

**Bear River Environmental Coordination Committee
Final Meeting Notes
March 19, 2008
Pocatello, Idaho**

Commitments Made at the March 19, 2008 Bear River ECC Meeting.	
Grant Project Subcommittee	<ul style="list-style-type: none"> • E-mail long forms for 2008 grant proposals to Hugentobler by March 26 • Meet at IDEQ April 16 to rank 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"> • Email ECC when PacifiCorp's motion to deny Bear River Narrows is filed with FERC. • Get names of people in the Whiskey Creek area who expressed interest in ECC-sponsored projects. • Contact ECC grant recipient Mickleson. • 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. • 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.
Lynn Van Every	<ul style="list-style-type: none"> • Speak with Jeff Horsburgh of USU Water Lab about attending an ECC meeting to discuss adding information on the ECC's conservation projects to the WIS database.
Dave Teuscher	<ul style="list-style-type: none"> • Speak with Paul Burnett, UDWR, regarding stream reclassification. • Sponsor grant proposal to maintain structures.

Decisions Made at This Meeting

- Approved funding an appraisal of Riverdale property in the amount of \$5,000 - \$10,000, using land and water acquisition funds. Sagebrush Steppe Land Trust will coordinate appraisal and work towards developing a draft purchase agreement.
- Completed consultation with the ECC on whitewater boating schedule

ECC Representatives Present

Marv Hoyt, Greater Yellowstone Coalition
 Jim Capurso, U.S. Forest Service
 Damien Miller, U.S. Fish and Wildlife Service
 Mark Stenberg, Environmental Coordinator, PacifiCorp
 Lynn Van Every, Idaho Department of Environmental Quality
 Jim Mende, Idaho Department of Fish and Game (afternoon)
 Arn Berglund, Bureau of Land Management
 Charlie Vincent, American Whitewater (participating by telephone)

Others Present

Kit McGurn, Greater Yellowstone Coalition
Eve Davies, PacifiCorp
Dave Teuscher, Idaho Department of Fish and Game
Miriam Hugentobler, Project Coordinator
Tom Lucia, Sagebrush Steppe Land Trust (afternoon)
Kelly Holt, PacifiCorp (participating by telephone)
Kevin Colburn, American Whitewater (participating by telephone)

Review of Agenda and Previous Meeting Notes

Stenberg reviewed the day's agenda. There were no additions. Draft notes from the February ECC meeting were approved without changes. Action items from the February meeting were reviewed with the following comments. Stenberg said he had spoken with Gangemi (Oasis Environmental) regarding the upcoming ramping rate study and high flows. He said Gangemi recommended sampling the highest flows possible. Capurso asked whether the high flows might be too high to be desirable for boaters, and what boater target flows might be. Davies said most boaters she has spoken with would not like to see flows above 1,000 cfs. She added that 500-700 cfs flows are marginal for boating (scraping bottom). She noted that this information was based on a limited number of contacts with boaters after previous flows. Stenberg said a reconnaissance flow will take place (making flow) at 1,000 to 1,2000 cfs. The resulting wetted area will be mapped, etc. The consultant for the study will then make a recommendation on placement of plots. Plots will be chosen in consultation with the ECC. (Flow Thursday/consultation Friday). Colburn noted that change over time can be expected on boater flow preferences. He said he recommends a full scope of releases during the study. Vincent noted that 1,500 cfs was run during previous studies.

ECC members discussed fish stranding during the study. Teuscher said he would not like to see dead fish strewn on the river bank (littering) and recommended putting fish back in the river, dead or alive. He said the question of how to handle stranded fish may have to be answered based on conditions in the field. Teuscher said he would not like to see a lot of carp put back in the river but if Bonneville cutthroat trout were found, he would like to see them put back, as well as other trout. Teuscher said he would like to develop a streamlined protocol for putting desirable fish back in the river and will work with the consultant that conducts the study.

Updates

Bear River Narrows - Stenberg

Stenberg updated ECC members on the proposed Bear River Narrows dam. He said that FERC has stated that since this is a new preliminary permit process, PacifiCorp's previous Motion to Dismiss is moot. Stenberg said that PacifiCorp now plans to submit a Motion to Deny with FERC. Miller said he believed that if PacifiCorp files the Motion to Deny, and the ECC files letters of support, that should carry some weight. Miller and Teuscher said they believed the purpose of the preliminary permit is to "lock up" the site so that no other company can apply for a permit there.

Stenberg said (Bear River Narrows consultant) Nick Josten had recently asked him whether the ECC would like PacifiCorp to grant access to (Bear River Narrows proponent) Twin Lakes Canal Company to complete their studies. Stenberg said he told Josten he could not speak for the ECC, but the ultimate decision would be PacifiCorp's alone. Miller suggested referring Twin Lakes to comments on the record if they would like to know how ECC members felt about the project in general. Hoyt said Stenberg could tell Josten that some individual ECC members were opposed to allowing access.

