

# Final Conference Call Minutes

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## *Aquatic Settlement Work Group*

**To:** Aquatic SWG Parties **Date:** December 11, 2013  
**From:** Michael Schiewe, Chair (Anchor QEA, LLC)  
**Re:** Final Minutes of the November 13, 2013 Aquatic SWG Conference Call

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The Aquatic Settlement Work Group (SWG) met by conference call on Wednesday, November 13, 2013, from 10:00 a.m. to 11:45 a.m. Attendees are listed in Attachment A of these meeting minutes.

## **I. Summary of Action Items**

1. The Yakama Nation (YN) and the Colville Confederated Tribes (CCT) will develop an agreed-upon revised draft White Sturgeon Stocking Proposal for Aquatic SWG review (Item VI-2).
2. Douglas PUD will contact the Federal Energy Regulatory Commission (FERC) for clarification regarding actions requiring a license amendment, as it pertains to a White Sturgeon Stocking Plan (Item VI-2).
3. The Aquatic SWG will review the draft Phase One White Sturgeon Management Plan (WSMP) Monitoring and Evaluation (M&E) Study Plan, and will provide comments to Andrew Gingerich no later than Friday, November 29, 2013 (Item VI-3).
4. Douglas PUD will provide the Johnson et al. paper received from Bao Le to Kristi Geris for distribution to the Aquatic SWG. The paper evaluates a similar situation that is being addressed at the Wells Dam count window area regarding uneven hydraulics and flow separation due to currently installed infrastructure (Item VI-5).

## **II. Summary of Decisions**

1. There were no Statements of Agreement (SOAs) approved at today's meeting.

### III. Agreements

1. The Aquatic SWG members present agreed to continue discussions regarding the potential removal of the upstream ramp exiting the Wells Dam count window area at the Aquatic SWG meeting on December 11, 2013 (Item VI-5).
2. The Aquatic SWG members present agreed to continue discussions regarding future plans for the Douglas PUD Adult Lamprey Passage and Enumeration Study at the Aquatic SWG meeting on December 11, 2013 (Item VI-5).

### IV. Review Items

1. Kristi Geris sent an email to the Aquatic SWG on October 30, 2013, notifying them that the Phase One WSMP M&E Study Plan is out for a 30-day review period, with comments due to Andrew Gingerich no later than Friday, November 29, 2013.

### V. Reports Finalized

1. There are no reports that have been recently finalized.

### VI. Summary of Discussions

1. **Welcome, Agenda Review, and Meeting Minutes Review** (Mike Schiewe): Mike Schiewe welcomed the Aquatic SWG members (attendees are listed in Attachment A) and opened the meeting. Schiewe reviewed the agenda and asked for additions or other changes to the agenda. Chas Kyger added a discussion of potential modifications to the Wells Dam count window area.

The revised draft October 9, 2013 meeting minutes were reviewed. Kristi Geris said that all comments and revisions received from members of the Aquatic SWG were incorporated in the revised minutes, and that there were no outstanding edits or questions remaining to be discussed. The Aquatic SWG members present approved the October 9, 2013 meeting minutes, as revised.

2. **DECISION: White Sturgeon Stocking** (Andrew Gingerich): Andrew Gingerich said that Douglas PUD had hoped to reach agreement today on a White Sturgeon Stocking Plan; he added, however, that he is aware there is still uncertainty with some of the elements of the plan. He noted the meaningful discussion that took place about white sturgeon stocking at the last Aquatic SWG meeting on October 9, 2013; and per Douglas PUD's action item, a draft White Sturgeon Stocking Proposal (Attachment B) was distributed to the Aquatic SWG by Kristi Geris on October 30, 2013. Gingerich noted that the draft proposal and the draft Phase One WSMP M&E Study Plan were combined into a single document (i.e., Attachment B). He said that the CCT then developed an alternative draft White Sturgeon Stocking Proposal (Attachment C), which was distributed to the Aquatic SWG by Geris on November 5, 2013.

