

Final Notes
Bear River License Implementation
Environmental Coordination Committee Meeting
January 18 & 19, 2005
Pocatello, Idaho

Commitments Made at the January 2005 ECC Meeting	
Monte Garrett	<ul style="list-style-type: none"> • Talk with engineers about the need for discontinuing minimum flow during decommissioning.
Monte Garrett and Others	<ul style="list-style-type: none"> • Bring ledger to next ECC meeting to review status of funding. • Provide revised version of Cove Agreement to ECC • Check on availability of photos of the Cove area prior to dam construction. • Begin working on press release for Cove Decommissioning.
Scott Pratt	<ul style="list-style-type: none"> • Meet with NRCS Board in Preston February 2.
Jim Mende	<ul style="list-style-type: none"> • Discuss contract overhead issues with IDFG.
Dave Teuscher	<ul style="list-style-type: none"> • Discuss contract overhead issues with IDFG (w/Mende) • Meet January 25 to discuss aerial photography scope of work (w/Mignogno). • Update telemetry plan and provide information to Garrett to order temperature tags.
Lynn Van Every	<ul style="list-style-type: none"> • Coordinate/forward Black Canyon Monitoring subcommittee meeting notes to John Gangemi
Deb Mignogno	<ul style="list-style-type: none"> • Contact Dave Eskelson (PacifiCorp) (801-220-2447) regarding upcoming press release. • Revise ranking criteria for funding based on comments received at the January ECC meeting. • Meet with Teuscher January 25 to discuss aerial photography scope of work. Will also cover funding criteria.
Jim Capurso	<ul style="list-style-type: none"> • Draft Powerpoint presentation for public meetings and distribute to the group for comment. • Send information on fees for public meeting rooms to Monte Garrett. • Contact Jeff Seamons about attending NRCS Board Meeting.
Public Meeting subcommittee members	<ul style="list-style-type: none"> • Meet February 15, 2005 at IDEQ offices in Pocatello.
Black Canyon Monitoring Plan subcommittee members	<ul style="list-style-type: none"> • Meet January 26, 2005 at IDEQ offices in Pocatello.
Glen Pond	<ul style="list-style-type: none"> • Assist in setting up additional community meetings
Mary Lucachick	<ul style="list-style-type: none"> • Contact the Governor's Office PR person about upcoming press release. Provide them with Dave Eskelson's contact information (801-220-2447).
Miriam Hugentobler	<ul style="list-style-type: none"> • Prepare Draft 2004 Annual Report and distribute to ECC for 30-day review February 1.
All	<ul style="list-style-type: none"> • Talk with constituents about Jan. 19 letter to FERC supporting temporary amendment. Fax signature sheets to Monte Garrett. • Talk over diversion mapping – how best to accomplish, i.e., groundtruth and photograph the sites.

Tuesday, January 18, 2005

ECC Members Present

Scott Pratt, PacifiCorp
Monte Garrett, PacifiCorp
Kevin Lewis, Idaho Rivers United
Lynn Van Every, Idaho Department of Environmental Quality
Jim Capurso, U.S. Forest Service
Mary Lucachick, Idaho Department of Parks and Recreation
Jim Mende, Idaho Department of Fish and Game
Marv Hoyt, Greater Yellowstone Coalition
Warren Colyer, Trout Unlimited
Blaine Newman, Bureau of Land Management

Others Present

Claudia Conder, PacifiCorp
Glen Pond, PacifiCorp
Kelly Holt, PacifiCorp
Greg Mladenka, Idaho Department of Environmental Quality
Dave Teuscher, Idaho Department of Fish and Game
Pat Koelsch, Bureau of Land Management
Steve Smith, Idaho Soil Conservation Commission
Miriam Hugentobler, Project Coordinator

Participating by Phone

John Gangemi, American Whitewater
Susan Kammerdiener, SWCA (joined at 3 p.m.)

ECC Members Not Present

Deb Mignogno, U.S. Fish and Wildlife Service
Hunter Osborne, Shoshone-Bannock Tribes
Susan Rosebrough, U.S. Park Service

Opening and Review of Agenda – Scott Pratt

Scott Pratt (PacifiCorp) welcomed the group and reviewed the day's agenda. Notes from the December ECC meeting were approved with changes from Lynn Van Every and Jim Capurso.

