

**Bear River ECC  
Final Meeting Notes  
August 18, 2010  
Preston, Idaho**

**ECC Members in Attendance**

Mark Stenberg – PacifiCorp  
 Arn Berglund – Bureau of Land Management  
 Lynn Van Every – Idaho Department of Environmental Quality  
 David Teuscher – Idaho Department of Fish and Wildlife  
 Cary Myler – U.S. Fish and Wildlife Service  
 Charlie Vincent – American Whitewater  
 Katie Strong – Greater Yellowstone Coalition, by telephone

**Others in Attendance**

Eve Davies, PacifiCorp  
 Greg Mladenka – Idaho Department of Environmental Quality  
 Kevin Colburn – American Whitewater, by telephone  
 Steven Smith – Idaho Soil and Water Conservation Commission  
 Lyla Detmer – Franklin County Soil and Water Conservation District  
 Representatives of the Smith-Bosen Irrigation Company  
 Bryan Dixon, Cirrus Environmental  
 Tom Lucia – Sagebrush Steppe Regional Land Trust  
 Jim Teare – Idaho Department of Fish and Game  
 Miriam Hugentobler – Project Coordinator

| <b>Commitments Made at the August 18, 2010 Meeting</b> |   |
|--|---|
| Stenberg   | <ul style="list-style-type: none"> <li>• Speak with Matkins regarding conservation easements and management plans for the upper and lower Christensen easements.</li> <li>• Work with involved parties to firm up Smith-Bosen diversion relocation and piping project prior to next ECC meeting.</li> <li>• Solicit bids for Oneida Fish Passage Project.</li> <li>• Distribute study design for whitewater boater flow ramp rate study to ECC. Ask for agreement to modify or proceed.</li> <li>• <a href="#">Contact Leif Wallen regarding his project.</a></li> <li>• <a href="#">Work with Matkins to prepare a bullet list of what needs to be revised in MOA. Revise actual MOA using "track changes." Circulate to the ECC via email.</a></li> <li>• <a href="#">Take pictures of Old Oregon Trail Road Bridge (Bailey Culvert) (and irrigation diversions)</a></li> <li>• <a href="#">Distribute Oneida Fish Passage press release. Track resulting stories.</a></li> </ul> |
| Teuscher   | <ul style="list-style-type: none"> <li>• Speak with Kirk Dahle, Trout Unlimited, about fish screen issues.</li> </ul>   |
| Davies   | <ul style="list-style-type: none"> <li>• Forward PacifiCorp GIS standards to Stenberg.</li> <li>• <a href="#">Check on release of remaining funding on Harris project.</a></li> </ul>   |

| Commitments Made at the August 18, 2010 Meeting                 |  |
|---|--|
| Dixon   | <ul style="list-style-type: none"> <li>Provide recommendations on how to proceed with whitewater boater flow ramp rate study.</li> </ul>   |
| Van Every   | <ul style="list-style-type: none"> <li>Work towards providing an opinion from IDEQ on exceedance of state water quality standards during whitewater boater flows prior to April 2011.</li> </ul> |
| Hugentobler   | <ul style="list-style-type: none"> <li>Distribute streambank stabilization policy to the ECC.</li> </ul>   |
| Items in blue have been carried over from previous ECC meetings |  |

### Decisions Made at This Meeting

None

### Email Decisions Made Since the June ECC Meeting

- Approve the purchase and sale agreement and conservation easement documents for the upper and lower Christensen (Mink Creek) conservation easements.

A record of the vote is included in Attachment 1.

### Updates

#### Twin Lakes Canal Company's Proposed Bear River Narrows Dam

Stenberg reported that PacifiCorp had recently filed a protest to Twin Lakes' application for water rights. He noted that he provided a copy of the protest to ECC members via email.

#### Greater Yellowstone Coalition – Change in ECC Representative

Strong said she will be leaving Greater Yellowstone Coalition in approximately two weeks for a new position in Alaska. She said GYC has also filed a protest to Twin Lakes' water rights application, which she will be passing along to the new ECC representative. ECC correspondence with GYC should be directed to Marv Hoyt.

