

Final Notes
Bear River License Implementation
Environmental Coordination Committee Meeting
January 18, 2006
Pocatello, Idaho

Commitments Made at the January 2006 Bear River ECC Meeting	
Mark Stenberg	<ul style="list-style-type: none"> • Prepare RFP for thermal imaging work, including a nonperformance clause. Continue to coordinate scope with Dave Teuscher. • Set up meeting with landowners in the Cove area regarding fencing issues (with Eve Davies). Speak with Kelly Mortensen about attending. • Work with Eve Davies to develop monitoring forms for ECC-funded projects. • Update ECC members on land trusts that respond to the RFP. Route proposals received along with evaluation criteria to ECC members before the next meeting. • Prepare funding update for next funding subcommittee meeting. Review needs for irrigation diversion mapping. • Coordinate with John Gangemi (Oasis) about presenting results of his work in Black Canyon to the ECC at February 22. • Check on TU contract for Cub and Cottonwood Creek. Is it ready to send out and can this contract be used for other projects or just Cottonwood and Cub Creek?
Connely Baldwin	<ul style="list-style-type: none"> • Revise Operations and Compliance Plan as discussed and submit to FERC. • Propose process to provide monthly update to agencies to illustrate discrepancies between provided minimum flow and actual gage readings.
Dave Teuscher	<ul style="list-style-type: none"> • Check on monitoring procedures (for sterility) in place at hatchery that donates and stocks rainbow trout in the Bear River, as discussed at the January ECC meeting.
Lynn Van Every	<ul style="list-style-type: none"> • Propose method to obtain continuous flow data for the lower reaches of Williams Creek.
Eve Davies	<ul style="list-style-type: none"> • Work with Mark Stenberg to develop monitoring forms for ECC-funded projects. • Meet with landowners in Cove area regarding fencing issues (see above).
Funding Proposal Subcommittee (Mark Stenberg, Eve Davies, Deb Mignogno, Warren Colyer, Lynn Van Every, Jim Capurso, Marv Hoyt, Dave Teuscher)	<ul style="list-style-type: none"> • Project sponsors: Complete long forms for funding proposals. The review schedule is as follows: March 10 – long forms due to Miriam Hugentobler March 16 – long forms compiled and distributed to subcommittee members March 23 – Funding Proposal Subcommittee meets in Pocatello April 5 – ECC meets in Grace/subcommittee presents funding recommendations.

ECC Members in Attendance

Marv Hoyt, Greater Yellowstone Coalition
Jim Capurso, U.S. Forest Service
Lynn Van Every, Idaho Department of Environmental Quality
Dave Teuscher, Idaho Department of Fish and Game
Warren Colyer, Trout Unlimited
Pat Koelsch, Bureau of Land Management
Deb Mignogno, U.S. Fish and Wildlife Service
Mark Stenberg, PacifiCorp

Others in Attendance

Greg Mladenka, Idaho Department of Environmental Quality
Eve Davies, PacifiCorp
Miriam Hugentobler, Project Coordinator
Buffy Morris, PacifiCorp
Dave Cottle, Bear Lake Watch
Steve Anderson, Idaho Department of Fish and Game

By Telephone

Kelly Holt, PacifiCorp
Connely Baldwin, PacifiCorp

Review of Notes and Agenda

Meeting notes from the November ECC Meeting and Funding Proposal Subcommittee Meeting were approved without changes. Additions to the day's agenda included a call-in update on PacifiCorp's Operations and Compliance Plan from Connely Baldwin, an update on recent meetings with Soda Springs and Grace city councils from Mark Stenberg, and discussion points for diversions by Jim Capurso and Warren Colyer.

Review of Commitments**RFQ for Land Trusts**

Mignogno asked about materials for the land trust RFP that were not distributed for ECC review. Stenberg clarified that only the evaluation matrix was not circulated, and this was to avoid the appearance of impropriety (i.e., the evaluation matrix was leaked to one of the land trusts). Mignogno said she felt uncomfortable that the ECC was left out of the review process for the evaluation matrix and that PacifiCorp would now decide which land trust would be chosen. Mignogno said she had phoned Stenberg and asked that the evaluation matrix be distributed to other ECC members, leaving her off the distribution if her position on Sagebrush-Steppe's board was an issue. Stenberg said he did not distribute the matrix because none of the ECC members had requested it. He said he would be willing to distribute the matrix if the ECC would like to see it. Stenberg explained the process for putting the RFP together. The RFP is on the external website,

he said, and the ECC should know next week which land trusts will be proposing and he will keep the ECC updated. Stenberg then reviewed the basic contents of the RFP.