Chad Jackson said that Washington Department of Fish and Wildlife (WDFW) supports either proposal. Bob Rose said that, at this time, the YN is not ready to approve either proposal. He added that the YN has a few ideas that they would like to continue to develop and discuss with WDFW and the CCT, and then present to the Aquatic SWG. He anticipates that an agreement can be reached within the next week or so. Mike Schiewe suggested establishing a 1- to-2 week deadline for a check-in, and Rose agreed. Jason McLellan concurred with Rose's plans, and said that CCT staff is planning to meet with the YN to discuss issues and alternative proposals. He said these discussions will also involve WDFW, and he agreed to a 1- to 2-week deadline for a check-in or decision. Steve Lewis said that the U.S. Fish and Wildlife Service (USFWS) is still considering both proposals, and he agreed that a 1- to 2-week deadline is reasonable. He added that, although USFWS is not favoring either proposal at this time, the CCT's proposal seems to have more flexibility. Pat Irle said that she is pleased to hear that principal parties are discussing the issue and looking to find a workable solution. She added that Washington State Department of Ecology's (Ecology's) main interest is that decisions are scientifically based.

Gingerich summarized that as of today there is not unanimous consent on either of the two current proposals. Schiewe suggested that the YN and the CCT move forward with discussions and develop a draft proposal to which they both agree, which can then be distributed to the Aquatic SWG for email concurrence. He noted that if the signatories prefer to discuss anything prior to concurrence, a conference call can be arranged as needed. Gingerich noted that if a revised approach is developed, Douglas PUD will need additional time for internal review. He also noted that after a plan is approved, Douglas PUD will need time for implementation. Schiewe recommended, in the interest of moving forward in a timely manner, that the YN and the CCT provide a draft for review within one week. The Aquatic SWG agreed to this plan, and the YN and the CCT agreed to develop a revised draft White Sturgeon Stocking Proposal for Aquatic SWG review.

Schiewe reminded the Aquatic SWG that the WSMP stipulates specific stocking numbers, and if the approved stocking plan deviates from the WSMP, it may become an issue that has to be reviewed and approved by FERC. McLellan said that he believes the language in the WSMP is vague enough that FERC review is unnecessary. He said that it was implied that releasing 5,000 fish is required; however, the language in the WSMP specifically states "up to 5,000" with a total number following in parentheses. He indicated that this language leaves room for interpretation. Gingerich disagreed and noted pages 50 and 51 of the Wells Project FERC license, where Article 401(c) states that a revision to the schedule will require additional actions, such as the potential for a license amendment. He added that Douglas PUD is reluctant to request a modification of the license immediately following the issuance of the new license especially since the first year of stocking has not been implemented.

Gingerich recommended that the Aquatic SWG review pages 50 and 51 of the Wells Project FERC license, and also Section 4.1.2 of the WSMP. He said that Douglas PUD is not necessarily opposed to stocking less than 5,000 fish; rather, he wants people to be aware that doing so will require additional documentation and license action, and if additional actions are preventable Douglas PUD would tend to stick to the original stocking plan, especially for Phase I. Jackson recommended that Douglas PUD contact Grant PUD and Chelan PUD because they both have deviated from their respective licenses where no amendment was required. Gingerich said that may be correct for their licenses; and noted, however, that the language and obligations for sturgeon stocking numbers are different in each management plan. He added that the license orders for Grant PUD and Chelan PUD are not as specific in terms of requirements for license modifications and amendments, unlike Douglas PUD's. McLellan asked if clarification could be obtained regarding what actions would require a license amendment, and Gingerich said that he will contact FERC for more information.

Gingerich said that regardless of FERC consent, unanimous consent within the Aquatic SWG is still needed—whether it is 4,000 fish or 5,000 fish. Lewis asked for a summary of differences between the two current proposals. Schiewe said that Douglas PUD is proposing a 50/50 split between the larval and direct gamete programs (i.e., 2,500 larvae and 2,500 direct gamete fish; see Attachment B). McLellan said that the CCT's ultimate preference would be for no direct gamete take fish in the Wells Pool. He said that this is because of the long-term risks for inbreeding and reduction in the effective population size. He said, however, that the CCT recognizes the need to compromise, so they proposed a prorated number of offspring from the direct gamete fish. He explained that two three-by-three (3x3) crosses would have resulted in 18 half-sibling families; and if one were to divide 2,500 by 18 (2,500/18) stocking per family would be 139 fish. Therefore, the CCT is proposing releasing 139 fish from each direct gamete take cross ( $n = 11$ ) for a total of 1,529 direct gamete take origin fish, in addition to the wild larvae origin fish (see Attachment C).