#### Habitat Enhancement Project Updates

Stenberg said funding has been disbursed for the **Alleman Dam project**, but no update was available. Steven Smith said the **Bunderson** projects are scheduled for completion in the fall. Teuscher said work on the **Whiskey Creek** project has stalled, as Clegg recently received a Notice of Potential Violation on his pond at Trout Creek from the Department of Water Resources. Teuscher said the notice cited a change in the scope of the project as filed and failure to provide a required monitoring report. Stenberg said that funding has been disbursed for the Georgetown Hydro and Screen Tender projects. The **Oneida Narrows riparian protection project** is now complete and looks good, Stenberg said. Stenberg said he had located a source for shrubs for the **Alexander shrub planting project**. Teuscher said fish are still being tagged on the **Cub River project**, and tagging may continue through the spring. Stenberg said a meeting to

survey the lower site at **Kackley Spring** was coming up and told ECC members they were welcome to attend and participate. Stenberg said the area had been treated for New Zealand mudsnail, as agreed upon by the ECC, from the road underpass to the woods. He said 12 to 18 inches of muck had been removed from the channel and described the process used by Dr. Adam Sepulveda, the researcher conducting the study. Researchers left vegetation along the edge of the stream channel undisturbed, he said. Teuscher asked about permitting for the water used for dredging. Authorization from the IDWR and USACE was received for the project.

### **New Habitat Enhancement Project Proposal – Smith-Bosen Diversion Relocation and Piping**

Steven Smith, Idaho Soil and Water Conservation Commission, was introduced to the ECC and described the proposal, which was routed to ECC members via email prior to the meeting. Representatives of the canal company were also present.

Smith said the project area is in Oneida Narrows near Cave Mountain. He distributed a revised cost estimate, which included two additional options for the project. Representatives of the canal company said the existing diversion is a hazard, and the proposal would also provide some advantages to the power company. The irrigators will give up the right-of-way to the ditch, they said, and some culverts that are currently in poor condition and would eventually need to be replaced would no longer be needed. Smith said the Bureau of Reclamation is expected to contribute \$25,000 - \$30,000 toward the project.

Stenberg said safety improvement is very important to PacifiCorp. Teuscher asked whether irrigators would take less water if the irrigation system was pressurized. Smith said probably, as the system would be more efficient.

Van Every and Stenberg noted that some internal conversations needed to take place and the project needed to be firmed up before the ECC could vote on approval. Detmer said Bureau of Reclamation funding was contingent on start of construction prior to December, so a decision was needed within a month. Stenberg said he would work with PacifiCorp and Smith to firm up the proposal prior to the next ECC meeting. He said a vote could be called via email if necessary.

Smith outlined a few more projects he expects to be working on in the coming year and said he may submit others for the ECC's consideration. Stenberg suggested submitting short forms on projects of mutual interest.

### **Preston-Whitney Fish Screen**

Detmer said the irrigation company is frustrated with the operation of this ECC-funded fish screen and asked what the screen tender's duties were. Teuscher said he believed this fish screen was not yet complete and said he will get in touch with Trout Unlimited representative Kirk Dahle. Stenberg said he agrees that it is important to keep the screens well maintained.

## **Oneida Fish Passage Scope of Work**

Stenberg reviewed the scope of work with ECC members, including the proposed timeline. He said he plans to send the scope of work to four firms and asked whether the ECC had additional suggestions. Bids for the work will be solicited and evaluated and a contract is expected in October.

