

Final Notes
Bear River Environmental Coordination Committee Meeting
October 11, 2006
Grace, Idaho

Commitments Made at the October 11, 2006 Bear River ECC Meeting	
Mark Stenberg	<ul style="list-style-type: none">• Set up meetings between Sagebrush Steppe Land Trust and property owners to pursue conservation easements
Eve Davies	<ul style="list-style-type: none">• Circulate Oneida Site Plan (with edits highlighted) to ECC members for review

Decisions Made at This Meeting:

- Use Bob McGregor fencing funds in the amount of \$5,000 for Cove Bypass fencing. Authorize land trust to pursue purchase agreements with land owners for conservation easements. Replenish habitat enhancement funds with US Fish and Wildlife Service funding when that money comes in.
- Offer the following three options to Sagebrush Steppe Land Trust for stewardship of the Gilbert parcel, requesting a response in three days:
 - 1) \$36,000 one-time upfront payment
 - 2) Fixed - \$5,000 for 5 years, then \$2,000 for 22 years; no endowment
 - 3) Annual payment \$4,000 for 5 years, then \$1,000 for 22 years + match endowment 100 percent up to \$25,000.

ECC Members Present

Mark Stenberg, PacifiCorp
Damien Miller, U.S. Fish and Wildlife Service
Christine Waite, Idaho Department of Environmental Quality
Blaine Newman, Bureau of Land Management
Marv Hoyt, Greater Yellowstone Coalition
Warren Colyer, Trout Unlimited

Others Present

Pat Koelsch, Bureau of Land Management
Eve Davies, PacifiCorp
Glen Pond, PacifiCorp
Becky Lazdauskas, Bureau of Land Management
Kelly Holt, PacifiCorp
Tom Lucia, Sagebrush Steppe Land Trust (SSLT representatives joined at 10 a.m.)
Dave Penny, Sagebrush Steppe Land Trust

Brent Nichols, Sagebrush Steppe Land Trust
Colden Baxter, Idaho State University (ISU and Oasis joined at 2 p.m)
Ryan, Idaho State University student
John Gangemi, Oasis Environmental

Participating By Phone:

Jim Mende, Idaho Department of Fish and Game
Jim Capurso, U.S. Forest Service
Mary Lucachick, Idaho Department of Parks and Recreation

Review of Agenda

Colyer asked that a Twin Lakes position statement be added to the December agenda.

Review of Notes

Notes from the August ECC meeting were accepted without changes.

Regarding consensus decisions by email, Stenberg clarified that two weeks will be allowed for responses to email queries for consensus. After that time, no reply will be interpreted as a yes. Objections must be noted by email. If there are objections, the question will be brought to a regular meeting for ECC members to try and reach consensus.

Mende asked about being sure that people receive the notice of vote. Stenberg said he will send email queries for consensus as read-receipt. Stenberg said he will develop a form and will check off replies as they come in.

Review of Commitments

- A proposed meeting to discuss fish salvage at the Cove decommissioning site was cancelled.
- Matching funds for grants have not yet been summarized.
- Questions remain about georectification of data from thermal imaging flights.

All others commitments were met.

Project Updates

Thermal Imaging

Stenberg told ECC members that georectification of the thermal imaging data is moving forward. This will use these data for Kackley Springs work. Stenberg said \$71,000 was paid this month to the consultant that performed the thermal imaging work.

Oneida Site Plan

Stenberg told ECC members that comments on the site plan were received from the BLM and have been incorporated into the site plan. He said ECC members will be provided

with a copy of the plan with changes/edits highlighted. Davies will send this out next week (week of October 16). A new map has also been added to the plan showing revised boundaries and planned recreation facilities. Davies said dispersed camping at the site is currently being shut down. Stenberg noted that PacifiCorp is making 10 acres available for a third party to develop a campground. He said the Oneida project road will be the only designated road to allow motorized traffic. Stenberg said the BLM is currently working on road improvements in Oneida Canyon from Red Point to Maple Grove, and PacifiCorp is fencing in the area. Davies added that some areas are too steep to fence and have markers only. She said all fencing is being GPSed as it goes in. Work will be reviewed with the ECC at a later date.

