

**Bear River ECC
Final Meeting Notes
October 18 & 19, 2011
Pocatello, Idaho**

Day 1

ECC Members Present

Mark Stenberg, PacifiCorp
 Marv Hoyt, Greater Yellowstone Coalition
 Kirk Dahle, Trout Unlimited
 David Teuscher, Idaho Department of Fish and Game
 Cary Myler, U.S. Fish and Wildlife Service
 Kirk Rich, Idaho Department of Parks and Recreation
 Charlie Vincent, American Whitewater
 Kevin Lewis, Idaho Rivers United
 Corey Lyman, U.S. Forest Service
 Lynn Van Every, Idaho Department of Environmental Quality

Others Present

Greg Mladenka, Idaho Department of Environmental Quality
 Paul Burnett, Trout Unlimited
 Andrea Santarsiere, Greater Yellowstone Coalition
 Kevin Colburn, American Whitewater
 Eve Davies, PacifiCorp, by phone
 Joselin Matkins, Sagebrush Steppe Land Trust
 Heidi Albano, Sagebrush Steppe Land Trust
 Connely Baldwin, PacifiCorp
 Kelly Holt, PacifiCorp

Commitments Made at the October 18 & 19, 2011 Meeting	
All	<ul style="list-style-type: none"> • Provide position and interest statements to Hugentobler via email. • Review additional information (forthcoming via email) in preparation for next ECC meeting - Nov. 9.
Stenberg	<ul style="list-style-type: none"> • Add decision for long-term stewardship funding for Deep Creek to the December agenda. • Speak to Steven Smith about Nichols/Whiskey Creek. Present conceptual plan to the ECC. • Email Black Canyon boater use data; average number of days available for boater events under forecast flows over 20 years; and Baldwin's data on flows over 200 cfs over the last 10 years to the ECC. • Set meeting date for Oneida Fish Passage discussion.

Commitments Made at the October 18 & 19, 2011 Meeting	
	<ul style="list-style-type: none"> • Obtain additional information on Henderson and Hardcastle proposals • Update ECC documents on web site. • Continue review of conservation hatchery funding agreement.
Baldwin	<ul style="list-style-type: none"> • Provide data on flows in the Black Canyon over 200 cfs over the last 10 years (to Stenberg for routing to ECC). • Supply level logger flow data for forecasted events
Lyman	<ul style="list-style-type: none"> • Follow up on disposition of the South Liberty drum
Teuscher	<ul style="list-style-type: none"> • Supply literature on timing of spawning to ECC. • Provide literature on turbidity effects on salmonids to ECC • In addition to species abundance and composition, look at fish length to weight ratios and age class pre- and post boater flow and native fish by size class provide analysis to ECC • Prepare BCT broodstock report for Stenberg.
Mladenka/Van Every	<ul style="list-style-type: none"> • Overlay flow data from PacifiCorp with monitoring results. • Analyze single surber samples and compare to composite samples. Also spawning habitat from DEQ substrate study. • Provide RMI analysis results to ECC.
Hugentobler	<ul style="list-style-type: none"> • Post final Land Management Plan and LMP redline to the web site. • Check ECC policy on vote notices • Post ECC decision making flow chart to web site • Update ECC documents on web site
Matkins	<ul style="list-style-type: none"> • Contact Water Resources about pond building adjacent to the Henderson easement
Action items in blue have been carried over from previous ECC meetings.	

Decisions Made at This Meeting

Approve Nichols/Whiskey Creek project, as modified to include daylighting of the stream only, pending receipt of revised project description and with the caveat that the ECC have an opportunity to review reclamation plans during the design (conceptual) phase of the project. Proponent Steven Smith will be asked to attend an ECC meeting and present the plan.

Email Decisions Since the Last Meeting

None

Review Previous Meeting Notes and Agenda

Stenberg reviewed the meeting agenda. No new items were added. Discussion of the Henderson and Hardcastle proposals was postponed. Notes from the August meeting were approved with an edit from Kevin Colburn. Action items were reviewed. Items that were carried over appear in blue in the action item list. A previous action item to meet with South Liberty Irrigation was removed. Lyman will follow up on disposition of the South Liberty structure funded by the ECC.

Mladenka asked if there would be further discussion of flows in the Bear River from Bear Lake. Stenberg previously routed additional information via email. Bear Lake experienced a record high water level increase during 2011, and flows in the Bear River below Bear Lake have been higher than normal since then. Teuscher and Mladenka stated concern. Mladenka said that running high flows during baseline was not good for the river. Stenberg asked that the discussion be put on hold until Baldwin arrived, as he is most informed on this issue.

Land Management Plan - Davies

Davies reported on the status of the Land Management Plan. Davies said figures were being finalized, with a goal of filing the plan with FERC by the end of the year. Stenberg noted that ECC consensus was required for changes to the Land Management Plan. He said the most significant update to the plan was putting license-required measures at property boundaries rather than at the FERC boundaries. Davies noted that the plan was also updated to reflect removal of Cove Dam. She noted that site plans would be updated next year to make them consistent with the updated LMP, particularly in regard to grazing lease management. The plan has been out for 30-day review by the ECC. Mladenka said he would still like to review the plan. Davies noted that a redline of edits to the original plan was available. It will be posted to the web site.