## **Whitewater Boater Flow Ramp Rate Study**

Bryan Dixon, Cirrus Environmental Solutions, presented results of fish stranding studies to the ECC via a Powerpoint presentation and spreadsheets, including the number of fish stranded, species, and age class. Given the number of fish stranded, the fact that most stranded fish were common species, and most were larval fish, Dixon said the question is, is this level of loss acceptable? Mladenka asked whether Oasis's fish counts from Black Canyon monitoring could be used for comparison and whether there are any non-common fish present but not observed. Stenberg noted that thousands of rainbow trout had been released into the river around the time of the study but none had shown up in stranding counts. Berglund said one would not expect larger fish to become stranded. Mladenka commented that it seems clear that later events strand many more fish.

Teuscher said he could not see any reason not to continue and he believed the analysis should be completed. Van Every agreed. Mladenka said he was not sure about continuing with the ANOVA specifically, but the study itself should continue. Stenberg suggested remapping the river based on two variables. Teuscher said he thought it was not necessary to reclassify, just extrapolate. Dixon noted that in regard to the high/medium/low classifications, the analysis was very qualitative. Teuscher asked whether there was any type of habitat that was just missed during the study. Dixon said perhaps islands, which were not surveyed for safety/logistical reasons. Mladenka suggested visiting the islands at low flow to estimate where they would fall in established categories. Colburn said he agreed with suggestions on how to proceed. He said he believed biological information should be put in fuller context, and fish species present but not captured should be considered. He asked who could address this and how.

Van Every said he knows that Utah sucker are present but they are not being stranded. They were observed in June 2004, he said, before whitewater boater flows began. Teuscher said it is possible that habitat has been disrupted so severely that spawning was not successful. He said this has not been addressed, but should be.

Stenberg noted that the ECC must have consensus to modify the scope of the study. He said he believed we should get an idea of abundance, but should we proceed with the ANOVA?

Berglund noted that the data show that the 0.5 ramp rate trapped fish from throughout the water column, including bottom dwellers, so the middle ramp rate trapped the most diversity.

Mladenka said the ANOVA would not require a significant expenditure of funds, and it sounds like ECC members were in agreement to proceed, extrapolating up to a reach level. Vincent asked Dixon what his recommendation would be. Colburn noted that results thus far suggest that later flows result in more fish stranded and faster ramp rates are best. He said whether these findings are significant is a biological question and he would like to see some scientific data to back up any conclusions. Dixon said there should be a clear understanding of the question.

Stenberg suggested reviewing the study questions in the study plans. He proposed redistributing the study plan to the ECC via email, along with a question as to whether to proceed or modify the study. Cirrus will provide their recommendations, as well.

ECC members were asked to consider whether to extrapolate and estimate how much stranding is occurring. Mladenka clarified that based on Dixon's presentation, natives are being stranded. He said that is worth looking into, but is not a pivotal question. Colburn said to keep regulations in mind.

Stenberg said he was hearing requests for additional study and that additional funding was not available for studies beyond what was already approved. He said he was aware that the ECC would likely need help [from consultants] with decision making next year. Colburn said he was not suggesting additional studies. He said he just wanted any study to be the right study.

Stenberg said funding was still available for analysis, if needed, but the study would have to be re-scoped for the amount of funding available. Also, the group will need to discuss how to proceed with decision making next year.

### **Whitewater Boater Flow Water Quality – Idaho Department of Environmental Quality**

Mladenka presented a compilation of water quality data collected during whitewater boater flows. He said the primary issue is with exceedance of state standards for turbidity. Dissolved oxygen also dropped during boater flows, he said, but turbidity is the main issue. For example, he said, turbidity measurements may go from 50 to 800 NTUs in 10 to 20 minutes, then take a long time to settle back down to background levels. Levels were sometimes 20 times higher than background, he said. The mean length of the exceedance was 4 hours, but a lot more time was needed to return to pre-flow levels. Coburn said this was a regulatory question and asked what the implications were. Mladenka said the data compilation was meant to be informational. Van Every said IDEQ has a responsibility to have some internal discussion on interpretation of regulations based on the wording of turbidity standards. He said the organization would be reviewing that this winter, even with the State Attorney General's Office. Colburn said he believes the impacts are from de-watering of the river. He said he believed releases should be continued so that large amounts of sediment do not build up. Teuscher said the issue boils down to whether PacifiCorp can be told to push a button and release sediment that violates state water quality standards. Stenberg said he would like to have an opinion from IDEQ prior to April 2011. Van Every agreed to provide an opinion from IDEQ within that time frame.

