

New License Implementation Committees in Action...what's the worse that can happen?

Setting:

The Ohio Water and Power Company recently completed a Settlement Agreement (SA) amongst 6 parties and issued a new license for the Raging River Hydro Project. They are approaching implementation in a collaborative manner under the direction of the **License Implementation and Monitoring Panel (LIMP)**.

The LIMP members:

National Organization of Fisheries and Timber¹ (NOFAT)-Brett Swift

Ohio Water and Power (OWAP)-Lois Schwennesen

Ohio Department of Wildlife (ODOW)-Jim Lynch

Midwest Whitewater Association (MWA)-Julie Keil

Snails Are Loveable Too (SALT) –Patti Kroen

Keep Ohio Rivers Flowing (KORF)-Lewis Wardle

Facilitator-Stephanie Burchfield

Coordination Event:

OWAP (licensee) has experienced an unexpected incident: A kayaker and member of the **MWA**, deciding test the rapids at 750 cfs in the gunite lined canal. The hydro operator during his canal patrol notices the panicked kayaker whishing by. Being of a keen mind, the operator recognized the risk to life and activates the canals newest SA Implementation measure, the emergency water evacuation system. To the surprise of the operator, the kayaker is swept down the emergency water release river channel and into the Raging River bypass reach. The kayaker then gives a paddle wave of "thanks" to the operator as he proceeds to ride the emergency water release wave down the bypass reach. The canal water flow is then quickly restored as to not lose any more generation. Raging River is now monitored via real-time USGS gages available on the internet, another new license commitment. A "little-for-profit" river stewardship group known as the **Keep Ohio Rivers Flowing (KORF)** has created an automatic email notification system when the river ramps more than the allowable rate of .2/ft per hour. Emails are automatically sent to over 100 people, including the media. One recipient is the public interest group known as **Snails are Loveable Too (SALT)** who is attempting to further protect the ESA listed snails that live in the streams shallow edges. The **SALT** crew is out on the river conducting an inventory of the imperiled snails.

The LIMP Task(s)

The LIMP facilitator has been requested to address the following agenda items related to the incident:

- 1) What is the message to the media? Who delivers it?

The SA does not directly address media issues; but the LIMP has created ground rules that direct them to attempt to speak in a single voice. The LIMP is now divided on this given the potential negative press.

- 2) The **MWA** is requesting that a portion of the new license required 10 days of rafting flows now include this new emergency water release option. Instead of directly asking **OWAP**, they use the meeting setting as it is more influential.

- 3) Some **LIMP** members want to openly negotiate restitution for the event (ESA species and ramping). *The SA is not clear on the LIMP authority over this; rather it simply states that the LIMP has PM&E facilitation and effectiveness monitoring responsibilities. The BO does not directly address unexpected or force majeure events; rather it just addresses how the PM&E's generally create an overall benefit. The **OWAP** is recommending that the State and Federal Agencies use the SA provided mitigation funds to address a portion of the snail restitution.*

- 4) The **SALT** is infuriated about the potential impact to the snails as well as MWA's desire to have this occur 3 times per year. They request the **OWAP** to pay for a scientific team of national experts to assess the impact to the snails.

¹ The National Organization for Fisheries and Timber was formerly known as the National Fisheries and US Timber Service. Due to budget shortfalls they were combined into one organization in early 2006.