

**Bear River ECC
Final Meeting Notes
February 20, 2008**

Commitments Made at the February 20, 2008 Bear River ECC Meeting	
Funding Proposal Subcommittee members	<ul style="list-style-type: none"> • Continue work on 2008 grant proposals
All	<ul style="list-style-type: none"> • Resubmit letters, etc. regarding the Bear River Narrows project, including those from the ECC.
Mark Stenberg	<ul style="list-style-type: none"> • Call Theis in March regarding Kackley Springs. Clarify what type of report the ECC will receive. • Continue deliberations with Gangemi (Oasis Environmental) on the effect of selecting high flows for the upcoming ramp rate study. • Submit annual reports to record for status review. • Contact ECC grant recipient Mickleson. • Speak with Teuscher regarding sponsoring a 2008 grant proposal for a maintenance person position. • Speak with ECC grant recipient Wallen regarding whether his project is going forward. Ascertain whether the funds can be reassigned during the 2008 ranking session. • Consider a future agenda item: an “expiration date” for project funding. • Develop a flow chart for ECC decision making. Review ground rules regarding decision making. • Meet with American Whitewater in Salt Lake City regarding a mutually agreeable whitewater release schedule for 2008. Forward schedule to the ECC when agreement is reached. Post to Bear River ECC website and arrange to include the information on the flow phone. • Speak with Oasis regarding fish data collection and return of fish to the river. Provide information to the ECC. If a change to the study plan is proposed, come back to the ECC. • Send letter to FERC regarding suspension of the Fish Stranding Minimization Plan.
Miriam Hugentobler	<ul style="list-style-type: none"> • Send revised calendar to ECC/funding proposal subcommittee. • Check reports posted to the ECCs website – add any as appropriate (with Stenberg)
Eve Davies	<ul style="list-style-type: none"> • Revise maps for Soda Site Plan
American Whitewater	<ul style="list-style-type: none"> • Meet with PacifiCorp in Salt Lake City to develop a mutually agreeable calendar of scheduled whitewater releases for 2008

Decisions Made at This Meeting

- Reached consensus on Stenberg’s 2/11/08 email, a letter to FERC describing a proposed Grace Minimum Flow Compliance Point Change.
- Suspend Fish Stranding Minimization Plan through Year 7 of the Boater Flow Program.

Email Decisions Made Since the Last ECC Meeting

- Authorize Sagebrush Steppe Land Trust to pursue the Riverdale easement

ECC Members Attending

Warren Colyer, Trout Unlimited
Marv Hoyt, Greater Yellowstone Coalition
Lynn Van Every, Idaho Department of Environmental Quality
Damien Miller, U.S. Fish and Wildlife Service
Mark Stenberg, Environmental Coordinator, PacifiCorp

Others Attending

Claudia Conder, PacifiCorp
Glen Pond, PacifiCorp
Miriam Hugentobler, Project Coordinator

Participating By Phone

Jack Kolkman, PacifiCorp
Eve Davies, PacifiCorp
Kevin Colburn, American Whitewater
Charlie Vincent, American Whitewater

Agenda Review

There were no additions to the day's agenda.

Review of Previous Meeting Notes

January meeting notes were approved without corrections.

Action Item Review**Kackley Springs**

Stenberg reviewed the update on Kackley Springs provided by Theis. Colyer asked whether Theis would be submitting a report with recommendations. Van Every said he would be interested to hear Theis's recommendations soon because if funding is available this year, the ECC may want to consider implementing some of his recommendations in 2008. Colyer asked that Stenberg clarify whether the ECC would receive a report from Theis or a copy of his thesis.

Ramp Rate Study

Stenberg reviewed a proposed addition to the Ramp Rate Study which stated that the ECC will meet, consider and reach consensus on results.

Updates**Schedule for 2008 Grant Proposals**

The timeline for 2008 grant proposals was reviewed, as follows:

March 19 - Preliminary review of long forms (at regular ECC meeting)
March 26 - Final review, long forms due to Hugentobler
April 16 - Subcommittee meets to review/rank proposals

Bonneville Cutthroat Trout Remand Decision – Miller

Miller provided an update to the ECC of the Fish and Wildlife Service's initiation of status review and solicitation of new information on Bonneville cutthroat trout (BCT). Miller said FWS had decided not to list BCT in 2001 and were subsequently sued, but the FWS decision was upheld. The decision was appealed. The Solicitor reviewed the decision and FWS voluntarily chose to review its decision on BCT, in respect to whether the species was threatened

or endangered within “a significant portion of its range.” Miller said the FWS has asked for additional information from the public. A notice was published in the Federal Register February 7. The comment period will be open until April 7, 2008. A decision is expected in August. FWS’s Salt Lake City office has the lead.

