

**Bear River ECC  
Final Meeting Notes  
Grace, Idaho  
August 17, 2011**

**ECC Members Present**

Kirk Dahle, Trout Unlimited  
 Cary Myler, US Fish and Wildlife Service  
 Dave Teuscher, Idaho Department of Fish and Game  
 Andrea Santarsiere, Greater Yellowstone Coalition  
 Lynn Van Every, Idaho Department of Environmental Quality  
 Charlie Vincent, American Whitewater  
 Eve Davies, PacifiCorp  
 Mark Stenberg, PacifiCorp, by phone

**Others Present**

Paul Burnett, Trout Unlimited  
 Kevin Colburn, American Whitewater, by phone  
 Tom Lucia, Sagebrush Steppe Land Trust  
 Joselin Matkins, Sagebrush Steppe Land Trust  
 Deb Mignogno, Sagebrush Steppe Land Trust  
 Miriam Hugentobler, Project Coordinator

<b>Commitments Made at the August 17, 2011 ECC Meeting</b>	
All	<ul style="list-style-type: none"> <li>• Review and provide comments on draft agenda for upcoming boater flow meetings that will be circulated by Stenberg via email.</li> </ul>
Stenberg	<ul style="list-style-type: none"> <li>• Inquire about flows in the Bear River from Bear Lake. Inform the ECC.</li> <li>• Confirm date that water non-use extension expires. Pull together last water rights extension application.</li> <li>• Send revised Black Canyon monitoring report to the ECC.</li> <li>• Set meeting date for Oneida fish passage discussion.</li> <li>• Update documents on ECC website.</li> <li>• Prepare a draft agenda for boater flow discussion. Circulate to ECC members by 08/19 for comment.</li> <li>• Contact ECC members that have not been in regular attendance (i.e., Idaho Dept. of Parks and Rec, Idaho Rivers, National Park Service and the Tribes) about upcoming boater flow meetings.</li> <li>• <a href="#">Obtain additional information on Henderson, Hardcastle proposals. Route revised proposals to funding subcommittee.</a></li> <li>• <a href="#">Meet with South Liberty irrigation about a possible water rights purchase (with Dahle).</a></li> <li>• <a href="#">Consider placing a link to IDFG management planning Powerpoint on ECC website or consider posting the file.</a></li> </ul>

<b>Commitments Made at the August 17, 2011 ECC Meeting</b>	
Davies	<ul style="list-style-type: none"> <li>• Send data sheet to Teuscher this week (ending 08/19).</li> <li>• Rank Nichols/Whiskey Creek proposal (with Van Every) in preparation for voting at Oct. meeting.</li> <li>• Send LMP noxious weed list to Hugentobler.</li> <li>• Finish updates to Land Management Plan and circulate to the ECC in mid-Sept for 30-day review.</li> </ul>
Dahle	<ul style="list-style-type: none"> <li>• Along with Hillyard, meet with Don Harris regarding pivot.</li> <li>• <a href="#">Meet with South Liberty irrigation about a possible water rights purchase (with Stenberg).</a></li> </ul>
Teuscher	<ul style="list-style-type: none"> <li>• <a href="#">Prepare BCT broodstock report.</a></li> <li>• <a href="#">Continue review of Conservation Hatchery Funding Agreement</a></li> </ul>
Vincent	<ul style="list-style-type: none"> <li>• Contact ECC members that have not been in regular attendance (i.e., Idaho Dept. of Parks and Rec, Idaho Rivers, National Park Service and the Tribes) about upcoming boater flow meetings.</li> </ul>
Van Every	<ul style="list-style-type: none"> <li>• Work with Davies to rank Nichols/Whiskey Creek proposal in preparation for voting at Oct. meeting.</li> <li>• Reserve IDEQ conference room Oct. 18 &amp; 19</li> </ul>
Hugentobler	<ul style="list-style-type: none"> <li>• Add Paul Burnett, TU to contacts.</li> <li>• Update documents on ECC website</li> </ul>
Items in <a href="#">blue</a> have been carried over from previous ECC meetings	

### **Decisions Made Via Email Since the June ECC Meeting**

- Provide \$25,000 of operating assistance to Sagebrush Steppe Regional Land Trust from the Land and Water Conservation Fund.