Update from Monte Garrett, PacifiCorp, Environmental Coordinator

Garrett briefed the ECC on meetings he participated in since the last ECC meeting. On January 6, Garrett met with representatives of the Environmental Protection Agency, U.S. Army Corps of Engineers, Idaho Department of Environmental Quality, and Idaho Department of Water Resources. He said much of what was covered will contribute to the environmental report for Cove.

Garrett also met with attorneys working on the Settlement Agreement for Cove. He said the main changes made were to the format of the agreement, which will now be called the Cove Settlement Agreement (previously known as Amendment No. 1). Garrett emailed a draft of the Settlement Agreement to ECC members after the December meeting, and will send a new version after the attorneys' next scheduled meeting in Boise on January 26. At tomorrow's meeting, he will review planned work on the ground at Cove. Garrett said actions on the ground will be included in an appendix to the Agreement (the Removal Plan). Garrett noted that weather is still holding up sediment sampling in the forebay, and that a consultant has been lined up to prepare the Environmental Report, which will become FERC's Environmental Assessment for Cove.

Public Meetings – Jim Capurso

Capurso said he has developed flyer for upcoming public meetings and has sent it to the NRCS District Conservationist for comment. Capurso said he has been working with Boyd Bradford and Larry Mickelsen of NRCS and both are enthusiastic about helping with the project. He said Bradford's board has asked for an ECC representative to attend their next meeting (Feb. 2, 7 p.m. in Preston) and Capurso asked for ECC participants that live near Preston to volunteer to go. Scott Pratt and Jeff Seamons volunteered to represent the ECC at the upcoming board meeting.

Capurso said he believes the NRCS has the most trust and goodwill in working with local landowners regarding conservation easements, etc. and that is the primary reason he would like to work with them to hold public meetings.

The public meetings are scheduled for:

- Tuesday, March 8, 7 p.m. in Montpelier, Idaho (Senior Center)
- Wednesday, March 9, 7 p.m. in Soda Springs, Idaho (Senior Center)
- Thursday, March 10, 7 p.m. in Preston, Idaho (Preston County Extension Building)

Capurso said meeting rooms have been reserved and there is a small fee for their use. He will let Garrett know about the fees.

Glenn Pond asked about setting other public meetings with organizations such as Rotary Club. He will continue work on this.

Garrett asked who will speak at the public meetings. Capurso said he believes all the public meeting subcommittee members will attend, but there have been no commitments yet. Garrett suggested preparing appropriate messages in advance. Marv Hoyt suggested notifying the press of the meetings. Capurso asked ECC members to provide contact names.

Garrett suggested that one important message to get across would be that the agencies and nongovernmental organizations participating in the ECC are collaborating together on this project. He also noted that there may be a perception that the ECC purpose is in opposition to irrigation interests, and that may need to be addressed.

Lynn Van Every said he thought it would be wise to put together a 20-minute Power point presentation with maps and photos for the public meetings. Hoyt suggested opening the floor for questions after the presentation, with ECC members sharing in fielding questions.

It was agreed that Capurso would draft a Powerpoint presentation and distribute it for review prior to the February meeting. Capurso will also add Warren Colyer and Kevin Lewis to the public meeting subcommittee. Hoyt expressed support for the effort but preferred not to serve on subcommittee; however, he would like to attend meetings in Preston and Montpelier. Eve Davies is scheduled to attend as PacifiCorp's main representative.

The next Public Meeting subcommittee meeting was scheduled for Feb. 15, 1 p.m. at IDEQ offices. Capurso will contact subcommittee members directly as date approaches.

Black Canyon Monitoring Plan

Van Every said the Black Canyon Monitoring subcommittee meeting scheduled at the December meeting did not happen due to weather, etc. Subcommittee members agreed to meet today instead and will contact John Gangemi to see if he is available to participate by phone.

Aerial Photography – Steve Smith, Idaho Soil Conservation Commission

Smith reviewed available aerial photography from his agency. He noted that the Farm Service flies the area every year to check compliance with its Conservation Reserve Program and showed the ECC an example of the coverage available (4 meter).

Teuscher said that these data by county (Idaho State University is producing) can be presented at 1 meter resolution, and said it would be possible to identify diversions. He said Idaho Department of Water Resources information, including water rights, can be overlaid. Teuscher said he will bring examples to tomorrow's meeting.