Project Updates

Stenberg reported that the **Tingey** project would be starting next year. PacifiCorp and the Forest Service are working on an agreement to disburse funds to the Forest Service for fish tracking (**BCT 10-year Monitoring**). Myler said he had met with engineers on **North Hoops Creek** who are planning to do design. Money for this effort has been transferred to IDFG. He said design can be completed with the \$10,000 ECC grant and the \$10,000 from Trout Unlimited will go towards solar cells and other equipment. He reported that the project is doing well and is on budget. He said he had also spoken to a landowner on Cottonwood Creek who wanted to electrofish Cottonwood and Shingle Creek. Myler said the effort turned up bucketfuls of Bonneville cutthroat trout (BCT) that appeared to be the pure strain. He said this landowner wants to proceed with a fencing project but may want to sell the property. Myler reported that he had applications out for funding design of two fish screens for Cottonwood Creek. These may not need additional ECC funding. Teuscher reported that a large rotenone project planned for Williams Creek had been halted indefinitely. There is some culinary use of the water and after IDFG met with the landowners about the project, a group formed and is making a stand against reintroduction of native cutthroats – they would prefer rainbow. Although they are a minority, Teuscher said, IDFG needed agreement from all involved to proceed, so the project was halted. There may be potential to work with the group in the future, as they may want to change their culinary “tap” – a project the ECC could help with. He said it was possible that reintroduction could proceed if that change were made. Stenberg noted that people seem to oppose BCT reintroduction out of misinformation – i.e., they believe BCT are federally listed, they don’t want them in their creeks because they think agency people are going to come tell them how to farm. ECC members discussed whether additional information should be made available to the public. Teuscher also suggested developing further information on what fish screening does and what

BCT introduction means to anglers and their creels. The Soil and Water Conservation District newsletter was mentioned as one avenue of making this information available to the public. Lyman told the ECC he would be touring the completed **Alleman Dam Removal** project on Thursday (Oct. 20) and invited ECC members to come out.

Land Trust Updates – Matkins

<Closed Session>

Nichols/Whiskey Creek – Davies

This 2011 habitat enhancement proposal was reviewed and ranked by Davies and Van Every prior to the ECC meeting. Scoring was reviewed by the ECC via overhead. Davies and Van Every said it was not possible to assess whether the project was in conformance with the ECC's streambank stabilization policy– the question is whether the ECC could give input to their reclamation plan. They reported the project was ranked as though it was not in conformance. The project score was 136.

Stenberg said while he did not believe there would be a huge benefit from the project – aside from landowner goodwill – the cost was very low. The project would be confined to a very limited area. Davies recommended approval with the caveat that the ECC be allowed to comment on the reclamation plan. Van Every added that the caveat should include ECC review of the reclamation plans during the design (conceptual) phase of the project. Myler requested that Steve Smith come to an ECC meeting and present the plans.

Trout Creek

Stenberg noted that PacifiCorp had received notice of a water right application on Trout Creek. No further information is available at this time.

Boater Flow Meeting #1

Myler asked for clarification on the interest statements requested from ECC members prior to the meeting. Teuscher said he believed that the interest statement amounted to the agency's mission statement. The group discussed issues vs interest statements.

Stenberg reviewed the detailed agenda (Attachment 1) and noted that Davies would not be taking part in boater flow discussions, as she is married to American Whitewater representative Charlie Vincent. He said that while Davies' contributions to the discussions may have been valuable, the appearance of a potential conflict of interest is as important as actual conflict, so she will not take part in boater flow discussions.

Stenberg reviewed the 1986 Electric Consumer Protection Act that modified the Federal Power Act. The act led to major changes in power project licensing, he said. It caused fish and wildlife, and recreation issues to be taken into account during the licensing process. It also required

“equal consideration” to development and non-developmental resources. The act is the reason we are talking about boater flows, he said.

Stenberg reviewed Settlement Agreement Section 3.1.6. He noted that some ECC members had asked for consultant John Gangemi and former environmental coordinator Monte Garrett to call in and participate to provide historical perspective. Stenberg said that after talking with Gangemi and Garrett, he concluded that the Settlement Agreement language is really what should be focused on as that is what we have to work with and that discussions should be centered on the contents of the agreement rather than the thinking that went into developing it.

Teuscher said Stenberg was establishing constrictive sideboards for the discussion. We now know that effects of boater flows in the Black Canyon were broader, he said, and it is our responsibility to consider these broader issues. Stenberg said that broadening must be done by consensus. He cited the issues table that would be developed during the meetings (Attachment 2). Stenberg said he was not trying to put discussions in a box – the table will be a bigger box. Stenberg stressed that the ECC was charged with making a decision based on the Settlement Agreement. The process proposed will step through and clearly document our path. He said otherwise the issue could go to conflict resolution. He said he thinks we can keep decision in the room.

The group discussed “significant” and “adverse” effects, as used in the Settlement Agreement. For example – setting certain statistics (e.g., 10 percent dissolved oxygen) to define significance. Van Every brought up biological significance and noted that we did not have the parameters to make a call on that. Teuscher said statistics would have to be set up to measure significance.

