

**Bear River ECC  
Final Meeting Notes  
October 20, 2010  
Grace, Idaho**

**ECC Members Participating**

Mark Stenberg, PacifiCorp  
Kirk Dahle, Trout Unlimited  
Charlie Vincent, American Whitewater  
Greg Mladenka, Idaho Department of Environmental Quality  
Dave Teuscher, Idaho Department of Fish and Game, by phone

**Others Participating**

Eve Davies, PacifiCorp, by phone  
Steven Smith, Idaho Soil and Water Conservation Commission  
Kevin Colburn – American Whitewater, by phone  
Bryan Dixon, Cirrus, by phone  
Joselin Matkins – Sagebrush Steppe Land Trust  
Heidi Albano - Sagebrush Steppe Land Trust

<b>Commitments Made at the October 20, 2010 ECC Meeting</b>	
Stenberg	<ul style="list-style-type: none"> <li>• Review the conservation hatchery MOA.</li> <li>• Get an update on Bailey Creek fencing project.</li> <li>• Route proposal for Oneida Fish Passage Design to the ECC.</li> <li>• Send Oneida Fish Passage Design project motions (2) out for email vote by the ECC. Include recommendations of ECC members in attendance at meeting.</li> <li>• Rework Oneida Fish Passage press release after contractor is chosen. Track resulting stories.</li> <li>• Provide a letter to Caribou Soil and Water Conservation District expressing support for reclamation efforts on Whiskey Creek for landowner. Requested by Oct. 25.</li> <li>• Notify proponent of additional USGS studies at Kackley Springs of ECC decision.</li> <li>• Contact Beck for an accounting on the Liberty Creek fish screen. Provide an update to the ECC.</li> <li>• Put together a proposal for how to proceed with whitewater boater flow discussions using a decision-making framework. Forward framework to the group along with a proposal for how to proceed and how to fund a synthesis report.</li> <li>• Revise land trust MOA process update. Forward to the ECC for approval. Proceed with MOA revisions once approval is received.</li> <li>• <a href="#">Take pictures of Old Oregon Trail Road Bridge (Bailey Culvert) (and irrigation diversions)</a></li> </ul>
Teuscher	<ul style="list-style-type: none"> <li>• Review the conservation hatchery MOA</li> <li>• .Work with Dahle to develop a press release for the Cub River projects.</li> </ul>

<b>Commitments Made at the October 20, 2010 ECC Meeting</b>	
Dahle	<ul style="list-style-type: none"> <li>• Work with Teuscher to develop a press release for the Cub River projects.</li> </ul>
Smith	<ul style="list-style-type: none"> <li>• Provide a long (project application) form for the Mink Creek stream improvement project. Arrange a tour of the project area for early November.</li> </ul>
Mladenka	<ul style="list-style-type: none"> <li>• Route Newcombe &amp; Jensen paper to the ECC.</li> </ul>
Hugentobler	<ul style="list-style-type: none"> <li>• Route revised Streambank Stabilization Policy to the ECC.</li> </ul>
Items in blue have been carried over from previous ECC meetings	

### **Email Decisions Made Since the Last Meeting**

- Increase the budget for construction and installation of the fish trap at Kackley Springs by \$13,500.

See Attachment 1 for a record of email voting on this motion.

### **Decisions Made at This Meeting**

- Approve the ECC's Streambank Stabilization Policy. Revise the ECC's habitat enhancement project ranking criteria per streambank stabilization policy.

### **Review of Previous Meeting Notes and Action Items**

Notes from the August ECC meeting were approved with edits from Mladenka. One action item was carried over from previous meetings.

### **Updates**

#### **Fish Screens**

In regard to fish screen issues raised at the August ECC meeting, Dahle said he had coordinated with Preston-Whitney irrigation company. They did not express any frustration regarding the fish screen on their diversion and expressed support for the ECC's efforts. He reported that the upper screen is working well.

Stenberg said he visited the Shoshone-Bannock tribal offices recently, and Yvette Tuell said the tribes have been impressed with how much the ECC has gotten done and how well the group gets along.

#### **Bonneville Cutthroat Trout Broodstock – Teuscher**

Teuscher discussed IDFG studies and work planned at Kackley Springs. He said that based on recent electrofishing efforts in the area, IDFG may not treat Kackley Springs with rotenone this

fall. He said the agency plans to plant 5,000 BCT at Kackley. He said studies of genetic diversity of current BCT broodstock are proceeding and will determine whether additional fish need to be collected from the wild. Stenberg and Teuscher agreed to review the Memorandum of Agreement on conservation hatchery.

