

Final Notes
Bear River License Implementation
Environmental Coordination Committee Meeting
August 17, 2005
Grace, Idaho

Commitments Made at the August 2005 ECC Meeting	
All	<ul style="list-style-type: none"> • Forward any additional topics for water banking discussion to Harriet Hensley. • Forward any additional comments regarding the Grace/Cove Site Plan to Davies. • Forward concerns or suggestions regarding management guidelines for land trust to Garrett.
Jim Mende	<ul style="list-style-type: none"> • Obtain additional information on the Fish and Wildlife Foundation as backup to land trusts.
Jim Mende, Scott Christensen	<ul style="list-style-type: none"> • Develop draft management guidelines for inclusion in the memorandum of understanding with land trust. Forward to Garrett.
Monte Garrett	<ul style="list-style-type: none"> • Coordinate with Tuescher on the possible delay in Thermal Imaging • Develop draft legal agreement for purchase of properties by land trusts. Distribute to the ECC for review. • Distribute proposals for Black Canyon monitoring work to subcommittee members • Arrange a conference call for Black Canyon subcommittee to discuss bids and award contract (tentative date: Sept. 6, 10 a.m., Sept. 7 and 12 are backup dates) • Follow up with GeoEngineers and landowner regarding the proposed Cottonwood Diversion.
Claudia Conder	<ul style="list-style-type: none"> • Obtain permission for land trust representatives to tour parcel under consideration for purchase. • Forward information on other possible appraisers to Mignogno. • Revise property line for proposed land purchase. • Check with Caribou County Assessor on change in taxation with change in land use regarding proposed land purchase.
Eve Davies	<ul style="list-style-type: none"> • Address comments on Grace/Cove Site Plan • Forward information on possible appraisers to Mignogno
Deb Mignogno	<ul style="list-style-type: none"> • Facilitate the September ECC meeting • Check with FRIMA representative regarding landowner approval letter for grant.
Black Canyon Monitoring subcommittee members	<ul style="list-style-type: none"> • Take part in a conference call tentatively scheduled for Sept. 6 at 10 a.m. to award contract for monitoring work.

ECC Members Present:

Deb Mignogno, U.S. Fish and Wildlife Service
Monte Garrett, PacifiCorp
Mary Lucachick, Idaho Department of Parks and Recreation
Jim Mende, Idaho Department of Fish and Game
Marv Hoyt, Greater Yellowstone Coalition
Pat Koelsch, Bureau of Land Management
Warren Colyer, Trout Unlimited
Greg Mladenka, Idaho Department of Environmental Quality

Others Present:

Glen Pond, PacifiCorp
Eve Davies, PacifiCorp
Kelly Holt, PacifiCorp
Mark Stenberg, PacifiCorp
Claudia Conder, PacifiCorp

ECC Members Not Present:

Charlie Vincent, American Whitewater (joined by phone for Black Canyon discussion)
Jim Capurso, U.S. Forest Service (proxy to Deb Mignogno)
Hunter Osborne – Shoshone Bannock Tribes
Kevin Lewis, Idaho Rivers United
Susan Rosebrough – National Park Service

Recap and Review

July's ECC meeting notes were accepted with changes from Deb Mignogno and Eve Davies.

Mignogno noted that the site visit to Grace between Davies, Hoyt, and Mignogno discussed at the July ECC meeting did not take place.

Project Updates

Cove Settlement Agreement – Monte Garrett

Garrett said that work on the Cove Settlement Agreement is complete and PacifiCorp filed an application to amend the license to include Cove Decommissioning with FERC on Monday (August 15). Next, FERC will conduct their Environmental Assessment process, which may include public scoping. Garrett said PacifiCorp hopes to get the amended license next spring, begin work on the ground in summer, and complete decommissioning in the Fall 2006.

