama Nation) expressed the problems they experience with fish scaffolding harassment. In addition, Andy would like to see further education about Yakama Nation treaties, traditions and customs of the Tribe. People must be informed that salmon and fish scaffolding are considered by the Tribe to be very sacred.

Webb expressed that he has considerable experience working with other Tribes and he is well equipped with the knowledge of the rights and customs of the Tribes. He would be happy to speak at a Yakama Nation function as a representative of the State.

Clifford Casseseka (Yakama Nation) asked about the plans to address the needs and customs of a Treaty Tribe vs. a recognized Tribe. Webb indicated that when appropriate the WDFW will determine usual and customary areas/access and draft agreements with the Tribes. Consideration will be given to the following:

- What is enforcement procedure?
- Ensure that certain tribal folks remain in ceded areas.
- Developing fishing season for each Tribe.
- Developing law and order codes and work together with Tribal enforcement and develop meaningful regulations.

Jim Bryne (WDFW) expressed his opinion that law enforcement has seemed to increase over the years relating to illegal harvest of Bull Trout. He also communicated that he is pleased to have Van Vladricken on board and he encouraged the enforcement officers to watch for illegal Bull Trout harvest at Muddy River, Pine Creek and Rush Creek.

Webb said that the citations which have been written over the past two years have made an impact.

<Break 10:35am>

<Reconvene 10:50am>

SA 8.7 – Hatchery and Supplementation Plan (H& S Plan) Discussion

Erik Lesko (PacifiCorp Energy) informed the ACC attendees that HGMPs have yet to be finalized or approved by NMFS, which affects proceeding with completing the H&S Plan.

Assignments from May 8th Meeting:	Status:
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

PacifiCorp believes that the H&S Plan cannot go forward without approval of the Hatchery and Supplementation Plan which depends on completion and approval of the HGMPs. Because USFWS deferred their approval to NMFS, PacifiCorp is waiting for approval of the Hatchery and Supplementation Plan before implementing measures contained within the plan. Shrier expressed that the questions before NMFS are can the agency approve the H&S Plan without final HGMPs and when can the Plan be implemented? Lesko said that no confirmation has been received from NMFS if we can move forward without HGMP approval.

Shrier indicated that further H&S Plan discussion as well as the invitation to Gary Winans genetic discussion should take place at our next ACC meeting in July. Jim Bryne (WDFW) requested we postpone the Gary Winans’ discussion to the August 14th ACC agenda. The ACC attendees agreed to include the following on the August ACC agenda:

- Hatchery & Supplementation Plan Discussion – Rich Turner, HGMP and Hatchery and Supplementation Timeline and approval process
- Gary Winans - genetic work relating to H&S Plan

Vancouver (USFWS) Fisheries Bull Trout Presentation – Timothy Whitesel

Timothy Whitesel (USFWS) provided a PowerPoint presentation titled, “Monitoring and Evaluation Relative to Bull Trout Recovery” outlining recovery objectives established for ESA listed bull trout to include:

1. maintain current distribution of bull trout and restore distribution in previously occupied areas;
2. maintain stable or increasing trends in abundance of bull trout;
3. restore and maintain suitable habitat conditions for all bull trout life history stages and strategies; and
4. conserve bull trout genetic diversity and provide opportunity for genetic exchange.

A detailed *Bull Trout Recovery: Monitoring and Evaluation Guidance* document is available for viewing in its entirety at the link indicated below:

Whitesel reviewed topics to include:

- ESA Activities (5 year review to look at population size, population distribution, population trends and population threats)
- How to define metrics that will be used to judge the recovery objective of maintain current distribution.
- How to consistently identify sampling units for monitoring distribution?
- How to develop a sampling design to determine if distributions are changing?
- What monitoring protocols to use at each sampling unit to determine bull trout presence?
- What level of power (statistical reliability in conclusions) will be acceptable for concluding distributions are contracting, stable or expanding?
- What combinations of sampling designs and monitoring protocols meet acceptable levels of statistical reliability?

Whitesel also identified those representing The Bull Trout Monitoring and Evaluation Technical Group (RMEG), a multi-agency body chaired by USFWS fisheries technical staff, who is working to overcome certain challenges so as to provide recommendations for monitoring and analyses that can reliably inform evaluation of bull trout recovery objectives.

The RMEG is evaluating methods that could be used to quantify three aspects of bull trout habitat that relate to connectivity: 1) barriers (thermal/physical); 2) distance between bull trout “patches” (dispersal); 3) distance to migratory rearing areas (expression of life history).