Stenberg said the contract is out for the fish trap at Kackley Springs and he expects work on that structure to begin soon.

### **Streambank Stabilization Policy**

ECC members agreed to approve the ECC's Streambank Stabilization Policy and project ranking criteria with edits from Davies.

Mladenka asked about the possibility of press releases for some of the habitat enhancement projects, especially the Cub River projects, which are now fully functional. Dahle and Teuscher expressed support and agreed to work together on a press release for this project.

### **Habitat Enhancement Projects**

The **Harris** and **Williams Creek** projects are complete. **Mathews** has work in progress. PacifiCorp has been billed for materials for **Bailey Creek**, Stenberg will get an update for the ECC. After delays due to property issues, the **8-mile Creek** project is now back on, **Oneida Fish Passage** is moving forward and will be discussed in more detail later in the meeting.

The diversion rebuild portion of the **Alleman** project is complete and stream channel restoration is moving forward. Construction on the **Bunderson** projects should begin soon, now that irrigation season is over. **Whiskey Creek** has been permitted, and the proponent plans to move forward this fall. Stenberg said he helped Clegg move rock last week. The **Georgetown Fish Ladder funding**, **Screen Tender**, and **Oneida Narrows Riparian Protection** projects are complete. Shrub planting at **Alexander** will take place this month. Stenberg reported that only \$1,500 of the available funding will be spent on the Alexander project. Dahle reported that fewer fish than anticipated were tagged for the **Cub River Fish Tracking** project. Fish are still being captured and tagged, with the goal of bringing the total number of fish to 40 this week. Stenberg asked whether fish tagged by Twin Lakes would be picked up with the equipment being used. Dahle said yes.

### **Oneida Fish Passage Project Contractor Selection**

Stenberg reported on progress towards selecting a contractor for design of the Oneida Fish Passage project. He said PacifiCorp's procurement process was being followed. Bids were solicited from five firms: R2, Sunrise, Equinox, SWCA, and Oasis; proposals were received from three: R2, Equinox and Sunrise.

Proposals were scored by Stenberg, Shrier, and Kolkman of PacifiCorp and by Vincent of American Whitewater. A range of prices were received. Stenberg reviewed the bid with ECC members. R2's proposal stated that they were prepared to look at five alternatives. Stenberg said fewer alternatives may be considered, so actual cost may be lower. Stenberg said he would

forward R2's scope of work for the project to the ECC.

Stenberg said that in order to award the bid to R2, the ECC would need to approve additional funding. Another alternative would be to ask R2 to scale back the alternatives analysis. He said R2 is the firm PacifiCorp is recommending, based on review and ranking of proposals received.

Mladenka asked Stenberg to review the rationale for this fish passage project.

Stenberg said that the ECC vision is to complete fish passage at Oneida during the term of the [FERC 30-year] license. He said that performing the conceptual design at this point would allow about 7 or 8 years for final design and fundraising to complete the project near the midpoint of license, assuming that after the conceptual design the ECC wants to continue to pursue the project during the term of the license. This will also give the ECC time to find water, etc.

Mladenka asked about whether this study would have any influence on the Twin Lakes project. Stenberg said he believes it will have no bearing at all. Stenberg asked Mladenka why he believed the project was being done. Mladenka said if the study is done there should be plans to implement it, as it is tying up a large amount of ECC funding--but as there are not any other immediate projects that funding is needed for, he supports it.

In order to move forward, Stenberg said, approval of two separate motions is needed:

- Increase funding for Oneida Fish Passage Design by \$13,000.
- Award the Oneida Fish Passage Design study to R2.

The five ECC members participating in the meeting approved the motions unanimously; however, voting was not noted on the meeting's agenda so the motions will be sent out to the ECC for an email vote. Stenberg will include input from ECC members present at the meeting.

### **Potential Habitat Enhancement Projects**

#### **Smith-Bosen Update**

Steven Smith (ISWCC) said he has not heard from project proponents. He said he believed their level of interest has decreased and they may not move forward with the project.

#### **Mink Creek Stream Improvement**

Smith said the project proponent has an EQUIP grant for fencing and an alternate water source for livestock. They are looking for help with matching funds for the NRCS grant. One of the proponents' goals is to create additional fish habitat, Smith said.

Project components include installation of about 2000 feet of fence and installation of an alternative water source. A spring has already been developed up an adjacent draw as part of the project, Smith said, and the proponent already has rocks for work to improve fish habitat in

the stream. BCT have already been noted in the area.

The ECC expressed general support for the project; however, Mladenka requested a site visit to view previous work. Smith said Myler has visited the project area and expressed support.

