

**DRAFT Meeting Notes
Lewis River License Implementation
Aquatic Coordination Committee (ACC) Meeting
July 14, 2005
Ariel, Washington**

ACC Participants Present (19)

Jeff Breckel, The Lower Columbia River Fish Recovery Board
 Dave Burlingame, Cowlitz Indian Tribe
 Jim Byrne, WDFW
 Clifford Casseseka, Yakama Nation
 Michelle Day, NOAA Fisheries (via teleconference)
 Diana Gritten-MacDonald (Cowlitz PUD)
 Janne Kaje, Cowlitz Indian Tribe (Steward & Assoc)
 George Lee, Yakama Nation
 Erik Lesko, PacifiCorp
 Jim Malinowski, Fish First
 Kimberly McCune, PacifiCorp
 Todd Olson, PacifiCorp
 Paul J. Pearce, Skamania County
 Joel Rupley, Clark County
 Frank Shrier, PacifiCorp
 Karen Thompson, USDA Forest Service
 Ruth Tracy, USDA Forest Service
 John Weinheimer, WDFW
 Shannon Wills, Cowlitz Indian Tribe

Calendar:

August 10, 2005	TCC Meeting	Merwin, WA
August 11, 2005	ACC Meeting	Merwin, WA
August 15, 2005	TCC Meeting	Lacey, WA

Assignments from July 14th Meeting:	Status:
Shrier: Email link to the ACC for their review of other Habitat Work Schedules.	Complete – 7/22/05
Olson: Resubmit alternative language to American Rivers and Trout Unlimited regarding conflict of interest within funding document	Complete – July 18, 2005

Assignments from June 9th Meeting:	Status:
Kaje: Submit changes to McCune via email relating to page 6 of the May 19 th meeting notes.	Complete – 6/16/05
McCune/Olson: Insert changes to 5-19-05 meeting notes regarding Implementation Monitoring and Biological Monitoring.	Complete – 6/13/05
McCune: Contact Iyall and request Cowlitz Tribe office to host 8/11/05 ACC meeting.	Complete – 6/13/05

Opening, Review of Agenda and Meeting Notes

Frank Shrier (PacifiCorp) requested a round table introduction for all new ACC participants.

Shrier conducted a review of Agenda for the day and the ACC meeting notes for June 9, 2005.

Shrier asked if the ACC wanted additions to the Agenda and/or changes to the meeting notes from June 9, 2005. No additions to the Agenda were requested.

Review of Meeting Notes – 6/09/05

Michelle Day (NOAA Fisheries) requested modification to the meeting notes via teleconference. The following paragraph on pages 3 and 6 will be modified as follows:

Page 3 - Day said that the ACC wants flexibility – to be able to learn as we go and make changes if necessary. We should ask at the end, do we have a process that makes sense to us and if so, proceed knowing that we can improve the process as needed.

Page 6 - Day requested that PacifiCorp check in with the Yakama Nation regarding the Acclimation Pond Sites. She also requested a large basin map. Day questions if the sites selected are spread out enough to be optimal for the objective of acclimating fish to come back to these sites (optimal enough to re-establish fish in a spread out manner).

Janne Kaje (Steward & Associates) requested modification to the meeting notes to reflect further clarification on page 6 as follows:

Kaje requested that PacifiCorp give consideration to locating a site on the Lewis River mainstem in addition to proposed sites on the Muddy and its tributaries. The site should be reasonably accessible at the time we need to get to the location (not be blocked by snow).

Both the Muddy system and mainstem Lewis system should be areas of focus for supplementation and the placement of acclimation facilities, according to Kaje. Olson will have Frank Shrier (PacifiCorp) look around in these areas and report back to the ACC.

Meeting notes were approved with changes at 9:30am.

DEIS Discussion (Acclimation Pond sites)

Todd Olson (PacifiCorp) communicated to the ACC that FERC has not provided the draft DEIS as of today. FERC has also yet to identify a revised schedule to either PacifiCorp or Cowlitz PUD (per Diana Gritten-MacDonald).