Gingerich said that one concern that Douglas PUD has with the CCT's proposal regards the numerator (i.e., 2,500) in the 2,500/18 half-sibling family equation used to calculate 139 fish. He said that Douglas PUD considers that the original Broodstock Collection and Breeding Plan that was approved and filed with FERC specified an original target of 5,000 fish; as such, the numerator should be 5,000, doubling the number of fish appropriate per family group. Gingerich said that another concern with the CCT's proposal is how risk is assessed, and he added that qualifying genetic risk is difficult to do. He said that, ultimately, the genetic diversity currently on station is already greater than what was approved as acceptable if only broodstock were available. McLellan noted recent modeling and genetic work indicating that supplementing with hatchery fish through direct gamete take, over time, will result in domestication and high levels of

relatedness. He argued that there would be no increase in diversity with the inclusion of direct gamete take fish. Gingerich reiterated that Douglas PUD needs to work within the bounds of their FERC license. He said that the first order of business is to develop a plan that everyone can agree to.

3. **REMINDER: White Sturgeon M&E Review** (Andrew Gingerich): Andrew Gingerich said that Kristi Geris sent an email to the Aquatic SWG on October 30, 2013, notifying them that the draft Phase One WSMP M&E Study Plan (Attachment B) is out for a 30-day review period, with comments due to Gingerich no later than Friday, November 29, 2013. Gingerich said that the document was developed to specifically address those measures found in the monitoring and evaluation objectives of the WSMP. He added that following the review period, he hopes to obtain approval of the plan so that Douglas PUD can move forward with implementation.

Steve Lewis asked if the number of tagged fish can be increased to assist comparing the two stocking proposals. Gingerich said that all fish, regardless of source, will be given a passive integrated transponder (PIT) tag and year-specific scute mark prior to release, which is a requirement of the WSMP. He added, however, that the primary objective of the M&E plan is to evaluate survival—not to compare programs. Jason McLellan said that he thinks Lewis was referring to a stocking question that is being discussed in other forums; and that is, if the stocking number is less than that of a full release, and in the interest of addressing M&E, whether the PUDs could still purchase and acoustic tag the same number of fish as if it were a full release. He said the reasoning is that much of the M&E information is expected to be derived from the telemetry data. He said the argument is that some are suggesting higher release numbers, while others are suggesting more tags. Gingerich said that the WSMP states that 1% of each release group will be given acoustic tags, with a maximum of 50 tags per year (if the release was 5,000 fish). He added, however, that Douglas PUD could potentially consider tagging more than 1%. He also added that M&E does not start until 2015; and suggested prioritizing recapture and acoustic tagging 50 of those fish from the 2014 release. McLellan asked if Douglas PUD plans to acoustic tag recaptured fish only, and Gingerich said only for the 2014 releases, as described in the M&E Study Plan. Gingerich explained that in subsequent years, a portion of fish will be tagged in-hatchery, and a portion will be tagged as recaptures. He said this methodology accomplishes gathering of two types of data: 1) habitat use data from those fish surviving after one year of release; and 2) retention data from fish tagged in-hatchery.

McLellan said that the CCT plans to provide comments on the M&E Study Plan; and if the plan goes out for Request for Proposal (RFP), the CCT would also be interested in submitting a proposal. He noted, however, that this raises the issue of a conflict of interest (COI). He said that the CCT may be perceived as in conflict while commenting on the study plan. Gingerich recalled the lack of support for an Aquatic SWG COI Policy

