

**Bear River ECC
Final Meeting Notes
Pocatello, ID
December 14, 2011**

ECC Members Present

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

Others Present

Kevin Colburn, American Whitewater
 Andrea Santarsiere, Greater Yellowstone Coalition
 Greg Mladenka, Idaho Department of Environmental Quality
 Joselin Matkins, Sagebrush Steppe Land Trust
 Connely Baldwin, PacifiCorp

Commitments Made at the December 14, 2011 Meeting	
All, Project Sponsors	<ul style="list-style-type: none"> • Forward photos for 2011 annual report to Hugentobler, especially any ECC project photos. • Provide comments on the conceptual boater flow agreement
Stenberg	<ul style="list-style-type: none"> • Distribute conceptual agreement on boater flows and adaptive management to ECC members for review and comment. • Circulate MOA with the Land Trust to ECC members for review. • Update ECC documents on web site.
Teuscher	<ul style="list-style-type: none"> • Forward edits to November meeting notes to Hugentobler • Update the ECC on IDFG's BCT broodstock release strategy (February meeting) • Prepare study plan for additional monitoring in Black Canyon, to be reviewed at the January ECC meeting. • IDFG – Plan to survey Gentile for native fish • Prepare BCT broodstock report for Stenberg (February).
Van Every/Mladenka	<ul style="list-style-type: none"> • Prepare study plan for additional monitoring in Black Canyon, to be reviewed at the January ECC meeting.
Hugentobler	<ul style="list-style-type: none"> • Finalize ECC's 2012 calendar and redistribute to the ECC • Process edits to November notes and redistribute to the ECC for approval • Obtain photos for 2011 annual report • Update ECC documents on web site
Matkins	<ul style="list-style-type: none"> • Send draft letter of intent to Hoyt
Action items in blue have been carried over from previous ECC meetings.	

Decisions Made at This Meeting

- Approve the 2011 Revised Land Management and Buffer Zone Plan
- Disburse long-term stewardship funding for the Deep Creek parcel in the amount of \$80,000.
- Approve the conceptual agreement for boater flows and adaptive management developed at this meeting.

Agenda Review

Review of the ECC's early 2012 calendar was added to the agenda.

Review of Previous Meeting Notes

Teuscher said he had numerous comments on the November meeting notes and would like to submit revisions before the notes are approved. Vincent said he may also have comments. Hugentobler will compile the edits and redistribute the notes to the ECC for later approval.

Action Item Review

The ECC reviewed November action items. Teuscher said he had reviewed Utah Division of Water Resources records as discussed in regard to pond building on property adjacent to the Henderson conservation easement. He said the landowner is an irrigation company member. Teuscher said he found no "stop water" permits in his records search, so ponds are not part of the water rights for that property.

In regard to sedimentation before and after boater flows, Mladenka said he did not have as much data as he thought, so there was not a lot of new information to present. However, he did have some turbidity data from above and below the study area. Based on these data, he estimated there are approximately 50 tons of sediment moving out of the Black Canyon during boater flows versus about 1 ton under typical conditions. Van Every emphasized that the data are complex, it is not just inorganic sediment in the water. Mladenka said that basically it appears that sediment load increases in the Black Canyon by an order of magnitude (10x) during boater flows.

Project Updates

Dahle updated the ECC on the **Cub River** work. He showed photos of rock weirs recently installed with the help of USFWS. Dahle said it will look quite a bit different with high flows this spring. Myler said he recently spoke with Lawrence Fox (landowner on **North Hoops Creek**), who had been talking to (landowner) Craig McGregor, about how good the ECC was to work with. He said McGregor may also be interested in putting in a fish screen. Teuscher said IDFG will be bringing in some more wild fish to add to the **BCT Broodstock Program**. He said some hybrids have been noted in fish captured so far, but very few first generation hybrids. He said there will be more of a plan for this year's releases, which are expected to take place in February. Teuscher will give an update on IDFG's BCT broodstock release strategy at the February ECC meeting.

Land Management Plan

Stenberg said the 2011 Revised Land Management and Buffer Zone Plan has been posted to the ECC's web site and will be filed with FERC with the 2011 Annual Report. He asked for consensus to approve the plan. Consensus was reached.

