

Bear River Environmental Coordination Committee
Final Meeting Notes
December 16, 2009
Pocatello, Idaho

ECC Members Present

Mark Stenberg, PacifiCorp
 Katie Strong, Greater Yellowstone Coalition
 Arn Berglund, Bureau of Land Management
 Dave Teuscher, Idaho Department of Fish and Game
 Warren Colyer, Trout Unlimited
 Lynn Van Every, Idaho Department of Environmental Quality
 Mary Lucachick, Idaho Department of Parks and Recreation (by telephone)
 Damien Miller, U.S. Fish and Wildlife Service

Others Present

Eve Davies, PacifiCorp
 Joselin Matkins, Sagebrush Steppe Land Trust
 Paul Wackenhut, Idaho Department of Fish and Game
 Joan DeGiorgio, The Nature Conservancy

Commitments Made at the December 16, 2009 Meeting	
All	<ul style="list-style-type: none"> • Consider implementing a funding policy to motivate project proponents to complete components of habitat enhancement projects that are important to the ECC. • Consider placing additional focus on water conservation projects for use of land and water acquisition funds.
Stenberg	<ul style="list-style-type: none"> • Check status of Battle and Mink Creek and email an update to the ECC. • Speak with Marv Anderson (8-mile creek project proponent) regarding fish screening/horses and cattle. • Speak with Kim Spencer (Bear Lake Roads Department) regarding old Oregon Trail Road bridge • Speak with Laef Wallen about Williams Creek intake • Draft changes to the funding agreement letters/route to the ECC. • Check with PacifiCorp regarding a proposal for how to handle land trust activities in notes.
Lynn Van Every	<ul style="list-style-type: none"> • Communicate comments on the draft ECC stream stabilization funding policy to Mladenka. Work with Mladenka and Stenberg to add an ECC policy statement.
Hugentobler	<ul style="list-style-type: none"> • Schedule Jeff Horsburgh, USU Water Lab, to attend an ECC meeting. • Review notes on previous ECC discussions on water rights, route to the ECC. • Circulate 2010 calendar to ECC.
Action items in blue have been carried over from previous ECC meetings.	

Consensus Decisions Made Via Email since the Last ECC Meeting

- Increase funding cap on the Harris conservation easement purchase to \$235,000 (10/21/2009).
- Approve final purchase agreement for the Harris conservation easement (12/08/2009).
- Approve funding for Kackley/Cove monitoring/maintenance in the amount of \$1,482.76 for outstanding 2009 cost and \$2,250 for estimated 2010 costs (11/24/09).

Decisions Made at This Meeting

None.

Additions to the Day's Agenda

- IDFG Wildlife Management Area additions, Paul Wackenhut, IDFG
- Funding for maintenance of ECC projects
- Consideration of Land and Water Acquisition projects
- 2011 boater schedule
- Bear River conservation proposal, Damien Miller, USFWS

Updates on Grant Project/Funding Accounting

Stenberg presented a brief accounting of habitat enhancement and land and water acquisition funds to the ECC via overhead. An estimated \$278,329.05 is available for habitat enhancement projects during 2010. An estimated \$840,214.78 is available in the land and water acquisition fund.

Matkins noted that maintenance is needed on the watering trough at Harris. Davies said she was not aware of maintenance needs, but otherwise the Harris project is now complete. Stenberg informed the ECC that the Georgetown Summit/Thomson Addition land acquisition project has been cancelled.

In regard to the land and water acquisition funds, Teuscher suggested that the ECC place more emphasis on acquiring water rights. He said he believed there were tributaries to the Bear River that would benefit from additional water. He suggested that the ECC review maps, see if owners of water rights are using their water and try to purchase additional water rights to get more water into the tributaries. Davies said she was not sure that water rights could be purchased without land. Stenberg said irrigated farmland could be purchased and retired, and that water could be put into the tributaries. Teuscher asked that Sagebrush Steppe to broaden their scope to consider opportunities that would put additional water into the tributaries. Davies said input from Claudia Conder could be valuable in this regard. Stenberg said a possible approach could be for the ECC to identify a tributary that would benefit from more water, focus on that area for a few years, and do some trial projects. Miller said he supported that approach.

Draft Funding Policy for Streambank Stabilization Projects

ECC members reviewed the draft policy, which was routed to the ECC by email prior to the meeting. Van Every said he believed the draft policy was basically sound. Davies suggested adding an ECC policy statement. She said while the draft policy provided good background information, there was no statement of the ECC's intent. Miller said the ECC should stress to landowners that it is interested in the conservation value of projects to fish and wildlife, and make it clear that projects are not intended to

stabilize property lines, etc. Colyer said he supported Miller's comments, and said he believed the ECC should state to landowners that for conservation purposes, the ECC would support stepping back and allowing the stream to move, creating a buffer for the benefit of conservation. Stenberg said the ECC should consider adding criteria for streambank stabilization projects, which may include an indemnification statement regarding third-party issues if a stabilization project were to create problems downstream. Van Every said he believed that time spent on this issue by the ECC was valuable, as decisions made could also influence other funding sources/permitting entities. Stenberg, Van Every and Mladenka will work together to revise the draft policy.

ECC Calendar for Early 2010

ECC members agreed on a calendar of ECC activities for the first half of 2010 (see Attachment). ECC members discussed the possibility of modifying the schedule for review and approval of habitat enhancement projects for 2011 and beyond. Van Every raised the possibility of modifying the schedule to coincide with another funding agency's project approval schedule. Colyer said he believed there were just too many other funding agencies and deadlines to consider. ECC members discussed changing the time frame for the grant application process to allow field visits to project sites, which under the current schedule are often under snow cover. It was suggested that the ECC consider soliciting 2011 projects during June. The ECC agreed to continue this discussion at the next ECC meeting.