and stated that, after internal discussions, Douglas PUD had decided to not pursue a COI Policy for the Aquatic SWG at this time. He said Douglas PUD hopes that the Aquatic SWG can review the technical merits of the M&E Study Plan and how it speaks to the WSMP, without involving contracting. Bob Rose asked whether, in this case, a COI would be avoided if Douglas PUD selects the contractor. Gingerich said that he believes McLellan was alluding to the concern that if an entity evaluating a technical proposal is also planning to apply to conduct the work, their edits may be swayed to their skill set; and then the PUD would be swayed by the technical skill set included in the plan. As such, Gingerich noted that there is probably not a perfect way to completely remove the COI even if Douglas PUD is responsible for hiring the contractor. He added, however, that short of having a COI, Douglas PUD would try and keep the selection of the contractor independent of the proposal development since the COI proposed was not supported by the Aquatic SWG. Rose agreed and suggested that there are often checks and balances naturally in place that resolve COIs. Mike Schiewe said he understood their concerns about a potential COI; he added, however, that he is unaware of any scientific organization that would allow potential contractors to participate in developing a study plan that they would ultimately be competitively bidding to conduct. He said he understands that locally it becomes problematic because the Mid-Columbia is a small community. However, he said that without a COI policy, Douglas PUD (as the contracting entity) will make all the decisions; ideally, they would like the Aquatic SWG to assist in the development and approval of detailed study plans. Pat Irle added that she understood the COI issue but that she values the technical expertise that the Aquatic SWG has to offer.

Chad Jackson said he felt it was odd that this level of detail was already being discussed. He said that, in his experience, the first step is to approve a set of elements; and then during the RFP process, the individual contractors would be asked to present a methodology for achieving those elements. He added that it seems the process is backwards. Rose said that occurred to him, too. Gingerich disagreed, and said he believes that specific study questions and parameters should first be determined based on the WSMP; and from there, the technical process is complete. Irle said that she supports Douglas PUD's approach because the technical experts can determine what needs to be achieved, and what is adequate; and then proposers need to adhere to what is agreed upon by the Aquatic SWG. Jackson argued that, at this point, only the metrics to evaluate need to be identified (e.g., annual fish growth); and then the contractors should identify methods to evaluate those metrics. Gingerich noted that this M&E Study Plan is not inconsistent with other study plans—it is a document containing a certain level of specificity, and once it is approved, a contractor will be hired to do the work. He added that RFPs without specificity often raise the issue of a COI. McLellan asked if comments on the M&E Study Plan can include alternative approaches. Gingerich said yes, but he recommended that edits and comments speak

directly to the goals and methods written in the WSMP. He also welcomed any level of specificity as reviewers see fit.

The Aquatic SWG agreed to review the draft Phase One WSMP M&E Study Plan, and to provide comments to Gingerich no later than Friday, November 29, 2013.

4. **Notice of License Implementation – Year 2 (November 1, 2013)** (Andrew Gingerich): Andrew Gingerich notified the Aquatic SWG that as of November 1, 2013, Douglas PUD entered Year 2 of their Wells Project FERC license. He thanked the Aquatic SWG for their help in meeting Year 1 requirements of the license. He said he reviewed the Aquatic SWG 2013 Action Plan to verify that Douglas PUD was on track to complete all tasks outlined for this calendar year. He said one item that has not been completed is a Bull Trout PIT Tagging Summary. He said that bull trout behavioral data are being evaluated in the Methow basin in lieu of the Radio Telemetry (RT) Study at Twisp Weir. He said tagging and behavioral data are consistent year over year.

Gingerich said to contact him with any questions regarding the Aquatic SWG 2013 Action Plan.

5. **Potential Modifications to the Wells Dam Count Window Area** (Chas Kyger): Chas Kyger recalled that last year, grating and ramps were installed in the Wells Dam count window area to improve fish enumeration. He said that this year during salmon counting, the counters noticed fish swirling back and forth through the count window, making accurate fish counting very difficult. He said that the HCP Coordinating Committees were considering options for resolving the counting problem. He said they were likely to recommend either removal of the upstream ramp or decreasing the approach angle. He added that videos of the count window show lamprey free swimming through the area, which suggests that the ramps are not aiding lamprey passage. Bob Rose asked about the ability to remove the ramps and reinstall them later if needed. Kyger replied that it would not be difficult at all; and Andrew Gingerich added that the bigger challenge is the narrow maintenance window to do the work. He also added that the maintenance period is only about a month and a half, which is now quickly approaching.