Land Trust Updates

<closed session>

Boater Flow Session #4

Stenberg opened the discussion with a review of the issues table compiled at the November meeting. Action items from that meeting relative to boater flows have been completed, he said. Phone calls and conversations have taken place since the last meeting and additional alternatives have been proposed. Nine alternatives are now included in the issues table (shown as an overhead).

Mladenka said he did not favor "use-triggered" alternatives. He said he believes everyone at the table wants high flows, and PacifiCorp should be willing to provide the foregone generation, as negotiated in the Settlement Agreement. He asked that those alternatives be set aside. He said it seems that PacifiCorp is saying if no one is using the [boater] flows, they are not going to provide them but he believes the flows are beneficial for other reasons.

American Whitewater said they were not joining IDEQ in this stance on flows.

Stenberg brought up the concept of forecast vs. scheduled flows. He said scheduled flows may be of more utility to PacifiCorp and American Whitewater. He noted that Mladenka was talking about using boater flows for restoration, but according to the Settlement Agreement, the flows are for boating—recreation not restoration.

Colburn asked to focus discussion on proposed triggers. Stenberg reviewed alternatives triggered by use level.

Mladenka said he did not believe it was wise to allow flows to be negotiated away.

Stenberg asked whether anyone else had any deal killers, such as use triggers.

Colburn said 0-16 boater flows per year were negotiated in the Settlement Agreement, and nine flows would be a middle number. He noted that alternatives in the table were based on less than nine boater flows per year. He said that if less than nine flows per year were being proposed, he wants to know – very specifically – the reason for the downward pressure and why nine wouldn't work.

Stenberg reviewed the details of a Fish and Game proposal included in the issues table. Teuscher said the so-called "Fish and Game proposal" included input from Greater Yellowstone Coalition, Idaho Department of Environmental Quality, US Forest Service, US Fish and Wildlife Service, and Trout Unlimited as well as Idaho Department of Fish and Game. Colburn noted that was all parties at the table except PacifiCorp and American Whitewater. Teuscher said there was also another alternative discussed with IDEQ that proposed four [boater flow] events instead of three, with the last being a

three-day event that includes Memorial Day weekend. Stenberg incorporated the proposals into the issues table.

Colburn said the agencies' alternative was very close to what American Whitewater was proposing. Mladenka said under the agencies' alternative, we would continue to look at turbidity during boater flows. Teuscher said he would caveat the alternative to include additional study – that is, IDFG would tag fish and have them in the reach for monitoring during boater flows. It was noted that timing was the biggest difference between the American Whitewater proposal and this one. Teuscher said IDFG would like to monitor use for the next 3 years in order to answer the questions, “Do Bonneville cutthroat trout spawn in the canyon?” and “Do they use the canyon?” If so, he said, flows could be deleterious at certain times. There are no data to show that now. Maybe BCT are spawning in the main stem, maybe not. But until that is known, he said he suggests a conservative approach to the timing of flows. Colburn asked about data on similar streams, and whether we are creating spawning habitat that would not be there otherwise. Hoyt said if there is spawning, so much the better.

Teuscher showed thermal imaging of the Bear. He said he would like to tag fish to determine whether they are using the main stem to spawn. He noted that with new technology, much smaller fish can now be tagged. We may be establishing a fluvial population, he said, and if spawning is occurring in the canyon June 1-15 is a critical window. He said he would like to monitor for 3 years. Colburn said he would be reluctant to agree to include monitoring for another 3 years. He asked for a concrete proposal that would establish some bounds, such as what we are testing for and what the action point would be. He asked for something similar from IDEQ for water quality. Colburn said he would specifically like to know what findings would impact boater flows. Van Every said IDEQ would like to continue to monitor temperatures and trending turbidities, then come back to the table if there is no decrease in spiking levels of turbidity, as we are expecting.

<Lunch Break>

A round table was proposed for ECC members to share their thoughts on the agencies' proposal.

