

**Final Notes**  
**Bear River License Implementation**  
**Environmental Coordination Committee Meeting**  
**September 21, 2005**  
**Grace, Idaho**

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<b>Commitments Made at the September 2005 ECC Meeting</b>	
All	<ul style="list-style-type: none"> <li>• Forward names of thermal imaging firms to Garrett.</li> <li>• Forward contact information for anyone who should be added to mailing list for proposal request.</li> <li>• Respond to Garrett on bullet points for MOA.</li> <li>• Make media contacts regarding the upcoming funding proposal period. Specific commitments: Marv Hoyt, Caribou County Sun and Channel 6; Warren Colyer, Montpelier News Examiner; Lynn Van Every, Preston Citizen; Deb Mignogno, Channel 8. Timeframe = October – December.</li> </ul>
Monte Garrett	<ul style="list-style-type: none"> <li>• Talk with FERC about the need for scoping for Cove Decommissioning.</li> <li>• Email list of thermal imaging firms to ECC members.</li> <li>• Coordinate with private land owners for access to Black Canyon during monitoring work.</li> <li>• Go forward with applying for water leasing for Cove.</li> <li>• Press release for 2006 funding proposal period.</li> <li>• Circulate draft MOA for land trust to ECC members</li> <li>• Circulate bullet points for MOA for land trust agreements to the ECC.</li> <li>• Request update on genetics study from Dave Teuscher for November ECC meeting.</li> </ul>
Jim Capurso	<ul style="list-style-type: none"> <li>• Draft a flyer to solicit funding proposals.</li> </ul>
Claudia Conder	<ul style="list-style-type: none"> <li>• Follow up with Bill Graham (Idaho Department of Water Resources) regarding the Cove water right.</li> <li>• Coordinate access for Black Canyon monitoring (work begins Oct. 12) with private landowner.</li> </ul>
Lynn Van Every	<ul style="list-style-type: none"> <li>• Obtain background info needed to approach Bill Graham (Idaho Department of Water Resources) regarding an agreement not to divert on Williams Creek and report back to ECC next period.</li> </ul>
Warren Colyer and Monte Garrett	<ul style="list-style-type: none"> <li>• Discuss GeoEngineers alternatives for workscope for Cub and Cottonwood projects</li> </ul>
Deb Mignogno and Miriam Hugentobler	<ul style="list-style-type: none"> <li>• Revise short form for funding proposals. Route for review and finalize by Oct. 10. Revise long form for funding proposals and ranking criteria for discussion at Oct. 19 subcommittee meeting.</li> </ul>
Funding Proposal Subcommittee	<ul style="list-style-type: none"> <li>• Subcommittee meeting Oct. 19 at 9 a.m. at IDEQ offices in Pocatello.</li> </ul>

**Decisions Made at This Meeting:**

- Change regular ECC meeting schedule to once every other month. The Environmental Coordinator will determine need, schedule and circulate agenda.
- Convene funding proposal subcommittee October 19 at 9 a.m., IDEQ offices in Pocatello, with a conference call set up for ECC members
- Schedule next regular ECC meeting for November 16 at IDEQ offices in Pocatello.
- Rebid thermal imaging work next year.
- Use flyers rather than public meetings to solicit funding proposals for the upcoming proposal period.
- Wait until results of future studies are in to proceed with prioritizing potential water banking projects.
- Proceed with researching the use of Agreements not to Divert using Williams Creek as a case study.
- Proceed with appraisal of property being considered for conservation easement at a cost of \$3,000.

**ECC Members Present**

Marv Hoyt, Greater Yellowstone Coalition  
Monte Garrett, PacifiCorp  
Lynn Van Every, Idaho Department of Environmental Quality  
Jim Capurso, U.S. Forest Service  
Deb Mignogno, U.S. Fish and Wildlife Service  
Warren Colyer, Trout Unlimited  
Mark Stenberg, PacifiCorp

**Others Present**

Claudia Conder, PacifiCorp  
Steve Anderson, Idaho Department of Fish and Game  
Greg Mladenka, Idaho Department of Environmental Quality

**By Phone**

Harriet Hensley, Idaho State Attorney General's Office  
Mary Lucachick, Idaho Department of Parks and Recreation  
Connely Baldwin, PacifiCorp

**Introductions, Review**

The day's agenda, previous commitments and meeting notes were reviewed. Notes from the August meeting and subcommittee meeting were approved with changes from Monte Garrett and Greg Mladenka.

