

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

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

November 8, 2023

Final JAG 3/7/25

ATTENDEES:

Amy Bresnahan – DESC	Bjorn Lake* – NMFS
Caleb Gaston – DESC	Fritz Rohde* – NMFS
Ray Ammarell – DESC	Kevin Mack – NMFS
Paul Vidonic* – Dominion	Keith Whalen – USFS
Taylor Allen – Dominion	Eric Bauer* – UFSWS
Alison Jakupca – Kleinschmidt	Melanie Olds* – USFWS
Jason Moak* – Kleinschmidt	Clint Peacock* – GADNR
Jenn Güt – Kleinschmidt	Bill Post* – SCDNR
Will Pruitt – Kleinschmidt	Paula Marcinek*

* attended virtually

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 continue to review the Adaptive Management Plan (AMP) and Rules of Operation (Rules) for the Stevens Creek Hydroelectric Project (Project) Fish Passage Technical Working Committee (FPTWC or committee) with the goal of continuing to prepare the AMP and Rules for FERC submittal to supplement the Final License Application.

Following a welcome and introduction, Alison, Kleinschmidt, provided the committee with a safety moment regarding hunting season and wearing appropriate blaze orange clothing when in the woods.

Alison stated the purpose of the meeting to continue to work through implementation and the framework of the FPTWC. She noted that the document was previously referred to as a "charter" but the intent moving forward is that the group operates under an AMP and the Rules of Operation (Rules).

Adaptive Management Plan

Kevin, NMFS, asked for information regarding the process for AMP revisions. Alison answered that FERC received the draft AMP but that the FPTWC is to continue to develop the document so that it provides the committee with flexibility. The FPTWC and AMP will ultimately receive approval from FERC for implementation under the new license.

The committee reviewed the AMP. It was pointed out that the word "charter" was used in several locations; it will be removed by Kleinschmidt/DESC during revisions. The FPTWC revised the Project Operations section for clarity. The committee then reviewed Section 3.0, *AMP Mission and Objectives*. Regarding the general objectives, Kevin commented that maintaining effective communication with the FPTWC will be key. Kevin provided comments regarding the 2nd bullet point, which is to review alternative options regarding Project operations or modifications to facilitate fish passage and habitat needs for target species and Kevin noted that re-regulation function of the Project benefits downstream resources, such as sturgeon, and not just target species. He suggested "target species" be removed and "aquatic migratory species" added in its place. Will, Kleinschmidt, noted that removing "target species" is not in-line with the purpose of the AMP. After some discussion, the 2nd bullet point was revised to: "Review alternative options regarding Stevens Creek Project operations or modifications to facilitate fish passage and habitat needs for target species at the dam and aquatic migratory species downstream." Alison commented that there is a downstream project that will be tasked with providing passage and we do not want to negate the work to be accomplished by that FERC license applicant. Fritz, NMFS, suggested sturgeon be added to the species of interest list along with robust redhorse (RR). Kevin noted that the 3rd objective, "Develop study plans and execute studies agreed to by the FPTWC" could be more specific but the committee agreed that since the study plans have yet to be developed, general is okay at this point.

The committee reviewed Section 4.0 of the AMP, *Baseline Data*. Kevin stated that he appreciated the work that had gone in to revise the Aquatic Habitat Whitepaper but that it draws different conclusions than some of the agencies have. If the document is to be used as a basis for the FPTWC, he suggested the Whitepaper be further revised, particularly the conclusion section. The FPTWC discussed documents that provide guidance on the Savannah River Basin, including the dated, draft version of the Savannah River Comprehensive Plan. Ultimately, the last sentence of Section 4.0 of the AMP, that additional literature and information will be reviewed and included in the decision-making process, is sufficient to provide flexibility in which documents are utilized to inform fish passage at the Project.

Next, the FPTWC reviewed Section 5.0, *Target Species*. After discussion, language was added to recognize that two sturgeon species are present in the basin downstream of the Project and although they are not a target species for passage, management of their

habitat is an important consideration of the FPTWC. Paula M. suggested adding language that other at-risk species could be added as appropriate with consultation with NMFS and USFWS.

The committee reviewed Section 6.0, *Implementation*. A step was added to review studies. Keith, USFS, asked the group if we should exclude "target species" in the event the FPTWC would like to do additional studies that look at species of interest, and not target species, to provide the committee with more flexibility. Melanie, USFWS, cautioned against moving away from the purpose of the AMP by removing target species. The FPTWC agreed that leaving "target species" in still provides the group with flexibility. Eric, USFWS, asked what the definition of "target species" was in the case of the AMP. Bill, SCDNR, answered that it is the species targeted for passage according to the agencies with authority.