Olson noted that at the June ACC meeting there was discussion as to using the DEIS commenting process to identify additional actions for FERC to consider in their NEPA process. The question posed at that time was how detailed do the actions need to be defined for FERC's analysis and NEPA approval? Currently PacifiCorp's license applications before FERC identify Acclimation ponds as to be constructed, but do not provide the specific locations as they are yet to be determined. Likewise potential types

of projects that might be funded through the Aquatic Fund were also identified, but no specifics given.

In consideration of this issue, Olson told the group that PacifiCorp's intent is to continue to work towards completing Acclimation pond commitments. Once the ponds were geographically located, designed, and O&M activities and permitting needs identified, the company would submit the information to FERC. FERC as the Action Agency would then identify if additional information was needed for NEPA or other reason. If such information was available during FERC's NEPA process for the licenses, the company would submit as allowed in the process (e.g. comments on the DEIS). The same could occur for the Aquatic Fund projects.

Ruth Tracy (USDA Forest Service) noted that if projects were to be implemented on USFS land, FERC's NEPA may provide "basic" NEPA coverage but supplemental work such as cultural resource surveys and rare and sensitive plant surveys could be needed.

Shrier handed out a sample page from the Lower Columbia Fish Recovery Board Habitat Work Schedule - Upper NF Lewis Subbasin (see Attachment A), and asked if it might be specific enough to use for NEPA.

Karen Thompson (USDA Forest Service) communicated that we should try and get ESA coverage in this process. We will need to provide enough information for the Services to consider.

Tracy shared how Tony Meyer – Lower Columbia Fish Enhancement Group just received wide ESA programmatic coverage for their projects.

Shrier requested further review of Attachment A and he will send the link to the ACC for their review of other schedules.

Aquatics Funding Process

Olson reviewed the additions and deletions in the document with the ACC which included revisions/comments from American Rivers and Trout Unlimited.

The ACC approved the deletion of the following text:

With the interest in salmon recovery and habitat restoration, several Northwest agencies and organizations have established funding mechanisms to allow qualified parties to obtain monies that can be used for aquatic projects. In review of related materials from the Salmon Recovery Funding Board and The Community Salmon Fund for example, one can find detailed processes by which project proposals are solicited, submitted, reviewed, and approved.

On page 5 clarification and structure was recommended by Trout Unlimited and American Rivers. Olson thinks the requested changes are appropriate. The ACC did not object to the changes on page 5. Michelle Day (NOAA Fisheries) communicated that she is generally okay with all of the TU and AR changes and does not have a problem with them. The ACC concurred.

On page 6 Olson requested comment on the situation of an ACC representative's participation in the project review process if they are also a project proponent. When should they remove themselves from the process and step out of the room? The following text was recommended by TU and AR:

If a member of the ACC proposes a project for funding, he or she may participate in the ACC review of Licensee recommended projects to the extent any ACC members have questions or need clarification regarding the proposed project. However, the ACC member proposing the project shall not participate in the selection process as it relates to his or her proposed project. This limitation is necessary to prevent any conflicts of interest.

Tracy communicated that the re-write does not address the USFS concern. Tracy prefers the re-write as follows:

If a member of the ACC proposes a project for funding, they may participate in the ACC review of the Utilities evaluation of proposed projects, however they may not champion their own project(s) and must remove themselves if a conflict of interest arises. The intent is to allow an ACC representative to participate in the process, but to also make sure that no favoritism (perceived or otherwise) is given to ACC members.

Tracy further communicated that a consensus process will protect the process from the USFS or other entities championing their own projects.

Olson indicated that the PacifiCorp goal is to prevent any conflicts of interest or perception thereof when drafting the language.

Jim Malinowski (Fish First) said that the ACC may experience conflict due to bias for own projects. Janne Kaje communicated that all ACC members, whether they are proposing projects or not, will likely express some amount of bias in project selection simply due to preferences for certain types of projects, but that is just part of the process.

Olson said that PacifiCorp's ranking is structured in such a way to avoid as much bias as possible and the ACC is a diverse group which will also aid in avoiding bias.