Stenberg requested that Smith submit an application form for the project and arrange a site visit, possibly during the first part of November. Stenberg will serve as ECC sponsor of the project.

### **Whiskey Creek – Nichols**

Smith discussed a potential new project on Whiskey Creek. He said the project is in a location where the creek used to be piped. The proponent has applied for a permit to remove a loafing shed and cement, take the creek out of the pipe, and restore the creek. The proponent will exclude livestock from the creek and plant willows, etc. on the banks. He has applied for a 319 Grant, citing the ECC as a potential participant. Caribou Soil and Water Conservation District has asked for a letter of support from the ECC to submit with the grant application and requests the letter by October 25. Vincent asked whether the project would improve habitat for BCT. Stenberg said he is familiar with the project area and is curious about the historical route of Whiskey Creek in this area. He said he wonders if this work were done, would it preclude any future effort to restore the historic channel and reconnect to the Bear? Mladenka asked whether upstream fish passage would be desired there. Teuscher said he did not see a down side to the connection, as it could be constructed to preclude some fish passage. Stenberg asked Teuscher whether it would be easier to provide passage to Trout Creek versus Whiskey Creek. Teuscher said he thinks Trout Creek could be achieved at a minimal cost; whereas Whiskey is quite a drop. It was stated that approximately 500 to 700 feet of the creek is currently in a pipe. Any time a stream is taken out of a pipe, it's a positive, he said, so even if connection isn't ultimately made the change would be a positive one. Mladenka said he would like to go see the area. Vincent said he believed the project should be part of a larger effort.

Stenberg said he will put a memo together stating that the ECC supports restoration efforts on Whiskey Creek. Dahle suggested adding a caveat that it be part of a larger effort. ECC members agreed. Stenberg will write the letter on behalf of the ECC.

### **Fish Stranding Study – Bryan Dixon**

Bryan Dixon of Cirrus updated ECC members on the Fish Stranding Study. At the last ECC meeting, Dixon presented results from the last three years and the ECC asked Cirrus to go ahead with statistical analysis of the results. Results of the statistical analysis were presented via Powerpoint. The presentation was routed to ECC members via email.

Dixon said Cirrus engaged a professional statistician to analyze data. A parametric model could not be used, he said, and a zero-inflated poisson model was chosen instead.

The analysis resulted in three findings:

- The 0.25 ft/hr ramp rate strands more fish than either other rate. There was no statistical difference between the other two rates.
- More fish are stranded during summer than either early or late spring.
- More fish are stranded in high hazard areas than either medium or low hazard areas.

Dixon also reviewed extrapolation of the available data to the entire varial zone. He then accepted questions and comments from the ECC.

Mlandenka said Cirrus had done a good job and the analysis was what he expected. Colburn asked about the timeframe for a final report. Dixon said a final report would be available in about two weeks.

Stenberg said other related studies are nearing completion. The boater flow water quality study is in process, he said, and the final Black Canyon monitoring report is expected in April 2011. Colburn asked about availability of funding for synthesis of the reports. Stenberg said there currently is none.

### **Habitat Enhancement Project Proposals, Cont.**

#### **USGS Kackley Macroinvertebrate Study**

A project proposal form for additional ECC funding of Kackley Springs macroinvertebrate studies was routed to ECC members prior to the meeting. The additional funding was requested to identify macroinvertebrates collected during the original study.

Mladenka said that before the ECC approves additional funding, it should first confirm that snails that have been vacuumed up were the invasive New Zealand mud snails, as stated. He said IDEQ has received emails from an expert regarding endemic spring snails reported to exist in Kackley Springs and only a few other springs, which could make them a species of concern. Mladenka expressed concern that the snails being vacuumed up had not been properly identified prior to the start of work. Mladenka added that he did not believe the study would be helpful to the ECC. Dahle agreed, noting that there are many disturbance/recolonization studies already in the literature. ECC members declined the project. Stenberg will inform the proponent.

#### **Liberty Fish Screen**

The ECC discussed a proposal received from the U.S. Forest Service to purchase a fish screen they are replacing on Liberty Creek. Stenberg noted that the ECC already funded the screen through a habitat enhancement project grant of \$16,000 in 2006. Teuscher said he also has concerns about the loss of the stream from changes being made. Mladenka suggested reviewing contracts to preclude situations like this, specifically for requirements that would require leaving things in place and operational for a certain time. Dahle said USFWS contracts typically require

10 years. Stenberg said he will contact [U.S. Forest Service representative] Beck for an accounting on the Liberty fish screen and inform the ECC of his findings.