The RMEG has adopted a process whereby the geographical boundaries for potential local populations can be represented by bull trout “patches”—contiguous areas within a stream network where spawning and early juvenile rearing could occur and potentially support a local population.

Whitesel discussed specific and related questions to consider tasking each participant such as:

Where might the Bull Trout be?

- Local populations defined; hierarchy of units. A core area may be made up of one or more local populations
- Recovery Units
- Distinct population segment

Proposed Conservation Units

- Bull Trout Patches; temperature; evaluation analysis
- Sample Framework; EMAP Approach

Whitesel reviewed the challenges of quantity biases inherent in different abundance sampling techniques under different conditions. A variety of sampling techniques can potentially be employed for monitoring bull trout abundance; all, however, have some degree of uncertainty around the obtained abundance estimates.

Designing surveys to estimate abundances and changes over time (trend) require the parsimonious allocation of field sampling across space (core area) and time (usually years). Knowledge of spatial and temporal variation of the technique and indicator of choice (e.g., redds versus adult fish) is critical for the efficient allocation of visits to new sites, or to revisits to existing sites.

An overview was provided to the ACC of the USFWS Bull Trout Recovery Plan recovery objectives, quantitative recovery criteria (which will vary specific to each Recovery Unit), and the potential metrics/indicators to be explored by the RMEG for evaluating recovery criteria.

Whitesel explained the approach to describing bull trout patches in the Lewis River Core Area, Washington, which follows a modified approach from Dunham and Rieman (1999). The resulting patches were identified using temperature, elevation relationships and determining catchment areas for sub watersheds that fall within the acceptable temperature threshold.

The RMEG recommendations for further work required at a patch and site scale include focusing on estimating adult abundance using appropriate methods for each region, accounting for the variation in bull trout life history, habitat type, logistical considerations and the resources available.

Further work required identified by the RMEG include quantify biases inherent in different abundance sampling techniques under different conditions. Explore whether better methods could be developed for extrapolating from juvenile to adult bull trout abundances.

<Break 12:15pm working lunch>

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

Olson provided a handout of titled, “*Review of Aquatic Fund – Strategic Plan and Administrative Procedures (September 2005), dated June 12, 2008*”, (**Attachment A**) to include inserted collective comments which was an attempt to help address the list of discussion points from the May 2008 ACC meeting as indicted below:

*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? | |
|--|--|

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

Malinowski expressed that he wants criteria which outlines a more efficient process. The last funding process was too lengthy and he would like to see the criteria tightened up. Malinowski also thinks that the group is too small to exclude any members from discussion (whether a proponent or not).

Olson communicated to the ACC attendees that he would like them to review the handout with the collective comments inserted. Then he would like individual feedback of the comments which were inserted in the handout **on or before Thursday, July 3, 2008**.

General discussion took place regarding the roles and responsibilities of an ACC participant, particularly one that does not participate until the last 7-day review process given to absentee ACC participants. The ACC expressed that when a pivotal decision is needed either attendance is required or a written response from the absentee participant should be mandatory. Revisions to the *Terrestrial and Aquatic Coordination Committees FINAL Structure and Ground Rules – May 2005* may need to be considered to address the critical decision-making meetings and ACC attendance going forward.

Lee expressed that the process is critical and a member putting a hold or delaying certain projects is not acceptable and very disappointing. If we do have representatives from each entity on the ACC list these members should attend or at the least the alternate should be there. Lee communicated to the ACC attendees that he is very disappointed as to what has been happening and how a non-attending representative can slow the process or change the outcome.

Steve Vigg (WDFW) said that he shared Lee's disappointment, particularly how the aquatic funding process unraveled at the last aquatic funding discussion this past year.

Speelyai Creek Water Right Change of Diversion Discussion

Shrier informed the ACC attendees that he has scheduled a June meeting with Washington Department of Ecology (WDOE) to talk about ideas regarding removal of the 15cfs release water from the permit and leave the lower diversion water rights as is.

WDFW is talking internally about any concerns they may have i.e. disease concerns to the hatchery.

Shrier will come back to the ACC in July 2008 and provide more in depth information after brainstorming ideas at the WDOE meeting.

