

**Bear River ECC
Final Meeting Notes
January 16, 2013
Pocatello, ID**

ECC Members Present

Lynn Van Every, Idaho Department of Environmental Quality
 Corey Lyman, US Forest Service
 Arn Berglund, Bureau of Land Management
 Marv Hoyt, Greater Yellowstone Coalition
 David Teuscher, Idaho Department of Fish and Game
 Cary Myler, US Fish and Wildlife Service
 Jim DeRito, Trout Unlimited

Others Present

Greg Mladenka, Idaho Department of Environmental Quality
 Tom Lucia, Sagebrush Steppe Land Trust
 Garry Ratzlaff, Sagebrush Steppe Land Trust
 Jay Davis, private landowner
 Joselin Matkins, Sagebrush Steppe Land Trust

By phone

Eve Davies, PacifiCorp
 Claudia Conder, PacifiCorp
 Kent Werlin, Biota
 Ryan Colyer, Biota
 Charlie Vincent, American Whitewater

Commitments Made at the January 16, 2013 Meeting	
All	<ul style="list-style-type: none"> • Review the annual report (posted to the ECC’s website). Comments due Wednesday, February 13. • Share photos for the annual report. Forward to Hugentobler by January 31. • Complete short forms for 2013 projects. Due to Hugentobler & Stenberg by Friday, February 8. • Participate in conference call (to be arranged) to discuss desired future conditions on the proposed Harris/Eightmile easement. • Discuss fish passage at Oneida this winter.
Stenberg	<ul style="list-style-type: none"> • Add 5-year water bank discussion task to CMS. • Post Biota’s presentation to the ECC’s website. • Coordinate with Teuscher on meeting with Kimble regarding the ECC’s work with BCT. • Coordinate with Vincent regarding 2013 whitewater boater flows. • Route updated Operations and Compliance Plan to ECC members for approval
Conder	<ul style="list-style-type: none"> • Gather additional information on water banking—how many times can the 5-year cycle be renewed?
Mladenka	<ul style="list-style-type: none"> • Look up water rights for Shingle Creek.

Commitments Made at the January 16, 2013 Meeting	
Teuscher	<ul style="list-style-type: none"> • Draft text for informational signs regarding BCT at Kackley Springs. Route to ECC for comment. Goal is to have signs installed by early March. • Set up a meeting with Kimble to discuss the ECC's work with BCT. Coordinate with Stenberg. • Inquire about possible unused fish screens. Inform DeRito. • Route Sepulveda's report to ECC members
DeRito	<ul style="list-style-type: none"> • Proposal to meet with stakeholders (e.g., IDFG, screen tender, and design engineer) regarding fish screens prior to the start of irrigation season this year.
Hugentobler	<ul style="list-style-type: none"> • Schedule a conference call for interested ECC members to discuss desired future conditions on the proposed Harris/8-Mile Creek easement. • Route query annually to interested parties to ensure they would like to stay on the ECC's distribution list.
Action items in blue have been carried over.	

Decisions Made at This Meeting

Agreed by consensus that the two Cove water rights be placed into the state water supply bank with the provision that they not be available for rent and with the condition that it come up for ECC discussion in five years prior to renewing placement in the state water supply bank.

Email Decisions Made Since the Last Meeting

- Approved November 2012 ECC meeting notes.
- Approved funding for a native seeding project on Sagebrush Steppe Land Trust's Kackley parcel. Amount requested is \$2,500.

A record of voting is included in Attachment 1.

Review of Agenda and Previous Meeting Notes

Additions to Agenda

A grant fund budget review was added to the day's agenda.

Review of November Meeting Notes and Action Items

November meeting notes were approved by email vote (see Attachment 1). Action items were reviewed. Items carried over appear in blue in the list above.

ECC 2013 Calendar

A draft ECC calendar was circulated via email prior to this meeting. ECC members reviewed and accepted the calendar. A copy is included in Attachment 2.

Review of Current Grant Projects

Cottonwood Fish Screens

DeRito reported that final designs for both Cottonwood screens are complete. He said he had met onsite with the contractors and others, including the watermaster and NRCS, since the last meeting and he has rough estimates for fabrication. Two contractors plan to bid. He said he will approach the ECC if any additional funding is needed. Teuscher said he has two screens already built that may not be used for their intended project. He said the screens can handle 30 cfs. Teuscher will inquire and let DeRito know.

Screen Tender

Teuscher said the screen tender's work went well again this year but the budget was overspent. The overage was due to the increased number of screens and the gas required for travel. He said IDFG was picking up the overage this year but if the ECC continues to add screens, the budget will need to be revisited. He suggested that the ECC also consider set-asides for repairs as the screens age. Stenberg suggested requesting a repair set-aside during the short form review. Teuscher said it may be best for these funds to remain with PacifiCorp. DeRito suggested an annual meeting with stakeholders at the start of the irrigation season.