## **Project Updates – Monte Garrett, Environmental Coordinator**

### **Black Canyon Monitoring Contract**

Garrett told ECC members that the conference call with Black Canyon subcommittee members to discuss proposals received took place as scheduled on Sept. 6. A contract is currently in preparation with the firm selected, Oasis Environmental, and work is scheduled to begin on October 12<sup>th</sup>. Garrett suggested scheduling a conference call for subcommittee members to discuss any further comments/concerns on scope of work before it is finalized. He said the final scope of work will be added to the contract next week. Subcommittee members had no further comment on the scope of work, so no conference call was scheduled. Mladenka indicated that IDEQ was planning to meet with the contractors prior to data collection to identify study reaches in Black Canyon.

Garrett asked ECC members whether they were aware that the sampling area (Black Canyon) may not have minimum flow available at the time of first data collection (although minimum flow is present throughout much of the year). This was accepted by the ECC as a valid condition for data collection. Van Every asked for coordination with landowners so that private land may be used for access to the study area. Conder will notify the landowner and ask for access to occur across their land, and the tenant will be notified prior to crossing the land.

### **Cove Decommissioning**

Garrett told ECC members that the Draft Environmental Assessment for Cove Decommissioning is expected by early next year and the FERC does not anticipate the need to conduct a scoping meeting. He said the project is still on schedule for removal by end of next year. Hoyt expressed concern about not conducting scoping, especially since there is local opposition to Cove decommissioning. He asked that Garrett find out what FERC's thought process was as to why they did not see the need for scoping, as NEPA is clear on scoping requirements. Garrett agreed to contact FERC regarding scoping for Cove Decommissioning.

### **Thermal Imaging**

Garrett said that thermal imaging has been put off until next year. He said he would like to review available contractors and possibly use another company. Hoyt suggested going ahead and looking for other companies now and putting the work back out for bid again next year. He suggested that the ECC make a decision on this by mid January 2006. ECC members voted to rebid the work. Garrett asked that ECC members forward names of any suggested firms to him.

### **Grace-Cove Site Plan**

Garrett said the Grace-Cove Site Plan has been finalized, and is posted on the ECC's website.

### **Next Funding Proposal Project Updates/Public Meetings**

ECC members reviewed the schedule for proposal solicitation. The schedule is as follows:

- Solicit proposals beginning in November
- Short forms due January 6 for proposal period
- Long forms from ECC proposal sponsors due April.

Capurso and Mladenka suggested announcing the proposal period through the media and distributing fliers to NRCS, etc. Van Every suggested using IDEQ's mailing list to distribute the flyers. Garrett will see that a press release is made ready following the revision of the short form application for the website and preparation and distribution of the flyer. Mignogno suggested trying to get a newspaper article/television coverage on a project completed in the past year. This will continue to be discussed at the next meeting. It was decided that it would be helpful to list past types of projects in this year's call for proposals.

ECC members also discussed follow-up for regrets to project proponents that did not receive funding. ECC members reviewed the list of projects and determined that all proponents of projects that were not funded had been contacted. Ovid is the only unfunded project that will be encouraged to resubmit.

### **Harriet Hensley – Water Banking**

Hensley (Idaho State Attorney General's Office) participated by phone in a discussion of the ECC's interest in water banking. Connely Baldwin (PacifiCorp) also participated by phone. Hensley said PacifiCorp should file an application to lease its Cove water right to the water bank as a nonconsumptive use for beneficial instream use. She said this should be done as soon as possible. She said the lease application is available on Idaho Department of Water Resources' website and suggested that PacifiCorp work with Bill Graham and Cynthia Clark of Water Resources. Hensley said this would protect PacifiCorp's water right from loss or forfeiture. She suggested that the ECC request that the Water Board apply to appropriate an instream flow right. Identify the reach, state that it is for the benefit of fish and wildlife, and state that there would be no injury to existing rights. Hensley suggested working through Water Resources for this too. She said the Water Board will hold the right and rent it to the ECC (or member agency like Idaho Department of Fish and Game) for a small amount (like \$1). The Cove water right would be rented from the water bank to fulfill the Water Board's water right. Hoyt asked if this would protect water right from another hydro project. Hensley said yes. Conder asked whether to file now or wait for decommissioning. Hensley said sooner rather than later. Conder asked how long the process takes. Hensley said one to two months. Hensley said she will get in touch with Bill Graham (Water Transactions Program, Boise Office) about getting paperwork in place. Conder will follow up on this with Bill Graham.