Van Every asked how FWS will determine what makes up a significant portion of BCTs range. Colyer said he believed it will be by geographic management unit (GMU). He said he believed that listing is a possibility at this point. Miller said FWS may be looking at each GMU as a significant portion of the range, but that has not been decided at this point, FWS is still looking at data. Hoyt brought up timber sales and road building on the Bear River range in Idaho. Miller said that input would be valuable during the public comment period.

Bear River Narrows - Stenberg

Twin Lakes submitted a new preliminary permit application to FERC on February 5 (the old permit had expired and the action was taken to keep the project going). In next 2 weeks FERC said they will notice a 60-day comment period on the preliminary permit. Stenberg said this is a new proceeding and whatever has been submitted to FERC thus far is on the old docket. He said PacifiCorp will wait until the notice comes out to respond, and if ECC members are interested in commenting on the preliminary permit application, they must refile and submit everything again to have their comments considered. Stenberg said he was providing this for informational purposes only, not as legal advice to ECC members.

ECC members discussed the possibility that FERC deny the preliminary permit based on comments received during this open comment period. Hoyt asked if everyone else has to resubmit, does Twin Lakes Canal Company have to resubmit study plans, conduct new scoping, etc? Stenberg said that was not known.

Grace Minimum Flow Compliance Point Change - Stenberg

Stenberg said PacifiCorp is working on revising its Operations and Compliance Plan based on changes to the minimum flow compliance point, which were previously discussed with the ECC. He noted there was consensus from the ECC on the Operations and Compliance Plan in 2006, but it was not submitted to FERC because of upcoming changes to the spill gate at Grace. He said ECC members will have an opportunity to review the Plan again, before submittal to FERC. Van Every asked whether the gage would still be maintained and whether the number on the website would still be the gage number, or would it be releases out of the dam. Holt suggested that the elevation number be posted, as it would be more accurate. Colyer asked whether a flow amount would be needed for boaters. Stenberg said the gage number will still be posted on the website, but with an explanatory note.

Baldwin was consulted by phone about the change in compliance point (i.e., set forebay deadband, calculate and set opening in spill gate at Grace, and verify with stream flow measurements below the dam, rather than going by the gage measurement). Stenberg asked what flows would be posted on the webpage. Baldwin confirmed that the downstream gage measurement will still be posted with an explanatory note. Baldwin will conduct an annual measurement of streamflow below the dam to ensure compliance with minimum flow.

Stenberg asked for consensus on the Feb. 11 letter to FERC regarding Grace minimum flow compliance point change. All agreed.

2007 Annual Report - Hugentobler

Hugentobler discussed the accelerated review period for the 2007 annual report. She said the report needs to be submitted to FERC by Mar 1, rather than Mar. 31. Stenberg said comments on the annual report would be appreciated as soon as possible.

Project Updates

Stenberg said he was working with Clegg on a 404 permit for Trout and Whiskey Creeks. He said Trout Creek would go first, then Whiskey Creek. Stenberg noted there would be a meeting regarding these projects on Friday (2/22).

Stenberg said there was no news on the Bunderson and Mathews projects. Colyer noted that plans for Mathews were circulated to the state recently. Colyer said that when they get to the appropriate stage, the ECC may want to do a site review. Stenberg said Mickleson has canceled his project. Stenberg will contact him. In regard to the Harris projects, Davies said talks about money and specifications should take place with the Natural Resources Conservation Service (NRCS).

Short Forms for 2008 Grants

Stenberg said that Capurso had requested that the ECC discuss funding a position for a person to maintain the structures being built as part of ECC funded projects. The ECC recommended that Teuscher sponsor the proposal.

Short forms received so far:

Capurso: Bailey Creek Caribou County Road Crossing
2008 Travel Plan Implementation

Van Every: Black Canyon Turner Bridge Cleanup

Colyer: Cub River Irrigation Upper Diversion
Panter/Ames & Harris Ditch Diversion
Porter Streambank Stabilization

Bailey Creek – Hoyt noted that Bailey Creek would be a valuable project, as it is an important stream.

Turner Bridge – Van Every asked whether the ECC would be interested in funding this project, as it would not have any significant water quality impact, and is not a habitat improvement project. However, he said it would have a huge community impact. Davies noted that there might be significant interest from boaters since it's the first whitewater flow year. The ECC discussed liability and safety issues. Stenberg said that he likes the project, but noted that it would be challenging to rank. He asked that Van Every include preparation of a press release for the project. Van Every noted that \$500 should be added to the budget for signage.

