

FINAL Meeting Notes
Lewis River License Implementation
Aquatic Coordination Committee (ACC) Meeting
July 12, 2012
Conference Call

ACC Participants Present (10)

Adam Haspiel, USDA Forest Service
David Hu, USDA Forest Service
Kimberly McCune, PacifiCorp Energy
Erik Lesko, PacifiCorp Energy
Frank Shrier, PacifiCorp Energy
Chris Karchesky, PacifiCorp Energy
Pat Frazier, WDFW
Eric Kinne, WDFW
Peggy Miller, WDFW
Chris Maynard, WDOE

Calendar:

August 9, 2012	ACC Meeting	Merwin Hydro
September 13, 2012	ACC Meeting	Merwin Hydro

Assignments from July 12, 2012 meeting	
McCune: Email last version of Project Delay Schedule to the ACC.	Complete – 7/12/12
Kinne: PacifiCorp needs a budget for coho and fall Chinook from WDFW, sooner than later.	Complete
Lesko: Contact Kinne to set up a date and time to discuss the use of Ponds 15 as a temporary release pond site.	Pending as of 8/9/12
Shrier: Lewis River Hatchery Ladder Dredging – Obtain written approval from WDFW, NMFS and USFWS for reducing flows to 600cfs for one day during the work period.	Complete

Assignments from June 14, 2012 meeting	
Shrier: Confirm if modifications to FSC screens have been completed yet and report results to Eric Kinne (WDFW).	100%
Rose: Schedule an Acclimation Pond Subgroup meeting to include appropriate Forest Service staff to discuss FS concerns, timing, etc. for the Crab Creek Alternative site.	Complete – meeting took place on 8/3/12

Assignments from January 12, 2012 meeting	
Coordinate a summer tour of the Swift Downstream Collector Construction for the Cowlitz tribal council. (One month delay was recommended. Shannon Wills to confirm with Tribe leadership). <i>June 2012: Frank Shrier added that it might be easier, and better for access, to wait until the trestle has been floated down.</i>	Pending

Assignments from February 9, 2012 meeting	
Discuss Crab Creek Acclimation Pond alternatives at the next ACC meeting.	Complete – 6/14/12
Assignments from March 8, 2012 meeting	Status
Murdock - indicated that she will email literature to Shrier regarding Yakama Nation acclimation reports. <i>July 2012: Shrier is still awaiting information.</i>	Pending as of 7/12/12
Kinne - will get some information for the ACC on the White River acclimation and any other information his agency might have.	Pending as of 7/12/12

Opening, Review of Agenda and Meeting Notes

Frank Shrier (PacifiCorp) called the meeting to order @ 9:00 a.m. Shrier requested all attendees identify themselves for the benefit of all attendees on the conference call. The ACC reviewed the agenda and no new topics were added. The pending assignments and June 14, 2012 meeting notes were reviewed and accepted at 9:15am to include edits received via email from Pat Frazier (WDFW) as indicated on page 3, Acclimation Pond Site (Crab Creek Alternative), Paragraph 3 (last sentence), “WDFW suggested that the FS staff that has concerns about this site should be present at the meetings so that the ACC can fully understand and address their concerns”.

Kim McCune (PacifiCorp) will finalize the meeting notes for posting to the Lewis River website.

WDOE/PacifiCorp meeting to discuss Swift Bypass Gravel

Shrier informed the ACC that Chris Maynard (WDOE) invited all interested parties to join WDOE on July 24, 2012 to look at bypass reach conditions in the Swift 1 natural channel after spill events this past Spring.

Acclimation Pond/Crab Creek Discussion: Field Notes Approval and Extension

The ACC reviewed the ACC Acclimation Sub-Committee Field Evaluation Summary dated April 30, 2012 to include edits received via email from LouEllyn Jones (USFWS), see [Attachment A](#). The notes were approved to include Jones’ edits in addition to a point of clarification requested by Pat Frazier (WDFW). The following will be added to Section 3, last paragraph, “Shrier suggested that the Acclimation Pond Subgroup should schedule another meeting that includes USFS staff that has concerns about the Lower Falls site so that the subcommittee can fully understand and address their concerns. Shrier and Bob Rose (Yakama Nation) will take the lead.

Shrier informed the ACC attendees that the Cowlitz Indian Tribe and the Yakama Nation will be scheduling another Acclimation Pond Subcommittee meeting. Shannon Wills (Cowlitz Indian Tribe) will be speaking with Bob Rose (Yakama Nation) and will contact PacifiCorp in the very near future as soon as a couple of meeting dates have been determined.

Adam Haspiel (US Forest Service) expressed to the ACC attendees that there is visual concern over locating the acclimation Pond at the Crab Creek site. Frazier too has a concern about the memorial weekend text saying that he originally heard “Pond structure out by Memorial Day” but that had changed to May 15th, then May 1st and would like to discuss further at the next Acclimation Pond Subcommittee meeting.

