

**Bear River ECC
Final Meeting Notes
January 17, 2008
Pocatello, Idaho**

Commitments Made at the January 17, 2008 Bear River ECC Meeting	
Sponsors of ECC-Funded Projects	<ul style="list-style-type: none"> • Consider/discuss using ECC funds combined with other sources to hire a person to monitor fish screens, drums, etc.
Mark Stenberg	<ul style="list-style-type: none"> • Check with Theis regarding Kackley Springs report and schedule a presentation to the ECC. • Revise Boater Flow Ramp Rate Study to include a scheduled time for an annual review of results with the ECC. Change language in report from “volume” to “flow.” • Talk with consultant regarding impact of selecting high flows for the Boater Flow Ramp Rate Study.
Miriam Hugentobler	<ul style="list-style-type: none"> • Distribute October meeting notes with action items. Request comments on/approval of October meeting notes. • Distribute calendar of upcoming ECC meetings
Eve Davies	<ul style="list-style-type: none"> • Continue facilitation of Harris project. • Make corrections to Soda Springs Site Plan maps, as discussed during review.

Decisions Made at this Meeting:

- Fund Idaho Department of Fish and Game’s land and water acquisition proposal for the IDFG Georgetown Wildlife Management Area/Thompson Addition in the amount of \$50,000, adding a deed stipulation that the property be held in perpetuity for conservation purposes.
- Fund Sagebrush Steppe Land Trust’s land and water acquisition proposal in the amount of \$43,000 to provide funding for an executive director.
- Approved the Boater Flow Ramp Rate Study with the stipulation that the study include an annual review of results.

ECC Members Present

Mark Stenberg, Environmental Coordinator, PacifiCorp
 Lynn Van Every, Idaho Department of Environmental Quality
 Jim Capurso, U.S. Forest Service
 Damien Miller, U.S. Fish and Wildlife Service
 Marv Hoyt, Greater Yellowstone Coalition
 Warren Colyer, Trout Unlimited
 Jim Mende, Idaho Department of Fish and Game
 Tom Lucia, Sagebrush Steppe Land Trust (part day)
 Deb Mignogno, Sagebrush Steppe Land Trust (part day)
 Brent Nichols, Sagebrush Steppe Land Trust (part day)

Others Present

Dave Teuscher, Idaho Department of Fish and Game
 Arn Berglund, Bureau of Land Management
 Kirk Dahle, Trout Unlimited

Greg Mladenka, Idaho Department of Environmental Quality
Kit McGurn, Greater Yellowstone Coalition
Paul Wackenhut, Idaho Department of Fish and Game (part day)
Kelly Holt, PacifiCorp (part day)

By Phone

Kevin Colburn, American Whitewater (part day)
Eve Davies, PacifiCorp
Mary Lucachick, Idaho Department of Parks and Recreation
Claudia Conder, PacifiCorp (part day)
Connely Baldwin, PacifiCorp (part day)
Charlie Vincent, American Whitewater (part day)

Review of the Day's Agenda

Add to agenda under updates:

End-of-year accounting from land trust - Stenberg
Conservation hatchery – Teuscher
Potential easement for land trust (Oneida Canyon) – Stenberg

Other additions to agenda:

Review calendar – schedule upcoming ECC meetings.

Review of Meeting Notes

The ECC approved December's meeting notes. Due to time constraints, the October meeting notes were not approved at the December meeting and will be redistributed for comment/approval by the ECC.

Project Updates

Lori Harris Springs – Davies

Davies said she met with a contractor regarding this project, who estimated \$40,000 would be required to complete it to NRCS specifications. The original estimate for this project was \$10,000, and that is what funding is available. Davies said she would like to meet with NRCS regarding their specifications for the project, but if issues cannot be resolved, the ECC may proceed with the project without NRCS participation. Davies will continue to work with the Harrises to facilitate the project.