Olson will resubmit alternative language to American Rivers and Trout Unlimited largely similar to the following text:

If a representative of the ACC proposes a project for funding, he or she may participate in the ACC review of the Utilities evaluation of proposed projects, however they may not champion their own projects(s) and must remove themselves if a conflict of interest arises. The intent is to allow an ACC representative to participate in the process, but to also make sure that no favoritism (perceived or otherwise) is given to ACC members.

The ACC agreed that the following three fund objectives are acceptable:

1. *Benefit fish recovery throughout the North Fork Lewis River, priority to federal ESA-listed species*
2. *Support the re-introduction of anadromous fish throughout the Basin.*
3. *Enhance fish habitat in the Lewis River Basin, with priority given to the North Fork Lewis River.*

The ACC agreed that Section 3.3.2 should be modified as follows:

3.3.2 How does the proposed project benefit priority fish species and stocks? (Chinook, Steelhead, Coho, Bull Trout, Chum, and Sea-run Cutthroat) (40 % weight):

- Does the proposal clearly describe the expected benefits of the project?
- Does the proposal clearly identify the salmonid species and stocks that would benefit from the project?
- Does the project address a limiting factor(s) to the target species, a limiting life history stage, or an important habitat process or condition?
- Will the project provide long-term benefits? Does the project provide tangible, on the ground benefits
 - Is project generally consistent with the intent (strategies, measures, actions, and priorities) such as the Lower Columbia Salmon Recovery Plan.

The ACC had general discussion regarding project weighting and agreed that it's difficult to agree on the weighting without testing it first. The ACC agreed on leaving the percentages as is but modifications may be required after the initial year of proposals.

<Break 10:55am>

<Reconvene 11:05am>

There was general discussion about permit cost, project sponsors bearing the expense of permits prior to funding cost of design work, percentage of permit costs vs. project costs, adding limits of permitting/design costs, shifting the responsibility of administrative costs will discourage viable proposals, in kind contributions, and that permits are a cost of doing business.

The ACC agreed that permits are a legitimate project cost, and that the evaluation process will address the issue if project permitting costs are too high.

The ACC agreed to modify Appendix C, 10. Permits to read as follows:

Identify any applicable permits and resource surveys required for project. Please include timeline for obtaining and any action taken to-date. Applicant will be responsible for securing all such necessary permits. Landowner permission is required prior to finalization of a Funding Agreement with PacifiCorp.

In addition, the ACC agreed to add the following line item to Appendix C, 13. Budget:

Permitting and Surveying costs

Kaje indicated that the language reflect that applicants are encourage to have projects evaluated by a resource project professional; however, he does not think this should be a requirement. The ACC agreed.

Olson communicated that he will make all requested changes and re-distribute the Aquatic Fund document to the ACC for additional review. He encouraged any additional comments from the ACC to be in a timely manner so that the group can work toward finalizing the document at the next meeting on August 11, 2005.

Private Development – County Fish and Wildlife Ordinances Discussion

Shrier introduced Paul Pearce, Skamania County Commissioner and Joel Rupley, Program Coordinator for Clark County to the other ACC attendees. In addition, Shrier informed all attendees that the intent of the discussion is to provide the counties an opportunity to share how future development in the perspective counties is being addressed in sensitive fish and wildlife areas.

Shrier requested each county representative to briefly describe the types of critical area ordinances the counties have.

Pearce informed the ACC that Skamania County recently conducted a round table discussion with a developer and all agencies who expressed concern with specific developments in Skamania County. The County walked the developments just two weeks ago, as folks in the area know development is rapidly occurring in the area.

Pearce indicated that if the ACC participants require a copy of Skamania County's Wildlife Habitat and Assessment Report (Report), they may contact Karen Witherspoon at Skamania County.

Pearce also expressed that the county wants to protect private property rights and they are making every effort to conform to the requirements of their Report, however, they are not there yet. Pearce noted that cultural and archeological requirements are not addressed in the Report.

Dave Burlingame (Cowlitz Indian Tribe) expressed his concern that consultation with agencies and interested parties is not being done prior to approval of the development(s). Pearce agreed that if violations are apparent, the county should fine the appropriate parties.

Jim Bryne (WDFW) said that the agencies are not being notified. In addition, the areas of critical habitat are areas the counties should be well aware of.