Cub River – Colyer noted that the cost estimate included in the proposal does not include everything. He said that \$28,000 would fund design of the project. He said design and construction would take the amount up to \$56,000. Stenberg said his preference would be for the project to include design and construction. Colyer said he will phase the proposal.

Porter – Colyer said this is a streambank stability project that he has not yet seen in person, but he will visit before preparing the long form. He noted that stream health probably cannot be fixed here, but water quality could be improved. Van Every noted that fish habitat is present in this project area.

Panter/Ames, Harris Ditch Diversion, and Cub River Irrigation Upper Diversion - Colyer asked whether the projects on the Cub River will be considered in/out of the action area. Stenberg said his recollection was that previous projects on the Cub were considered out, and would require PacifiCorp approval. Stenberg said the subcommittee should still review and rank the proposals.

Review of Decision Making Process - Stenberg

Stenberg reviewed the ECC's decision making process. He handed out copies of Section 4 of Settlement Agreement and sketched the decision making process on the whiteboard.

Stenberg said that, according to the Settlement Agreement, if consensus is not reached on issues other than Section 3.1 and 3.2.2 of the Settlement Agreement, then the issue is either dead or three parties can elevate to policy group if consensus cannot be reached (i.e., no vote). Hoyt said he believed that could be an oversight.

Colyer said he would like to see an option for a vote if consensus cannot be reached. Stenberg said he will provide a flow chart for ECC decision making based on today's discussion and will review the ECCs ground rules.

Boater Flow Ramp Rate - Stenberg

Ramp Rate Study Request for Proposal

The ECC previously approved the study plan, which was attached to RFP and sent to PacifiCorp procurement. The RFP will go to the short list of consultants that Stenberg sent by email to the ECC, no comments were received. He noted that Oasis was paid to help put together the study plan, and they also plan to put in a bid for the RFP. Stenberg reviewed the bid form from the RFP. Stenberg asked whether ECC members had questions or comments. Van Every said he would be interested to know whether bidders have before-hand knowledge of the Black Canyon. He suggested a site tour prior to bid or a conference call. Miller asked about the selection process. He asked how the bids would be evaluated. Stenberg said a matrix was completed prior to solicitation. He reviewed the evaluation matrix and asked that if ECC members want to be reviewers, to let him know (asked for volunteers). Stenberg said the RFP should go out this week. Award is expected by March 24.

Whitewater Release Schedule Process for 2008

Stenberg said PacifiCorp will meet March 12 with American Whitewater in Salt Lake City to prepare a mutually agreeable whitewater flow schedule. He said that Baldwin would have flow forecasts by then. He said the group will also discuss how to "make" a flow, if that is needed for the study. He said three whitewater flows would be guaranteed – March, April, May. Stenberg noted that if an energy alert situation occurs, that situation would take precedence and the flow would have to be made up another time. Colburn asked why PacifiCorp cannot spill and generate at the same time. Davies pointed out that energy alert situations are extremely unusual.

Grace Boater Flow Installation Project

Installation should be complete by April 1.

Fish Stranding Minimization Plan

Stenberg said he believes that the fish stranding minimization plan has been replaced by the ramp rate study. He asked for consensus to suspend the fish stranding minimization plan through the seventh year of the boater program. Van Every asked whether there is a provision on whether to put fish back where they came from in the study plan. Stenberg said they have to be sure they are stranded before they collect them, so they will be dead or completely isolated and trapped. Stenberg said he can't see why not take live fish back to the river. Van Every said he would not like to see live fish sacrificed. There was discussion on which fish to salvage. Carp? What about if there were hundreds of minnows? Would they all be weighed, etc? Why not just count (weigh and measure vs categorize and count). Van Every said he would not like to see fish sacrificed unnecessarily. Hoyt said if BCT were stranded, he would not like to see them lost, but if shiners, he would not be as concerned. Stenberg said he will talk with Oasis about data collected and fish and potentially returning the fish to the river.

Colyer recommended that a species list be developed. BCT and any sensitive native species should be identified and photographed and released back to the river. Colyer suggested that one or two qualified fish identifiers with walky talkies cover the area during the study.

Stenberg asked for consensus on the following proposal: Suspend fish stranding minimization plan (in license) until end of the 7th year of the boater flow program and file a request with FERC? All agreed.

ECC Meeting March 19

Long forms review

Ken Theis report on Kackley Springs – ask him to attend if report is received in advance.

Update on slide gate at Grace.