

**Bear River ECC  
Final Meeting Notes  
February 16, 2011  
Pocatello, Idaho**

**ECC Members Present**

Cary Myler, U.S. Fish and Wildlife Service  
 Lee Mabey, U.S. Forest Service  
 Lynn Van Every, Idaho Department of Environmental Quality  
 Dave Teuscher, Idaho Department of Fish and Game  
 Kirk Dahle, Trout Unlimited  
 Marv Hoyt, Greater Yellowstone Coalition  
 Mark Stenberg, PacifiCorp  
 Charlie Vincent, American Whitewater, by phone  
 Blaine Newman, Bureau of Land Management, by phone

**Others Present**

Greg Mladenka, Idaho Department of Environmental Quality  
 Corey Lyman, U.S. Forest Service  
 Glen Pond, Rocky Mountain Power  
 Eve Davies, PacifiCorp  
 Candy McGuire, Bureau of Land Management, by phone  
 Brent Ralston, Bureau of Land Management, by phone  
 Shana Murray, FERC, by phone  
 Claudia Conder, PacifiCorp, by phone  
 Jodi Williams, attorney for PacifiCorp, by phone

<b>Commitments Made at the February 16, 2011 ECC Meeting</b>	
All	<ul style="list-style-type: none"> <li>• Submit applications (long forms) for 2011 habitat enhancement projects to Stenberg and Hugentobler by March 4.</li> <li>• Ranking meeting will be Wednesday, March 16 at IDEQ</li> </ul>
Stenberg	<ul style="list-style-type: none"> <li>• Send invoice for Alexander Shrub Planting to Myler.</li> <li>• Provide GIS layer of ECC-sponsored projects to Teuscher.</li> <li>• Provide ECC habitat enhancement project list to ECC members, as requested.</li> <li>• Provide advance notice of boater flow releases to IDEQ, IDFG via email.</li> <li>• Consider placing a link to IDFG’s management planning Powerpoint on Bear River ECC website.</li> <li>• Forward Davies’ comments on Deep Creek Management Plan to Matkins. Redistribute to ECC after revisions by Matkins.</li> <li>• Provide hard copy of annual report to IDEQ</li> <li>• <a href="#">Rework Oneida Fish Passage press release after contractor is chosen.</a> <a href="#">Track resulting stories.</a></li> </ul>

Commitments Made at the February 16, 2011 ECC Meeting	
	<ul style="list-style-type: none"> <li>Take pictures of Old Oregon Trail Road Bridge (Bailey Culvert) (and irrigation diversions)</li> </ul>
Davies	<ul style="list-style-type: none"> <li>Provide redline of revisions to the Land Management Plan to the ECC for review and approval.</li> </ul>
Dahle, Teuscher	<ul style="list-style-type: none"> <li>Work on press coverage of habitat enhancement project (Cub River).</li> </ul>
Items in blue have been carried over from previous ECC meetings	

### Email Decisions Since Last Meeting

- Clarify with FERC that the suspension of Art. 409 should continue until the ECC has reviewed all three reports (water quality, fish stranding and Black Canyon monitoring) and made its final recommendation to FERC one year later than originally contemplated in the 8/22/08 Order from FERC that granted the suspension.

A record of ECC voting on this motion is included in Attachment 1.

### Decisions Made at This Meeting

None.

### Items Added to the Agenda

- Black Canyon monitoring budget
- Tributary priorities
- Twin Lakes Water Rights Application
- Kackley Water Rights Application

### Project Updates

**Older Projects - Anderson 8-mile** – Problems with an adjacent landowner have been worked out and the project is moving forward. **Williams Creek** – Screens are in, headworks are complete.

**2010 Projects - Alleman, M. Bunderson, and R. Bunderson** projects are complete, but some cleanup is still needed. **Whiskey Creek** – Some seeding remains to be done. **Georgetown** – Funding has not been disbursed. Myler requested an invoice for **Alexander Shrub Planting** from Stenberg. Other 2010 habitat enhancement projects are complete. **Kackley** – Teuscher reported that Hillyard is onsite today checking for brown trout, etc. He said IDFG plans to treat Kackley Springs with rotenone prior to release of Bonneville cutthroat trout into the stream.

Van Every asked whether there is map coverage of ECC project locations. Mladenka asked about adding it to the annual report. Van Every asked about listing the projects by watershed.