Gingerich said that, based on the Coordinating Committees' assessment and the video of the count window area, Douglas PUD's recommendation to the Aquatic SWG is to remove the upstream ramp. Rose asked if the ramps were specifically designed and installed for lamprey. Kyger said that only a downstream ramp was initially planned to be installed; however, based on comments received, an exit ramp was also installed. He said one reason why the upstream ramp may be causing issues is because the area is narrow with no grating, and so water is deflected more than it is on the downstream side.

Schiewe noted that Bryan Nordlund initiated this discussion; and Gingerich added that the HCP Coordinating Committees first became interested in this issue because Wells Dam fell behind on counts, largely due to the swirling fish problem. Rose said he did not see any compelling reason to not remove the ramps. Bao Le noted a paper by Johnson et al. that evaluates a similar situation at John Day Dam. He said the paper also recommended removing the ramps as a possible solution. Le provided the paper to Douglas PUD for distribution to the Aquatic SWG.

Steve Lewis asked if the ramps are instrumental in preventing lamprey from bypassing the count window area. He also recommended reviewing past video footage to see if lamprey were free swimming through the count window area prior to the installation of the ramps. He added that lamprey free swimming through the count window area could be attributed to the translocation of larger Bonneville fish, versus smaller fish that cannot free swim through the area. Kyger said the upstream ramp does not affect the bypass area, so removal of the ramp should have no impacts. He said that Douglas PUD can review past video footage, but he noted that there was limited lamprey passage in past years.

Rose asked about the velocity through the count window area, and Kyger said that velocity through the count window has not changed. Schiewe asked if salmon issues under the HCP are prioritized over lamprey issues under the Aquatic Settlement Agreement. Kyger said if the HCP Coordinating Committees found that lamprey modifications negatively impacted salmon passage, then Douglas PUD would be obligated to make changes as needed. Schiewe noted that the HCP Coordinating Committees will discuss this issue at their next meeting on November 19, 2013. The Aquatic SWG members present agreed to continue discussions regarding potentially removing the upstream ramp of the Wells Dam count window area at the Aquatic SWG meeting on December 11, 2013.

Rose asked about the number of lamprey Douglas PUD planned for release in front of Wells Dam in 2014 for the Adult Lamprey Passage and Enumeration Study. Kyger said that Douglas PUD is waiting for the 2013 results to help inform plans for 2014. Gingerich added that the 2013 data have been compiled, and are now undergoing quality assurance checks (e.g., weeding out false positives). A final report is expected by spring 2014. Rose requested that this topic be discussed further, and the Aquatic SWG members present agreed to continue discussions regarding future plans for the Douglas PUD Adult Lamprey Passage and Enumeration Study at the Aquatic SWG meeting on December 11, 2013.



## **VII. Next Meetings**

1. **Upcoming meetings** (Mike Schiewe): Upcoming meetings are as follows: *December 11, 2013 (conference call); January 8, 2014 (conference call); February 12, 2014 (conference call).*

## **List of Attachments**

Attachment A – List of Attendees

Attachment B – Douglas PUD Draft White Sturgeon Stocking Proposal

Attachment C – CCT Draft White Sturgeon Stocking Proposal

## Attachment A List of Attendees

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<b>Name</b>	<b>Role</b>	<b>Organization</b>
Mike Schiewe	SWG Chair	Anchor QEA, LLC
Kristi Geris	Administration/Technical Support	Anchor QEA, LLC
Andrew Gingerich	SWG Technical Representative	Douglas PUD
Chas Kyger	Technical Support	Douglas PUD
Bao Le	Technical Support	HDR Engineering, Inc.
Steve Lewis	SWG Technical Representative	U.S. Fish and Wildlife Service
Chad Jackson	Technical Support	Washington Department of Fish and Wildlife
Pat Irle	SWG Technical Representative	Washington State Department of Ecology
Jason McLellan	SWG Technical Representative	Colville Confederated Tribes
Bob Rose	SWG Technical Representative	Yakama Nation
Donella Miller	Technical Support	Yakama Nation