Gentile Valley

Teuscher reported that no tagged fish were entrained during the 2012 field season. During 2013, IDFG plans to change release sites (adding more). IDFG released 300 PIT-tagged Bonneville cutthroat trout in 2012, of which 38 percent were lost to cormorants near the islands at Blackfoot. Teuscher estimated that up to 70 percent of stocked hatchery BCT may have been lost to double-crested cormorants in 2012. Stenberg asked if there were safer places to stock besides Black Canyon. Teuscher agreed that the river is good foraging habitat for birds--wide and shallow. He said releases could be timed to avoid migrations but there are also resident birds. Stenberg discussed problems being experienced by Thatcher irrigators because they have to shut down during boater flows due to debris, water quality, etc. Stenberg said he will continue to work with them to discuss solutions.

Hansen

Stenberg said there has been no reply from the landowner and this project may not move forward.

Harris Repairs

This project is complete.

Ovid

Stenberg said funds have been disbursed for this project but no update was available.

Sediment Removal

Work on Stauffer Creek is complete. Crews worked on Whiskey Creek for two days but left because of difficulties with a landowner. Sepulveda has prepared a report that includes more details.

Trout Creek

Teuscher said he has visited the project area and it appears that the work completed is different than what was approved by the ECC. The concern is that NRCS stated they would not pay if the project was not built as spec'ed. However, the project is better than designed, he said, velocities look ok and there is no rock on corners. Willow clumps were used instead. Teuscher said the project was built in about two weeks. He will route Sepulveda's report. Stenberg said he may request some kind of "as built" certification for the project from the NRCS if a request for funds is made.

Smith Bear River Fencing

Stenberg said this project is on hold.

Spring and Stauffer Creeks

Bushman has purchased material for fencing, which will be installed this spring.

Bear River Water Right – Claudia Conder, PacifiCorp

Stenberg reviewed Disposition of Water Right from the Cove Settlement Agreement with ECC members. Action is needed because the non-use extension with Idaho Department of Water Resources expires in March 2013.

Conder explored the following options with IDWR:

1. Abandon the water rights.
2. Transfer the water rights to Sagebrush Steppe Land Trust (SSLT) – However, the rights cannot be transferred to SSLT, but must instead convert to instream and be transferred to the state water board.
3. Put the water rights into the state water bank, with the option to add conditions. This is a 5-year commitment which can be renewed multiple times.

Conder said she suggests putting the water rights into the state water bank, keeping them in PacifiCorp's name. There seems to be no reason to transfer them to SSLT, she said, as they would just have to put them in the water bank as well. Conditions could keep the rights secure, she said. This is a nonconsumptive use. Hoyt discussed complications associated with converting the rights. He said he believes it's best to put them into the water bank rather than converting it. Conder said it is a simple, inexpensive process, with a fee of \$150.

Hoyt asked what might happen at the end of the 30-year license. Might PacifiCorp consider using the water right to do something that could harm BCT? Stenberg said there has been open discussion at ECC meetings that PacifiCorp might use the water rights to restart the Cove Plant via a pipe from the Grace Plant and use the water for power generation. There would have to be an engineering study first, he said, and discussion of a mitigation package with the ECC. It's about 14 megawatts, Stenberg said.

Stenberg said the decision was not in the ECC's voting protocol but asked for ECC consensus on putting the two Cove water rights into the state water supply bank, with the provision that they not be available for rent and with the condition that it come up for ECC discussion every five years. Consensus was reached.

Stenberg will make a task in CMS to review the Cove water rights placement into the state water bank with the ECC every five years. Conder will check on the number of times the 5-year commitment can be renewed.

Land Trust Updates

<Closed Session>

Operations and Compliance Plan Update

Stenberg said revisions to the plan were near completion. He said this is an update to incorporate changes that have occurred since the plan was issued, such as minimum flows and new equipment. Changes to gaging compliance requirements with the USGS may also affect the plan, he said.

Bear River 2012 Annual Report

Stenberg said the draft 2012 Annual Report is complete and available for review on the ECC's website. Timeline for the review is on the ECC's calendar. Comments are due by February 13.

2013 Conservation Hatchery Plan

Teuscher said 20,000 fish are expected to be stocked this year. There have been no mortality issues at the hatchery. IDFG will be spawning fish this spring and are considering expanding the program into Nounan and Riverdale. Broodstock for some of these areas (e.g., Thatcher) may be moved into Kackley, he said, and a screen will be needed there. IDFG will also be doing some genetics work in advance of spawning. Mladenka asked about the Kimble hatchery, which is raising rainbows and Yellowstone westslope cutthroat that are escaping into the Bear. Teuscher noted that the YCT are fertile. He said he needed to speak with Kimball about the escaping fish. However, he noted that commercial hatcheries are regulated by the Department of Agriculture, they are not under IDFG. Stenberg asked if Kimball could be involved in BCT program. Teuscher said maybe. Teuscher will set up a meeting with Kimball to talk about YCT and BCT.