### **2011 Boater Flows**

Stenberg said PacifiCorp expects the water year to be similar to last year. He said four scheduled releases have been offered for 2011 in place of the forecasted flows, approximately one per month. Vincent said he does not believe four is acceptable. Stenberg said that is all that can be done during the coming year. Mladenka asked whether PacifiCorp would be doing user counts during boater flows. Stenberg said yes. Mladenka asked for advance notice of boater flows by email, as IDEQ may want to conduct water quality monitoring. IDFG would also like to receive notice.

### **Oneida Fish Passage Conference Call Update**

Stenberg provided an update to the ECC on the conference call held with R2 on February 4. He reviewed the project schedule, discussed the next deliverables, and accepted questions from the ECC. He said the value of the water needed for a fish ladder was estimated at \$100,000. He also noted that turbine upgrades were added to the study as an alternative.

The group discussed the height of the trout ladder. Mabey asked about size of the jumps and expressed concern that they were sized more appropriately for salmon. Dahle said trout will likely use the orifice.

### **Black Canyon Monitoring**

The ECC discussed the Black Canyon monitoring budget. Action was postponed pending further review and a vote by ECC members.

### **2011 Grant Fund Accounting – Stenberg**

Stenberg provided an accounting of 2011 grant funds. Spreadsheets were reviewed as an overhead. The tables shown will also appear in the annual report, Stenberg said.

**Land and Water Conservation Fund** – 2011 funding is \$364,115, bringing the total balance in the fund to \$909,960. The balance in this fund is projected to be \$524,153.34, after 2010 obligated funds.

**Habitat Enhancement Fund** - 2011 funding \$202,691, bringing the total balance to \$429,000. Minus 2010 obligations, the balance is projected to be \$205,144.

### **Twin Lakes Project Update – Shana Murray, FERC (by phone)**

Murray said she had recently spoken with Nick Josten (Twin Lakes' consultant) regarding the

project. They are still waiting for a water model for their water quality study. She said it appears that Twin Lakes' water rights application will be made in May, with a draft license application probably in June. All other studies are complete, she said, and are being included in the draft application. Water quality may impact some of the other studies, so it is holding everything up. Since there is no existing license that will expire, she said, there is no deadline to file. A preliminary permit is for three years, and if that expires, Twin Lakes will have to renew to continue holding that site. Teuscher said he has not seen a fisheries final report. Murray said that is probably because of the outstanding water quality study. Stenberg said he was at a water rights prehearing and has not seen an application. Murray said FERC has nothing to do with that, as it's a separate process. She said some applicants proceed with water rights while working on license application. FERC does not advise on water rights, she said, but may have encouraged it, based on what others have done. However, FERC cannot advise on water rights, she said. Stenberg asked when we will see the draft license application (expected in June). Murray said when the applicant files. Twin Lakes will distribute it to the mailing list, she said. There will be a 90-day comment period, during which time commenters may note what they believe is deficient. Final applications are typically done 5 months after that, she said, but as noted, Twin Lakes has no real deadline and could take 9 months or more. Once there is a complete application (final application) (ready for environmental analysis), that process will proceed and there will be another comment period. Mladenka asked whether FERC would prepare the environmental analysis. Murray said yes, it will be an Environmental Impact Statement (EIS). Stenberg asked whether the EIS would be prepared jointly with the Army Corps of Engineers (COE). Murray said that is currently being discussed with the COE but regardless there would be a COE permitting process. Mladenka asked about potential alternatives. Murray said there are typically three, No Action, Proposed Action, and a Staff Alternative, which is the Proposed Action with staff recommendations. COE alternatives are typically broader, she said, including those without power generation. Van Every said he believes that two 401 processes may be required, one for the 404 permit for construction and one for operation of the project. Murray said she does not know, as she has not worked on a new build before. Van Every asked about timing. Murray said that if the agencies do not cooperate, the COE would have to do an Environmental Assessment or EIS for the 404 permit, so they are working hard to reach an agreement. Hoyt asked if there is an opportunity for intervention at the draft application stage. Murray said she would not say no, as one can seek to be an intervener at any time, but that is typically done at the final application stage. She noted that the preliminary permit process is completely separate from the license application process, so those interested must file separately to be an intervener in both processes. Stenberg asked whether there would be a separate comment period for study results. Murray said yes, there would be a comment period on the study results, even if it is parallel with the application process. She said the ECC should feel free to call or email with questions. Williams asked that since the draft license application won't be filed until June, isn't it possible that a final EIS is three years out? Murray said maybe two years from filing of the final license application. Once the license is filed, deadlines are firm and fixed, she said. Most work at that point is done by FERC.

