

Meeting Notes
Mirror Pond Fish Passage Advisory Committee

December 17, 2021 | 2:30 pm – 3:15 pm

Location: Zoom Meeting

Website: <https://www.coic.org/natural-resources-environment/mirrorpond/>

Attendees:

Kris Knight, UDWC; Don Horton, BPRD; Mary Winters, City of Bend; Alan Ritchey, ODFW; Jerry George, ODFW; Mike Tripp, Trout Unlimited; and Nathan Hovekamp, BPRD Board.

Staff: Ciara Williams and Vernita Ediger, COIC.

Outcomes:

- The committee agreed to pursue the Fish and Wildlife’s National Fish Passage Funding Program. It is able to fund the remaining \$20,000 to \$30,000 needed. As a result, their biologists will work with the committee and they will have a representative on the committee.
 - Application is due January 1, 2022.
 - Kris Knight will take the lead pursuing the funding.
 - Kris will confirm the level of their participation: voting member, attendee, advisor, etc. He will communicate his findings to Mary Winters, Don Horton, and Erik King. At that time, they will determine if action is needed to create a new seat for the Fish and Wildlife Service.
- The committee agreed to move forward with the secured \$20,000 to start phase 1 of a contract. They anticipate the contract will start by March 2022. Phase two will begin after they secure the funding from the National Fish Passage Program.
- The committee agreed to contract with Scott Wright at the River Design Group.
 - Don Horton (BPRD) will take the lead on procurement. He will ensure that they are able to direct appoint Scott.
 - He will ask River Design Group to develop a phased scope of work. The committee will meet to review the scope when it is ready.

Next Steps:

- Ciara and Vernita will make sure that all of the documents and resources are on the website. They will also include information for how the documents might be used.
- Ciara will provide an update on the website for the public to be aware of the current status of the committee.
- Vernita will email the outcomes of today’s discussion to the members who were not in attendance. They will have the opportunity to weigh into her, but they cannot discuss amongst the group via email.
- Vernita will connect with Matt Chancelor to get written confirmation of Pacific Power’s support for today’s outcomes.
- Next meeting: will review the scope of work when it is ready. The committee will share the scope with the public and key stakeholders at that time.

Welcome and Overview: *Vernita Ediger, COIC, Natural Resources and Environment Program Administrator*

Vernita welcomed everyone to the meeting. **She noted that Ciara will provide an update on the website for the public to be aware of the current status of the committee.** Today's meeting is open to whomever wants to join, however there will be no public input because there will be no fish passage decisions made today. Vernita reminded the committee of their narrow purpose: to recommend a fish passage solution at the Newport Dam. Vernita provided an updated process document to note where they are at in the process. In review, they had a discussion with technical experts in June and a field trip in August. In the fall, they developed criteria and other important variables for the decision-making process. Since then, they have paused to secure funding for technical analysis. The committee agreed that technical input would be helpful to get to the nuts and bolts before deciding. They have \$20,000 committed from BPRD and Pacific Power. According to the engineer they spoke to, they need another \$10 – \$30 thousand for acquiring the technical input. Furthermore, it will take three months to six months to get the report back after the contract is secured.

After securing the funding, Vernita imagines that the committee will want to interface with the engineer along the way to develop what we need, understand what they developed, then make a recommendation. There will be public input along the way, but they will also need to hold a meeting specific to receiving their input.

Don asked if Vernita will be able to stay as the lead through this process? For continuity purposes, she would like to. Vernita will be formalizing her consulting business, and COIC will contract her through that avenue.

Alan asked a clarifying question: would the ultimate fish passage decision and approval be up to the City and BPRD? He wanted to know where PacificCorp fits into the equation since they are the owner and operator of the dam? Don clarified that City Council and the Parks Board asked them to come up with a decision to be added to the 2015 plan. They are adopting any changes to the 2015 vision. Construction and implementation would be a separate piece that PacificCorps would be more implicated in.

Kris Knight asked where all of the committee's documents live? **Ciara and Vernita will make sure that all of the documents and resources are on the website. They will also include information for how the documents might be used.**

Funding Updates & Exploration: *Don Horton, BPRC; Kris Knight, UDWC; Alan Ritchey, ODFW*

Vernita thanked Matthew and Don for their financial contributions so far. Kris received positive news from the federal Fish and Wildlife Service. He connected with Amy, with the National Fish Passage Program. They can fund the analysis up to \$20,000 - \$30,000. Kris wanted to know if the committee is supportive of going after these funds. He noted that nothing is certain in getting these federal funds, but it is very likely. The funding would not be available until early summer time. Kris proposed starting the analysis in phases, starting with an engineer with their current \$20,000. The engineer can get started in March, and work for a couple of months then the next round of funds would kick in for them to finish. They need to provide details to the National Fish Passage program by January 1, 2022. The information is simply the fish species benefited, location of the project, project partners, who owns the dam, etc.

The funding could come to UDWC. **However, the River Design Group is on a pre-approved list of National Fish Passage program contractors, so the money can go directly to them if we go down that**

path. The added benefit of receiving this funding would be getting some of their biologists at the table. They would have a seat on this committee if they provided the funding. Kris is willing to make this request. However, he would like to get clear on four steps.

Step 1: Does he have the green light from this committee?

Step 2: Does the committee want to contract with Scott Wright at the River Design Group?