Hook Canyon - Teuscher

Teuscher asked about the newly proposed Hook Canyon hydroelectric project near Bear Lake, a massive water pumping project. Teuscher asked Stenberg whether PacifiCorp planned to file as an intervenor. Stenberg said not at this point, and added that he will be PacifiCorp's contact person for the project. Davies said PacifiCorp's concern

regarding this project would be in regard to water rights. Teuscher noted that the proposed project is in an area where endemic spawning occurs and that could, in turn, impact PacifiCorp operations.

Grace Slide Gates – Stenberg

Stenberg apprised ECC members of the ongoing slide gate installation project at Grace. He said that the reservoir was lowered on Monday in preparation for the project. There was a pump test the afternoon before. A seal was lost on one of the pumps so flows dropped during that repair. Stenberg showed photos of the project to the ECC and referred them to streamflows on website. He said some sediment was noted moving through the pumps coming from the old submerged flume that the pump intakes were drawing water from. He noted this has been intermittent. Stenberg said that with four pumps running today, flows were measured at 45 cfs, rather than 60 cfs at the Grace Gage. He said PacifiCorp is reporting this to FERC, as required. Stenberg said the goal is to get the gates in by April 1. Holt said the contractor is working to try and increase flows.

Ramp Rate Study – Stenberg

Stenberg said PacifiCorp has received two proposals from consultants interested in conducting the study, Cirrus Ecological and Oasis Environmental. He said there was some inconsistency between the bids, a large price difference, and some differences in scope. Stenberg said he planned to speak with both firms to clarify their proposals. Stenberg asked whether ECC members would like to review the proposals. Van Every offered to review them if it would be helpful. Stenberg said his goal was to have a decision by the middle of next week (approximately 3/26/08).

Stenberg told ECC members that he will keep them informed on the ramping rate study as it proceeds, and that they will receive notification of field work dates via email. ECC members are welcome to participate in the study as volunteers or to observe.

Grant Projects – Project Sponsors

Trout Creek – Stenberg said that responses to comments were submitted to IDWR and USACE for permitting for this project. He said (project proponent) Clegg would like to complete the project this year.

Whiskey Creek – Stenberg said comments had not been received from USACE or IDWR on wetland permitting for this project. He said there had been a public meeting recently, and some sentiment was expressed that landowners in the area would have liked to have known about the project in advance, and possibly participate in creating a larger project. Van Every suggested getting the names of people interested in doing projects and mentioned another possible source of funding for projects in the area. Stenberg said others attending the meeting did not seem as keen on the project. Some expressed concern about having a sensitive species in the creek, and whether they would be able to take their irrigation water. Stenberg said the IDWR representative told concerned landowners that yes, they were constitutionally (Idaho Constitution) entitled to the water. Miller said the issue was not as simple as having a right to the water no matter what. He said USFWS works with landowners in various ways – including habitat enhancement even before a species of concern is listed – that would allow agreements to be reached that would hold them to a different standard.

Teuscher asked about Clegg's proposal to increase the size of the ponds. Stenberg said the ponds are out for now. He said Clegg was considering increasing the depth, through excavation of the ponds, but not the surface area.

Teuscher mentioned potential projects in 8-Mile Creek and Deep Creek. He said proponents there are also concerned about the Bonneville cutthroat trout status review and the effect it could have on them. Miller discussed USFWS's "candidate conservation agreement with assurances." He said the agreements are used to enhance habitat while maintaining current land uses.

Stenberg said the only remaining 2007 projects are **Mathews, Harris and Clegg**. The proponent for the Mathews project has filed for permits. The proponent and sponsor for the Harris project will be meeting with NRCS in early April. Davies said a contractor was selected to build the project. She said the contractor bid \$40,000, which exceeded the entire amount allotted for the project. She said one option will be to forgo NRCS funding and

specification requirements and do what we believe needs to be done. The alternate water source needs to be decided upon before remaining fencing can be completed. Davies said she hopes to complete the project this year. Progress to date has included moving the proponent's lambing operation off the springs.

Capurso asked about a possible grant proposal for Deep Creek Reservoir in the Malad drainage. Stenberg noted that the area is pretty far removed from the action area. Capurso offered to work cooperatively with ECC members to leverage funding, etc. for a project in that area.

Miscellaneous

Davies asked that Teuscher consult with Paul Burnett, UDWR, regarding stream reclassification between Grace Dam and the former Cove Dam location. Teuscher said he would follow up with Burnett. ECC members also discussed possibility of including conservation actions/areas in a database. Davies noted that PacifiCorp has been monitoring all its projects, but as the number of projects grows, may not continue. Van Every said Utah State University might have a suitable database (the WIS), and could possibly look at creating a tool to include that information. He suggested that NRCS and Trout Unlimited's projects could also be added. Van Every offered to contact Jeff Horsburgh (USU water lab) and invite him to an ECC meeting to discuss.