Capurso suggested that if the ECC does not need to purchase aerial photography, the money should be invested in CIR. Teuscher said he does not believe that CIR would get the ECC the needed information and suggested thermal imaging instead because it would provide water temperature. Teuscher suggested that water temperature could also be obtained by tagging fish with temperature tags that would transmit water temperatures from the fish's location.

Pratt clarified that vegetation cover information is available from existing aerial photography from other agencies and asked what the ECC wants to answer with thermal imaging.

Warren Colyer said the purpose of thermal imaging would be to inventory habitat, including identifying where springs are and finding spawning areas, etc.

Van Every noted that thermal imaging is relatively inexpensive. Tuescher estimated the cost at \$250 per river mile, which includes both thermal imaging and CIR (so the cost may be cut in half for thermal imaging only).

Capurso noted that temperature data could also be used to find fish. Teuscher and Capurso agreed that thermal imaging was written into the BCT restoration study plan and could be important in identifying areas of suitable habitat and to flag high priority areas for conservation or restoration.

In regard to the timing of thermal imaging, Colyer said he would like to see imaging from summer and possibly winter.

Pratt asked whether there was agreement among ECC members on spending funds on thermal imaging. Most ECC members agreed, but Jim Mende said he would like to continue discussion because of concerns about funding.

Pratt outlined questions that remain on thermal imaging, including: timing, cost, availability, and which areas to shoot. It was decided that Deb Mignogno and Dave Teuscher would obtain further information. The subcommittee will meet next week and update the ECC next meeting.

Status of the Plans – Monte Garrett

Garrett said the Land Management Plan and Traffic Safety and Recreation Plan are almost done. One comment was received regarding traffic safety (road improvements and winter use near Oneida Narrows) from Jeff Seamons. Garrett said this comment will be addressed in the comment/response matrix and will be filed with FERC in a couple of weeks.

Garrett said the Black Canyon Monitoring Plan has been filed with FERC with the caveat that methods will be revised prior to the start of work in the spring, based on comments received during outside review of the plan. He also noted that the Black Canyon substrate study produced by Lynn Van Every will be posted on website as a draft for a month, and will then be posted as a final.

Meeting adjourned for the day, with Black Canyon Monitoring Plan subcommittee members staying to meet as discussed. Van Every noted that Gangemi was not available to participate by phone, but Van Every will provide subcommittee meeting notes to him.

Wednesday, January 19, 2005

ECC Member Present

Monte Garrett, PacifiCorp
Scott Pratt, PacifiCorp
Lynn Van Every, Idaho Department of Environmental Quality
Mary Lucachick, Idaho Department of Parks and Recreation
Kevin Lewis, Idaho Rivers United
Jim Capurso, U.S. Forest Service
Marv Hoyt, Greater Yellowstone Coalition
Warren Colyer, Trout Unlimited
Blaine Newman, Bureau of Land Management
Jim Mende, Idaho Department of Fish and Game
Deb Mignogno, U.S. Fish and Wildlife Service

Others Present

Dave Teuscher, Idaho Department of Fish and Game
Louis Berg, U.S. Forest Service
Jeff Seamons, Citizen of Preston
Kelly Holt, PacifiCorp
Claudia Conder, PacifiCorp
Glenn Pond, PacifiCorp
Scott Yates, Trout Unlimited

ECC Members Not Present

Susan Rosebrough, U.S. Park Service
Hunter Osborne, Shoshone-Bannock Tribes

Black Canyon Monitoring Plan subcommittee meeting – Lynn Van Every

Van Every said the subcommittee met after yesterday's meeting and discussed comments received from outside reviewers on the monitoring plan. He said the major change in the plan would be in technical aspects for monitoring for macroinvertebrates. Funding would be a factor, he said. Van Every said the subcommittee decided to sample eight reaches and composite the samples, as well as adding reference reaches. Van Every noted that John Gangemi (American Whitewater) was not available to call in to the subcommittee meeting and Van Every is aware that Gangemi has comments on sampling and timing. Van Every said he will speak with Gangemi, and the subcommittee will meet one more time prior to SWCA Susan Kammerdiener finalizing the monitoring plan. He noted that monitoring will start in April or May of this year, so the plan needs to be finalized. Garrett said approval from FERC was needed to reduce flows from 80 to 63 cfs before sampling. Tiescher said that if flows can't be reduced in time, to go ahead with sampling at 80 cfs rather than skipping, but Garrett noted that sampling missed at the beginning of study could be accomplished at the end of the study at 63 cfs.