Cove Bypass Fencing

Stenberg said PacifiCorp is paying 25 percent of the cost for fencing in the bypass area to keep cows off the riparian zone. He said PacifiCorp will maintain the fencing through the life of the license. Davies said PacifiCorp is still on target to complete the fencing project this year. She said there have been delays, including delays with U.S. Fish and Wildlife Service funding for the project. She said it may be necessary to find another way to acquire the funds.

Davies said that originally, U.S. Fish and Wildlife Service was going to provide 75 percent of the cost of fencing but now is providing 50 percent. She said the ECC approved by email the use of additional funds to cover the remaining 25 percent.

ECC members discussed whether agreements need to be put in place with each of five landowners in the area in order for Fish and Wildlife Service funding to be approved. It was noted that there is some question about whether use-exclusion agreements from all the landowners could be obtained or was needed. Stenberg said since the fence would be maintained by PacifiCorp, the agreement may be between Fish and Wildlife Service and PacifiCorp. In addition, the project has been complicated by negotiations underway with the land trust for conservation easements.

Miller said the ECC should be thoughtful in developing a process for valuing conservation easements. It was suggested that conservation easements may be valued at 40 to 60 percent of appraised value for the property, with a proposed \$500 minimum. It was suggested that Stenberg document the process used to obtain the value of each easement. Stenberg suggested asking land trust representatives to obtain purchase agreements for conservation easements from each of the property owners rather than having the ECC seek use-exclusion agreements from each. Davies said there are time constraints, as fence funding needs to be used this year. Miller said he believes the ECC has five years to complete the project, and that if agreements cannot be reached with landowners, Fish and Wildlife Service funding for fencing could be used elsewhere. Stenberg noted that the 2006 McGregor fencing project has fallen through and suggested using those funds for Cove fencing and replacing the funds later. This would give the land trust more time to develop purchase agreements. Stenberg said he would like the

Cove fencing project to proceed. Miller offered to work within Fish and Wildlife Service on any problems or delays in the future.

A vote was taken on the proposal, as follows: Stay on schedule for Cove Bypass fencing this fall. Use McGregor fencing funds (\$5,000) for Cove Bypass fencing. Authorize land trust to pursue purchase agreements with landowners for conservation easements. Replenish habitat enhancement funds with USFWS funds when that money comes in. Consensus was reached with Miller, Newman, Hoyt, Colyer, Mende, Capurso and Lucachick voting.

Cove Decommissioning Video

Stenberg told ECC members that Firefly Productions (the group that filmed Cove decommissioning) would be available during lunch to film comments from ECC members regarding Cove decommissioning. Interested ECC members were invited to provide comments.

Gilbert Land Purchase – Sagebrush-Steppe Land Trust – Tom Lucia

Lucia presented and discussed with ECC members Sagebrush Steppe Land Trust's stewardship cost analysis (in perpetuity) for the Gilbert property (Handout 1). Lucia noted that the projected cost is \$49,971 without weed control, \$192,829 with weed control. He said he believes SSLT can manage the property for significantly less expense than the latter figure. He said he also anticipates trespass issues with motor vehicles, as public access is expected (sportsmen, etc.). He added that SSLT expects to put in designated parking areas to help address access. This expense is not figured into the spreadsheet, he said. He also said he expects that weed control efforts shown on spreadsheet 1 will be accomplished by volunteers.

Brent Nichols, SSLT, Treasurer – Stewardship Endowment Analysis

Nichols presented and discussed with ECC members SSLT's Stewardship Endowment Analysis (Handout 2). He described three options for funding:

- Stewardship endowment with an upfront payment
- Pay as you go – ECC covers expenses (actual costs) year by year.
- Hybrid

Hoyt asked if others come forward and want to donate land to the trust, would the trust ask them for stewardship funds. Lucia said SSLT plans to ask for an endowment with every donation. He said SSLT may not get an endowment in every case, but they will ask. He said if the property is valuable to the trust, they will consider accepting it without an endowment.