Black Canyon Flows

Stenberg said he will be meeting with Devan Pharis about upcoming flows and will get a water forecast. He requested that Vincent speak with Colburn, then PacifiCorp and American Whitewater will get together for scheduling of flows. Stenberg asked whether Vincent had any ideas. Vincent said when

there's water available. He noted that a weekend event is being planned (Whitewater Festival) in mid to late April -- April 20th, 27th, or May 4. Stenberg said he will need to see about permitting the event. Vincent said it would be a two-day event. Stenberg will contact Vincent about scheduling flows at the end of the month.

Mladenka asked if there were any comments on the report on turbidity during boater flows. He also asked about the low flow outlet. Stenberg said he and Baldwin were working on the Operations Compliance Plan that will allow it to be used in 2013. Teuscher said he was currently working on the Hatchery Report. He expects to have the Black Canyon fisheries report in mid-February.

Attachment 1: Record of Email Voting

**Bear River ECC
Record of Email Voting
Approve Proposal for Seeding on SSLT's Kackley Parcel
Query by Stenberg, Nov. 15, 2012**

Date: Thu, 15 Nov 2012 09:43:02 -0800 [11/15/2012 10:43:02 AM MST]

From: ["Stenberg, Mark" <Mark.Stenberg@PacifiCorp.com>](mailto:Mark.Stenberg@PacifiCorp.com)

To: ["Arn Berglund \(aberglund@blm.gov\)" <aberglund@blm.gov>](mailto:aberglund@blm.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) ["Joselin \(joselin.ssrft@gmail.com\)" <joselin.ssrft@gmail.com>](mailto:joselin.ssrft@gmail.com), ["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), [Andrea Santarsiere <asantarsiere@greateryellowstone.org>](mailto:asantarsiere@greateryellowstone.org), [Blaine Newman <blaine_newman@blm.gov>](mailto:blaine_newman@blm.gov), [Charlie Vincent <charliev@xmission.com>](mailto:charlievincent@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), [James DeRito <JDeRito@tu.org>](mailto:JDeRito@tu.org), [Kevin Lewis <kevin@idahorivers.org>](mailto:kevin@idahorivers.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:Marv.Hoyt@greateryellowstone.org), [Miriam Hugentobler <yazoo@xmission.com>](mailto:yazoo@xmission.com), [Paul Burnett <pburnett@tu.org>](mailto:pburnett@tu.org), ["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: [Sally Averette <sally@sagebrushlandtrust.org>](mailto:sally@sagebrushlandtrust.org)

Subject: Seeding Proposal on Land Trust Kackley Parcel – VOTE

Part(s):  [2](#) Bear River ECC Project Proposal Form 2012 (1).doc [application/msword] 79 KB 

Good Morning, at yesterday's ECC meeting we discussed a seeding proposal to install native grass on approximately 15 acres of the Land Trust's Kackley Preserve. We had consensus at the meeting that this is an activity that we want to undertake as part of ECC funding of land management activities on the parcel. Since we did not notice a vote on the expenditure we were unable to approve it at the meeting. Please respond to this email vote request with your concurrence and include Miriam in your reply.

Thank you.

Mark Stenberg

PacifiCorp Energy

208 547-7305

Results of ECC Member Voting
Approve Proposal for Seeding on SSLT's Kackley Parcel
Email Query by Stenberg
November 15, 2012

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

**Bear River ECC
Record of Email Voting
Approve November 2012 Meeting Notes
Query by Hugentobler, Dec. 18, 2012**

Date: Tue, 18 Dec 2012 15:24:22 -0700 [12/18/2012 03:24:22 PM MST]

From: [Miriam Hugentobler <yazoo@xmission.com>](mailto:Miriam.Hugentobler@xmission.com)