Step 3: Who will hold the contract? BPRD?

Step 4: Discuss assembling a subset of the committee to develop the scope of work.

Alan added that he is wrapping up a project with Amy and that program. He commended them for being easy to work with, and the process for being simple and smooth. There are unprecedented dollars coming for fish passage. Having the project get shovel ready will be very helpful to get it implemented when the dollars do come down. Alan wants to ensure that PacificCorps is on board. Alan hopes they will move into developing construction ready plans once the project is complete. He is not sure if they are doing surveys and analysis if River Design is selected to do construction design. Are they wanting to see construction plans out of this? Kris said that could be addressed in the scope of work or contract with them. He added that he has another project coming online with Scott out in Sisters. Kris spoke highly of the River Design Group.

What is the group's comfort with pursuing funding from the Fish and Wildlife Service at federal level, considering the string attached of having a seat at the table?

- **Nathan Hovekamp:** He doesn't see a downside to them joining the group. It is a reasonable expectation, considering their contribution. Nathan expected their involvement down the road anyways. Nathan will defer to his colleagues' perspectives on the expertise of Scott Wright.
- **Mike Tripp:** He said it all sounds encouraging. The testimonies of experiences with Amy and Scott are reassuring. He doesn't see a downside.
- **Don Horton:** The makeup of this committee was chosen through resolutions of the board and of the council. He thinks that can be resolved quickly, if needed. He said he is hesitant to commit the National Fish Passage funding if we don't have it. Kris said that we would need to have a phased contract to address Don's concerns.
- **Mary Winters:** Don is right; **If you want to add a voting member, the BPRD Board and City Council would have to add the member.** However, it depends on if they would be a voting member or an attendee. **It is a simple motion to amend the resolution, but they do need their authorization to add another member.**
- **Kris Knight:** Kris is not sure if they will be a formal voting member. He has to ask them about their expectations. They could possibly be a technical advisor that isn't voting. **Vernita asked if Kris could talk to them.** Then, we can let Mary, Don and Erik know; they need time to work through the mechanics and timing of it if its needed.
- **Jerry George:** He is supportive of using Fish and Wildlife funding to get through the feasibility phase. It is one of their highest priorities, and he reiterated Alan's perspective of the many dollars coming for this. There are only positive consequences of their expertise coming to this group.

Next-steps for Securing Funding: *Vernita Ediger, COIC, All Committee Members*

Vernita will send a timed proposal request to the rest of the committee. She will ask for a little bit of feedback from each of them. **They can weigh in to Vernita, but not amongst each other via email. Alan would recommend getting written support from Pacific Power.**

Additional Considerations and Timeline: *Vernita Ediger, COIC*

They will reach out to an engineer to look at a phase 1 scope of work to start in March 2022. Is everyone okay with moving forward with a phase one, \$20,000 budget? Do we have enough of an idea to know what we are going to ask for in the concept? What would be in the scope of work?

Don: If we want Scott W., **we can ask him to put together a draft proposal, and we can review it before signing a contract.**

How would he split it up? What would he do to finish it off? Maybe he is doing remote work at first, then the second round can get him on the ground surveying. He is familiar with what we've put together because he has stayed involved past that initial presentation.

Don will double check procurement processes to ensure they are fine to proceed with selecting Scott Wright, River Design. He thinks they are okay, because of the designated list and the contract amount is small.

Nathan said that we stepped through a competitive process already by hearing from a number of engineers. He agreed that the contract dollar amount is small enough to direct appoint.

Mike: He is comfortable with moving forward with Scott.

Jerry: He wasn't with the committee before, but he is fond of River Design's work. It is quality work.

Vernita concluded that this group feels comfortable moving forward. She asked Don to let them know if there is anything else they need to do. **Don will run the procurement process; he will need members' expertise on the scope of services.**

Vernita reiterated today's agreements:

1. Pursue Funding from Fish and Wildlife Service. Kris will take the lead.
2. Use a phased approach for contracting technical expertise, in light of the phased funding.
3. Contracting with Scott Wright at the River Design Group.

Scott providing a starting point will be good, then Alan and Kris will be able to chime in as needed. Don's team will be point of contact.

Anything else you need, Kris? He will be working on 28th and 29th with Amy to get the application in.

BPRD will hold the contract with engineer. They will have a discussion with fish and wildlife to see how they'd like to do that and how they will need to structure the contract for direct pay to the engineers. If they do become a member of this committee and they are providing the majority of money, they may need to be contract holder. He can transfer it if need be.

NEXT STEPS:

- Vernita and Ciara will be getting the documents available
- Vernita will Reach out the Matt and get written confirmation from him/Pacific Power.

How do you want to stay in touch with this going forward? When should we hold the next meeting? Don will reach out to Scott in the next 2 -3 weeks. **The next meeting should be reviewing his scope of work once it is complete.**

Because of the phased approach, the timeline for receiving a final product will be closer to 6 months. Assuming the contract starts in March, that will lead to September completion date.

The group discussed keeping other people in the loop, such as Jason Bowerman. Once the scope of work is designed, they should inform partners. However, keeping participation narrow is probably a good idea.

Don reminded everyone that designing for human and fish passage will have to be addressed by the engineer. Mike also added that many stakeholders are interested in whether screening will be a part of the passage solution.

Adjourn at 3:45 pm