

**MEETING NOTES**  
**Stevens Creek Hydroelectric Project (FERC No. 2535)**

**Dominion Energy South Carolina, Inc.**  
**Fish Passage Technical Working Committee**

**May 9, 2023**

Final JAG 7/27/2023

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*ATTENDEES:*

Amy Bresnahan – DESC  
Caleb Gaston – DESC  
Ray Ammarell – DESC  
Paul Vidonic – Dominion  
Taylor Allen – Dominion  
Alison Jakupca – Kleinschmidt  
Jason Moak\* – Kleinschmidt  
Jenn Güt – Kleinschmidt  
Will Pruitt – Kleinschmidt  
Bill Post – SCDNR  
Elizabeth Miller – SCDNR

Ellen Waldrop – SCDNR  
Jason Bettinger\* – SCDNR  
Andy Herndon\* – NMFS  
Twyla Cheatwood – NMFS  
Kevin Mack – NMFS  
Derrick Miller\* – USFS  
Melanie Olds – USFWS  
Clint Peacock\* – GADNR  
Paula Marcinek\* – GADNR  
Rusty Wenerick\* – SCDHEC

\* attended virtually

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*These notes are a summary of the major points presented during the meeting and are not intended to be a transcript or analysis of the meeting.*

The purpose of the meeting was to develop the framework, goals, and charter of the Fish Passage Technical Working Committee (FPTWC)<sup>1</sup> that would be a component of the new license for the Stevens Creek Hydroelectric Project (Project).

Following a welcome and introduction, Alison, Kleinschmidt, began the meeting by requesting recent developments from the group regarding the New Savannah Bluff Lock and Dam (NSBLD). In summary, a federal appeals court struck down a U.S. District Court ruling that blocked the demolition of the NSBLD, allowing the U.S. Army Corps of Engineers (USACE) to proceed with their plan to replace the NSBLD with a rock weir. There are still a number of hurdles for USACE including receiving the Water Quality Certification from SCDHEC. Andy, NMFS, stated that he believed USACE's conceptual design of the fish passage spans the entire width of the Savannah River, and it is a nature-like fishway.

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<sup>1</sup> The name of the committee is likely to change prior to license implementation.

An update on the Augusta Diversion Dam (ADD) was provided by NMFS. A draft Biological Opinion (BiOp) for sturgeon is being developed and NMFS plans to file the BiOp and an updated fishway prescription for the ADD with the Federal Energy Regulatory Commission (FERC) by the end of June 2023. The prescription includes the ADD fish passage being constructed simultaneously with the fish passage at the NSBLD. NMFS assumes both fish passages (at NSBLD and ADD) will be built within 50 years.

The group then discussed what the target species for fish passage at the Project would be. NMFS is not anticipating sturgeon getting above the ADD. Blueback Herring was discussed as there are dam-locked, self-sustaining populations in the USACE reservoirs upstream of the Project. Blueback Herring are also present throughout the mainstem of the Savannah River within the Project reservoir, but under low flow conditions are not able to travel from the tailrace of the Thurmond Dam downstream. The Robust Redhorse was also discussed as the species is of interest in the older fishway prescription for the ADD. The USFWS is in the process of conducting a Special Status Assessment (SSA) on the Robust Redhorse (Eric Bauer with USFWS is the lead). Melanie, USFWS, explained that for an SSA the life history information is reviewed along with the current and immediate future conditions of the species based on the most recent and available scientific data. The SSA will go out for review and the FPTWC will have the opportunity to comment on it – Melanie stated she would keep the FPTWC in the loop. If the Robust Redhorse was listed as a species of interest for fish passage at the Project, the concern would be passing the species back downstream so there would likely be an incidental take statement. Striped Bass was not listed in the ADD prescription. American Shad and American Eel are currently the primary species of interest for fish passage at the Project.

Next, the group discussed the Diadromous Fish Restoration Plan for the Middle Savannah River: Strategy and Implementation Schedule (MSR Diadromous Fish Plan) document. Kevin, NMFS, noted that the overall goals of diadromous fish restoration in the Middle Savannah River has not generally changed since the document's publication, with the exception that dissolved oxygen enhancements have already been implemented. Kevin observed that what has changed is how to implement the goals and objectives.

The group discussed the potential trigger for fish passage, particularly of American Shad, at the Project. Essentially, monitoring would need to be conducted directly downstream of the Project to determine if/when American Shad were present. SCDNR agreed that monitoring was the best determination; however, Bill, SCDNR, inquired from NMFS about their purpose of getting American Shad above the Project as the species is currently successfully spawning below the NSBLD. Twyla, NMFS, replied that the population status and reproduction potential of American Shad in the Savannah River is unknown at this

time. The group discussed the American Shad data currently being collected through funding from the Atlantic States Marine Fisheries Commission. GADNR has been conducting abundance sampling below the NSBLD since approximately 2008 and SCDNR has been conducting juvenile monitoring (relative abundance) since approximately 2011. Bill confirmed that the data should be publicly available; DESC will add discussion on these two studies to the Project Aquatic Habitat Whitepaper. Bill commented that having a target number of adult spawning fish that triggers passage implementation seems appropriate. Twyla expressed concern about a target number being the trigger as NMFS does not want the Project fishway prescription to be similar to the one issued to the Parr Hydroelectric Project in that regard. Both Bill and NMFS agreed that fry augmentation is likely no longer necessary for the system, contrast to what is stated in the MSR Diadromous Fish Plan.

The group discussed what further research may be needed on the species of interest. NMFS stated that water quality was a concern in Stevens Creek regardless of the passage of fish above the Project because of the relative importance and biodiversity of the Stevens Creek subbasin, especially for mussels. The group was asked to consider the implications of both passing and not passing fish above the Project.