Hoyt asked if stewardship costs might go down in the future if more land is obtained in the same general area. Lucia said it could, and noted that an additional conservation area is being considered near the Gilbert property.

It was proposed that the ECC pay a stewardship fee of \$10,000/year for the next 5 years, which SSLT would then invest. The ECC would also pay the cost of stewardship during the term of the license, excluding restoration and additional enhancements.

Colyer asked about a one-time payment instead.

Stenberg said he is not comfortable funding stewardship in perpetuity. He said he would feel more comfortable putting funding in place for the first few years. Stenberg said he views fundraising, etc. as a land trust function.

SSLT representatives told ECC members that there were problems with mapping on the Gilbert property, specifically overlap on the legal description. Stenberg asked SSLT to stay on this and keep him informed. Stenberg noted that the closing date for the Gilbert property is November 1.

Stenberg and Lucia told ECC members that SSLT is negotiating an additional small land purchase near the Gilbert property. Stenberg and Davies informed Lucia of properties on the west side of the river, where they would like to put conservation easements in place. Stenberg said he will set up meetings for SSLT and property owners.

Lucia said concern still remains regarding mineral rights on the Gilbert parcel. He said the Kackleys own and would donate the mineral rights, but need the value in order to take a tax deduction.

ECC members called for a caucus, and SSLT representatives left the meeting. An ECC round robin was taken.

Colyer said he does not like the hybrid idea because the ECC could end up paying a lot of money, but he respects the land trust's need to protect themselves. He suggested that the ECC pay year by year through the end of the license agreement, based on budget at the beginning of the year and reconcile at the end of year.

Hoyt said if the \$50,000 had been in perpetuity, he would have agreed to the proposal. He said the year-by-year review would be a problem and a time sink. He added that he would probably vote against any further property purchases. Hoyt said he agreed with Colyer's pay-as-you-go proposal (yearly cost-based management), but said SSLT should be told that they have the next 27 years to fund perpetual stewardship. He said they should also consider looking for a "conservation buyer" and that the ECC should be sure that stipulations are in place.

Koelsch said the ECC has been talking about this issue for a long time now, and this level of funding was never mentioned. He said he is comfortable with pay as you go for the first few years, but the ECC should then review the situation to see how SSLT is doing. He said he also believed that stewardship costs should be lowered as SSLT establishes itself. Koelsch said he supports cost-based management for an established period of time.

Newman said he would prefer a fixed cost every year. He said he sees no reason to revisit stewardship costs every year. He said he believed that SSLT should accept some of the risk.

Capurso said that SSLT has done a good job of telling the ECC that we are at a crossroads. He said the ECC needed to keep in mind that the license is only 27 more years. He said that makes it difficult for the ECC to be perpetual land managers. Capurso said he agrees with Hoyt and would be reluctant to support another land purchase. He suggested donating the land to BLM or IDFG. He said he would support a one-time payment. He said year by year funding could limit choices in the future. Capurso said the ECC should use the land trust to identify conservation easements.

Mende said he is not sure whether the cost of stewardship is commensurate with value of the project. He said he is not in favor of a funding endowment.

Lucachick said she agreed with Mende.

Wait said she would like to confer with Van Every and have him give IDEQ's opinion.

Miller asked if Mende, Capurso and Lucachick would not support SSLT's proposal.

Koelsch said he believes the ECC should instruct SSLT to find a "conservation buyer," though the current agreement probably limits choices to another land trust.

Miller said he was shocked at the amount of money SSLT was asking for stewardship. He said he thought the donation of the land would be all that was required, with zero stewardship cost.

Miller outlined the following options—

1) Endowment fund of \$ _____

2) Annual stewardship payments \$ fixed

\$ pay as you go

3) X years

4) Conservation buyer

5) Annual payment ___ years + endowment match.