The group worked to refine the issues table (Attachment 2).

Macroinvertebrates – Van Every noted that we did not measure macroinvertebrate habitat (language in section 3.1.6). The study was designed to measure macroinvertebrate communities.

Flow from Bear Lake - Could management of the flows be improved? For example, when PacifiCorp conducts maintenance, could that happen during a boater flow rather than at another time during the year? Baldwin said PacifiCorp tried to get recent maintenance on the website as soon as possible. Mladenka clarified that maintenance can result in a boater flow, but is outside the Settlement Agreement requirements for flows into the Black Canyon. Stenberg asked how much advance notice would be needed to allow for consultation. 30 days? Also, could more of the maintenance be done during flow dates? Holt said yes.

The group discussed forecasted vs scheduled flows and “used” and “useful” boater flows, then reviewed the Settlement Agreement decision making flow chart (see <http://www.pacificorp.com/es/hydro/hl/br.html#>, Environmental Coordination Committee folder, under the Handouts tab).

ECC Voting Notice

Hoyt requested review of the ECC's voting protocol in light of recent voting on a potential conservation easement. If we did not follow protocol, then that vote should be null and void, he said. Hugentobler will check the ECC's ground rules. Stenberg said the group should also be mindful of consensus vs voting. Teuscher requested that some time for discussion of potential land and water acquisition projects be allowed with ECC members only present. Stenberg noted that there will be a new more defined process when updates to MOA take effect that hopefully will bring more clarity to acquisition projects upfront.

Data Review

Colburn stated that he is a structural restorationist, and that the goal was not to restore a natural system. He said results so far have been good—the river is looking more like a high gradient one. Substrate has improved. Habitat has improved. Sediment is being flushed. Also, it looks like turbidity is decreasing from year to year. He said the group should agree on things that have not been an issue with pulse flows.

Rich asked where the sediment is going. Mladenka said Oneida. Teuscher said he did not believe it was getting that far. He said he believed that sedimentation has affected the Bear River between the Black Canyon and Oneida. Colburn said we cannot say how far downstream the effects reach, as we did not study that. He noted the effects and benefits from American Whitewater's statement. He suggested starting the boater flow discussion with things the group agrees have not been affected or have benefited and proceed from there.

Stenberg noted two flow scenarios:

- Unscheduled, unplanned plant outages.
- Regular scheduled maintenance.

Mladenka asked about PacifiCorp's records of these events. He said he would be interested in overlaying those records with the monitoring data. Perhaps flows over 100 cfs over the last 10 years? Baldwin said he could provide that data.

Mladenka said he agrees that removal of sediment was a good thing. Initial high flows saw lots of sediment with lots of organics, so much that it smelled bad. PacifiCorp was very responsive and monitored water quality during the flows, as did DEQ. He noted that this year turbidity was much lower, even though lots of water was moved, though it is possible that turbidity was lower because the volume of water was so high.

The group reviewed the whitewater boater flow peak turbidity graph.

Mladenka said we agree that moving sediment out of the Black Canyon is a good thing, but we would like to see it done with a lower turbidity peak of a shorter duration.

Van Every said this begs the question of significance. Clearly, flows are busting the state maximum level of 50 NTU every time. We would like to reduce the number of times the state level is being exceeded. Mladenka said it looks like it may be being deposited in the Thatcher reach. Colburn noted that it appeared we are not seeing a reduction in fish or macroinvertebrates.

Benthic macroinvertebrates – Mladenka presented a graph via overhead (not in the Black Canyon Monitoring Report, but consistent with it) and the group discussed how to interpret the data. Colburn questioned the significance of turbidity vs biological significance. With turbidity, are we seeing massive decreases in species abundance or composition? No. Teuscher suggested also looking at length weight ratios and age classes of fish. He also noted the lack of electrofishing data one year.

Colburn said it sounded like we are talking about new data and new analysis that would require additional time to review. He said he wondered how that would impact the process over the next 3 months.

He asked for clarification of IDEQ's goal: Reduce the time turbidity takes place? Mladenka said yes, noting that it would not be possible to do away with exceedances.

The group discussed reaching equilibrium, that is, when the amount of sediment in equals the amount of sediment out. Vincent said then, when you reduce the number of boater flows, the level of turbidity increases. Stenberg noted that input would vary from year to year, so it won't always be the same. Colburn said we know that with each successive release, the level of turbidity decreases and we are not yet near equilibrium. Therefore, if the number of flows are decreased then the next year's levels will be greater.

Additional data/study requested or discussed on day one were summarized and will be reviewed at the start of Day 2.

Day 2

ECC Members Present

David Teuscher, Idaho Department of Fish and Game
Kevin Lewis, Idaho Rivers United
Charlie Vincent, American Whitewater
Kirk Rich, Idaho Department of Parks and Recreation
Cary Myler, U.S. Fish and Wildlife Service
Kirk Dahle, Trout Unlimited
Corey Lyman, U.S. Forest Service
Marv Hoyt, Greater Yellowstone Coalition
Mark Stenberg, PacifiCorp
Dan Miller, National Park Service, by phone
Lynn Van Every, Idaho Department of Environmental Quality

Others Present

Andrea Santasiere – Greater Yellowstone Coalition
Kevin Colburn, American Whitewater
Greg Mladenka, Idaho Department of Environmental Quality
Connely Baldwin, PacifiCorp
Kelly Holt, PacifiCorp

Recap and Review

The group recapped and reviewed the previous day's meeting. Stenberg asked whether there were any additional issues and added them to table (Attachment 2).