A record of email voting by the ECC since the June meeting is included in Attachment 1.

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

- Fund design of a fish screen on Cottonwood Creek, a new habitat enhancement project sponsored by Trout Unlimited, in the amount of \$15,000.
- Approve funding for repairs to the alternate water source at Laurie Harris Spring in the amount of \$14,500.
- Support the use of electric fencing to exclude cattle along the south boundary of the Deep Creek property. No additional funding needed.
- Support the concept of a proposed land swap and conservation easement at Deep Creek (discussion only).
- Support acquisition of a proposed conservation easement in the amount of \$255,000

using terms of an adjoining easement as a general template, but with more with thorough documentation of baseline conditions and including measureables. Terms would include arbitration by a mutually-agreed-upon third party if in the future the land trust and owner do not agree on how the land is being managed.

## **Updates**

### **New Trout Unlimited Representative**

Dahle told ECC members that he will be leaving Trout Unlimited and moving abroad within the next few months. He introduced the new TU representative, Paul Burnett.

### **Bonneville Cutthroat Trout Broodstock (BCT)**

Teuscher updated the ECC on the BCT Broodstock Program. He said 20,000 eggs had been collected from broodstock this year for the hatchery program. The hatchery started experiencing mortality of young fish (fry) about two weeks ago, probably due to a digestive tract problem. About 5000 fish (fry) were lost. However, the fish were too small (young) to run tests needed to definitively determine the cause. These are hatchery fish at Grace. As a result of this mortality, there will not be as many fish to stock this spring, he said.

Teuscher said IDFG has sent a Conservation Hatchery Funding Agreement to Stenberg for review and approval. Stenberg said PacifiCorp is still reviewing the agreement internally. Teuscher said the Broodstock Development Report is still in progress. IDFG is not planning to bill until the report has been submitted.

### **Laurie Harris Spring**

Teuscher reported that Hillyard has been onsite at the Harris project. He has suggested looking for a way to isolate the warm spring water to reduce water temperatures in the tributary there. This would improve potential for BCT in the area.

### **ECC Project Updates**

Stenberg reviewed balances in the habitat enhancement and land and water acquisition funds. The habitat enhancement fund balance is at approximately \$96,500. The land and water acquisition fund balance is at approximately \$418,000.

Stenberg reported that the Williams Creek project is now complete. The Oneida Fish Passage Project is also complete and was under budget. The Sediment Removal Project has been pushed to next year due to this year's 100-year water events.

Teuscher said that IDFG tagged some male BCT after spawning to assess their movement during a boater flow. These fish were released below the Grace dam early in a week prior to a boater flow. He said Hillyard estimated about half have now died. The ones in upper reach appear to be experiencing stress and dying, he said, but there are still some live fish down below dam. Teuscher asked about valve installation at Grace. He noted that there has been extra water in Black Canyon during July and August. Teuscher asked if anyone has looked at dissolved oxygen in

this reach. He also asked who decides on flows in Bear River from Bear Lake when flows are not based on irrigation calls. Davies said she believed that flows would be released all winter in order to drop water level at Bear Lake. Teuscher asked about how these decisions were being made. Van Every and Davies said they were based on mandates in Bear River Compact.

Dahle reported that the Lower Cub River design is complete. He is looking for rock for the project, and some has been donated. The construction date for the project has been moved back to accommodate Myler's schedule but will happen before ice this year. He said the landowner may also be interested in a conservation easement.