Shrier communicated the importance of the sub-committee meeting with the USFS staff and pounding out an alternative that could work at this site before PacifiCorp launches yet another design effort. He said PacifiCorp Management is not willing to spend any further dollars on design until all parties can commit to a site and design without reservation.

Frazier asked why the ACC is having discussions around Crab Creek when he thought this site was being eliminated. Shrier replied that Shannon Wills (Cowlitz Indian Tribe) remains interested to keep the Crab Creek site on the table for additional consideration.

Study Updates

Hatchery & Supplementation Program

Erik Lesko (PacifiCorp) communicated to the ACC that a Subgroup meeting has been scheduled for July 18, 2012. It appears that this year there will be no spring Chinook transported upstream of Swift due to low number of returns. However, PacifiCorp is still planning on spawning surveys in the upper watershed for early coho later in the fall. Lesko will share the survey locations with the ACC at the August meeting.

Hatchery Upgrades -

Lewis River Hatchery Upstream Intake (USI)

Inspection of the USI damage is complete and fabrication of parts is underway. Work will be completed during the month of August. Permits complete.

Lewis River Hatchery Ladder Dredging: Permitting is complete for this project. Flows will be reduced to 600cfs for one day during the work period pending written approval from WDFW, NMFS and USFWS.

Merwin Rearing Ponds

Remaining two ponds scheduled for completion after the fishing derby is completed at the hatchery on Saturday, July 14, 2012.

Woodland Release Ponds

Shrier reminded the ACC attendees about the potential of using Pond 15 but a meeting with WDFW is needed to discuss the details. Lesko will be contacting Kinne to set up a date and time to meet.

M&E Plan Implementation

No upper river monitoring; will begin until we transport coho in the Fall of 2012. PacifiCorp will conduct lower river spring Chinook surveys. PacifiCorp needs a budget for coho and fall Chinook monitoring from WDFW, sooner than later. Kinne will send proposed meeting dates to Lesko later today.

Merwin Upstream Construction Status

Eulachon and rock void issued solved. Project is moving along now with no problems.

Swift Downstream Collector Construction Status

PacifiCorp's contractor is moving the Floating Surface Collector down to mooring tower on July 13, 2012. Preparing to attach to net transition structure some time after that; submerging the collector is a ways off. Media release going out to the public today. Marine patrol services will be on site to maintain 500' distance for public safety while the Floating Surface Collector is being moved. All is on schedule and doing well.

Future Fish Passage Facilities New Information Status

Waiting for Procurement to complete negotiations with the contractor.

Yale Spillway Barrier Net

Slated to go in Fall 2012. All county approvals and permitting are in place.

Note: PacifiCorp biologists caught a male steelhead (kelt) at the lower end of the Swift bypass reach during bull trout collection surveys. The steelhead appeared to be very health and had reconditioned well (i.e., color was turning silver and spawning colors had faded. This is evidence that steelhead spawning naturally are moving through the system and reconditioning on their own.

10-Slip Boat Dock Application (Shoreline Management Plan)

Kim McCune (PacifiCorp) communicated to the ACC attendees that PacifiCorp responded to a concern that LouEllyn Jones (USFWS) expressed about actions that could affect a listed species and whether there is a Federal nexus. A copy of Jones' email and PacifiCorp's response has been included as [Attachment B](#). Shrier reminded the ACC that, in this instance, ACC and TCC approval is not needed.

<9:40 a.m. meeting adjourned >

Agenda items for August 9, 2012

- Review July 12, 2012 Meeting Notes
- Study/Work Product Updates
- Acclimation Pond/Crab Creek Discussion
- Swift Bypass Update
- M&E Evaluation – Salmon in the Upper River

Public Comment

None

Next Scheduled Meetings

August 9, 2012	September 13, 2012
Merwin Hydro Control Center	Merwin Hydro Control Center
Ariel, WA	Ariel, WA

9:00 a.m. – Noon	9:00 a.m. – Noon
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Meeting Handouts & Attachments (sent via e-mail)

- Notes from 6/14/12
- Agenda for 7/12/12
- **Attachment A** – ACC Acclimation Sub-Committee Field Evaluation Summary, dated April 30, 2012
- **Attachment B** – PacifiCorp and USFWS email correspondence re 10-Slip Boat Dock Application, dated June 25, 2012

Summary - ACC Acclimation Sub-Committee
Field Evaluation, April 30, 2012

This past Monday, April 30 six members (a subcommittee) of the ACC toured the upper Lewis River watershed to evaluate potential sites for salmonid acclimation. This is in response to some complications that were recently identified with the Crab Creek site, which necessitated a reconsideration of other options. In attendance were Frank Shrier, Adam Haspiel, LouEllyn Jones, Eric Kinne, Jim Byrne and myself, Bob Rose.