Additional data/study requested or discussed was reviewed and some additions were made to the list.

- Flows in the Black Canyon that have exceeded 200 cfs over the last 10 years. (Baldwin) Would like to overlay these data with monitoring results. (Mladenka)
- Turbidity graphs – In addition to species abundance and composition, would also like to look at fish length to weight ratios and age classes (pre and post boater flow) (Teuscher) Native fish, by size class.
- Single surber samples. Macroinvertebrates – data exists- was funded by the ECC and collected by Oasis, but apparently not analyzed (need to confirm) or included in the report (Mladenka – will analyze and compare to the composite samples). Also, spawning habitat from DEQ substrate study.

This information will be circulated to ECC members via email prior to the next meeting and results will be reviewed at the start of the next meeting.

Colburn expressed concern about new analyses being done seven years into the study, i.e., introducing a different way of interpreting the data, done by a different person.

In regard to fishery data, Stenberg said the need for additional analysis could have been addressed by the consultant earlier had it been brought up. There was still funding available to do the work at that time. The consultant's funding is now expended. Mladenka said he would like to stress that his additional analysis [of the macroinvertebrate data] was not a fishing expedition. The consultant simply ran out of time and he feels it is important to complete the analysis.

Lewis brought up the effect of mud snails on data from reach 4. Mladenka agreed there was a need to be cognizant, that mud snail presence would throw things off.

Mladenka said he would like to overlay the macroinvertebrate data with flow. Stenberg asked whether they would also look at loads. Mladenka said he would like to, but is not sure.

Data Review – Teuscher

Teuscher said at the onset of Black Canyon Monitoring Study, a subcommittee developed a list of studies that needed to be completed, both at meetings and by conference call. Then budget constraints were brought up. Creel surveys were considered, and were even included in the Settlement Agreement, but would have exceeded the budget for the entire study. Telemetry was also mentioned. So we could not do what we needed to do to analyze the impacts to fisheries, he said. IDFG freeze-tagged rainbow trout for seven years but did not get a large enough sample to analyze results (movement of fish). Also, sample methods used for the study were questionable, he said, for example, the use of backpack electrofishers. He said IDFG would not have used backpack shockers, they would have used a boat. He said IDFG offered to lend the consultant an electrofishing boat, but it was not used. As a result, he said, sample areas were only 100 meters, so relative abundance of fish cannot be analyzed. The sampling was not scientifically valid. He said fisheries studies were cut back over and over, so a decision was made to focus on macroinvertebrates. However, he added, there is a lot of literature that establishes the effect of turbidity on fisheries. He added that species identification and length and weight of fish are valid, and that is worth looking at.

Colburn asked what factors could affect length and weight of fish. Basically, what are the other variables and how will you control for them? Also, is there normal variation in a natural system? Dahle said we are looking at a pretty limited sample, with a lot of biases. But data was collected consistently and it seems valid to look at pre and post [boater flows]. Colburn asked about comparing the data to Alexander. Dahle said that would not be valid. Teuscher said some trends seem consistent across most reaches pre and post [boater flows].

Teuscher reviewed some of the literature dealing with the effects of turbidity on fish, including "Effects of Turbidity and Suspended Solids on Salmonids" (Bash).

Teuscher stated that the levels of turbidity being documented during whitewater flows are well above the levels known to kill salmonids. Mladenka added that the duration of exceedance is also important to look at. The average exceedance was 4 hours, he said. Teuscher said there is plenty of literature to look at, including studies that looked at different durations. Mladenka said he has confidence in the state standard for instantaneous increase (50 NTUs).

Stenberg pulled up a graph of flow. It was noted that there is a distance factor on turbidity as well – that is, flows pick up sediment as they moves. Mladenka said there may be a temperature factor as well, more sediments could be picked up at colder temperatures.

Colburn commented that if you designed a flow regime to move sediment, this one is doing a good job. It is moving a lot of sediment in a short amount of time—also every year it is getting better. So the pattern is one bad day after no flows for 9 months, but after that it's better. Maybe even in the natural range, he said.

Teuscher said but if fish can't breathe for an hour, that's a problem. Colburn said he thought that if this was so bad, we would be seeing mortality, dead fish. Teuscher said it probably would not be detectable just by looking. We would need to look at species composition and abundance, he said.

Mladenka said we are clearly busting the state standard for turbidity. He said he agrees that the standard is an appropriate one. He also agreed it would be good to clear some of the sediment. But he would like to see the number and severity (magnitude) of peaks reduced. Flows are provided for recreation, but flows also improve substrate conditions. Stenberg said he has heard anecdotally that fishing was better before minimum flows were established in the Black Canyon.

Van Every said in regard to duration – effects may be sub-lethal, but we can agree there is some effect.