To: [Lynn Van Every <Lynn.Vanevery@deq.idaho.gov>](mailto:Lynn.Vanevery@deq.idaho.gov), [Paul Burnett <pburnett@tu.org>](mailto:pburnett@tu.org), [Jim DeRito <JDeRito@tu.org>](mailto:JDeRito@tu.org), [Marv Hoyt <mhoyt@greateryellowstone.org>](mailto:mhoyt@greateryellowstone.org), [Kevin Lewis <kevin@idahorivers.org>](mailto:kevin@idahorivers.org), [Lee Mabey <lmabey@fs.fed.us>](mailto:lmabey@fs.fed.us), [Blaine Newman <blaine_newman@blm.gov>](mailto:blaine_newman@blm.gov), [Hunter Osborne <hosborne@shoshonebannocktribes.com>](mailto:hosborne@shoshonebannocktribes.com), [Susan Rosebrough <susan_rosebrough@nps.gov>](mailto:susan_rosebrough@nps.gov), [Dave Teuscher <david.teuscher@idfg.idaho.gov>](mailto:david.teuscher@idfg.idaho.gov), [Charlie Vincent <charliev@xmission.com>](mailto:charliev@xmission.com), [Cary Myler <cary_myler@fws.gov>](mailto:cary_myler@fws.gov), [Kirk Rich <krich@idpr.idaho.gov>](mailto:krich@idpr.idaho.gov), [Mark Stenberg <mark.stenberg@pacificcorp.com>](mailto:mark.stenberg@pacificcorp.com)

Cc: [Eve Davies <Eve.davies@pacificcorp.com>](mailto:Eve.davies@pacificcorp.com), [Arn Berglund <Arn_Berglund@blm.gov>](mailto:Arn_Berglund@blm.gov), [Warren Colyer <wcolyer@tu.org>](mailto:wcolyer@tu.org), [Claudia Conder <claudia.conder@pacificcorp.com>](mailto:claudia.conder@pacificcorp.com), [Connely Baldwin <connely.baldwin@pacificcorp.com>](mailto:connely.baldwin@pacificcorp.com), [Jack Kolkman <Jack.kolkman@pacificcorp.com>](mailto:Jack.kolkman@pacificcorp.com), [Glen Pond <glen.pond@pacificcorp.com>](mailto:glen.pond@pacificcorp.com), [Corey Lyman <clyman@fs.fed.us>](mailto:clyman@fs.fed.us), [Greg Mladenka <Greg.Mladenka@deq.idaho.gov>](mailto:Greg.Mladenka@deq.idaho.gov), ["Yvette A. Tuell" <ytuell@sbtribes.com>](mailto:ytuell@sbtribes.com), [Arnie Brimmer <abrimmer@idfg.idaho.gov>](mailto:abrimmer@idfg.idaho.gov), [David Kampwerth <David_Kampwerth@fws.gov>](mailto:David_Kampwerth@fws.gov), [Dan Miller <dan_miller@nps.gov>](mailto:dan_miller@nps.gov), [Kevin Colburn <kcolburn@amwhitewater.org>](mailto:kcolburn@amwhitewater.org), [Andrea Santarsiere <asantarsiere@greateryellowstone.org>](mailto:asantarsiere@greateryellowstone.org)

Subject: Bear River ECC - Email Vote to Approve Nov Meeting Notes

ECC Members and Others,

Because the ECC will not be meeting again before the Draft 2012 Annual Report is due, we would like to approve the November 2012 meeting notes by email vote. They are attached for your review. Please respond at your earliest convenience.

We had an addition to the January agenda this morning. We will discuss the Cove water right non-use extension expiration at our next meeting. An updated agenda is attached.

Also attached is an ECC draft 2013 calendar. We will review the calendar and make any necessary adjustments at the January meeting.

Miriam Hugentobler
Bear River ECC

**Results of ECC Member Voting
Approve November 2012 Meeting Notes
Email Query by Hugentobler
December 18, 2012**

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

Attachment 2: ECC's 2013 Calendar

Bear River ECC Calendar of Activities - First Half of 2013	
Nov 14 (Wed)	Final ECC Meeting of 2012
Jan 7 (Mon)	Email news release announcing availability of 2013 grant funds
Jan 14 (Mon)	2012 Annual Report to ECC for 30-day review
Jan 16 (Wed)	Regular ECC Meeting - Pocatello
Feb 8 (Fri)	Grant funding proposals – short forms due from ECC sponsors to Stenberg & Hugentobler
Feb 13 (Wed)	2012 Annual Report – end of 30-day review – ECC comments due
Feb 20 (Wed)	ECC Meeting Date – Review short forms and assign sponsors as needed.
Feb 22 (Fri)	Print-ready copy of 2012 Annual Report due
Mar 1 (Fri)	Annual Report due to FERC (electronic filing); Funding proposal long forms due from project sponsors to Stenberg & Hugentobler
Mar 13 (Wed)	Funding subcommittee ranking meeting – Pocatello
April 17 (Wed)	Regular ECC Meeting – Pocatello or Grace - ECC votes on Funding Subcommittee recommendations. Recommendations go to PacifiCorp for review/approval
Jun 19 (Wed)	Regular ECC Meeting – Grace – Hear PacifiCorp’s decision on 2013 projects.
	Other dates, third Wednesday in August, October and November.