IDFG Wildlife Management Area Addition – Paul Wackenhut, IDFG

Wackenhut was introduced to discuss a potential project between IDFG and the ECC in the area of the (now cancelled) Thomson addition to the Georgetown Summit Wildlife Management Area. He showed maps of the area, known as the Future Walker Lease as an overhead. He said the stream bank was historically grazed and IDFG would like to work with the ECC to restore some of the native vegetation. IDFG is leasing the property and would like to know whether the ECC would consider helping out with the lease. Stenberg said that as the property is leased, it raises questions as to whether the ECC would consider funding the project, as long-term benefits are not assured. Davies asked whether the property owner would be interested in putting a conservation easement in place. Wackenhut said perhaps, and suggested that the land trust speak with them.

Bear River Conservation Proposal– Damien Miller, USFWS

Miller discussed a new initiative under consideration within Fish and Wildlife Service. He explained that FWS has an internal process for establishing a National Wildlife Refuge which has now morphed into a conservation easement process. He said FWS is internally considering a landscape-level conservation easement program for the Bear River drainage. Davies said that ECC has been working with The Nature Conservancy on a Conservation Action Planning process, which sounds very similar. She noted that the CAP group has been actively looking for partnering opportunities. Miller noted that the FWS initiative is still in the developmental stages and said he anticipates a more open, collaborative process and partnering in the future if no red flags are raised regarding the process (i.e., any problems with FWS holding conservation easements). Stenberg asked about FWS's time frame. Miller said sometime after a NEPA process is conducted, which would take about a year and a half. Van Every suggested a focus on the Woodruff/Randolph headwater area.

Funding for Maintenance/Monitoring of ECC Projects

Stenberg discussed ECC funding of maintenance for ECC-sponsored projects, for example, if a project is not meeting the ECC's objectives. Also, there are questions as to what constitutes routine maintenance. Would people apply to the ECC for additional funding? He said he would like to have a larger discussion about this with the ECC. Davies said the ECC should consider an addition to the funding agreement for project proponents to be responsible for maintenance. She noted that PacifiCorp currently plans to monitor the projects for the life of the license.

ECC Policy Regarding Land and Water Acquisition Notes

The ECC discussed how land trust activities are reported in ECC meeting notes, which are public documents. It was proposed that when land trust activities are discussed, the discussions take place in closed session, keeping those notes separate. Stenberg will check with PacifiCorp internally and report back to the ECC.

2011 Boater Schedule

Stenberg told the ECC that in his review of scheduling, he noted there was no time to review the final Black Canyon Monitoring Report in order to make decisions regarding 2011 boater flows. Teuscher said the ECC may have to develop specific plans for 2011 boater flows. Van Every said this would require much preparation and thought.

Oneida Dam Fish Passage Proposal

Stenberg reviewed the revised Oneida Dam Fish Passage Proposal, recently approved by the Funding Subcommittee, with ECC members. He noted that it is a design proposal and that it is on Bureau of Land Management land. Stenberg asked Berglund whether any approval from BLM would be needed for the project. Berglund said not for design, as there would be no earth-moving, but a NEPA process would be needed for construction. Stenberg noted that questions had been raised as to whether fish passage at Oneida would affect the proposed Bear River Narrows project. He said he does not believe that the fish passage study would affect FERC's view of that project. Colyer asked about the cost of the Oneida proposal. Stenberg said \$60,000/year for three years for a total of \$180,000. He noted that the proposal today seeks approval for the first year of funding only - \$60,000. He said this would fund a site survey, conceptual design, and a revised cost estimate. The schedule would allow the ECC time to fundraise. Colyer noted that it is difficult to fundraise for design projects. He said Trout Unlimited has had some success rolling design projects into construction projects. Davies asked whether the project would be designed to allow fish passage for leatherside chub as well. Voting was delayed until after lunch. (Note: The ECC did not act on this proposal before adjourning. An email vote was subsequently called.)

Land Trust Updates – Joselin Matkins, Sagebrush Steppe Land Trust

Closed session.

Next Meeting/Agenda Items

Next regular ECC meeting will be held February 17, 2010 in Pocatello. Agenda items will include:

- Purchase of water rights, identify a tributary for focus.
- Continue discussion of grant fund review and approval schedule.
- Continue discussion of 2011 Boater Flows during decision-making time frame.

Attachment: Calendar of ECC Activities during Early 2010

Bear River ECC – Calendar of Upcoming Activities	
Dec 16, 2009	Final ECC Meeting of 2009
Jan 15 (Fri.)	Annual Report to ECC for 30-day review
Feb 10 (Wed.)	2010 Funding Proposals – Short forms due to Stenberg, Hugentobler
Feb 15 (Mon.)	Comments on Annual Report due from ECC
Feb 17 (Wed.)	Regular ECC Meeting – IDEQ offices, Pocatello – review funding proposals (short forms), assign sponsors as needed
Feb 22 (Mon.)	Print-ready copy of Annual Report due
Mar 1 (Mon.)	Annual Report due to FERC (electronic filing)
Mar 8 (Mon)	Funding Proposals - Long forms due to Stenberg, Hugentobler from sponsors
Mar 17 (Wed.)	Funding Subcommittee ranking meeting – IDEQ offices, Pocatello
April 21 (Wed.)*	Regular ECC Meeting – PacifiCorp Administration Building - ECC vote on Funding Subcommittee recommendations
First week of May	Grant award mailing to project proponents (Potential out of action area projects will follow pending PacifiCorp approval.)
Jun 16 (Wed.)	Regular ECC Meeting – PacifiCorp Administration Bldg, Grace
*Date later changed to April 28.	