Georgetown Creek Enhancement – Capurso

Capurso said he worked with Berglund to put together an Environmental Assessment for the fish ladder plan and the agencies are now ready to move ahead with construction, which would be accomplished next summer, during lowest flows.

Capurso asked about the **Kackley Springs** project. Stenberg said that no information on the status of the project was available but he would check in with Theis. Stenberg said he would request the report (due September 2007) and schedule an ECC presentation with Theis. Capurso asked whether the ECC would have an opportunity to comment on the report before it was finalized. Stenberg said he hoped so.

Cottonwood and Cub River – Colyer

Colyer said the fish passage structures have been winterized. He said he had received positive comments from irrigators regarding the Cub River structure, and that it is working well.

Capurso said he believed it would be good to find a way to hire a person to monitor the structures. He suggested that during the upcoming grant application review, the ECC consider using some of its funding to hire a person to check the fish diversions and screens on a regular basis. He said that he has been putting in grants to fund such a position, but has had no luck so far. Colyer said that it would be important to have someone with a fishery background perform this work. Capurso agreed. Colyer asked Teuscher for an estimate of what it would take to have an IDFG person do this. Teuscher said \$14,000 total for a temporary employee to do it. Teuscher said IDFG already has someone checking St. Charles. Teuscher said that the issue of who will maintain the structures over time has been a concern for IDFG.

Conservation Hatchery Plan - Teuscher

Teuscher told the ECC that IDFG has identified a need for a Bonneville cutthroat trout conservation brood stock. He said the agency is discussing internally which of their existing hatcheries would meet that need. Teuscher said he will keep the ECC informed of further developments.

Other Updates - Teuscher

Teuscher said he recently visited Kent Clegg's farm and pit tagged the 90 Bonneville cutthroat trout IDFG provided for him. He said the fish are not doing well. Only about a third are taking the feed. Teuscher said this is to be expected of fish taken from the wild. He said others are starving or eating other fish. Teuscher estimated that about a third of the fish have died, and about a third are almost dead. He said IDFG will continue to work with Clegg to find a way to get the fish to take the feed. Colyer asked about using eggs instead of pellets. Teuscher said it remains to be seen how Clegg's operation will fit with IDFG's mission.

Stenberg asked Teuscher about a chemical spill at IDFG's Grace hatchery about 3 weeks ago. Teuscher said it was a chlorine spill which killed everything at the hatchery, but he believed nothing below the settling pond was killed. Teuscher said he was not sure of the extent but believed it was not a large enough concentration to wipe out Whiskey Creek. He said there are no fish remaining at the Grace hatchery.

Soda Site Plan – Stenberg/Davies

Davies and Stenberg reviewed revised maps for the Soda Site Plan as overheads. Stenberg said PacifiCorp has given lessees 9-month leases and the plan will be implemented in September. Davies said the primary difference between the new maps and those in the draft site plan are that now there are two sets of maps: one showing existing conditions, and another showing what the area will be like after implementation ("desired future conditions"). Minor corrections to the maps were noted during the review.

Annual Report - Hugentobler

Hugentobler told the ECC that the 2007 annual report was in progress, due to FERC March 31. She said ECC members will see a draft, which they will have 30 days to review, before the Feb 20 ECC meeting. Projects status reports are still needed for the annual report from some project sponsors.

Sagebrush Steppe Land Trust - Stenberg

Stenberg said last year the ECC transferred \$9,700 to the land trust for work at Kackley Springs. He said the land trust applied for and received a grant for half of the weed control costs. At year end, the land trust had spent only \$4,600. He said costs for next year are projected at \$4,800, so only a small gap will need to be funded.

Paul Wackenhut – IDFG Funding Proposal – Georgetown Parcel/Thompson Addition

Stenberg reminded ECC members that the funding proposal subcommittee decided to consider applications for land and water acquisition funds year-round, as they come up, and that is why the ECC is hearing proposals from IDFG and Sagebrush Steppe Land Trust at this meeting. He introduced Paul Wackenhut of IDFG, who was present to brief ECC members on the Georgetown Parcel/Thompson Addition proposal. ECC members received a copy of the proposal at the December ECC meeting.