Stenberg asked whether it is known how to manage flows to manage turbidity?

Teuscher said IDFG has modeled [natural?] flows and using telemetry showed that rainbow trout spawn, then high flows happen and wash away the eggs. On the other hand, natives spawn post event and are more successful. But whitewater boater flows can cause multiple bad effects with repeated events through the season - Turbidity can cover and kill eggs. Also eggs may be mobilized or covered by sediment moving through system.

Mladenka said he thinks Baldwin's flow data will help answer this question.

Downstream Impacts – Teuscher said he has heard there have been impacts from boater flows downstream (sediment deposition, etc) but no data are available and it is not known what the impacts are.

Colburn asked how much BCT spawning habitat is available in the river. Teuscher said he doesn't

know. Mladenka said he has observed some in the area on the mainstem but it is largely in the tributaries.

Boater Use – Rich asked which days of the week saw the most use. Stenberg said he thought Sundays tended to be a little higher than Saturday. Rich said Bear Lake was starting to see high use on Fridays.

Boater User Patterns – Scheduled Days vs Nonscheduled Days - Stenberg said historically, scheduled days had better turnouts with about 30-40 boaters; unscheduled day had about 6-7 boaters sometimes zero. It was noted that scheduled days may have depressed numbers on nonscheduled days because of user preference. This year, Stenberg said, there were no scheduled days. Stenberg showed counts. There were 16 boater flows and numbers were low. Stenberg noted that there was high water everywhere this year, and that may have drawn boaters away from the Black Canyon. Vincent noted that boater numbers were higher in April, when water was not as high elsewhere.

Ramp Rates – The group reviewed Sec 3.4.4 of the Settlement Agreement and fish stranding results (Table 5) from the Ramp Rate Study. Stenberg said results showed a seasonal component with most stranding occurring during the summer (July). He asked whether anyone would like to discuss. He added that the report showed that a 1 ft/hr ramp rate is preferable. No one voiced disagreement with the findings of the ramp rate study.

Rich asked about boater demographics. Vincent said users are primarily from UT, WY, and ID. Rich said it seems a specialized enough sport that people are planning ahead to use it. Colburn said yes, it is challenging enough that people have to seek it out.

Interest Statements

Stenberg then called for interest statements from the group.

Stenberg - PacifiCorp:

- Support Settlement Agreement commitments, boater flows, water quality and fish recovery.
- Reach agreement on a down ramp rate that is consistent with Ramp Rate Study results showing 1 ft per hour strands the least fish.
- Reduce weekly staff time to administer forecasted flow program.
- Improve ability to schedule plant maintenance during boater flows.
- Improve ability to schedule labor farther in advance than possible with forecasted boater flows.
- Provide a boater opportunity that is useful, and used by the boater community.

Hoyt - Greater Yellowstone Coalition

The Greater Yellowstone Coalition seeks to restore and protect populations of native Bonneville cutthroat trout in the Bear River watershed, and will review all data and information related to boater flows with that interest in mind.

Lyman – U.S. Forest Service

The USFS recognizes the importance of multiple use and recreation on the Bear River in the Black Canyon in addition to the importance of preserving the riverine resource for the protection and conservation of Bonneville cutthroat trout. As signatories to the Rangewide Conservation Agreement and Strategy for Bonneville cutthroat trout, we have an interest in finding common ground alternatives that provide for recreation use while also protecting and enhancing Bonneville cutthroat habitat in the Black Canyon reach of the Bear River.

Dahle – Trout Unlimited

Trout Unlimited (TU) advocates for stream flows that mimic drainage-specific, historic hydrographs to the extent possible under current water management. Our primary interest in the Bear River Black Canyon boater flow discussion is to craft a stream flow regime that supports ecological function within the canyon. Specifically, we want to see flows that support the life history of Bonneville cutthroat trout and other native species in the Bear River. While multiple use interests are important to TU, we do not support recreational flows that have timing and magnitude components that favor recreational use at the expense of native fish habitat and stream ecological function. Nonetheless, we feel that a properly conducted spring freshet has the potential to benefit stream habitat and fish populations while also providing an opportunity for recreational use. We believe that such an event needs to be of a magnitude, timing and duration that is consistent with historic spring flow events in the Black Canyon.

Myler – U.S. Fish and Wildlife Service

Endangered Species Act Perspective:

The only species listed as threatened or endangered under the Endangered Species Act (1973) in the Bear River watershed in Idaho is Canada lynx. The Yellow-billed cuckoo and Greater Sage-grouse are currently identified by the Service as Candidate species under ESA. The Service has been petitioned to list Bonneville cutthroat trout (BCT) and Northern Leatherside chub under ESA but determined that these species were not at risk of extinction in the foreseeable future. However, the Service supports actions that will preclude the listing of these and other native species in the future.

USFWS Interests:

The Service supports the release of whitewater boater flows in terms of timing and quantity that coincide with the natural hydrograph of the Bear River system. In wetter years, we support greater releases for longer duration and in drier years fewer or no releases.