6) Other provider (land trust)

7) PacifiCorp manage based on actual cost for a fixed period of time

Hoyt suggested that SSLT create the endowment, ECC offer to match.

ECC members then worked through the numbers.

Stenberg suggested \$36,000 (20 percent of purchase price) for option 1. ECC consensus check - yes

1) \$36,000

2) Fixed - \$5,000 for 5 years, then \$2,000 for 22 years; no endowment
Pay as you go – no fixed cost (what costs are covered?)

Proposal – Can pay as you go be removed as an option? ECC consensus check - yes

3) Fixed number of years – how many? 10 years (\$35,000) – truncate option 1 at 10 years

4) Conservation buyer – could also tack onto any of the options

5) Annual payment \$3,000/5 years \$1,000/22 years + match endowment at 50 percent up to \$18,000.

6) Other provider

7) PacifiCorp management based on actual cost

Choices were then narrowed down to four options:

1, 2, 3, or 5

Option 5 was revised:

5) Annual payment \$4,000/5 years, then \$1,000/22 years + match endowment 100 percent up to \$25,000.

A proposal was made to offer SSLT three options: 1, 2 and 5 (as revised) and not calling option 1 an endowment.

Consensus was reached to offer the three options to SSLT, with Capurso, Mende, Lucachick, Miller, Hoyt, Colyer, and Newman voting.

The time frame for a decision by SSLT was set at three days.

Funded Grant Project Updates

Colyer said that **Ovid** is scheduled to be finished next week (week of October 16). He said the project originally included structure removal and screening. Now the structure is not being removed and the project is \$8,000 over budget on screening. Colyer said Trout Unlimited is picking up the extra cost.

Colyer said design is complete for **Cub** and **Cottonwood**, with construction beginning November 7 and ending by December 31. He said Cub screening may be put in next spring.

Cleveland is in the design phase. Work is continuing on **Kackley Springs**. **Alleman** lower diversion (Skinner Creek) is in the design phase. **McGregor** fencing is not going forward. The **Mickelson** project is uncertain, as the landowner has health problems.

ISU Studies on Cove Decommissioning – Colden Baxter

Baxter introduced himself to the ECC as an Idaho State University Biology Department faculty member specializing in fisheries biology and river ecology and working on international to local projects.

Baxter said he began studies of Cove decommissioning when he became aware that no data were being collected during the decommissioning process. He said he saw the project as an opportunity to provide an assessment of the short-term effects of dam removal. He said his interest in the Bear River is that it is near ISU and provides a microcosm of rivers throughout the region and the challenges that they face. He said he has been collecting data as a means to contribute as a scientist and to train students. Baxter said he used methods that parallel those used in Black Canyon monitoring.

Stenberg and Davies said PacifiCorp's monitoring is being done for compliance purposes (i.e., is the structure in place, it is functioning). Davies said the ECC could use help with functional monitoring (i.e., is this intervention moving us in the direction we need to go ecologically).

Colyer said he would like to see large scale monitoring of the entire watershed. He said since ECC projects are relatively opportunistic, maybe monitoring would not be keyed directly to cause and effect.

Baxter said that an ISU graduate student will be collecting data over the coming year. The first task given to the student was to collect existing data on the river.

The ECC agreed to add a discussion of monitoring with Baxter and Teuscher to a future ECC agenda.

Black Canyon Monitoring – John Gangemi

Gangemi said he was conducting monitoring studies in Black Canyon earlier in the day but wrapped up early because a pulse of water was coming down from Soda. He said in general the water looks higher this year and benthos samples have included more bugs (hydrosch, caddisflies). More algal mats are present as well.

Baxter stressed the need to document what else is happening in the river from year to year (e.g., fish stocking).

The ECC meeting adjourned for a tour of the Cove decommissioning site with Bob Attwood.

Handouts: Attached separately as PDF files

1 – Stewardship Cost Analysis

2 – Stewardship Endowment Analysis