Boater Flow Scheduling - Stenberg

Stenberg presented the results of the March 13 consultation between PacifiCorp and American Whitewater to set a schedule for whitewater boating releases (see Attachment 1: Boater Flow Scheduling for 2008, 2009 & 2010). Capurso discussed the possible impact of increased flow on opening day and free fishing day. ECC members discussed the timing of the flows, and how much time is needed for the fishery to recover. Teuscher suggested blocking out boater flows on opening day of the fishing season (Memorial Day weekend), but not on free fishing day. Vincent said he was OK with the proposal, but asked about operational concerns that PacifiCorp may have. Stenberg said the proposal would increase the odds that American Whitewater may lose a boater flow weekend. ECC members expressed support of the schedule as outlined by Stenberg, with the change proposed by Teuscher. Stenberg will draft a revised boater flow schedule to reflect that whitewater flows will not occur on opening day of the fishing season (Memorial Day weekend), but with no restriction on free fishing day.

Decisionmaking Flow Chart – Stenberg

Stenberg distributed a flow chart illustrating the ECC's decision making process (Attachment 2: Decision making Flow Chart) and reviewed it with ECC members. He cited the Boater Flow Ramp Rate Study as an example. Stenberg said had ECC members not reached consensus, there would not be a vote, the issue would instead be elevated to policy group.

Land Trust Update – Lucia – Sagebrush Steppe Land Trust

Riverdale Easement

Lucia said SSLT is pursuing a conservation easement in Riverdale as discussed at a previous ECC meeting. He said the property includes some of the last remaining cottonwood habitat on the Bear River in Franklin County. Lucia said he understood SSLT had permission to go forward with appraisal for the conservation easement, and SSLT had located a qualified appraiser. He said cost is estimated at \$5,000 – \$10,000. Stenberg asked for approval from the ECC for SSLT to move forward with acquiring an appraisal at a cost of \$5,000 - \$10,000, using land and water acquisition funds. Approval from ECC members was unanimous. SSLT will then work towards developing a draft purchase agreement for the easement.

Miller asked whether an appraisal was a requirement for any conservation easement. Lucia said no, but it was needed on this one because part of the easement would be a donation by the landowner, for tax purposes.

Executive Director Search

Lucia said that SSLT has hired a new executive director, Jocelyn Matkin. Matkin holds a graduate degree in ecology from Oregon State and will begin a two-year contract with SSLT on June 1.

Harris Easement

Lucia said SSLT has a preliminary estimate of the value of the property, but has not gone beyond that step. Stenberg noted that the ECC has discussed three possible scenarios for a conservation easement –the whole property, the south side of road, or the spring complex only. Stenberg requested that Lucia discuss options with the Harrises.

Miller said he believes the ECC should ascribe the value of a conservation easement to begin with, and work from there. If the ECC decides to pursue, properties could be appraised later, and arrangements made with landowner regarding possible donation of value, and for taxes.

Lucia briefed ECC members on another possible parcel on Maple Creek. He will discuss with the landowner.

Review of Long Forms

ECC members briefly discussed long forms for 2008 grant projects. Teuscher discussed a fencing project on Stauffer Creek, Van Every the Black Canyon Turner Bridge cleanup project. Long forms are due to Hugentobler March 26. Subcommittee meets April 16 to review and rank proposals.

Next ECC Meeting - May 21, Grace, ID

- Vote on the subcommittee's grant recommendations
- Follow up on the Bear River Narrows project

Attachment 1: Boater Flow Scheduling for 2008, 2009 & 2010

Boater Flow Schedule for submittal to ECC at 3/19/2008 ECC meeting in Pocatello ID.

Boater Flow Scheduling for 2008, 2009 and 2010

Boater Season

April 1 through July 15.

Available Days

All weekend days (Saturdays and Sundays) after the first Thursday in April until July 15 are available for whitewater events, with the exception of the first day of fishing season and free fishing day.

An "event" is a Saturday and Sunday that flows are passed through the Black Canyon rather than the Grace Power Plant. These flow events are triggered at noon on the preceding Thursday when inflows above Soda Reservoir are greater than or equal to 700 cfs.

Ramp Rate Stranding Test Days (18 hours of Scheduled Release Days)

For each of the three years 2008, 2009 and 2010 a ramp rate test will be scheduled and conducted once each 30 days during the boater season. If inflow is not 700 cfs or greater on the day a ramp rate test is scheduled PacifiCorp will create these flows by moving water between Soda and Oneida Reservoir. These fixed days are essentially "guaranteed" flow days and will account for the scheduling of 18 hours of the available 96 hours of whitewater flows.

Weekend Flow Events (78 hours of Rolling Release Days)

18 hours are scheduled for the whitewater ramp rate tests, these days are fixed in advance. The remaining 78 hours (96-18) will used on a rolling schedule as follows:

Starting with the first Thursday in April 1 every weekend, in calendar order, will be a potential whitewater event. Every Thursday will be the trigger point for a whitewater event on the following weekend. If the flows are 700 cfs or greater at noon on Thursday the following weekend will be a whitewater event, if flows are less than 700 cfs the whitewater event will not happen that weekend. The following Thursday becomes the trigger point for the next weekend and so forth. This will repeat sequentially through the season until the 78 hours of unscheduled releases have been used or July 15th has passed.

Attachment 2: ECC Decision Making Flow Chart

DRAFT DECISION FLOW CHART OF DECISION MAKING PROCESS FROM SA SECTION 4
 Mark Stenberg 3.2.2008