Shoreline Management Plan (SMP) Update

Todd Olson (PacifiCorp Energy) informed the ACC attendees that the Public 30-day Review Draft of the SMP is out for public review. Approximately 45 attendees were at the public meeting which took place on May 21, 2008. At this time, Olson encouraged all interested parties to submit written comments so PacifiCorp can include in the formal

consultation record of the SMP when it's submitted to the Federal Energy Regulatory Agency (FERC). **Comments are due on or before June 23, 2008.**

Olson expressed that overall the attendees were accepting of the SMP and the process. Some concern was expressed by the public about designated resource areas which PacifiCorp did not change based on earlier specific requests. The public did acknowledge they now have an opportunity to request a waiver. Those areas designated as resource management shoreline are considered "hands off". A high bar has been set that must be adequately overcome in order for PacifiCorp to grant a waiver. The requester of a waiver must submit strong argument why a waiver should be issued in order to change a resource designation. Other concerns were expressed by the public such as if there is a community dock who signs the permit? PacifiCorp is working on addressing this and other issues.

PacifiCorp will submit the final SMP to the FERC upon license issuance, which will likely be later this fall.

Study Updates

Erik Lesko (PacifiCorp Energy) and Shrier 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 – 100% design is expected mid July 2008; received WDFW comments. Construction is still planned to begin January 2009. The 100% design drawings will be submitted to the County for permitting and copied to WDFW. Final plans will then be sent to the FERC with a copy to WDFW.

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 October 2008.

Acclimation Pond Plan – Request for proposal nearly ready to go out. Internal approval received. PacifiCorp will proceed with concept designs once contractor is on board.

Yale BT Entrainment Reduction Study Plan – Study design was sent to USFWS on 5/18/08; no comment deadline date was provided. LouEllyn Jones (USFWS) indicated that she expected to send comment to PacifiCorp early next week.

Baseline Monitoring – Jeremiah Doyle (PacifiCorp Energy) sent the draft Baseline Monitoring Plan to the Baseline Monitoring Subgroup on June 6, 2008 for review and comment. Upon receipt of comments the Plan will be sent to the ACC for review. Subgroup comments were requested **on or before July 3, 2008.**

New topics/issues

Olson informed the ACC that a combined ACC/TCC meeting will be scheduled to discuss land acquisition opportunities. If an ACC or TCC representative has not signed a Confidentiality Agreement see McCune for the document if you wish to participate in TCC land acquisition discussions. McCune will suggest a meeting date of July 9, 2008 at 1:00pm and confirm with the appropriate parties. However, several ACC parties are unable to participate on July 9th, so McCune will also be considering arranging the combined ACC/TCC meeting on July 10th.

Agenda items for July 10, 2008

- Review June 12, 2008 Meeting Notes
- Review of Aquatic Fund – Strategic Plan and Administrative Procedures (September 2005) *Review suggested changes to the Strategic Plan.*
- Speelyai Creek Diversions – water permits
- ACC/TCC Combined Meeting – Lands Update
- ATE – DART Passage Time Discussion
- Study/Work Product Updates
- Relicensing Update

Public Comment Opportunity

No public comment was provided.

Next Scheduled Meetings

July 10, 2008	August 14, 2008
Merwin Hydro Facility	Merwin Hydro Facility
Ariel, WA	Ariel, WA
9:00am – 3:00pm	9:00am – 3:00pm

Meeting Adjourned at 1:20pm

Handouts

- Final Agenda
- Draft ACC Meeting Notes 5/8/08
- [Attachment A](#) – Review of Aquatic Fund – Strategic Plan and Administrative Procedures (September 2005), with collective comments dated June 12, 2008

**Addendum to Merwin Adult Trap Efficiency (ATE)
DART Passage Time Discussion**

Additional comments from Bryan Nordlund, NMFS after 6/12/08 ACC Meeting

Accordingly, if the Merwin facility is expected to provide upstream survival at a rate equivalent to the reported Columbia River upstream survival rate of 98% per project, Lewis River ATE would need to be at least 98.49% (i.e. 98.49% passage efficiency times 99.5% passage survival = 98% overall upstream survival).