### **IDEQ Regulatory Context of Whitewater Boater Flows – Mladenka**

Mladenka reported on IDEQ's discussions with the Idaho Attorney General's Office regarding the regulatory context of whitewater boater flows. He said the AG's Office indicated that they would not pursue actions to enforce state water quality standards outside of the Settlement Agreement (i.e., the AG's Office will not tell PacifiCorp to cease whitewater boater flows as specified in the Settlement Agreement). Mladenka said IDEQ feels that turbidity and suspended sediment is an important issue and that discussions should continue in conjunction with other studies and an adaptive management approach should be developed to address this issue. Mladenka said he would route a paper on suspended sediments and fisheries (Newcombe and Jensen) to ECC members.

Stenberg said that with the completion of Boater Flow Water Quality and Fish Stranding Study reports soon, and the Black Canyon Monitoring Report in April, the ECC can start discussing these issues in May. He asked the ECC for input on how to proceed. Stenberg told ECC members he had been trained in the use of a specific decisionmaking process. He briefly described the process and offered to use it to lead the ECC through these discussions.

Teuscher noted that there is a decisionmaking process in the Settlement Agreement and he did not believe the ECC could agree to set up something outside of that. Stenberg agreed, but said the process was more of a tool and would be used to get to the point of voting. Stenberg agreed to put together a proposal for how to proceed using this decisionmaking process. He will forward the proposal and further information on the process to the group, along with ideas for how to fund a synthesis of the three reports. He said habitat enhancement funds could possibly be used.

### **Land Trust Updates**

The ECC adjourned to closed session to hear updates from the land trust.

**<Closed Session>**

### **Next ECC Meeting**

Next ECC meeting was scheduled for Wednesday, December 8, 2010. Agenda items include:

- Project Updates
- Boater Flow Process
- Set calendar for the coming year
- Water quality and stranding study discussion

**Attachment 1: Record of Email Voting Since the Last ECC Meeting**

**Email Vote by the Bear River ECC  
Kackley Springs Fish Trap Budget Increase  
October 12, 2010**

Date: Tue, 12 Oct 2010 10:15:07-0600

From: Miriam Hugentobler

To: Marv Hoyt <mhoyt@greateryellowstone.org>, Arn Berglund <Arn\_Berglund@blm.gov>, Blaine Newman <blaine\_newman@blm.gov>, Arnie Brimmer <abrimmer@idfg.idaho.gov>, Cary Myler <cary\_myler@fws.gov>, Charlie Vincent <charliev@xmission.com>, Eve Davies <Eve.Davies@PacifiCorp.com>, Greg Mladenka <Greg.Mladenka@deq.idaho.gov>, Hunter Osborne <hosborne@shoshonebannocktribes.com>, Lee Mabey <lmabey@fs.fed.us>, Kevin Colburn <kcolburn@amwhitewater.org>, Kevin Lewis <kevin@idahorivers.org>, Kirk Dahle <kdahle@tu.org>, Kirk Rich <krich@idpr.idaho.gov>, Lynn Van Every <Lynn.Vanevery@deq.idaho.gov>, Mary Lucachick <mlucachi@idpr.state.id.us>, Rick Just <rick.just@idpr.idaho.gov>, Susan Rosebrough <Susan\_Rosebrough@nps.gov>, David Teuscher <david.teuscher@idfg.idaho.gov>, Warren Colyer <wcolyer@tu.org>, "Yvette A. Tuell" <ytuell@sbtribes.com>, Corey Lyman <clyman@fs.fed.us>

CC: "Stenberg, Mark" <Mark.Stenberg@PacifiCorp.com>, Jack Kolkman <Jack.Kolkman@PacifiCorp.com>

Subject: Bear River ECC – Email Vote Kackley Fish Trap

Good Morning ECC Members,

I am requesting your approval to increase the budget for construction and installation of the fish trap at Kackley Springs.

Design is complete and I have received two bids for fabrication. The fabrication bids are \$14,273 and \$29,770. The engineers said the \$14,273 bid is right on line with their estimate based on steel weight and fabrication. I've negotiated a price for installation from one of our outline agreement contractors that I know will do a good job installing the fish trap and will be sensitive to the site.

Original approved funding:	\$20,000
Survey and Design Services:	\$13,000 Complete
Fabrication of fish trap: Partners Steel in Pocatello	\$14,272 Low bid from
Installation of fish trap:	\$6,200 negotiated price with KCA

Additional Funding Needed to finish project: \$13,500.

Thanks,  
Mark Stenberg  
208 547-7305

**Results of ECC Member Voting  
Kackley Springs Fish Trap Budget Increase  
Email Query by Stenberg  
October 12, 2010**

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