Adam provided the group with a tour agenda, including a brief narrative and maps of the sites that we visited. This is attached as Appendix A. Other than persistent rain, this was a good day to visit the sites, as the river flows were pretty high and it helped our understanding of what a site would look like under these conditions - which was not necessarily considered "extreme" flow conditions.

In short, we visited four sites for review: (1) Curly Creek, (2) 90480 Decommissioned Road, (3) Crab Creek, and (4) Lower River Falls Campground. We did not feel the need to visit the Quarts Creek site, due to its location (and associated issues that places it lower in priority), it was getting late in the day, and folks were just plain wet. There was excellent discussion at each of the sites focusing on some pros, cons and implementation considerations.

We also looked at Eagle Cliff which could be used with a temporary pond. The pluses of this, from a Section 7 consultation standpoint include: 1) the site is already developed, 2) could use an existing side channel, 3) would not need to remove trees, armor the banks or place in water structures.

A brief synopsis of these discussions are as follows:

(1) Curly Creek is just too low in the system, and the site is less than "ideal". I do not believe there is much interest from any of the group to move forward with additional evaluation of Curly Creek at this time. Pluses from a Section 7 consultation standpoint: 1) this is already a developed site, 2) could put in a temporary pond here with a pipe to the creek, so no inwater structures or bank armoring, 3) would not involve tree removal, so insignificant effect on spotted owl critical habitat.

(2) 90480 Decommissioned Road does have an interesting backwater pool associated with a side channel that, with relatively minimal disturbance could be suitable for acclimation. One obstacle is reopening the decommissioned road, and then bringing a truck to an area close to the river. The road bed is in pretty good shape, apparently from significant hardening when active - but it is a bit steep in places. Fish would be

"piped" from the truck - approximately 100+/- yards to the acclimation site. The functional area of the acclimation pool is about 2500 - 3000 square feet, so a bit smaller than the envisioned Crab Creek site. Much of this area (30-40%?) has less than 2 feet water depth, at the present flow. This would also be an ideal situation for predators (otters) to stage and feast. I believe there was some interest in considering this site in the future, but clearly, there are issues (both technical and procedural) that will need to be better defined and addressed to make this a viable option.

From a Section 7 standpoint, this site presents more potential to affect spotted owl and bull trout critical habitat. This site has suitable habitat for spotted owls and is relatively undisturbed, so tree removal, and building an access road to the pond could affect spotted owl critical habitat. Placement of permanent structures (large wood or rock) in the river was also discussed, which could affect bull trout critical habitat. These actions would likely trigger a formal consultation.

(3) Crab Creek site was reviewed from the bridge, in the pouring rain. There was some discussion that water could be taken from both Crab creek and an ephemeral non-fish-bearing stream just below the bridge to feed the acclimation facility, if it were located on the left-bank, below the bridge. The site is close to the road, and sufficient space likely exists to provide for this facility. Due to the rain, this was not a well vetted discussion. One personal observation that I will offer, if water for acclimation would come only from these two tributaries, and these tributaries contribute <2% (estimated) flow to the Lewis, are we really acclimating the fish to this site?? Don't we really want to use Lewis River water to acclimate to the Lewis River??

Pluses from a Section 7 consultation include: this is a developed site already, no need for tree removal, using a temporary tank, no building in water structures or bank armoring.

(3) But it was interesting to look at the Crab Creek site under these higher flow conditions. It is difficult to envision a "net structure" in the channel that would survive this condition, unless significant infrastructure is put in place. Regardless, there remains an interest by some of the group members to keep the Crab Creek site on the table, but additional definition of just how this site would be developed is needed.

(4) Our last stop was the Lower River Falls Campground. This site has existing access to the river, and available space for a "facility" to be established above the falls (approximately 100 yards above the falls). The common vision is to set up a temporary structure (tank) at the river's edge at the campground, and gravity feed water. It is estimated that a pipe running approximately 200 feet upstream could provide sufficient water. When fish are ready, they would be released above the falls (not volitional), or they could be trucked below the falls and released. Due to the relatively swift water at the release site, it is not likely they would be inclined to move

upstream. All members recognize the potential for disease transmission. But this risk is likely minimized due to the high propensity of downstream movement upon release and that the next impassable falls is only one mile upstream, thus blocking access to the upper watershed. Some members of the group do not believe that the falls would inflict significant mortality on the juveniles. The facility would be removed from the recreation area each year prior to Memorial Day weekend. For these reasons (and probably others), there seems to be general agreement that this site warrants continued evaluation by the ACC.

From a Section 7 standpoint, pluses of this is: it is an already developed site. It is above an impassable fish barrier. Use of a temporary pond tank, no need for tree removal or inwater structures also gives this option less significance in terms of effects to critical habitat.