Discussion Point and Questions	Fish First	LCFRB	Yakama Nation	USFS	Cowlitz Indian Tribe	USFWS	Utilities	Decision
Clarify East Fork Lewis language in the Settlement Agreement Q1 - Should projects in the EF be funded? Q2 - Should EF projects be funded after funding of NF projects?		It is clear that there is a strong priority given to the North Fork system for project implementation. We agree with this guidance, and feel that investment should be made in the East Fork only if there are no opportunities in the North Fork, including future opportunities. Any project proposed for the East Fork Lewis should make clear, direct connections to benefits to North Fork Lewis populations. We recognize the importance of the East Fork Lewis for salmon recovery efforts, but the purpose of the Aquatics Fund should remain focused on the North Fork Lewis system.		Projects should be funded in the East Fork Lewis River with priority given to projects on the North Fork Lewis River. Projects proposed for the East Fork Lewis should have a clear nexus to benefits to North Fork Lewis populations. Projects downstream of Merwin Dam should also be funded with priority given first to projects above the reservoirs.	East Fork projects are to be determined on a case by case basis. The Tribe does not believe any 'clarification' is needed. A project proponent introduces a project, the ACC discusses it and a decision will be made. The project should have a clear connection to the benefits to the North Fork Lewis.	East Fork projects should be considered for funding (but are a lower priority), and only if a clear link can be established (in the body of the proposal) that the project will benefit NF populations. FERC has made it clear that there has to be a nexus to project operations or to enhance populations affected by the project.	The SA specifically states that the Aquatic Fund should support resource protection measures that, "increase the probability for a successful reintroduction program" (SA 7.5) The SA goes on to state that for the purposes of Section 7.5, North Fork Lewis 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 (SA 7.5.3.1). However, the section above this says that one of the objectives is to "enhance fish habitat in the Lewis River Basin, with priority given to the North Fork Lewis River"(SA 7.5.3.1(3)). Since East Fork is really the only part of the North Fork Lewis River that is not included in the above definition, that is what 7.5.3.1(3) is referring to. All this really says is that we can fund East Fork projects but they fall behind any other proposed project that fits the North Fork definition.	
Project effects/nexus definition Q1 - What are the hydroproject effects that AQ Funded projects should address? Q2 - Should any priority be given to certain project types?				Priority should be given to instream habitat restoration projects, next to riparian related projects, and then to road related projects.			Priority should be given to instream projects that will provide a "home" for reintroduced salmon and steelhead.	
Role of Project owner Q1 - What is the appropriate level of engagement in the funding process for an ACC entity that is also a project proponent?	group is too small to exclude any members from discussion (whether a proponent or not).	In Section 3.2, under the Process Considerations, it states that ACC representatives may not champion their own projects. We agree with this guidance and feel that this guidance should be more closely followed. While a member of the sponsoring organization can participate in discussions to provide information, the ACC voting member should not advocate for their organization's project. It is the responsibility of the facilitator to determine when this line is being crossed.		The project proponents are most knowledgeable about the project and should be allowed to participate in discussions about the proposed project as needed. Proponents should not champion their project, just provide clear concise information as needed.	The Tribe agrees with Fish First. The ACC is too small to exclude members from discussion and/or voting. Our ACC members are educated, intelligent individuals with a good working knowledge of the watershed. They also have professional integrity. The Tribe is not concerned with any member's participation, regardless if their agency is a project proponent. Participation of all ACC members is critical if we are to make the best decisions for the Lewis River Watershed.	Agree with the LCFRB write up	An ACC entity proposing a project may participate in ACC discussions on their project, but cannot champion their project nor participate in the consensus selection of their project. If requested, they must excuse themselves from the ACC meeting at the appropriate time.	
Post-implementation monitoring Q1 - What "value" should be given to those projects that include monitoring to assess the success of the project?				A higher value of some sort should be given to projects that include monitoring.		Monitoring above and beyond what is already required may be appropriate in a more "experimental" project, i.e., where the ACC is interested in seeing it go forward, but on a pilot or trial basis.	Projects that include monitoring at the appropriate funding level should get a higher rating. ACC should have the right to eliminate funding of monitoring as needed. Project owners must continue to demonstrate that the project was built according to project plan and is functioning as expected (e.g. photos before and after the project).	
AQ Fund Spending Q1 - Should we stop funding projects until fish are reintroduced?				If we wait until fish are reintroduced to do any work, we may be years behind habitat needs of reintroduced fish, and create an unsuccessful reintroduction effort. Some of the money, perhaps half, should be saved until fish are actually reintroduced. NOAA and USFWS need to play a major role in monitoring reintroduced populations so they can help determine locations for successful projects to be implemented.		We should continue funding projects now, and not wait until reintroduction takes place.	No, projects that will directly enhance the habitat of reintroduced fish should be of priority.	
Project review consistency (fairness) Q1 - What steps can be taken to assure fairness?				All projects from all proponents should be held to the same standard to be fair. Don't ask one proponent to provide information that other proponents aren't also required to provide i.e. detailed budgets.		I wonder if there is a stronger role for the facilitator--i.e., ensuring everyone has the chance to comment, but also not letting the group get bogged down.		