NMFS and USFWS further discussed plans for filing fishway prescriptions for the Project. NMFS is currently planning on filing whereas USFWS is considering a reservation of authority, which would give the agency the right to prescribe a fishway at such time they deem necessary. The group discussed the new language being proposed in the Federal Power Act for federal agencies prescribing fish passages. It does not change the agency's authority, but the new language requires more justification for the fishway prescription. It is NMFS belief that the process for executing a reservation for authority is not as clearly defined as the process for prescribing fish passage during relicensing, and NMFS has not exercised a reservation of authority for fish passage to date.

Alison asked Dominion to explain in more detail their involvement with the Diadromous Fish Restoration and Technical Advisory Committee (DFRTAC) for the Roanoke Rapids Hydroelectric Project in North Carolina. The DFRTAC makes decisions that are driven by science; if they do not possess the data to support a decision, the data is collected. For example, Dominion is conducting eel siting and population studies at Roanoke Rapids along with passage effectiveness studies. The DFRTAC structure allows more flexibility and approaches fish passage through an adaptive management process. The DFRTAC meets quarterly to discuss American Eel and annually to discuss American Shad.

Caleb, DESC, asked what monitoring is currently being done to monitor passage at downstream dams on the Savannah River and if that data could be used to inform passage at the Project. SCDNR stated that the agency has been charged with conducting pre-, during, and post-fish passage studies at the NSBLD (pre-data has already been collected). Monitoring at the ADD will be built into its fishway prescription.

The group discussed the FPTWC mission statement, a draft of which is attached to these notes.

It was asked if DESC plans for the FPTWC to be incorporated into the Project license, which it is. DESC prefers the FPTWC be incorporated as a license article rather than through a settlement agreement.<sup>2</sup> DESC did not pursue a settlement agreement because of the operational limitations of the Project due to its function as a re-regulation facility. NMFS believes that USACE has some ability to change operations, but USACE has previously stated that maintaining stable flows downstream of the Thurmond Dam is not a priority to them. Ray, DESC, noted that Thurmond Dam is a peaking facility and USACE operates it according to direction from the Southeastern Power Administration (SEPA). Ray is unsure of the process for approaching USACE operational changes with SEPA. Amy noted that during the recent dam anchoring project for the Stevens Creek Project, DESC management reached out to SEPA management to request assistance with flows. SEPA agreed to temporarily reduce their maximum generation limit as often as possible to minimize high flow delays for the Project. However, there were several instances when SEPA needed to exceed temporary reductions to meet energy demands.

NMFS asked if there were upgrades being proposed at the Project that would benefit fish passage, such as upgrading gates and adding more efficient turbines. Ray stated that DESC investigated the possibility of Obermeyer gates but that has not been economically justified as it would require significant dam work. Increasing storage at the Project was briefly discussed as it would potentially provide DESC with a greater band of operational flexibility within the reservoir (i.e., larger reservoir fluctuations) within which to regulate flow downstream. NMFS would consider an objective of the FPTWC to review operational alternatives.

The group discussed the membership of the FPTWC. Permanent members will likely include Dominion, NMFS, USFWS, USFS, GADNR, SCDNR, and SCDHEC. Dominion explained that the DFRTAC has a process for adding and subtracting members to the group and inviting guests to present information and/or consult. It was determined that

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<sup>2</sup> Subsequent to this meeting, NMFS staff commented that NMFS continues to support the use of a settlement agreement for fish passage at the Stevens Creek Project.

USACE was not to be a member of the FPTWC. Paula, GADNR, informed the group that she was leaving GADNR for a position at The Nature Conservancy (TNC), a non-governmental organization, and expressed her desire to remain a member of the FPTWC while employed with TNC. Paula and Twyla explained that the TNC leads the Sustainable Rivers Program, is involved in the Uncommon Dialogue discussions, and is very familiar with FERC processes. The FPTWC will continue to discuss membership moving forward.

The group discussed future meeting frequency and decided to meet quarterly until the issuance of the FERC license for the Project. Following license issuance, the FPTWC would likely meet quarterly to discuss passage of American Eel and annually to discuss American Shad. There was a concern expressed that FERC would not include the FPTWC in the Project license and/or require the MSR Diadromous Fish Plan to be the framework for the FPTWC since it is on FERC's list of comprehensive plans. The group discussed steps to ensure the FPTWC's preferences are included in the Project license, including both 10(j) recommendations by fish and wildlife agencies for the protection, mitigation and enhancement of fish and wildlife (including spawning grounds), and 10(a) recommendations for consideration of FERC-accepted comprehensive plans for the basin. It was suggested that whatever details on the FPTWC that have been produced so far could be provided to FERC within the Final License Application. Additionally, NMFS and USFWS could write the FPTWC into their respective fishway prescriptions.<sup>3</sup>

The group set a date and time for the next FPTWC meeting to be held in Charleston, South Carolina, on August 16, 2023. The meeting was then adjourned.

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#### **ACTION ITEMS:**

- FPTWC members to review DFRTAC implementation materials to gather information to use as a baseline for the FPTWC.
- FPTWC members to review the DFRTAC for information that could benefit inclusion of FPTWC as a license article and/or fishway prescription.
- DESC/Kleinschmidt to review information on whether the FPTWC would be most appropriately considered under 10(a) and/or 10(j) of the Federal Power Act.
- DESC/Kleinschmidt to clean up the document outline and add an introduction.
- DESC to add American Shad data to the Project Aquatic Habitat Whitepaper.

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<sup>3</sup> Subsequent to this meeting, NMFS staff commented that NMFS supports providing the details of the FPTWC to FERC within the Final License Application. The fishway prescription will not include a requirement for the FPTWC but can include requirements for consulting through adaptive management processes.