Colburn (American Whitewater) said he likes the proposal, as it includes nine days of flows that also have ecological value. He said while American Whitewater likes the proposal they recognize they are giving up half of the boater season, especially the half with high flows—but they like that Idaho Department of Fish and Game monitoring will move forward and leave the opportunity for that portion of the season to re-open. However, he said, American Whitewater would like to know what they are looking for in monitoring – also what the action point would be. Vincent said he would like to know that flows will be made at that time. He also wanted to know whether the ECC was comfortable with the shift of funding towards additional monitoring efforts. Teuscher said IDFG will contribute significantly towards monitoring. He said he is moving IDFG equipment to the Bear River, as is it important. Monitoring efforts would not take money from the broodstock fund, he said. Mladenka said as far as water quality monitoring goes, IDEQ will just continue to do it. Three events would be monitored, he said, the first, last and a middle flow event. He noted that if PacifiCorp moves its maintenance to one of the boater flows, no matter what we measure, that's an improvement. He said the goal remains to reduce and minimize exceedences, as it is not expected that they will ever be eliminated.

Colburn asked whether there was flexibility on the 900 cfs level, which some feel is a little high. Van Every indicated flexibility. Baldwin said PacifiCorp could make it work, but it would impact operations during the week and would put public relation onus on to explain. For example, he said, the level of the

lake drops and anglers who want to fish are affected. Colburn asked, but hydrologically you can do it? Baldwin said yes. Stenberg said timing may have to be adjusted, with some appropriate notice. Colburn said he was concerned that providing boater flows in April and May only could result in trying to pack it all into one month during some years. Baldwin said he was also concerned that nine flows would now be packed into a shorter season. He suggested taking that into account when developing alternatives. Colburn said American Whitewater was not ready to step back from the number of days negotiated. Mladenka said he thinks Baldwin is just asking for occasional flexibility. Vincent asked how much notice would be possible if tweaks are made to the schedule? Baldwin said one to two weeks. For flowline maintenance it would be 10 days, and the plant would be offline during this time.

Stenberg (PacifiCorp), commenting as environmental coordinator and license manager, said in regard to the Conservation Hatchery Agreement, he would not want monitoring in the Black Canyon to impact the hatchery program. In regard to ramp rate, he noted that no one is disagreeing with the 1 ft per hour rate. In regard to water quality, he asked where are the group was going with the monitoring, i.e., are there two standards, one for recreation and one for operations? In regard to spawning options, he noted that the bulk is in area 17 and is extremely limited. He asked whether it was necessary to take away the weeks in June in order to complete proposed studies.

Teuscher said he estimated that minimum flows are worth about \$1 million per year in lost electrical generation. It's the most expensive mitigation we are undertaking, he said, so when he prioritizes, this is at the top. Van Every added that the agencies' level of effort on this reach (the Black Canyon of Bear River) also back that up. Colburn said but if we continue to put fish there and they all die – maybe we should consider selling the lost generation back to PacifiCorp and use that money on habitat elsewhere. He said the agencies seem to be saying they want to optimize the habitat to see if it's suitable for spawning. Stenberg asked whether the group believed fish stranding to be a non-issue. There was general agreement in regard to staying out of the July window, when fish stranding was highest during recent studies. Colburn said fish stranding was below significant levels. Mladenka said the period when most fish stranding occurred would be missed if boater flows were cut off at June 15. Colburn said he was not okay with a June 15 cutoff with no data to support it. It was suggested that targets be set for study, with decisions based on findings. In regard to water temperatures, Colburn asked why this was not raised as a red flag before when boater flows were taking place in June and July. With water temperatures, in addition to fish and water quality, being proposed for additional study, he said he feels like we are not as near done as we thought we were. Van Every said the temperature issue was not really new. Colburn asked whether there was anything in the 401 regarding temperatures. Van Every said temperatures are wrapped up in water quality. Options outside the boater program were discussed, i.e., moving minimum flows from winter to more critical times. Mladenka said he hopes Colburn doesn't feel blindsided. He said he thinks all would agree that if we are doing something the fish couldn't stand, we shouldn't do it. Colburn said but we have studied the Black Canyon for seven years, now it's a different river, and we're going to study it three more years. The group discussed whether fish stranding was still an issue. Colburn said he didn't remember that was still on the table. Mladenka said he could understand American Whitewater's request to sidebar further studies, so that additional issues were not continually raised. But if we find spawning is not an issue, he said, boaters can have more of the season back. Stenberg said he also sympathizes with Colburn – first spawning, then stranding – where will it end? Colburn asked what if we get to the end of three more years of study and there are other issues? Van Every suggested basing decisions on temperature data rather than a date.