In summary, no sites were identified as a preferred option. Each of the sites have pros and cons: Adam has started to outline these and I will recommend we flesh these out a bit more within the ACC forum. The group benefited from the field visits, although the rain did dampen some of the discussion that needs to occur. There seems to be strong consensus to move forward with a site selection and begin the necessary processes. Adam will brief the appropriate USFS staffs about the results of these discussions and report back to the ACC as soon as possible.

McCune, Kimberly

From: Weatherly, Briana
Sent: Monday, June 25, 2012 10:11 AM
To: LouEllyn_Jones@fws.gov
Cc: McCune, Kimberly
Subject: RE: ACC Assignment: 10-Slip Boat Dock Application

Hi Lou Ellyn,

As you state, Mr. Sauer's proposal to build a boat dock may have a Federal nexus through the requirement for a Department of Army permit under Section 404 of the Clean Water Act. It is the sole responsibility of Mr. Sauer to apply for all required local, state or federal permits for his proposed action. If a Department of Army permit is required, Section 7 consultation between the Corps and USFWS will be required.

Mr. Sauer is a private citizen, proposing the construction of a dock on private property. FERC review and approval is required for the construction of private use boat docks with more than 10 boat slips within a FERC project boundary. Mr. Sauer has proposed a private use dock with 10 boat slips, so there is no Federal nexus through the FERC license for this project.

Thanks.

Briana Weatherly

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From: LouEllyn_Jones@fws.gov [mailto:LouEllyn_Jones@fws.gov]
Sent: Monday, June 25, 2012 8:58 AM
To: McCune, Kimberly; Weatherly, Briana
Subject: Re: ACC Assignment: 10-Slip Boat Dock Application

Hi Kim.

FYI:

For actions that could affect a listed species (such as building boat docks in waters that contain bull trout), we look at whether there is a Federal nexus. If the action needs to be permitted by a Federal agency, there is a Federal nexus. If the Corps does require a permit, that is a Federal nexus, and the Corps would probably consider this project to have a potential to affect bull trout. If they did, they would request Section 7 consultation with FWS.

If the Corps does not need to issue a permit, it is unclear to me whether permission to build the boat dock has a Federal nexus through the FERC license. It seems to me that this might be part of what you would want to clarify and also communicate to Mr. Sauer. Thanks.

Let me know if you have any questions.

"People from a planet without flowers would think we must be mad with joy the whole time to have such things about us."
- Iris Murdoch

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"McCune, Kimberly" <Kimberly.McCune@PacifiCorp.com>

To undisclosed-recipients

cc

06/19/2012 11:01 AM

Subject ACC Assignment: 10-Slip Boat Dock Application

Attn: ACC Participants

Assignments from June 14, 2012 meeting

McCune: Provide clarification if ACC/TCC approval and a Corp permit is required for the 10-slip dock application on Swift Reservoir.
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One of many goals of the Shoreline Management Plan (SMP) on PacifiCorp "Project Lands" is to protect and maintain the shoreline's natural and cultural resources, and maintain natural habitats and aesthetics. If any applicant applies for a Shoreline Use Permit on PacifiCorp "Project Lands" the SMP and its corresponding Handbook provide the guidance. Additionally, in review of any shoreline project, PacifiCorp considers the shoreline designation, land ownership, and structural integrity of a new facility. If the proposed project is allowable within conditions of the SMP, PacifiCorp will issue a preliminary approval letter advising the applicant PacifiCorp sees no potential negative impact from cultural, engineering or operational perspectives that may be caused by the installation of the improvement on the shoreline. PacifiCorp will then give consent for the

applicant to pursue all necessary jurisdictional approvals or exemptions there-from. The Shoreline Management Plan and the corresponding Handbook both direct applicants to potential jurisdictions from which they may have to request consent, but also advises the applicant it is their responsibility to ensure they contact all necessary jurisdictions. In a case like the above-referenced 10-Slip Boat Dock application, it is reasonable to assume they will have to obtain consents from the county, WDFW, ACOE (the Corp) and WADNR at the very least.

The 10-Slip Boat Dock application is for the purpose of installing a “private” use boat dock on Swift Reservoir for use only by occupants of a new residential development. The structure will be built on land owned by Mr. Gerald Sauer. This project is not on PacifiCorp land and it is in a shoreline area designated as “Integrated use” which allows installation of community dock structures. The request to install this private use dock does not require approval from the Lewis River Terrestrial Coordination Committee or Aquatic Coordination Committee because if installed, it will be located in an area designated as an Integrated Use area. Only those project applications that request a waiver of SMP conditions in order to place a structure on “Resource Use” lands need Committee approval.

Further detail on the SMP and the corresponding Handbook can be located on PacifiCorp’s Lewis River website at:

<http://www.pacificorp.com/es/hydro/hl/lr.html#<License Implementation>, <SMP>>

Thank you.

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