Cove Decommissioning – Monte Garrett

Garrett handed out copies of the Settlement Agreement for Cove (section 3.7.5 through 3.7.10, dated January 4, 2005 – Attachment 1). Although the revised Cove Agreement will include descriptions of actions on the ground in an appendix (Removal Plan), these sections of the old draft would serve for purposes of discussion.

Deb Mignogno asked that section 3.7.5, item (h) include shrubs rather than hydroseeding alone. Garrett said including shrubs planting was a good idea, but questioned whether this section was the place for details such as this. Hydroseeding was recommended in order to prevent erosion, not to establish a vegetation community. He noted that more detail would be included in the Removal Plan and added that a rough draft of that plan should be available by next ECC meeting.

Garrett told ECC members that there may be a need to curtail minimum flows into the forebay for 60 days in 2006 to be able to work in the area (to remove the dam structure). Teuscher asked whether water could be moved around the area. Garrett said that may add greatly to costs, which are already estimated to be high and were not included in the original cost estimate. Garrett estimated the cost of the cofferdam at \$300,000, which the contractor did not include in the Cove Feasibility Study scope, and which PacifiCorp will pay for. Teuscher and Mignogno pointed out that reduced flow may impact ongoing monitoring in Black Canyon, and Teuscher warned of potential impacts to fish released by IDFG in bypass reach.

Van Every suggested trying to divert water (Gentile Diversion), but if water cannot be diverted, the cost of building a cofferdam should be scoped. Garrett said he would talk to engineers about how best to accomplish this and will discuss again at the next meeting.

Mignogno asked about the status of sediment sampling. Garrett said sampling was still being delayed by weather. He noted that he does not expect that contaminated sediments will be present, and that results of sampling will be incorporated into the Environmental Report late (possibly after submission to FERC). He said a detailed outline of the Environmental Report will be available for ECC review at the next meeting.

Mignogno asked whether there were photos of the Cove area prior to dam construction in PacifiCorp's archives. Garrett and Holt agreed to check.

Capurso said a commitment to hydroseed everything probably was not needed, as some areas could be drilled. He said weed control will be a greater issue here than in other areas, however, because of the large area of disturbance. Garrett and Mignogno noted that noxious weeds will be addressed in the site plan.

Mignogno asked about the status of the site plan for Kackley Springs. Garrett said it is in draft form, and Eve Davies will discuss the plan at a future meeting. Mignogno said she

would like to look at this area in the Spring and would like to determine where Kackley Springs used to flow, as it is currently diverted into the forebay. She noted that it may be beneficial to restore the spring to its original configuration. Capurso and Mignogno said work at Cove and Kackley Springs should be considered concurrently, as the projects could compliment each other and work may have to be coordinated.

Garrett handed out a letter to FERC for ECC review, in support of the temporary amendment, along with signature sheets (Attachment 2 - Bear River Hydroelectric Project [P-20-038]; Comments in Support of Temporary Amendment to Article 408[B]). He noted that a similar letter has already been sent to FERC, and that the purpose of this letter is to reinforce the request.

Garrett requested input from ECC members regarding where to put Remaining Decommissioning Funds (should total decommissioning costs be less than \$2.5 million), language needed by the attorneys' group for the Cove Agreement. The ECC agreed that such funds should be made available in a funding account separate from the other established funds, in order to provide maximum flexibility for use to the group.

Hoyt asked when Cove Decommissioning could be discussed publicly. Garrett said as soon as Settlement Agreement for Cove is completed, estimated at the end of February 2005, and signed, hopefully during early March. Garrett said a joint ECC/PacifiCorp press release should be prepared in time to discuss decommissioning at the upcoming public meetings.

Cost of Decommissioning

Garrett stated that costs included in decommissioning had been raised as an issue at the attorneys' meeting. Garrett noted that decommissioning costs, as currently stated, include meetings in preparation of the Agreement, report preparation, attorney's fees, etc. Mignogno said she understood that Cove decommissioning costs were what was in the Cove Feasibility Study specifically and nothing else. Garrett said process costs were always considered as part of the cost of decommissioning in PacifiCorp's understanding of the agreement in principle. Mignogno said she believes that costs not specifically included in the Feasibility Study were unexpected and should not be included in decommissioning costs. Yates suggests speaking with attorneys in terms of what was communicated at their last meeting.