Hensley said the ECC doesn't need to develop a local water bank for the Bear River, that the state water bank could be used. Hoyt said the ECC could work to develop agreements with local users, that is, they put water up for nonconsumptive use, then the ECC leases the flow from the water bank. Hensley pointed out that a point of diversion would be needed and if there was no point of diversion, an agreement not to divert could be

developed. She stated that all water rights need a point of delivery. Hensley said the ECC may need to develop agreements not to divert with senior water users.

Hensley suggested sitting down with one ECC project to discuss exactly what the ECC would like to do (where the ECC would like to lease water, etc) and work through the process on a case-by-case basis. She said the way to understand is to work on specific transactions.

Hoyt asked about agreements not to divert and forfeiture. Hensley said five years is the time period, but said the ECC should check into this, because there are exceptions.

Mignogno asked if there should be language in proposals regarding water. Hoyt said he thought the ECC probably should not get into that.

It was suggested that the ECC form a subgroup to prioritize acquisition but members were not certain if the time was right, as studies have not been done. The completion of the BCT study phase of the planning process (e.g., through 2007) may provide more clarity on priorities for different tributaries and areas near the mainstem. Hensley said the ECC should also think about price, because the range in cost for water leasing is pretty remarkable. She suggested getting Bill Graham involved as the ECC will need to decide how much the water is worth.

Hensley recommended getting an application in for Cove as a first step. She said it seems that the next step is to have an ECC representative sit down with Bill Graham and look at maps etc.

The call with Hensley ended.

Mignogno asked whether the ECC should form a subgroup to begin prioritizing projects. Hoyt said he expects that will be a long, drawn out process. Capurso said it may be premature to form a subgroup at this time, as the ECC does not yet have the data to make good decisions. Colyer noted that the ECC has never discussed using agreements to not divert. He said the ECC could use this as a tool immediately (for example, on Williams Creek). Hoyt said he would not like to get caught up in paying a lot of money for people to not divert. He said that if there is no long term benefit (i.e., would have to do it every year), why proceed? Mignogno brought up other tools, like piping. Baldwin said he would also support conservation as a tool. He said the ECC could have a long-term beneficial plan that would not require paying every year (i.e, would require occasional rather than annual payment). Colyer suggested moving forward with Williams Creek as a first project.

ECC members agreed not to proceed with water banking projects until more data are in and discussed further researching agreements not to divert using Williams Creek as a case study. It was decided that additional information was needed, particularly regarding downstream water rights on Williams Creek. Van Every agreed to obtain further information and report back to the ECC at the next meeting.

### **Frequency of ECC Meetings**

Van Every and Hoyt suggested that ECC meeting frequency be changed to every other month. Stenberg suggested holding a conference call for in-between months. He will be responsible for determining the need for and scheduling conference calls.

### **Funding Review – Monte Garrett**

Garrett presented an update on funding, as requested by ECC members at the last meeting. Spreadsheets from each funding category were presented as overheads.

Garrett noted that the genetics study was overspent by \$9,000, which would come out of the aerial photo funding. He said the telemetry fund was overspent by \$40,000, which would come off next year. Funding for broodstock development and conservation hatchery was not available until future years. Garrett said funds were still available this year for Black Canyon Monitoring, and the habitat enhancement projects were not far enough along to spend the funds down. He said land and water acquisition would have rollover to next year.

### **Next Agenda – November 2005 – Pocatello, Idaho**

- Water Rights on Williams Creek – Lynn Van Every
- Project Proposal Subcommittee (including MOA w/land trust for Gilbert and appraisal, Youngman CE)
- Updates: Telemetry, Genetics, and Black Canyon Monitoring, Cove update from FERC

### **January 2006 Agenda**

- Thermal imaging work