Myler said the landowner on the Cottonwood (land and water acquisition) project may also be interested in selling land or a conservation easement. He said he has discussed this with Stenberg. Matkins has been researching and will discuss it with ECC this afternoon. Myler said the current owners are conservation minded, and it would be good to keep them on the land.

## **New Projects**

### **Repairs to the Alternate Water Source at Laurie Harris Spring**

Teuscher circulated a cost estimate of \$14,500 for repairs needed to the alternate water source at Laurie Harris Spring prior to the meeting. The repair constitutes maintenance to an existing project rather than a new project, he said. Separation of warm spring flows at the site is under consideration to improve habitat for BCT, but was not included in the request. A vote was called. Consensus was reached to fund the needed repairs.

### **Cottonwood Creek Fish Screening**

A new habitat enhancement project proposal sponsored by Trout Unlimited was circulated to ECC members prior to the meeting. The project would fund design of a fish screen on Cottonwood Creek in the amount of \$15,000. Teuscher noted that there is a new state engineer that could be used for projects like this, but she is already booked through this year. Dahle said he would like for the project to be installed in fall, so this design project will be put out to a consultant. Teuscher agreed that would keep the project on schedule. A vote was called. Consensus was reached to fund design of the fish screen.

### **Hansen and Hardcastle**

Stenberg said these projects were not yet ready for decision.

### **Nichols/Whiskey Creek**

Stenberg said elements of this proposal that meet the ECC's goals would be considered separately for funding. The proponent's request is for \$14,000. Davies and/or Van Every will rank the project prior to an anticipated vote at the October meeting.

### **Black Canyon Monitoring**

Stenberg provided an update on the final Black Canyon Monitoring Report. ECC comments were

discussed via conference call July 13. ECC comments were compiled into a matrix after the call and provided to Oasis. Gangemi is currently working to incorporate comments into the report.

### **Oneida Fish Passage Design**

Stenberg said the Fish Passage Design report is complete and will be posted to the ECC's website. He asked the ECC to consider how to best move forward with the project. Stenberg said all were probably surprised by the magnitude of cost. He suggested picking up the subject early next year (possibly February) to discuss potential action items.

### **Cove Water Right**

Stenberg reviewed the status of the Cove water right with ECC members. Once the Cove Plant was decommissioned, he said, the water right was put into the Idaho water bank but then taken back out as an entity to receive and hold the water right had not been determined. PacifiCorp subsequently asked the state for a five year non-use extension of the water right, which expires in 2012 (Stenberg to confirm). He said PacifiCorp would like the ECC's thoughts on seeking another extension. Options at this time are to sort out water banking and find a receiving entity prior to expiration of the non-use extension or ask for another extension. He said PacifiCorp has an obligation to put the water right to highest aquatic instream benefit as stipulated in the Settlement Agreement for Decommissioning of the Cove Hydroelectric Project. PacifiCorp would like to keep the door open to study the feasibility of restarting the Cove Project if the ECC would consider it. This would potentially happen after the current non-use extension expires. The outcome of a restart of the Cove Project for the ECC would be additional enhancement funding or other enhancement activities to be determined. This action would involve putting the plant back online without a dam; however, agreement from the ECC would be needed to seek another non-use extension as the Decommissioning Settlement Agreement needs to be complied with concerning disposition of the water right. He stated that the ECC did not need to make any decisions today but he wanted to raise the question of seeking another non-use extension so folks can mull it over and discuss more at a future date.

Vincent asked about fish passage if Cove were reinstated. There would not be a dam so fish passage facilities would not be needed. Stenberg said there were no specific design answers as yet, but generally described some kind of box structure in the Grace tailrace to collect flows from the Grace Plant and a pipe to transport the water to the Cove Plant. Teuscher asked whether water would be recaptured from the tailrace and piped to Cove. That distance was estimated at 1.4 mile. Dahle asked whether the pipe would be screened. Davies said specifics were not yet available. The action was being brought up as a topic that required future discussion. Teuscher asked whether PacifiCorp would need a rationale for extending the water right. Stenberg said he would obtain more information on that and water banking. Dahle said he would like to know how this would affect the FERC license prior to any vote. Stenberg said he will pull together the last water rights extension application and information on what effect the project could have on the FERC license. The ECC will discuss the topic further in the next couple of months.