Mignogno brought up potential cost of cofferdam, and Capurso stated concerns that the agencies are all contributing peoples' time, and PacifiCorp should be willing to do the same. Garrett noted that his participation in the process will not be part of decommissioning costs, rather it is part of his job as environmental coordinator. Garrett will discuss revisions of this section of the Agreement with the attorneys.

Scott Yates Departure

Scott Yates told the ECC he will be leaving Trout Unlimited and the ECC in February. He said he expects that the Settlement Agreement for Cove will be complete by then, but

suggested talking about transition. Yates said Trout Unlimited will be hiring a new Director of the Idaho Water Rights Department.

Telemetry Proposal – Fluvial BCT in the Bear River – Dave Teuscher

Teuscher gave a Powerpoint presentation on the Telemetry proposal and a discussion of the proposal followed.

Funding Issues

Garrett said funding can be “mixed and matched.” If the ECC as a group decides thermal imaging is not as important, and would rather look at mapping diversions or temperature tags, that would be acceptable.

Garrett noted that totals for work with IDFG have been higher than anticipated because of indirect costs. For instance, cost for the recent genetics work was boosted from \$43,000 to \$48,000.

Colyer proposed ordering the temperature tags, specifying that the cost will come out of thermal imaging funds. Capurso said he would like to have a combination of fish temperature tags and thermal imaging. Colyer agreed, adding that thermal imaging would provide a census of suitable habitat in the river. The ECC agreed to spend the extra money for temperature tags, and make up the extra money elsewhere.

Capurso expressed concern about the indirect cost issue, and said he believed that indirect costs should not be over and above what is budgeted for the work. Mignogno asked how IDFG could bill indirect costs that were beyond the amount approved by the ECC for the genetics work. Yates suggested giving Teuscher and Mende an opportunity to discuss this within their agency.

It was noted that a scope was needed for the aerial photography task. Mignogno and Teuscher agreed to meet January 25 at 1 p.m. at FWS offices. Other ECC members were invited to attend. Colyer said he may attend by phone.

Ranking Criteria for Funding – Deb Mignogno

Mignogno accepted comments on the proposed Ranking Criteria and will revise/finalize and redistribute.

Hoyt commented on “effectiveness” of the solution (p.2), and suggested framing effectiveness in terms of permanent vs. temporary fixes. Colyer suggested adding another couplet that addresses the temporary/permanent issue.

Mignogno suggested drafting a process on how the ECC handles proposals from outside group, including procedures for who receives proposals, who reviews them, and who ranks them. Mignogno agreed to work on developing a “strawman” for process at the aerial photography meeting and will bring that to the next ECC mtg. Capurso suggested

developing an “application” for public meetings. Hoyt said this could bog down the upcoming public meetings, which were designated as informational meetings only.

<Lunch Break>

Water Rights with Guest Speakers Phil Rassier and Jody Williams

Phil Rassier, Deputy Attorney General, and Jody Williams, PacifiCorp Water Right’s Attorney (Holme, Roberts & Owen LLP), were introduced to the ECC for an informational presentation on water rights.

Rassier spoke to the ECC about the basics of Idaho Water Law (Attachment 3 – Handout: Discussion of Idaho Water Law. Williams then followed up with more specific suggestions for Cove (Attachment 4 - Handouts: Options for Cove Water Right after Decommissioning; Schematic Bear River Rental Pool Concept; Cove Water Rights/Water Supply Bank; Cover Water Rights/Minimum Stream Flow). Williams noted that the information in the handouts is conceptual at this stage.

Review and Recap

Pratt reviewed commitments made at this meeting and an agenda for the February meeting was planned:

February Agenda

- Thermal Imagery (30 min to 1 hr)
- BCMP (30 min)
- Environmental Report (1 hr)
- Funding Summary/Appropriation (30 min)
- Funding Process (1 hr)
- Annual Report (30 min)
- Cove Agreement (1hr)
- Public Meeting (30 minutes)

Meeting adjourned at 5 p.m.

Attachments: Handouts

Attachment 1: Settlement Agreement for Cove (section 3.7.5 through 3.7.10, dated January 4, 2005)

Attachment 2: Bear River Hydroelectric Project [P-20-038]; Comments in Support of Temporary Amendment to Article 408[B]

Attachment 3: Discussion of Idaho Water Law

Attachment 4: Options for Cove Water Right after Decommissioning
Schematic Bear River Rental Pool Concept
Cove Water Rights/Water Supply Bank
Cover Water Rights/Minimum Stream Flow