Thermal Imagery – Jim Mende

Mende told the ECC that thermal imagery flights did not take place as scheduled because the subcontractor's pilot was called away on forest fires. There is now concern that the window of opportunity was missed, based on water temperatures. Mende said Teuscher is out in the field today taking water temperatures in the tributaries to see whether the imaging can still take place this year. Teuscher said if the flight cannot take place in the coming week, then it likely must be postponed until next year. Garrett noted that Teuscher said there will still be fish with temperature tags in the river next year, but there may be fewer data obtained. Garrett said that if flights must be delayed until next year, discussions will take place with Teuscher and a change order will be negotiated. Garrett said he will work with Teuscher should the contract need to be renegotiated.

Introduction of Mark Stenberg

Garrett introduced Mark Stenberg of PacifiCorp, who will be taking over as environmental coordinator for the ECC over the next few months. Garrett said Stenberg comes to the project from Medford, Oregon, where he worked for PacifiCorp on the Lewis and North Umpqua projects. Stenberg said he will be relocating to the project area in the coming months.

Water Banking – Mary Lucachick

Lucachick said she spoke with Harriet Hensley of the Idaho Attorney General's Office regarding the ECC's interest in water banking. She said Hensley called Phil Rassier and John Holemen, state water rights attorneys. Lucachick said Hensley plans to attend the September ECC meeting. Garrett said he also spoke with Hensley, and she said that establishing a water bank on the Bear River should be relatively simple, as a state water bank is already in place.

Garrett said that the discussion at the September ECC meeting will include the nonconsumptive water right associated with Cove, as well as the process of developing a water bank (i.e, the steps needed). Clarification is needed regarding what state law will allow and what will be required to meet ECC goals.

Lucachick said if ECC members have questions about water banking they would like Hensley to discuss at the September ECC meeting, they should email Hensley at hhensley@ag.idaho.gov

Comments on Grace/Cove Site Plan - Eve Davies

Davies said she received comments on the site plan from some ECC members, as well as from others within PacifiCorp. Some changes have been made, she said, including two gates that have been added to the fencing plan. Davies said Mignogno's comments will be addressed in writing, and she will work directly with Mignogno to address them.

Davies discussed Mignogno's comments on fencing. Davies said she and Conder will draft a letter to landowners regarding availability of cost sharing funds for fencing.

Mignogno said she would like to see more detail regarding Kackley Springs in the plan. Davies said that PacifiCorp had not agreed to take on more work in that area, but the ECC could use their funding to do so. Mende said he recalled numerous discussions on Kackley Springs, and that he understood PacifiCorp would work on Kackley Springs, and that ECC funding would not be used for that work.

Garrett said he would like to review the license in this regard. Mignogno cited License Article 424. Garrett said he interpreted the article cited to mean that PacifiCorp would remove grazing from the springs. Garrett said that since the forebay is coming out, there is no longer a need to redivert Kackley Springs and therefore that \$10,000 could be used for restoration. Garrett said he would like to know Mignogno's specific expectations in terms of wetland enhancement and restoration in the area. Garrett said PacifiCorp still plans on reconfiguration of the springs in year five, as the license requires. Hoyt restated his concern over weed infestation in the area. Hoyt said that in his experience, removing grazing will go a long way towards addressing the problem. Colyer said that to remove the effects of cattle grazing, more needs to be done than just removing the cattle. The effects of cattle should also be addressed, such as noxious weeds, he said. Colyer suggested that a consultant be brought in to evaluate what needs to be done in this area.

Mignogno said she would like to see Kackley Springs specifically addressed in the Grace/Cove Site Plan, because it is the most specific plan the ECC will see. Hoyt suggested adding a statement to the Site Plan that a plan for Kackley Springs will be developed, as it is not yet known what is needed there. Koelsch agreed, saying that it may be best to leave the springs to nature for a couple of years after Cove Decommissioning, rather than attempting heavy-handed wetland restoration that may not be successful.

Davies noted that \$10,000 would not cover much restoration work (i.e., channel reconstruction) if an evaluation by a consultant is required. Colyer said that discussion should not be delayed, as time may be needed to obtain more funding. Mignogno suggested there are other agencies that could participate, as well as in-house expertise.