The FPTWC then reviewed Section 7.0, *Schedule*. Alison stated that although the schedule indicates that the committee will submit the final FPTWC AMP to FERC within 90 days of license issuance, it would be best for the committee to submit the AMP to FERC as soon as it is finalized so that it can be considered in FERC's Environmental Assessment. The schedule was reviewed. Fritz asked if the intent was to conduct studies the first year or wait another year after license issuance. Alison said that the intent of the next several meetings is to work through a draft prescription and initial studies, and the study plans could theoretically be ready to be implemented upon license issuance. Kevin commented that the schedule provides a date for the first meeting, but not the second meeting, which was agreed to previously by the FPTWC, and inquired about the approximate time frame for the meeting. He noted that ideally it would happen in August after the fish passage season, which was generally agreed to by the FPTWC.

It was noted by several agencies that submitting a report to FERC during the April timeframe may be difficult due to workload. The revised schedule reflects submitting a report to FERC in November for the previous year's work rather than April. An annual report was added for Year 6 through implementation of the AMP.

Eric asked to revisit the definition of target species and noted that RR would be passed upstream along with the target species. He would be interested in collecting data on them related to passage. Melanie clarified that target species are species in which the design of the fishway would be considered; that would not necessarily be done for RR. Caleb commented that while it would be ideal that fish passage is effective for all species, the priorities of the design would be for the effectiveness of the target species. Provided RR are passed safely, it would not be a priority to pass them effectively. But it was also noted by the committee that we would hope to have a determination on RR prior to passage implementation so there may not ultimately be an issue.

Rules of Operation

The FPTWC reviewed the Rules, which is intended to be appended to the AMP and provide the framework of committee functions.

The committee reviewed Section 1.0, *Introduction* and modified it slightly to include language about the ESA. Section 2.0, *Background*, was then reviewed by the FPTWC and was modified slightly to clarify the owners of the referenced projects. Kleinschmidt/DESC will review the section and make sure it mirrors the background in the AMP. Sections that are discussed in the AMP will be removed from the Rules.

The FPTWC reviewed Section 5.0, *Fish Passage TWC Membership and Implementation*, of the Rules. After some discussion, the committee agreed that membership of the FPTWC should be limited to DESC, NMFS, USFWS, USFS, GADNR, and SCDNR. The GAEPD and SCDHEC were not included. Since GAEPD is issuing the 401 Water Quality Certification for the Project, it is believed by Paula that they would refrain from inclusion in the FPTWC in order to remain as separate as possible. It is believed that the SCDHEC operates under a similar principle. A representative was not present from either agency to comment. Inviting outside participants to attend the meetings was discussed by the FPTWC. The Rules were revised to reflect that individuals with specific knowledge could be invited to participate in the meetings but this would not automatically involve the entity under which the individual is employed. The committee should work to develop an agenda ahead of a meeting and can decide at that time what individuals they may want to invite.

The term "unanimous consensus" was discussed by the FPTWC. Eric expressed his hesitation on including the word "unanimous" as it implies that one entity could veto a decision. The committee agreed that removing "unanimous" was appropriate in this case; it is believed the term "consensus" generally means that while every entity may not wholeheartedly agree with the decision, they are willing to move forward with it. "unanimous agreement" was left in Section 4.0 regarding modification to the Rules of Operation, as the group felt it appropriate within that section.

The *Dispute Resolution* section was reviewed by the FPTWC. Bill commented that the SCDNR had trouble with the term "arbitrator" when reviewing the Santee-Cooper Rules of Operation. Jenn, Kleinschmidt, reviewed the Santee-Cooper document and "arbitrator" was revised to "neutral mediator". Taylor, Dominion, noted that it is the understanding of the DFRTAC that the neutral mediator would be FERC.

The FPTWC discussed the location of the next meeting; it was scheduled for Wednesday, February 21, 2024, in Augusta, Georgia. Alison asked the committee about the proposed agenda. The group briefly discussed combining the water quality meeting with the fish passage meeting; however, Melanie suggested not combining the meetings as she would

like the February FPTWC meeting to focus on developing a prescription, which would likely make for a long meeting. Melanie anticipates that the prescription would be due in August 2024 at the earliest.

Paula Marcinek was approved by the FPTWC members to continue to remain involved with the committee as an "outside expert". Paula will be serving as an individual with basin and species-specific technical knowledge and will be operating in accordance with the rules of operation laid out for outside experts invited to participate in the FPTWC.

The meeting was adjourned.