Mignogno expressed concern that the RFP process could delay a proposed land purchase that has been approved by the ECC. She said she would like to point out that the land trust is helping the ECC, not vice versa, and that things were not coming across to the land trust that way. Colyer agreed and added that the ECC may have to reevaluate the RFP process, as the short (2-week) time-frame could result in few replies. Mignogno said the MOA appears to need significant work, as Sagebrush-Steppe's lawyers have reviewed it and said their acceptance of it could affect the trust's 501(3)c status.

Fencing at Cove

Stenberg said that PacifiCorp has not yet met with landowners and this item will be carried forward to the February agenda.

Black Canyon Monitoring

Stenberg said John Gangemi of Oasis be present at the February ECC meeting to brief the ECC on the first round of monitoring in Black Canyon. Stenberg noted that the results of benthic invertebrate sampling are not yet back from the lab, but all else is complete.

Thermal Imaging Work

Stenberg said the thermal imaging work will be rebid. The scope of work will be the same, but options will be added for GIS correction/insertion. The ECC discussed whether to include IRZ on the list of bidders. Hoyt suggested adding a nonperformance bond to the contract. ECC members agreed and it was decided that PacifiCorp would determine the amount of the bond. Teuscher stressed the importance of getting the thermal imaging completed this year, as fish are tagged and a graduate student is conducting field work. The ECC agreed to include IRZ on the list of bidders.

Operation and Compliance Plan – Connely Baldwin (by phone)

Baldwin explained proposed changes to PacifiCorp's Operations and Compliance Plan regarding minimum flow compliance assurance (Powerpoint presentation).

Baldwin told ECC members that deadband rather than gage readings are currently being used to verify compliance with minimum flow requirements. There were some questions regarding the equation that will be used for this. Mladenka asked whether the relationship is linear or banded. Baldwin said linear. Cottle asked about the effect of atmospheric pressure on the equation. Baldwin said it is insignificant.

Stenberg then explained the next step for the plan. He told ECC members it will be revised over the next week or so and then submitted to FERC.

Van Every asked whether PacifiCorp will still maintain the gage below Grace. Baldwin said yes. Van Every asked whether the readings will be different than compliance measurements. Baldwin said yes, and that the difference will be noted and explained on

the web page (with flow information). Van Every asked that the information be put in an obvious place, to make the discrepancy as transparent as possible. Van Every suggested adding a monthly update to the web site (or the annual report) that explains any deviations between the gage and the compliance measurement.

ECC members said their concerns were addressed, and Baldwin left the teleconference.

Updates

Cove Decommissioning

Stenberg briefed the ECC on Cove Decommissioning activities.

- Bob Atwood is reviewing plans for decommissioning.
- FERC still reviewing the decommissioning document.

Stenberg said he and other PacifiCorp representatives recently met with Soda Springs city council to discuss Cove decommissioning. He said they briefed council members on the ECC, the FERC license, and decommissioning. He said that questions raised included loss of tax revenue for local municipalities. Stenberg said council members generally seemed positive about Cove decommissioning.

Mladenka told ECC members that Colden Baxter, a stream ecologist at Idaho State University, will be conducting before and after studies of Cove decommissioning. Colyer mentioned that Utah State University (i.e., Ken Theis, Craig Johnson and Jack Schmidt) is interested in conducting studies as well.

Water Bank – Claudia Conder

Conder told ECC members that the application to put the Cove water right into the state water bank has been put on hold. Conder said the action will protect the water right from forfeiture until questions regarding Cove decommissioning are answered (i.e., FERC approves decommissioning). Conder pointed out that ECC members should be aware that if the Cove water right is put into the state water bank, someone could rent the right. Mladenka pointed out that the ECC (or other entity) could rent the right, and the ECC would set the use and amount of rent.

Fish Tagging – Dave Teuscher

Teuscher said data obtained thus far are being entered into a database. He said more of the same type of tags will be ordered for spring, and a flight to get winter conditions is being scheduled. He said IDFG plans to start tagging again next month. Teuscher said that more fish will be tagged next year, so it's good the thermal imaging will happen in 2006.

Black Canyon Monitoring Plan and Stocking of Fish

Teuscher told ECC members that a hatchery owner has been donating fish (rainbow trout) and stocking them in Black Canyon. He said IDFG sent the hatchery owner a letter asking that he stop stocking rainbow trout, as IDFG uses only sterile hybrids. Teuscher

said the hatchery owner wrote back and said he would use sterile fish and agreed to use IDFG protocols. Tuescher said the hatchery owner donates about 10,000 fish per year. Teuscher pointed out that this is a change from what was planned in Black Canyon, and suggested that the ECC discuss this with Gangemi at the February ECC meeting.