Review of Aquatic Fund - Strategic Plan and Administrative Procedures

Discussion Point	Fish First	LCFRB	Yakama Nation	USFS	Cowlitz Indian Tribe	USFWS	Utilities	Decision
Ranking of Projects Q1 - Should prioritization of projects be considered? Q1 - Is additional focus needed on the individual project long-term benefits?		Section 3.1 Aquatics Fund Goals – states in the first paragraph, final sentence, “The purpose of the Aquatic Fund is to fund projects that directly help achieve the Reintroduction Outcome Goal.” Can you clarify if this is an overarching goal of the Aquatic Fund, or if this is one of several goals, including those listed in section 1.0 Introduction in the language from the SA describing Resource Projects?		When projects are rated using established guidelines they should be ranked by priority. Long-term benefits should be addressed in the project proposal for all projects.	The Tribe believes it would not be a good use of time for the Utilities to prioritize projects based on scores. The current method of reviewing projects, which includes a ‘Selected by Utilities for Full-Proposal’ category in the pre-proposal evaluation and the ‘Total Score’ category in the final proposal matrix, is adequate.	It would be useful to make a distinction between long term benefits that restore ecological function (e.g., log jams or restoring riparian habitat), vs. one time action, (e.g., adding spawning gravel that would wash away).	If a request of information is made to a project proponent, that same request goes to all applicants. Discussion of projects by the ACC should be limited to the information on hand, unless all project applicants are participating.	
Funding process Q1 - How can the process become more efficient to meet schedule?		We recommend strengthening the proposal instructions to encourage sponsors to better describe how their projects relate to the Aquatics Fund objectives and recovery plans. Sponsors should be asked to clearly describe biological benefits and expected outcomes of their projects. Sponsors should include metrics to help the reviewers quantify the scope of their project and relate it to their proposed cost. A more detailed budget form should be provided in the proposal.		Time should be set aside for each project proponent to present their projects to the ACC group at an ACC meeting. This could be at the draft proposal stage, but it may make more sense to do it when the final proposal is submitted. It appears that the ACC group expects to see projects begin a short time after final project approval. A shorter review time of projects would speed up the funding process and may allow this to occur under certain circumstances. However, the amount of time it takes for final project approval, collection agreements to be executed, and to get projects on the docket to be evaluated by our NEPA planning team, a start date of the following calendar year is more realistic. Representatives need to attend ACC meetings to participate and discuss potential projects. Representatives should not be allowed to object to projects without participating in the selection process. Rearrange the time line so that the final vote for project approval is the final vote. The 7 day comment period should be prior to the final vote, and Representatives can provide feedback during this 7 period if they are not able to attend the final vote. Either the Representatives should vote for final project approval. If a Representative is not available, Project proponents should be allowed to stay in the room when project	In the past, the ACC has made decisions in a timely fashion. A problem seems to have arisen when an objection was received after the ACC made a funding recommendation. Addressing the seven day objection period timeline should be adequate to address this problem. The Tribe does not want to see the ACC Aquatics Fund process become a huge, bureaucratic, paperwork nightmare for our project proponents. Most other funding sources in the region are not viewed as user friendly by applicants. The ACC spends a meeting or two a year discussing Aquatics Fund projects. To expect an ACC member to invest 8-16 hours of their time to attend these meetings is not unreasonable. Requiring more paperwork from Aquatics Fund proponents will not streamline the ACC decision making process.	From the language of the license, it sounds like FERC wants to approve the suite of projects prior to funds being released. If so, it really throws our schedule of review off. We should discuss, clarify, and decide how best to respond.	Project funding should be prioritized based on evaluation score	
Funding Decision Meeting Q1 - Should it be a requirement that ACC members should attend or an alternate should be in attendance at the meeting or they lose their voting opportunity?			ACC members should attend or an alternate should be in attendance	YES. If they don't attend they cannot make an informed decision, and it wastes project proponent's time.		As a suggestion, voting members or their representative should attend when a decision needs to be made, or assign a proxy who can represent their needs at that meeting.	See USFS suggestions. They are good and we should discuss these as a group although there is no real way to assure certainty with timing especially given that FERC now says they need to approve each project.	
FERC Comment in License - 6/26/08 Section 7.5.3.1 of the Agreement proposes the establishment of an Aquatic Fund. The Agreement explains that this fund may be used for projects that would benefit fish recovery throughout the North Fork Lewis River. In contrast to the In-lieu Fund, the Agreement notes some specific aquatic habitat enhancement objectives that would be implemented with the funds, but provides no nexus to project purposes. The EIS emphasized, however, that the fund should be used only for measures that provide a demonstrated benefit to resources affected by project facilities and operation and that the strategic plan and annual report describing proposed resource measures be filed with the Commission for approval so that our approval can be made on a suite of measures. I concur and require that the annual report be filed for our approval in each of the Lewis River Project licenses.							Yes	