Wackenhut said the parcel under consideration is close to the McCammon parcel funded last year by the ECC. He reviewed maps and photos of the area as overheads. Wackenhut noted that while the current parcel does not have a physical connection to the Bear River, an adjacent BLM parcel does. Also, another large parcel in the area is also being considered for a conservation easement. The Thompson parcel is needed to make it all work, Wackenhut said. The Thompson parcel abuts the BLM lease that abuts the river, as well as the Georgetown Summit WMA.

Wackenhut said the goal for the parcel under consideration is to get livestock off the river and come in with woody plantings. Wackenhut accepted questions from ECC members. Stenberg asked whether IDFG would entertain a restriction on the deed for transfer in exchange for the funds. Wackenhut said yes. The possibility of re-establishing cottonwoods in the area was discussed. Hoyt questioned whether the flow regime (flooding) would support cottonwoods. Davies asked whether additional funding would be needed to restrict access by cattle.

Stenberg asked for a consensus check on the following question:

Would the ECC like to add a condition to the proposal that a deed restriction be placed on the property specifying that it be held for conservation in perpetuity?

ECC members agreed (consensus reached), with Colyer and Miller expressing support for the deed restriction, but not at the expense of losing the project.

Stenberg then asked for a consensus check on whether to allot \$50,000 in land and water acquisition funds to assist with the Georgetown WMA/ Thompson addition.

All agreed. Consensus was reached by ECC members to fund the proposal as modified.

Boater Flow Ramp Rate - Stenberg

Stenberg noted that he emailed a revised draft of the study to ECC members prior to today's meeting, incorporating ECC members' comments from the December meeting. He said he has been working on the feasibility of funding the study, and the proposed methods have gone from five flows to three, but the study still retains statistical power. He said the first boater flow could be April.5, and the study needs to catch the first test flow, so everything needs to be in place by that date. He said the study will be out

for bid to consultants in the next two months. Mladenka expressed concern about whether snow would still be in place, and could hinder access to the study area. Davies said that snow cover varies from year to year.

Stenberg reviewed the revised draft of the study as an overhead with ECC members.

Hoyt asked why we are studying 0.25 cfs if PacifiCorp says they won't go that low. Stenberg said that, as previously stated, a 0.25 cfs ramp rate will not work for PacifiCorp. He said if it is learned through this study that 0.25 cfs is the only rate that does not kill an unacceptable number of fish, the boater flow program will probably have to be revamped so we can still have a boater program and settlement agreement economics, and not have an unacceptable impact on aquatic organisms. He said he thinks it can be done, if this is the case.

Teuscher said he would like to add a checkpoint to the study plan, at the end of 2008, in order to make an assessment of the impacts and decide how/whether to continue, given impacts. Stenberg said this was discussed at the October ECC meeting and [PacifiCorp fisheries biologist] Shrier cautioned not to halt the study prematurely, because higher flows may strand fewer fish.

Teuscher noted that the report states that modifications to the study can be made by consensus of the ECC. He said he will be monitoring results of the flows closely and immediately. He said he would still like stronger language about the ECC's ability to modify the study, and he is concerned that it will be difficult to persuade boaters to halt flows. Stenberg noted that the ECC may modify studies but not flows. Colburn said American Whitewater has an interest in boating flows going forward for 3 years, but also has a very strong interest in doing no harm, as much as anyone at the table. Miller said he believed the ECC should have an opportunity to assess results on an annual basis, and decide by committee, before deciding to proceed with the next year.

Stenberg said that just like American Whitewater, PacifiCorp doesn't want to kill organisms, wants to have a boater flow program, economics, and wants to support the Settlement Agreement, but a 0.25 ramp rate/16 times a year is not feasible.