Colyer asked whether the \$10,000 available from PacifiCorp was a firm figure. He also asked whether restoration funds or Grace/Cove Site Plan funding would be used. Garrett said PacifiCorp's financial obligation was identified in the license articles and site plan. Garrett said he feels this is a relatively low cost project. He said the ECC could use mitigation funding for the project creatively, and with matching grants, etc. Garrett said he agrees with taking the approach of letting the springs find their way naturally for a few years, rather than attempting to actively restore the wetland beyond the \$10,000 fund availability.

Mignogno said ways to achieve desired future conditions include managing:

- Public access
- Vegetation
- Wetland and riparian habitats
- Agricultural uses

Davies noted that lease revision is also included in the site plan, which will constitute reclamation of the wetland. The last two points are restoration measures, and Davies pointed out that this is a management plan, not a restoration plan.

Colyer asked for clarification on whether PacifiCorp is committing to removing cattle or the effects of cattle. Davies said the magnitude of removing the effects of cattle would be huge, as nearly every square inch of the country has been impacted by cattle. Davies agreed that should be clarified in the site plan, as the difference between the two concepts is huge.

Garrett said PacifiCorp has agreed to manage the land, and in his mind, when primary impacts are removed (i.e., cattle), land is well on the way to restoration. Garrett said PacifiCorp is revising leases, removing cattle, providing fencing, removing weeds, etc. Additional active restoration, he said, in his mind, was to come from mitigation funding, which could be used as creatively as possible. He said PacifiCorp will work with the ECC on use of mitigation funding already committed in the settlement process.

Garrett said he regrets that PacifiCorp's and the ECC's perceptions were different. He said that PacifiCorp will be removing major direct impacts. Garrett said he believes that an expensive consultant is not needed to tell the ECC what needs to happen in this area but if anyone still has concerns relative to this, please call him and let him know.

Garrett said Mignogno's comments on the Site Plan will be addressed in writing. If anyone still has comments, go ahead and send them in, as the documents are "working documents" even though the 30-day comment period has ended.

Conference Call with Harriet Hensley

Hensley called in by phone to speak with ECC members. The ECC requested the following topics for discussion with Hensley at the September ECC meeting:

1. Reconnection of tributary streams
2. Preserve Cove Water Right for future benefits to aquatic resources
 - What are threats?
 - What can be done?

Mignogno asked about the Cove water right and water banking in general. Hoyt asked how long it would take to establish a water bank and how much it would cost. Hensley said a local water bank would not be needed. She said she believed the ECC could use the state water bank, and she will confirm this. Mignogno asked what sort of outreach is needed, and who must participate in order for it to work. Lucachick asked (on behalf of Jeff Seamons) what would happen to the water right in Cove when the dam comes out. Hoyt asked if a water bank is established, how could the ECC use it? Garrett said that in the Settlement Agreement, PacifiCorp committed to giving up the Cove water right for the benefit of aquatic resources, and asked whether there is assurance that the right can't

be used by others in the future. Mladenka asked for some idea of cost. Lucachick asked whether legislation passed for the Lemhi would pass for the Bear, or whether additional legislation was even needed. Hensley asked whether Jody Williams was still handling PacifiCorp's water rights work and asked for permission to speak with her. Garrett said Hensley could speak with Williams. Hensley asked about the water right at Cove. Conder and Garrett said about 1200 cfs. Hensley asked how regularly. Conder said very regularly during irrigation season. Hensley also asked about the water right at Oneida. Garrett said approximately 1800 cfs, and added that all are tied to irrigation use.

Land Trust Agreement for Land Purchase – Monte Garrett

The ECC discussed conveyance language needed for a proposed land purchase. Garrett said a legal instrument is needed to provide funds for the land trust to purchase interests in land for management according to the ECC's guidelines. He said funding would go from PacifiCorp to the land trust, which would then purchase the land and manage it according to ECC specifications. Garrett said he is working internally with PacifiCorp to develop the legal agreement. He said he will circulate the agreement to the ECC once it is developed, but requested input from the ECC on management guidelines for the trust.

Stenberg asked about backup for the land trust, should it fold. Garrett said the ECC had discussed the issue and Teton Land Trust has agreed to back Sagebrush-Steppe's trusts. Stenberg said a state or federal agency should be named as default in case they all fold. Mende said he would inquire about the Fish and Wildlife Foundation. Hoyt noted that in many cases, agencies don't want the land because of costs associated with management. Garrett asked whether the ECC could write into the agreement that if the land transferred to an agency, then the agency would also inherit an endowment of some type.