## **Boater Flows**

The next few ECC meetings will center on boater flow discussions. The meetings will take place at IDEQ offices in Pocatello on the following dates:

October 18\* and 19 (Tuesday and Wednesday) - Review Data and License Articles

November 16 (Wednesday) - Interest-Focused Discussion

December 14 (Wednesday) – Alternatives and Discussion of Alternatives

January 11 (Wednesday) – Final

*\* The first boater flow meeting will take place 10 a.m. to 4:30 p.m.. All other meetings are projected to run from 9 a.m. to 3 p.m.*

The schedule of topics is subject to change. Stenberg will draft an agenda for the meetings, including more detail on the topics for discussion by Friday (8/19) and circulate it to the ECC for comment. He said he would like to hear from everyone on their interpretation of the data.

Stenberg said PacifiCorp needs to document the discussions with a letter and/or report to the FERC, due in early February. He would like to have this complete by January 14 for e-filing. Stenberg said he will send an update on Black Canyon monitoring to the ECC.

## **ECC Decision Making**

Stenberg reviewed the ECC's decision making process. Detailed instructions for decision making were included in the Settlement Agreement. A diagram of the process was reviewed via overhead and is included in Attachment 2.

Van Every asked about the participation of Idaho Department of Parks and Recreation in the upcoming boater flow discussions. He noted that their participation with the ECC had been good in the past, and asked whether some discussion was needed with them to get them to the table. Stenberg and Vincent agreed to contact ECC members that have not been in regular attendance recently to make them aware of upcoming discussions.

## **Land Management Plan – Davies**

Davies updated ECC members on the status of the Land Management Plan update. A redline of updates was sent to ECC members prior to the meeting. A clean copy that includes figures will be sent out for 30-day review in mid Sept., with a vote to approve in mid October. Davies said the goal is to file the updates with FERC by the end of the year. Changes were reviewed via overhead. Davies noted that removal of Cove was one of the primary reasons for the update. Also site plans have been prepared and fences and boundary markers have been installed. Comments on the Land Management Plan update should go directly to Davies.

## **Next Meeting and Agenda**

The next meetings will be held Tues. and Wed., Oct 18 and 19 at IDEQ offices in Pocatello. These meetings will primarily center on boater flows but will also include:

- LMP management plan updates – a vote may be called.
- ECC project updates – a vote may be called.

Meeting adjourned to a closed session to hear updates from Sagebrush Steppe Land Trust.

**Attachment 1: Record of Email Voting by the ECC<sup>1</sup>**

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<sup>1</sup> Additional voting record included in Land Trust Updates