Malinowski said he would like to see riparian buffers consistent throughout Clark, Cowlitz and Skamania counties so that all riparian buffers are consistent.

Jeff Breckel (The Lower Columbia River Fish Recovery Board) communicated that the ACC all agrees and recognizes that there has been failure in communication and that we are taking measures now to work with the counties and achieve a consistent end result. He further communicated that we could discuss what other controls the counties can put in place other than just the riparian buffers, which may not be practical for all areas.

Rupley too expressed that Clark County is experiencing huge development. As Clark County builds out the county recognizes that it's important for government to purchase easements in critical habitat areas. When coupled with Clark County critical area ordinances, this is probably the best way to protect aquatic resources.

Rupley also informed the ACC that Clark County does have a process to identify and protect archeological and cultural resources on a case by case basis. Rupley expects Clark County's critical habitat protection plan to be very effective over the long haul.

Malinowski expressed concern that the developers are encouraging irresponsible activities within the critical habitat areas. He wishes the counties would raise the penalties of irresponsible use of protected areas.

Pearce communicated that the Skamania County commission is looking into the issue of enforcement of ordinances and covenants currently in place.

Thompson said that the forest service is very concerned about the trails and bridges already presenting themselves, and ATV use which are not permitted in any of the critical habitat areas.

Pearce said that specific enforcement in a concentrated way can be very effective.

Rupley said that the Clark County critical habitat ordinance is due this December 2005, which will increase the level of understanding of what's going on in the stream system, and identify opportunities for off-site mitigation. Rupley indicated that a functional ecosystem and reasonable use are big issues. They will use state and federal mandates to effectively implement the recovery plan.

Tracy asked Pearce what the notification process would be when the developer first comes in with a proposal. Pearce indicated that he understood there to be a checklist of agency contacts, including WDFW, for the developer to notify the appropriate agencies.

Rupley acknowledges that Cowlitz County is not represented here today, but he knows that Cowlitz County has contracted with a private firm to meet their timeline of completing their critical habitat report which he believes is also due in December 2005.

<Lunch 12:30pm>

<Reconvene 1:00pm>

Project Updates

Federal Listing of Coho (threatened species)

Shrier informed the ACC that the listing was published on 6/28/05, and that PacifiCorp is seeking ways for the Habitat Preparation Plan to continue moving forward. Erik Lesko (PacifiCorp) is working on obtaining the scientific permitting in order to proceed. Shrier indicated that there will be some implications on PacifiCorp activities due to the listing.

Spawning Gravel Study

Stillwater Sciences is working on the re-write of the proposal after receiving comments from the ACC. PacifiCorp expects the submittal of the re-write in approximately two weeks. Stillwater determined that balloon aerial photography may be abandoned and replace with other aerial photography options.

Hatchery & Supplementation Plan

PacifiCorp has selected a consultant and Shrier will be meeting with them the end of July 2005.

Bathymetry Study

Deep water is complete, near shore work to be under way this Fall 2005.

Merwin Tail Race Study

Tagging to begin with summer steelhead. Hydroacoustic doing well; seeing fish going both ways. Not all data formal yet.

Entrainment Reduction Plan

Request for proposal out on 7/13/05.

Alaska Resources and Economic Development, Inc. (ARED)

Salmon Restoration Technique: Tod Jones, Senior Director/Fisheries Development Manager presented a 13 minute DVD to the ACC. ARED is a 501C3 educational organization. Their focus is working on getting technology into restoration projects. More details can be located at the following website address:

<http://www.ared.net/>

Miscellaneous

Next Scheduled Meetings

Thursday, August 11, 2005 (Merwin Hydro Facility)

Thursday, September 8, 2005 (location TBD)

Thursday, October 13, 2005 (Merwin Hydro Facility)

Agenda items for August 11, 2005

- Review of 7/14/05 meeting notes
- Completion of Aquatic Fund Document
- Maps on Acclimation sites
- Project Updates

Meeting Adjourned at 2:00pm

Handouts

- Final Agenda
- Draft Meeting Notes 6/9/05
- Lewis River Aquatic Funding Process Document (version 070805)
- LCFRB Habitat Work Schedule – Upper NF Lewis Subbasin