Mignogno asked whether the ECC should discuss management guidelines for this particular parcel or discuss the process for developing guidelines. Garrett suggested discussing process a little first. He noted that site plans will be used as templates for desired future conditions.

Hoyt suggested going back to the Settlement Agreement for overarching guidelines, then developing specific guidelines for individual properties. Garrett said he believed that management guidelines will be developed for each parcel on a case-by-case basis. Hoyt agreed, but said the ECC should still go back to the Settlement Agreement for overall guidelines on why the ECC is involved with the individual parcels.

Koelsch said his expectation is that the ECC will tell the land trust what it wants, and the land trust will then tell the ECC how they plan to do it. Mignogno asked whether the management plan must be in place before the land is transferred. Garrett said no, that could come later as agreed in the legal arrangement. Mignogno expressed concern because the management plan would be negotiated with the landowner. Garrett said that management guidelines and an agreement to develop a management plan will be in place before any money is transferred. He said he viewed the management plan as an iterative process.

Garrett said management guidelines are needed to present to the land trust prior to their acceptance of funding for purchase of land, and the trust would need to know whether they could agree to the ECC's management guidelines. Davies said Sagebrush Steppe has asked for a site tour to review the parcel with their board. Conder said she will get permission from the landowner and arrange for them to review the parcel before the next ECC meeting. Conder said the property would be a good first purchase for the ECC because it is simpler, as two parties are involved (rather than three with a landowner for a conservation easement). Garrett asked for volunteers for a subcommittee to develop management guidelines for the ECC.

It was decided that Jim Mende and Scott Christensen will meet within the next two weeks and get recommendations to Garrett for him to include with the draft Memorandum of Understanding with the land trust. Garrett will route the combined draft for review by the ECC prior to the next meeting. Hoyt asked that ECC members forward any concerns they may have to Garrett (i.e., don't assume the subcommittee will think of everything).

Funded Restoration Project Updates

The Funding Proposal Subcommittee presented updates on funded restoration projects to the ECC.

Black Canyon Monitoring – Monte Garrett

Garrett said bids for the Black Canyon monitoring work were received from four firms, Cirrus, ERI, Oasis and Parametrix. Garrett said only one firm said they contacted universities (Parametrix) and none could do all the work proposed for \$35,000/year. Oasis (Gangemi's firm) said they could not do all the work unless the ECC provided some manpower and equipment. ERI had a good proposal, but would eliminate telemetry, reduce transects from five to three, and eliminate macroinvertebrate and periphyton sampling in March. Cirrus would also reduce transects from five to three, reduce fish sampling, and reduce the number of radiotagged fish to nine. Garrett said it was also a good proposal. Parametrix eliminated March sampling except periphyton and also suggested partnering with Idaho State University or Utah State University.

Garrett said he will distribute copies of the bids to subcommittee members and schedule a conference call to make a decision on a bidder. Mladenka said IDEQ has a rating table for proposals he will distribute. It was agreed that the subcommittee would make a decision and bring it to the ECC in September. ECC members agreed that they are comfortable with the subcommittee making a recommendation and Garrett going ahead with PacifiCorp procurement to award the contract. Mladenka and Davies suggested adding performance criteria and annual performance reviews, and making yearly contract renewal contingent on performance. The subcommittee (including Davies, Lucachick, Mladenka, Koelsch, Colyer, Tuescher, and Vincent) will schedule a conference call for 10 a.m. September 6. September 7 and 12 are backup dates.

Agenda Items for September 21, 2005

- 1) Project Updates – Black Canyon, Cove Settlement Agreement, Thermal Imaging
- 2) Water Bank – Guest Speaker Harriet Hensley
- 3) Next Funding Proposal Period and Public Meetings
- 4) Funding Proposal Updates:
 - MOU with Land Trust
 - Property Purchase– Desired Future Conditions and Management Guidelines
 - Cottonwood Diversion
- 5) Future Meetings

October Agenda

Site Plans