Stenberg said he can't, as a PacifiCorp representative, agree to an annual vote. He noted that this study is outside the Settlement Agreement and he would feel better keeping to consensus decision making. He said he thinks the group dynamics will support that. Hoyt noted that agencies have veto power over non-governmental organizations in the Settlement Agreement. Stenberg said the group would have to agree on protocol, as this is a side agreement, and not part of the Settlement Agreement. Davies noted that the Settlement Agreement gives different veto power to different parties, given the topic at hand. She said she believes there is no veto on this. Colburn asked what the default action would be. Stenberg said there will still be boater flows, whether there is a study, study plan or not. Stenberg said he needs an approved study plan today so that he can put the work out for bid, etc. Capurso asked what the ECC would do if members don't agree. Mladenka said he doesn't see any great difference between this plan and the Black Canyon Monitoring Plan. He said he believes it is necessary to look at all three ramp rates to be fair. He said he believed that after the first release (rather than annually), the group needs to be able to review and decide whether to go forward. He noted that the way the study is set up, flows go from smallest to largest. He asked whether flows should go from largest to smallest instead. Stenberg said he would like to stay with consensus rather than a vote. He said he would like people to feel passionately enough about a change to be able to convince others in the group. Van Every asked what would be considered an unacceptable loss, i.e., how many fish? what fish? He suggested going through

the study as defined and then making a decision at the end. Colyer said there are logical people at the table, and he trusts them to decide. Van Every said he advocates a three-year study, with the ability to halt for some catastrophic event (he said he does not believe this will happen). Colburn said he supported the idea of study being the default unless there is some reason not to. Vincent said he also agreed. He said he also has confidence and trust in the group. Miller said his trust was a bit more shaky but he supported going ahead with plan.

Stenberg said he will edit the study plan and will add a statement that study results will be reviewed on an annual basis, targeting a month for review, and keeping consensus decision as what is needed to halt the study. Colyer asked whether the ECC would like to discuss Van Every's observation that unacceptable loss was not defined. ECC members agreed not to define unacceptable loss at this time, as more information, including population data, may be required to make a decision. It was suggested that a consultant could possibly help with that determination.

Review of the plan continued. Stenberg sketched a diagram of the study plots. He said the study will use five plots to start with but the number may be adjusted down, maintaining same statistical power, given field conditions.

Mladenka asked that the term "volume" be changed to "flow" throughout the study plan.

Stenberg asked resource managers whether it would be acceptable to create a boater flow for 2 hours rather than 6 hours if natural flows do not exist and called for a round table.

Capurso – Would prefer putting the study off for one year rather than going with a shorter duration.
Van Every – Considers it an uncontrolled variable that we would like to eliminate. Wait another year.
Holt – Noted that if Bear Lake is low, conditions may be the same during the following year.
Davies – Won't delay the boater flow, just the ramp rate study.
Baldwin - Doesn't know if it's feasible. Believes Van Every is correct, flows should be of the same duration from year to year.

Davies asked Baldwin whether it would be possible to create a flow, if one did not exist, given what's in Soda reservoir. Baldwin said he believed it could be possible.

Stenberg discussed whether to try and shoot for similar flows on boater flow days. He said he believed it would be best to hit the highest flows, obviously, but does not know whether it is reasonable to mobilize the consultant. He asked Baldwin how far in advance flows could be forecast. Baldwin said it depended on spring runoff and irrigation demand. He said he should have an idea of when highest flows will occur – just not super precise. Colburn said he believed three years under different flow would be preferable.

Stenberg said that, to the best of our abilities, we will try to do our studies on high flow days--the intent and desire is capture higher flows. However, he expressed concern about skewing the data if the study selected certain flows.

Colburn said the data could be skewed if certain flows are selected and requested that the consultant be asked about the effect this would have on the study.

Mende asked about staffing for the study. He asked what would happen if ECC volunteers were unable to participate when needed. Stenberg said the study would be adequately staffed but that ECC volunteers were desired and welcome.