## **Twin Lakes Water Rights Update – Conder**

Conder said a discovery request is ongoing but it is difficult to know what questions to ask without knowing what is in the transfer application, which is a separate process. Twin Lakes had filed a transfer application, she said, but later withdrew it for revisions because irrigators have been using more water than allotted. She said the discovery period will be extended past April 1, to allow the water right and transfer process to proceed jointly. She said she will keep the ECC updated on the process.

## **Land Management Plan – Davies**

Davies updated the ECC on planned revisions to the Land Management Plan (LMP). The LMP is the overarching document for the ECC's series of site plans. They are now complete, she said, with initial monitoring for the Grace Dam/Last Chance site plan the last bit to be implemented. The biggest task this year will be removal of cross fencing at Oneida, she said. Because the LMP preceded the site plans, a minor revision is needed to sync the LMP with the site plans. Articles 427 and 424 discuss measures to be taken within FERC boundary. Some measures, e.g., fencing, may be outside the FERC boundary, but will be considered required rather than voluntary measures where they were the most efficient way to accomplish objectives. Stenberg said most of the changes to LMP may be to figures. Davies will redline the LMP and provide a copy to the ECC for review and approval.

Hoyt asked about applying same types of goals to land held by Sagebrush Steppe Land Trust, where owned by trust. Mladenka asked where grazing is still occurring. Davies said at Black Canyon takeout, Cove, and the bypass reach – four small pastures.

## **2011 Funding Proposals**

The ECC reviewed a summary of proposals received for 2011 habitat enhancement projects. Sponsors were assigned as needed. Sponsors will work with proponents on any clarifications or addition information needed. Subcommittee will meet March 16 in Pocatello to rank projects.

## **Land Trust Updates**

<Closed Session>

## **Management Planning – Teuscher**

Teuscher showed ECC members a Powerpoint presentation that outlined management plans for IDFG's management units in the Bear River area. He said IDFG is using the information to help prioritize restoration projects. The information is organized by watershed. He said IDFG plans to keep management plans updated in this format. Van Every suggested that the ECC consider using a similar tool to prioritize projects. Teuscher said it could be a good tool to inform people

about what types of projects the ECC has done/where. Myler said he supports the approach, but noted that politics can be a problem, i.e., some landowners may not want to participate. Also, some landowners outside the priority area may be very cooperative and deserve consideration. Hoyt expressed support for weighing projects with a higher priority more heavily. There was general agreement that it may be a good time to become more proactive in prioritizing ECC projects. Dahle said he would support putting a link to IDFG's Powerpoint on PacifiCorp's website. Teuscher said he believed that land and water acquisition projects should be focusing every bit as much on water acquisition as land. Stenberg will provide a GIS layer with ECC project locations to Teuscher as well as a project list and any photos.

### **Next ECC Meeting**

April 20, 2011 – IDEQ Offices, Pocatello.

Agenda items include:

- Land Trust MOA
- ECC votes on Funding Subcommittee recommendations

**Email Vote by the Bear River ECC  
Continue Suspension of Article 409  
January 27, 2011**

**Date:** Thu, 27 Jan 2011 13:36:13 -0800 [01/27/2011 02:36:13 PM MST]  
**From:** "Stenberg, Mark" <Mark.Stenberg@PacifiCorp.com>  
**To:** Blaine Newman <blaine\_newman@blm.gov>, Charlie Vincent <charliev@xmission.com>, "David Kampwerth (David\_Kampwerth@fws.gov)" <David\_Kampwerth@fws.gov>, "Hunter Osborne (hosborne@sbtribes.com)" <hosborne@sbtribes.com>, Kevin Lewis <kevin@idahorivers.org>, "Kirk Dahle (kdahle@tu.org)" <kdahle@tu.org>, "Lee W. Mabey (lmabey@fs.fed.us)" <lmabey@fs.fed.us>, Lynn Van Every <Lynn.VanEvery@deq.idaho.gov>, Marv Hoyt <mhoyt@greateryellowstone.org>, Miriam Hugentobler <yazoo@xmission.com>, "Rick Just (rick.just@idpr.idaho.gov)" <rick.just@idpr.idaho.gov>, "Susan\_Rosebrough@nps.gov" <Susan\_Rosebrough@nps.gov>, "Teuscher,David" <david.teuscher@idfg.idaho.gov>  
**Cc:** "Arn\_Berglund@blm.gov" <Arn\_Berglund@blm.gov>, "Brimmer,Arnie" <abrimmer@idfg.idaho.gov>, "cary\_myler@fws.gov" <cary\_myler@fws.gov>, "Cory Lyman (clyman@fs.fed.us)" <clyman@fs.fed.us>, "dan\_miller@nps.gov" <dan\_miller@nps.gov>, "Davies, Eve" <Eve.Davies@PacifiCorp.com>, Greg Mladenka <Greg.Mladenka@deq.idaho.gov>, 'Kevin Colburn' <kcolburn@amwhitewater.org>, "Kirk Rich (krich@idpr.idaho.gov)" <krich@idpr.idaho.gov>, "Yvette A. Tuell (ytuell@sbtribes.com)" <ytuell@sbtribes.com>, "Burruss, Jim" <Jim.Burruss@PacifiCorp.com>  
**Subject:** Need your opinion

Dear ECC Members,

In 2008, PacifiCorp submitted a request to FERC to approve the implementation of the three-year Black Canyon Fish Stranding Study and suspend the implementation of License Article. 409 Fish Stranding Minimization Plan for three years until the study was done, at which time it was anticipated that the ECC would make a recommendation to continue, discontinue or modify Art. 409.

For background, the Art. 409 plan directed PacifiCorp to salvage stranded fish ¼ mile below the Grace Dam following boater flows and based on the results continue salvaging them. We followed the plan for flows that happened prior to the 8/22/08 FERC Order approving the three-year study and granting suspension of the Art. 409. Per the FERC Order approving the suspension and the study I have prepared a letter to submit the Fish Stranding Study prior to February 1, 2011. In this letter I am providing an explanation of why we don't have a recommendation yet per SA 3.4.4 concerning ramp rates (we won't have the Black Canyon Monitoring Report till May 2010) and I am also explaining our schedule for the three work sessions we will have late in 2011 and that we should have a report to FERC prior to February 2012. I am also stating that in this final report we will document our recommendations for the boater flow program, ramp rates and our consultation efforts to make decisions based on the three reports, water quality, fish stranding and Black Canyon Monitoring. I have also notified FERC on 1/14/2011 that in 2011 we will follow the .5 FT/HR Ramp rate and use the inflow dependent boater program described in the SA and License as directed by ECC decision made on 2/17/2010.

**Concerning the suspension of Art. 409 I would like your support to clarify with FERC that the suspension of Art. 409 should continue until the ECC has reviewed all three reports and made its final recommendation to FERC one year later than originally contemplated in the 8/22/08 Order from FERC that granted the suspension.** Please reply to this email and include Hugentobler.

(TEXT OF ART. 409 PLAN)

**Fish Stranding Minimization Plan**

Pursuant to Article 409, this plan is submitted to describe measures to minimize fish stranding resulting from operation of the Grace Development. For purposes of this plan, "operation of the Grace Development" does not include changes in inflow to the development, maintenance of reservoir levels, or unforeseen hydrologic events.

In the Grace bypass reach (Black Canyon), periodic provision of boatable flows beginning in 2008 could result in fish stranding. To address this potential situation, boatable flow releases from Soda Springs will be gradually ramped, as determined in consultation with the ECC, to minimize abrupt fluctuations. Water will gradually be diverted from the flow line to the river to avoid drastic changes in river flow. During the first year of scheduled releases, PacifiCorp staff will survey the ¼-mile reach below the Grace Dam and forebay to detect whether fish stranding has occurred. If fish stranding is occurring due to these releases, PacifiCorp will continue to survey and salvage fish following scheduled releases. Consultation with IDFG will develop procedures for salvaging and returning any native stranded fish to the Bear River. This plan is scheduled for implementation in September 2004.

Thank you,

Mark Stenberg  
PacifiCorp Energy  
208 547-7305

**Results of ECC Member Voting  
Continue Suspension of Article 409  
Email Query by Stenberg  
January 27, 2011**

<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
	Osborne	Sho-Bans
	Rosebrough	National Park Service
yes	Vincent	American Whitewater
yes	Hoyt	Greater Yellowstone
yes	Stenberg	PacifiCorp
yes	Myler	USFWS