## **Adjourned to Land Trust Updates – Closed Session**

### **New Zealand Mudsail Study**

ECC members heard an update on this study at the start of the meeting. Davies said that Sepulveda will also study mudsnail recolonization rates in the stream. There are also study ideas for the use of vacuum, electrical charge, and hot water, she said.

### **Next ECC Meeting**

Next meeting will take place Wednesday, October 20 at PacifiCorp's Grace Administration Building. Agenda items will include:

- Boater flow discussions, including 2011 decisions
- Grant fund updates
- Stranding study follow-up

**Attachment 1**

**Record of Email Vote: Purchase and Sales Agreement for the Upper and Lower Christensen Conservation Easements**

**Email Vote by the Bear River ECC**  
**Christensen – Endorsement of Purchase and Sale Agreements for Upper and Lower**  
**Christensen Conservation Easements and Conservation Easement Documents**  
**August 3, 2010**

**From:** Stenberg, Mark

**Sent:** Tuesday, August 03, 2010 9:37 PM

**To:** (kstrong@greateryellowstone.org); Arn\_Berglund@blm.gov; Blaine Newman; Brimmer, Arnie; cary\_myler@fws.gov; Charlie Vincent; Davies, Eve; Greg Mladenka; Hunter Osborne; Jim Capurso; Jim Mende; 'Kevin Colburn'; Kevin Lewis; Kirk Dahle (kdahle@tu.org); Kirk Rich (krich@idpr.idaho.gov); Lynn Van Every; Mary Lucachick; Miriam Hugentobler; Rick Just (rick.just@idpr.idaho.gov); Stenberg, Mark; Susan\_Rosebrough@nps.gov; Teuscher, David; Warren Colyer; Yvette A. Tuell (ytuell@sbtribes.com)

**Cc:** Kolkman, Jack

**Subject:** ECC Email Approval Needed

Hello,

Per my last email update on the Christensen Conservation Easements Joselin had cleared up the last issue per ECC direction to secure 100 foot riparian buffers on each side of Mink Creek and to exclude cattle from these areas. I'll forward you the final maps in a moment that show these buffers and two small exceptions. Last month I also sent out a draft Purchase and Sale and Conservation Easement for your review and comment. I received no comments.

**Motion:** Attached for your endorsement are the Purchase and Sale Agreements for the Upper and Lower Christensen Conservation Easements and the Conservation Easement Documents. These have been reviewed by Tim Lindstrom for Sagebrush Steppe Regional Land Trust. Please provide your endorsement to allow the land trust to execute these documents with Philip Christensen.

Mark Stenberg  
PacifiCorp Energy  
208 547-7305



**Results of ECC Member Voting  
Purchase and Sale Agreement for Upper and Lower Christensen Conservation Easements  
and Conservation Easement Documents  
Email Query by Stenberg  
August 3, 2010**

| <b>Vote</b> | <b>Name</b> | <b>Organization</b>   |
|-------------|-------------|-----------------------|
|             | Capurso     | USFS                  |
| yes         | Dahle       | Trout Unlimited       |
| yes         | Van Every   | IDEQ                  |
| yes         | Lewis       | Idaho Rivers United   |
|             | Lucachick   | Idaho Parks and Rec   |
|             | Teuscher    | Idaho Fish and Game   |
| yes         | Berglund    | BLM                   |
| yes         | Osborne     | Sho-Bans              |
|             | Rosebrough  | National Park Service |
| yes         | Vincent     | American Whitewater   |
| yes         | Strong      | Greater Yellowstone   |
| yes         | Stenberg    | PacifiCorp            |
| yes         | Myler       | USFWS                 |
|             |             |                       |