Stenberg asked for consensus on the study approach as discussed. Consensus was reached by the ECC to approve the study plan with the stipulation of an annual review of results by the ECC. Any decision to halt the study would be made by a consensus of the ECC.

Land and Water Acquisition Fund Proposal for Sagebrush Steppe Land Trust Administrative Support

Stenberg introduced members of Sagebrush Steppe Land Trust present at the meeting (Lucia, Mignogno, and Nichols). A copy of the land trust's application for land and water acquisition funds and supporting information was emailed to ECC members prior to the meeting. Stenberg briefly recapped the ECC's discussion of the proposal that took place at the December ECC meeting. That discussion was tabled until January so that Capurso and Miller could participate.

Stenberg discussed the value of matches on habitat enhancement funds. He said the land and water acquisition funds were not being leveraged to the same extent. Only one land and water acquisition grant had a match on it (the McCammon purchase).

Stenberg said he would like to find a way to leverage the land and water acquisition funds. He noted that Sagebrush Steppe was completing transactions that did not require ECC funds. For example, Sagebrush Steppe recently closed on 700 acres on Mink Creek at no cost to the ECC. He said Sagebrush Steppe has established itself and needs additional help to grow quickly. He discussed the value of the conservation easement they just brought in.

Stenberg said the proposal requests an ECC grant of \$43,000.

Lucia discussed the land trust's current projects and showed slides. He said he had recently spoken with the Harrises (a 2007 ECC grant recipient) and is working with them on a potential conservation easement, particularly on the spring complex.

Lucia said the land trust has received five applications from people interested in the executive director position. Stenberg said he thinks helping to fund this contract position is the best way to leverage the land and water acquisition funds. Stenberg asked for a round table.

Questions:

Hoyt – Assumes this is a one-year request for \$43,000. Stenberg - Yes.

Teuscher – Thinks that it is in the ECC's best interest to support the land trust.

Miller - Said he believes conservation easements are the highest priority and best use of funds. He said he registered his concerns through Cary Myler at the last meeting because he was worried about the appearance of inequities/lack of open process. Believes the ECC should articulate that it has an agreement with this land trust--that they were chosen through a consensus process.

Capurso – Congratulated Sagebrush Steppe on getting good things done but said the perception was that the land trust the ECC selected would be turnkey. Believes the ECC should not fund a land trust selected as turnkey. Expressed concern about the issue of fairness, as Sagebrush Steppe competed toe to toe with other organizations who presented themselves as turnkey.

Hoyt - Had concerns as well, even though Sagebrush Steppe is new. But doesn't see that the other land trust considered during the selection process is getting things done on the ground in this area.

Capurso - Emphasized that the two groups were expected to be turnkey during selection.

Colyer- Believes that even if the ECC doesn't fund Sagebrush Steppe, the organization will continue and do well. Thinks that by funding the proposal, the ECC is just buying more of a good thing. Believes Sagebrush Steppe is sustainable and will continue with or without the ECC's money. Thinks it's a good investment for the ECC.

Mende - Sagebrush Steppe is bringing in many projects. The other land trust is not bringing us projects.

Berglund - Wonders if the ECC will end up being Sagebrush Steppe's parent group by subsidizing them.

Stenberg - Believes Sagebrush Steppe is self sustaining, but it's in our best interest to get them off to a fast start.

Consensus check - Consensus was reached to fund Sagebrush Steppe's proposal at \$43,000, Capurso abstaining. Capurso said he can live with the decision.

ECC Calendar

Feb 15 - Proposal forms due to project sponsors.

Feb 20 - ECC Meeting - Grace, ID

Mar 19 - ECC Meeting - Pocatello, ID - Sponsors bring project list to Mar 19 meeting

Mar 26 - Long forms due to Hugentobler

Apr 16 - Funding Subcommittee Meeting to rank proposals - Pocatello, ID

Review of Commitments and Decisions

(see p.1)

Adjourned.