Capurso expressed concern about the stocking of donated rainbow trout on top of IDFG's stocking of rainbow trout. Colyer asked how the operation is being monitored to ensure that the fish are sterile. Teuscher said he believes the hatchery owner orders eggs from the same place IDFG gets theirs, but he will check to be sure. Colyer said he shares Capurso's concern, especially for the area above Alexander Reservoir. Teuscher said he does not believe competition from rainbow trout is impacting Bonneville cutthroat trout. He said he believes Bonneville cutthroat trout are limited by availability of spawning habitat instead. Capurso suggested that the ECC add this issue to the February agenda.

Cub River and Cottonwood Creek – Warren Colyer

Colyer said he is no longer working with Geo-Engineers on these projects. Colyer said he approached another engineering firm (McMillan) from the Thomas Fork project, and the company said they can do the remaining work for the budgeted amount and can finish it this year. Colyer said they are doing the topographic survey now, and that the work so far has revealed other alternatives that were not considered by Geo-Engineers. He said the irrigation company is reviewing the results. Colyer said that the alternatives would be fleshed out for no additional expense, and he feels this is an exciting prospect.

Trout Unlimited's role on these projects was explained again, that is, they have a contract with PacifiCorp to disburse funds for these two projects, and Trout Unlimited will administer the projects. Hoyt asked if the contract was for these two projects, or broader. Stenberg agreed to check with contracting.

Williams Creek – Agreement not to Divert

Eve Davies updated the ECC on progress towards developing an agreement not to divert on Williams Creek. This work was undertaken in support of Van Every's 2005 project funding proposal from Leif Wallen. Davies said the most junior right on Williams Creek is from 1873. She said she was told by the McGregors (who are landowners in the area) that lower Williams Creek has more water in the lower reaches than some of the other local tributaries. She said that some ranchers have reported Bonneville cutthroat trout near their irrigation diversions, even during dry years. Davies asked whether Bonneville cutthroat trout would benefit if irrigation did not occur until July. Teuscher said spawning could occur, but adults could have trouble getting back to mainstem. However, spawning is the important part, he said. Davies said she had been told by landowners of a reach above the falls that could provide a safe place to develop a stronghold for Bonneville cutthroat trout. Teuscher said Williams Creek may be renovated sometime in the future, according to the Bonneville cutthroat trout recovery plan and that the naturally reproducing rainbow trout may be eliminated. Teuscher said he believes Williams Creek is one of the most important tributaries in the reach for Bonneville cutthroat trout. Teuscher stressed that if the stream may be renovated, it is important to mention that

possibility to landowners early in the process. Davies said she believes this will be a good group of landowners to work with.

Conder said based on her search of courthouse records regarding Williams Creek, water rights have not been updated, points of diversion have been changed, names of the ditches have changed, and records are generally out of date. Davies noted that these problems are compounded by the fact that there is no water master in the area. Conder noted that the water right that Leif Wallen proposed to use is not in his name. She said that the ECC should be cautious about agreements of this type, and should be certain that landowners are responsible for getting these records in order prior to making agreements with the ECC.

Davies said that the next action on this proposal would be to determine how to ensure that the flow (1.25 cfs) from Wallen's proposal actually stays in Williams Creek. Colyer said the ECC should be cautious about how this is enforced and monitored, but his concerns are for the most part alleviated by the amount of water that currently stays in the stream.

Capurso said that since there is water in the tributary most years, why worry about developing agreements not to divert? He said the availability of water eliminates the need for agreements.

Van Every said he will continue work on the Williams Creek project, and will keep looking for continuous flow data from the lower reaches, then decide whether further agreements are needed or desirable. Van Every agreed to look into obtaining this data.

The ECC agreed to discontinue work on agreements not to divert at this time, and agreed to talk at a future meeting about how to look at flows and possible future impacts to land use.

Discussion Points for Diversions

This agenda item will be discussed at a future meeting.

Agenda for the February 22, 2006 ECC Meeting, 9 a.m., IDEQ Offices, Pocatello

- Black Canyon Monitoring – Oasis - 2 hours (include update on RBT stocking)
- Land Trust RFP – will have proposals to review – Stenberg will route proposals with evaluation criteria prior to next meeting - 2 hours
- Cove removal plans - update

Future Agenda Items

- Stocking of rainbow trout – update
- Changes to plans for Cove Decommissioning
- Cove fencing - update
- Williams Creek flows – update from Van Every, if available

- Amount of money available for land and water acquisition. Consider banking the money so it is available in larger amounts (e.g., \$1 million increments).
- Discussion points for diversions