**Bear River ECC  
Record of Email Voting  
2011 Funding for Sagebrush Steppe Land Trust  
June 27, 2011**

Date: Mon, 27 Jun 2011 07:52:57 -0700 [06/27/2011 08:52:57 AM MDT]  
From: ["Stenberg, Mark" <Mark.Stenberg@PacifiCorp.com>](mailto:Mark.Stenberg@PacifiCorp.com)  
To: [Blaine Newman <blaine\\_newman@blm.gov>](mailto:blaine_newman@blm.gov), [Charlie Vincent <charliev@xmission.com>](mailto:charliev@xmission.com), ["David Kampwerth \(David Kampwerth@fws.gov\)" <David\\_Kampwerth@fws.gov>](mailto:David_Kampwerth@fws.gov), ["Hunter Osborne \(hosborne@sbtribes.com\)" <hosborne@sbtribes.com>](mailto:hosborne@sbtribes.com), [Kevin Lewis <kevin@idahorivers.org>](mailto:kevin@idahorivers.org), ["Kirk Dahle \(kdahle@tu.org\)" <kdahle@tu.org>](mailto:kdahle@tu.org), ["Lee W. Mabey \(lmabey@fs.fed.us\)" <lmabey@fs.fed.us>](mailto:lmabey@fs.fed.us), [Lynn Van Every <Lynn.Vanevery@deq.idaho.gov>](mailto:Lynn.Vanevery@deq.idaho.gov), [Marv Hoyt <mhoyt@greateryellowstone.org>](mailto:mhoyt@greateryellowstone.org), [Miriam Hugentobler <yazoo@xmission.com>](mailto:yazoo@xmission.com), ["Rick Just \(rick.just@idpr.idaho.gov\)" <rick.just@idpr.idaho.gov>](mailto:rick.just@idpr.idaho.gov), ["Susan Rosebrough@nps.gov" <susan\\_rosebrough@nps.gov>](mailto:susan_rosebrough@nps.gov), ["Teuscher,David" <david.teuscher@idfg.idaho.gov>](mailto:david.teuscher@idfg.idaho.gov)  
Cc: ["Arn Berglund@blm.gov" <Arn\\_Berglund@blm.gov>](mailto:Arn_Berglund@blm.gov), ["Brimmer,Arnie" <brimmer@idfg.idaho.gov>](mailto:brimmer@idfg.idaho.gov), ["cary\\_myler@fws.gov" <cary\\_myler@fws.gov>](mailto:cary_myler@fws.gov), ["Cory Lyman \(clyman@fs.fed.us\)" <clyman@fs.fed.us>](mailto:clyman@fs.fed.us), ["dan\\_miller@nps.gov" <dan\\_miller@nps.gov>](mailto:dan_miller@nps.gov), ["Davies, Eve" <Eve.Davies@PacifiCorp.com>](mailto:Eve.Davies@PacifiCorp.com), [Greg Mladenka <Greg.Mladenka@deq.idaho.gov>](mailto:Greg.Mladenka@deq.idaho.gov), ['Kevin Colburn' <kcolburn@amwhitewater.org>](mailto:kcolburn@amwhitewater.org), ["Kirk Rich \(krich@idpr.idaho.gov\)" <krich@idpr.idaho.gov>](mailto:krich@idpr.idaho.gov), ["Yvette A. Tuell \(ytuell@sbtribes.com\)" <ytuell@sbtribes.com>](mailto:ytuell@sbtribes.com)  
Subject: ECC Email Vote - Land Trust Funding

Good Morning, at our June 15, 2011, ECC Meeting we discussed providing \$25k of operating assistance to Sagebrush Steppe Regional Land Trust from the Land and Water Conservation Fund. This funding would be for June 2011 through June 2012. This is the same amount we have provided in previous years for staff support, this allows them to retain staff, apply for staff salary matching funds, scout properties and perform other tasks that are considered outside of reimbursable expenses associated with the acquisition of subject properties. We had consensus to provide the funding at the ECC meeting but had not noticed a vote on the agenda so I am following up with an email vote to approve the funding.

Please respond to Miriam and I both on your reply.

Thanks.

Mark Stenberg  
Hydro License Program Manager – Idaho  
208 547-7305

**Results of ECC Member Voting**  
**Funding for Sagebrush Steppe Land Trust, June 2011-June 2012**  
**Email Query by Stenberg**  
**June 27, 2011**

<b>Vote</b>	<b>Name</b>	<b>Organization</b>
yes	Lyman	USFS
yes	Dahle	Trout Unlimited
yes	Van Every	IDEQ
yes	Lewis	Idaho Rivers United
	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

**Attachment 2: ECC Decisionmaking Flow Chart**

FLOW CHART OF ECC DECISION MAKING PROCESS FROM SA SECTION 4  
Mark Stenberg 8.16.2011