Rich – Idaho Department of Parks and Recreation

We are participating members of the Bear River ECC: 1) Because the ECC agreement rules specify an IDPR presence and vote; and 2) Our position is to encourage appropriate boating opportunities in Idaho. We encourage such usage in Black Canyon as long as it does not grossly compromise other ecological concerns of the river. Our hope would be that current management practices might even enhance some issues related to the Black Canyon section.

Colburn – American Whitewater

- Restore recreational paddling opportunities consistent in number and quality with the Settlement Agreement (weekend paddling days when water is available). We would like these opportunities to be well used.
- Pulse flow program that restores holistic geomorphological and ecological benefits, including supporting BCT.

Lewis – Idaho Rivers United

The mission of Idaho Rivers United is “to protect and restore the rivers of Idaho.” While we focus on the protection and enhancement of the ecological health of rivers, we realize that many of our members are boaters and anglers. Therefore, our interest is 1) Support the Bear River Settlement Agreement, 2) Improve the ecological health of a highly modified river system, and 3) Provide fair and reasonable recreational whitewater opportunities.

Teuscher – Idaho Department of Fish and Game

Statewide Fisheries Management Principles

The Fisheries Bureau of the Department has a number of long-standing principles that assist Fisheries staff in accomplishing our mission. These principles appropriately lay the foundation and provide direction for staff to attain the goals and objectives of the strategic plan.

1. The Department will recommend that fish and wildlife receive equal treatment with all other resources in land and water management decisions.
2. The fish resources of Idaho belong to the residents of the state, and while regional and national interests will also be considered, these resources will be managed for the recreational and other legitimate benefits that can be derived primarily by the residents of Idaho.
3. Fish management will be designed to provide a variety of consumptive and nonconsumptive recreational opportunities as well as scientific and educational uses.
4. Fish habitat and populations will be preserved, protected, perpetuated, and managed for their intrinsic and ecological values as well as their direct benefit to humans.

5. The Department will use the best available biological and sociological information in making resource decisions and support research efforts to provide state-of-the-art techniques and data.
6. Native populations of resident and anadromous fish species will receive priority consideration in management programs.
7. Management programs will emphasize maintenance of self-sustaining populations of fish.
8. The Department will strive to maintain genetic integrity of native stocks of resident and anadromous fish and naturally managed fish when using hatchery supplementation.
9. Hatchery-reared fish will be stocked as appropriate to preserve, establish, or reestablish depleted fish populations and to provide angling opportunity to the public.
10. Factors affecting downstream smolt survival will receive priority attention in anadromous fish management.

Miller – National Park Service

NPS is interested in ensuring recreational opportunities, including whitewater boating and sport fisheries, are provided for while not significantly impacting the natural resources. In regard to boater flows, NPS would like to see a range of flows and dates as stated in the Settlement Agreement in a way that makes sense to mimic natural systems as best possible.

Van Every – IDEQ

IDEQ supports the spirit and intent of the 2002 Settlement Agreement while promoting a continued effort to ensure the ecological integrity of the aquatic resources in the Bear River. IDEQ is responsible to maintain and/or restore existing beneficial uses (coldwater aquatic life and salmonid spawning) and to ensure compliance with Idaho's numeric and narrative water quality criteria.

Rich asked why the group was focusing on the Black Canyon. Stenberg said it provides a unique recreation opportunity. There is some boater recreation by Oneida, but it is for beginners, and it's a different experience. He noted that some boater put-ins and take-outs were provided through the relicensing process.

Stenberg asked ECC members for their opinions on how best to proceed.

Hoyt said some interests have already been stated and suggested the group discuss how best to resolve the issues. Lyman, Dahle, and Myler agreed. Colburn said that discussion would be helpful as people reflect over the next few weeks but he feels there is still no agreement over

what the decisions would be based on. We don't yet agree what the data say – or if it is inconclusive, he said, and there is no agreement on impacts.

Mladenka said that clearly state water quality standards were being exceeded during boater flow releases. He said he was not saying they have to stop because there would be no boater flows. He said we are operating in the spirit of the agreement now. But water quality needs to be managed.

Colburn said we are managing for the best outcome. Are boater flows the best way to manage sediment removal?

Lewis said he agreed with Colburn, sediment is a big issue. He noted that there could very well be an operational release that did the same thing as a boater release. He said he believed that managing the control of sediment throughout the year is important.

Teuscher said but if you plan to have one in July--when you know you have incubating eggs—that's different than an accident.

Stenberg and Van Every discussed the applicability of Section 401 [of the Clean Water Act]. Stenberg noted that all of the contemplated Hydro License actions are covered under the CWA 401 Certification. Van Every said that if additional information came to light, there could be new action required under the requirement for the CWA 401 Certification.

Significant environmental impacts may preclude continuation of boater flows, Hoyt said, but he doesn't think anyone is proposing that.

Stenberg said he would prefer not to get too in depth on alternatives at this point and suggested completing the issues table (Attachment 2). Are there significant effects that could lead to changes in the amount, timing, or frequency of the boater flow program? He suggested using that question to focus discussion, noting that there is still some additional information coming in. Meanwhile, PacifiCorp will be working on an alternatives proposal that addresses as many issues as possible. Stenberg asked ECC members to keep in mind the concept that there may be opportunities for capital investments in exchange for generation time. The group continued work on the issues table (Attachment 2).