The group agreed to proceed with drafting a conceptual agreement for boater flows. Language for the agreement was shown as an overhead as it was developed. The draft agreement is included below.

Conceptual Agreement for Black Canyon Boater Flows and Adaptive Management

Four scheduled boater events; three two-day events and one three-day event. Initial three-year study period 2012 to 2014. Season of April 1 through June 5th. Flows of 900 cfs or inflow if greater, would be provided on each day, from 10:00 am to 4:00 pm. Flows between adjoining release days of 200 cfs will be provided. 1 FT/HR downramp would be followed. PacifiCorp will provide flow forecast early in the year per the Settlement Agreement. American Whitewater and PacifiCorp will prepare a schedule taking into account water year forecast, maintenance scheduling and recreation preferences. Schedule will be provided to ECC for review and to facilitate any study work. If rescheduling flows are necessary because of PacifiCorp maintenance or irrigation delivery conflicts PacifiCorp will endeavor to provide at least two weeks' notice, unless an emergency condition arises. The schedule will be posted on the PacifiCorp website and flow phone per existing Settlement Agreement. There will be further discussion on whether rescheduled flows will be scheduled within the same season before the agreement is finalized.

Water Quality – Turbidity. Measure upstream turbidity at beginning of event at boater put in. Place YSI sonde at lower Black Canyon footbridge prior to event flows and record turbidity and temperature at 5-minute intervals throughout event and downramp. This will be done a minimum of three weekend events per season, including the first and last event.

Action: Flow program continued or extended if the downward trend from year to year continues or stabilizes. If turbidity trends upward from year to year, the flow program may be modified in a manner that seeks to improve turbidity while protecting recreational opportunities to the extent possible.

Water Quality – Temperature effects on Bonneville cutthroat trout (BCT) of flow releases. Onset HOBO temperature monitors will be placed at present locations, low level outlet and Grace Forebay surface, recording hourly temperature.

Perform literature review to determine standard for non-lethal limit of allowable diurnal fluctuation in temperature.

Action: Unless other studies show significant measureable adverse ecological effects, flow program will be extended past June 5 unless temperature standards are exceeded.

BCT – Spawning Activities

Visually inspect for spawning and fin clipped juveniles. Perform redd survey each year for three years. Timing of survey based on indication of return for spawning at Kackley Springs and fixed site receivers. Study will attempt to determine onset of spawning activities through repeat site visits and review of telemetry data.

Action: Unless other studies show significant measureable adverse ecological effects, flow program will be extended past June 5 if no BCT spawning is occurring. If BCT spawning does occur flow program will not be extended past onset of BCT spawning.

BCT – Fall population monitoring (incorporate into spawning and mortality studies)

Fish populations will be monitored in three Black Canyon study reaches. Are populations establishing from marked BCT or are other BCT establishing in the Black Canyon? Sample size and areas will be large enough to determine population size and trends. Data will be used to gain perspective on displacement, mortality and spawning.

BCT - BCT mortality

Telemetry tagged BCT will be tracked throughout the year to monitor movement and mortality. 30 to 40 fish to be tagged and released prior to April 1.

Action: If significant mortality can be tied to the boater program then the flow program may be modified in a manner that seeks to improve survival while protecting recreational opportunities to the extent possible.

Study Plans and Hypotheses - Study plans and hypotheses to be used will be developed by IDFG and IDEQ and presented to the ECC for review and approval.

The group agreed to check for consensus on the conceptual agreement, as developed at the meeting (above), with a final version to be developed prior to the January meeting. Study plans would also be provided for review at the January meeting.

Consensus was reached.

Colburn asked Stenberg if he had what he needed to send to FERC. Stenberg said yes. Colburn said he would like to have an opportunity to comment on the information to be filed with FERC.

Meeting adjourned.