The group debated whether there was an impact on native fish. Colburn said that the studies on the record do not show that. Teuscher said that based on IDEQ standards and the literature, there is. Mladenka said that it is not specifically known. It is known and agreed that state standards are being exceeded and that the standards are based on biological factors. Mladenka said we need to find out what is happening to fish in the Black Canyon before this can be stated. Colburn agreed to qualify impacts to native fish as a "potential impact" and revisit the issue once everyone has an opportunity to review literature that Teuscher is providing.

Teuscher said if it is known what time of year BCT spawn and if you wash away or cover the eggs with sediment at that time, they die. But we are not measuring that.

Two questions need to be answered:

- What did the monitoring show?
- What are the management objectives?

Colburn stated concern that there are two types of information – what we found through our study and what is in the literature and other sources of information. He said he is concerned about what goes into the FERC record as a finding of the ECC’s Black Canyon Monitoring Study. Both are important in coming up with management objectives and should be used, he said, but we need to keep study findings separate.

Fisheries biologists in the group (Teuscher, Lyman and Dahle) all agreed that it was not possible to answer the question of impacts to native fish (BCT in particular) based on the Black Canyon Monitoring Study. Dahle asked whether Colburn was suggesting that the group could not use inference in making a decision on the effects of boater flows on native fish. Colburn said no, just keep the information separate.

Van Every said he supports proceeding, keeping the two types of information separate. Teuscher said it was in the Settlement Agreement to monitor native species, and we did not monitor them. It is part of the Settlement Agreement. He said he does not support keeping the two types of information separate. Teuscher said he wants to make it clear that we did not monitor native species and instead focused on macroinvertebrates due to budgetary constraints.

Flooding of waterfowl nests – The group discussed very large flows and the “pillow and hole” effect. Colburn asked whether there was any benefit to the large flows. Timing was discussed. Vincent brought up scheduled flows – these are preferred for reasons of increased participation and to mimic a natural hydrograph. He noted that flows in summer were originally included because boater flows were produced during irrigation calls.

Potential Alternative Components

****Non-binding – Brainstorming****

Stenberg asked that the group to contribute possible components for alternatives to address impacts of boater flows.

Teuscher - 96 hours of continuous flow at 1050 cfs, May 20 – 25.

Mladenka- lower the flows at night and extend the time frame.

Colburn – Have scheduled releases, average of 10 a year, not during the week, not at night. Initial release each year of shorter duration so less turbidity, spread out releases so there is less

time between the last flow in the fall, first in the spring.

Santarsiere – No releases after June first.

Mladenka – schedule releases to coincide with maintenance outages, a three-day event over Memorial Day weekend.

Van Every – Two pulse flows at 1050 cfs over a couple of weekends – to minimize turbidity.

Myler – Modify release period to April 1 through June 1 (to avoid BCT spawning and the month of July).

Dahle – Maintain flexibility in cutoff date for flows based on BCT spawning.

Hoyt – PacifiCorp add an additional 96 hours of flow.

Vincent – Consider providing flows in fall.

Stenberg – Status Quo (Settlement Agreement), No boater flows, Scheduled flows (tight number, add more based on certain triggers) “Hybrid Scheduled Forecast” – component of any big spill concept, consider reductions during dry years

Colburn said if we consider scaling back the number of flows in some years, we should also consider increasing flows in others – keyed to a measureable factors, like snowpack.

Connely – Maintain the 10 a.m. to 4 p.m. release schedule.

Attachment 1: Detailed Agenda

October 18, 2011 – Boater Flow Meeting #1 - Data Review

AGENDA

- Introductions and Agenda Review

Item 1 – Briefly review Federal Power Act and licensing requirements about equal consideration. Stenberg

Item 2 - Review Settlement Agreement Section 3.1.6 and subsections. Stenberg

- Review text of sections and specifically discuss the excerpts below:

(See <http://www.pacificorp.com/es/hydro/hl/br.html#> for Settlement Agreement text)

3.1.6 *“The purpose of the monitoring studies is to assess (i) the effect of the 80 cfs minimum bypass flow regime in the Grace Bypass Reach on fish growth, survival, standing crop, and distribution, and on the quality of the angling experience; (ii) the effect of opportunistic whitewater boating flows during year one through three on fish displacement and invertebrate performance (drift and abundance); (iii) the effect of scheduled whitewater boating flows in years four, five and six on movement and growth rates of fish and invertebrate performance (drift and abundance); (iii) the effect of scheduled whitewater boating flows in years four, five and six on movement and growth rates of fish and invertebrates (drift and abundance); and (iv) channel shape and structure.”*

“For the purpose of this Section 3.1.6., significant adverse effect is defined as a measured change that materially degrades ecological attributes including without limitation water quality, native fish and macroinvertebrate habitat and riparian habitat to the extent that the ability to achieve the management objectives of the BCT Restoration Plan, as it is completed, the RCAS¹ and the CTMAPP² is impaired.”

3.1.6.3 *“In years 7 and subsequently after the New Licenses become final, the ECC may adjust the whitewater boating flows (amount, frequency or timing) if monitoring pursuant to Section 3.1.6 demonstrations that the scheduled whitewater boating flows cause significant adverse effects on ecological attributes of the Grace bypass reach as defined in Section 3.1.6.”*

¹ “Rangewide Conservation Agreement and Strategy for Bonneville Cutthroat Trout” or “RCAS” means the agreement signed by USFWS, BLM, USFS, IDFG, and other federal, state and tribal parties, which outlines a collaborative effort to ensure the long term existence of Bonneville Cutthroat Trout within its historic range.

² “Cutthroat Trout Management: A Position Paper, Genetic Considerations Associated with Cutthroat Trout Management” or “CTMAPP”, Utah Division of Wildlife Resources, Publication No. 00-26.

- Do all the Parties understand the decision making framework described in the Settlement Agreement?
- Do the Parties share an understanding of “significant” and “adverse” as used in the Settlement Agreement?
- Are there other effects or peripheral issues that are not described in the Settlement Agreement that Parties or others have interest in? Do the Parties have consensus to consider all or some of these in our decision making?

Item 3- Review Settlement Agreement decision making process in Section 4.2 and subsections. Stenberg

- Review decision making flow chart.
- Do all Parties understand the decision making process?

Lunch

Item 4 – Review of Studies

See the completed reports at: <http://www.pacificorp.com/es/hydro/hl/br.html#> - under the “ECC Final Documents” tab.

- 1) Effects of the Variable Flow Regime on the Ecology of the Black Canyon of the Bear River, Idaho. Final Report Year 7, 9/12/2011
- 2) Grace Hydroelectric Project Boater Flow Water Quality Study, 11/2/2010
- 3) Black Canyon Boater Program Ramp Rate Study, Final Report – Fish Stranding, Following Boater Flow Releases, 11/24/2010

Facilitator Note: During this time, I would like any interested Party to present their application of results from the completed studies to the decision making framework described in the Settlement Agreement.

To restate, a Party may present how they see the study results being applied to the decisions to be made about significant adverse effects on ecological attributes as described in Section 3.1.6 and subsections of the Settlement Agreement.

My expectation is that Parties wishing to present will provide their materials to the facilitator (Stenberg) a week in advance for distribution to the Parties and to check that the materials do not delve into interests, solutions/ alternatives and that the presentations stay close to the topic of the selection or use of data from the reports to make informed decisions around the areas described in the Settlement Agreement.

Adjourn

October 19, 2011 – Boater Flow Meeting #2 - Discussion of Interests

AGENDA

- Introductions and Agenda Review

Item 1 – Finish any study presentations that were not completed the day before.

Item 2 - All participating Parties will present a statement of interests to the group. A written summary is required.

Item 3 - The Parties will build a list of shared and individual interests to be used during alternative discussion and evaluations.

Adjourn

Attachment 2: Issues Table

Identification of Issues				
Issue Description	Significant Adverse/Positive Effect to Ecological Attributes		Party That Identified Issue	Parties That Agree This is an Issue
Settlement Agreement Issues	Adverse	Positive		
Water Quality 401 Cert. (turbidity and sediment transport)	Yes, exceeds standards.		Settlement Agreement Parties	Settlement Agreement Parties
Native Fish (incl. sediment impacts to spawning)	- Monitoring inadequate. -Potential impact based on literature not cited in monitoring report. -July timing issues with redbreast shiner stranding		Settlement Agreement Parties	Settlement Agreement Parties
Macro Invertebrate Habitat	Pending, RMI analysis and further discussion.		Settlement Agreement Parties	Settlement Agreement Parties
Macro Invertebrate Abundance	Pending, RMI analysis and further discussion.			
Riparian Habitat	Not monitored, no observed changes.		Settlement Agreement Parties	Settlement Agreement Parties
Channel Shape and Structure		Yes, reducing fines and exposing gravels and cobbles.	Settlement Agreement Parties	
Other Boater Flow Issues				
Ramp Rates	Best case use 1 ft. Most probable adverse effect in July		Settlement Agreement Parties	
Non Settlement Agreement Issues				
Staff labor to forecast flows	N/A		PacifiCorp	
Weekend labor scheduling difficulties	N/A		PacifiCorp	
Flooding of waterfowl nests (non-forecasted flows) MBA	Depends on how flows are delivered, forecasted or scheduled.			
User difficulty using forecast flows	N/A		PacifiCorp	
Gentile Canal - flow fluctuations	N/A		Gentile Canal	
Used and useful, in support of customer needs	N/A		PacifiCorp	
Angler success issues following boater flows	N/A			

Coordination of Regular Maintenance Releases into the Black Canyon (Art. 408)		Depending on timing could be a benefit.		
Plant Outage Spills in the Black Canyon	N/A			
Forecasted Flows verse Scheduled Flows		Depending on timing could be a benefit to ecological attributes.		
Natural Hydrograph Simulation		Depending on timing could be a benefit to ecological attributes.		
Safety Issues	N/A			
Special Events / Camping	N/A			
Sterile Rainbow stocking				
Downstream substrate changes	Anecdotal reports increase in sediment deposition, unknown if it is transient.			