

**Bear River ECC
Final Meeting Notes
June 19, 2013
Rocky Mountain Power Offices, Preston, Idaho**

ECC Members Present

Mark Stenberg, PacifiCorp
Lynn Van Every, Idaho Department of Environmental Quality
Marv Hoyt, Greater Yellowstone Coalition
Cary Myler, U.S. Fish and Wildlife Service
Jim DeRito, Trout Unlimited
Corey Lyman, U.S Forest Service

Others Present

Eve Davies, PacifiCorp
Tom Lucia
Garry Ratzlaff, Sagebrush Steppe Land Trust

By Phone

Connely Baldwin, PacifiCorp
Charlie Vincent, American Whitewater

Commitments Made at the June 19, 2013 Meeting	
All	<ul style="list-style-type: none"> • Interested ECC members - Participate in field review of Station Creek project area tentatively scheduled for July 25 – Stenberg to confirm date. • Plan to discuss fish passage at Oneida.
Stenberg	<ul style="list-style-type: none"> • Contact Steven Smith to coordinate field review of Station Creek project area. Confirm date and email ECC members. • Follow up with SSLT on developing a short forms for several new potential conservation easements • Circulate long form and ranking sheet (from Davies) for the second unnamed spring project to ECC members for consideration. Call for an email vote on the project. • Circulate a letter of intent and scoping document for the Davis property to the ECC. • Circulate SSLT’s annual funding request and call for an email vote. • Prepare a draft conservation easement statement and route to ECC members for comment. • Add 5-year water bank discussion task to CMS for the Cove Water Right..
Vincent	<ul style="list-style-type: none"> • Speak with constituency about timing of whitewater boater flows. • Communicate Kimball Hatchery trespass concerns to whitewater boaters.
DeRito	<ul style="list-style-type: none"> • Meet with landowners and U.S. Fish and Wildlife Service regarding potential corrective action needed on the Roy and Max Bunderson fish screen projects. Follow up with Bear Lake Water Conservancy District on release of remaining funding. • Submit billing for Bonneville cutthroat trout trapping.
Conder	<ul style="list-style-type: none"> • Gather additional information on water banking—how many times can the 5-year cycle be renewed? (Add to August agenda)

Commitments Made at the June 19, 2013 Meeting	
Hugentobler	<ul style="list-style-type: none"> Update habitat enhancement project list.
Action items in blue have been carried over.	

Email Decisions Made since the Last Meeting

None.

Decisions Made at This Meeting

None.

Agenda Review

The day's agenda was reviewed. Information on a potential new conservation easement property was added to the land trust portion of the meeting. Stenberg added a discussion of ECC funding escalation later in the meeting.

Review of Previous Meeting Notes and Action Items

April notes were approved without changes. Action items were reviewed. Items carried over appear in blue in the summary table, above. Van Every recommended field review of the Station Creek project area. Field review was tentatively scheduled for July 25. Stenberg will confirm the date and landowner permission with Steven Smith and email ECC members. Review will consist of a watershed walk-through.

Operations and Compliance Plan - Baldwin

Baldwin (PacifiCorp) discussed final revisions to the 2013 Operations and Compliance Plan regarding publishing of gage data, as discussed at the April ECC meeting.

Baldwin said USGS will perform an additional check on measurements and will review data yearly. Rating table development (e.g., making adjustments for moss) will also be improved. Additional software is anticipated—Baldwin will be working on this. There will be more frequent updates to the rating table, he said. Baldwin said PacifiCorp will publish gage data and it will be available on the USGS site as well. Van Every asked how many gages were involved. Stenberg said four gages.

2013 Whitewater Boater Flows

Stenberg reported on the estimated number of boaters using the river during 2013 scheduled whitewater boater flows. He noted that a whitewater festival was held during the three-day boater flow in April.

- April 13 and 14 – 40 boaters on Saturday, 15 on Sunday
- April 26, 27 and 28 – 100 boaters each day
- May 18 and 19 – 12 boaters on Saturday, 8 on Sunday
- June 1 and 2 – 8 to 10 on Saturday, 12 on Sunday

Stenberg said he would like to improve the accuracy of boater counts. Davies said she did not believe boaters would object to signing in.

Stenberg reviewed an email update provided by Teuscher (IDFG) on that organization’s ongoing whitewater boater flow fisheries study.

- Five of 39 radio telemetry tagged fish are no longer in the study area. Their disposition has yet to be determined.
- Many of the PIT tagged BCT moved downriver immediately after being stocked.
- To date, one of the 600 PIT tagged BCT was entrained into the Gentile Valley Irrigation Canal.

Vincent asked if [boater] participation numbers were numbers people could live with. Stenberg said that from a company perspective, it appeared that the first two weekends are being utilized, the last two, not so much. He said he still thinks—as he has previously stated—that two weekends are plenty for current demand and he would still like to see two weekends be the program, adding more as use increases. Vincent noted that April flows are more popular with boaters because nothing else is flowing at that time. There is more competition during later flows, he said. Stenberg said that he was aware of that from previous discussions. Vincent, stated that he would like to see flows continue as is, but perhaps with more early flows, then trailing off. Vincent said he will talk to others, but it seems data are suggesting that earlier is better. Myler said that is also better for BCT.

Conservation Hatchery Update – Teuscher by Email

Stenberg reviewed an email update on the Conservation Hatchery provided by Teuscher.

- Total green eggs taken to date = 32,414
- Production goal is 20,000
- Stocked 7,357 this spring and holding the rest for fall planting to reduce bird predation losses

Stenberg noted that BCT are abundant in Kackley Springs right now.

Project Updates

2012 Habitat Enhancement Projects

Cottonwood Creek – DeRito said redesign of this screen is being addressed. The screen has been changed from single to two-paddle design. He said he has held a prebid tour with potential contractors

and expects bids soon. DeRito said plans were to proceed with Davis, and potentially Treasureton as well. He will be reviewing the funding required and would like to see them mobilize together.

Stenberg said the **Dalene Smith Bear River Fencing** project was on hold due to funding issues and the **Hansen** fencing project was probably not moving forward. Other 2012 projects are now complete. He reported that money from **the maintenance/overrun fund** was spent on fish screen repairs.

In regard to the **Paris Creek (Roy Bunderson) fish ladder** – Myler said he had recently visited the project area and he is concerned that the ladder may not be working. He said he understood there is \$8,000 in funding for this project left with Bear Lake Water Conservancy District. He suggested that the funding be used to correct flow and improve this ladder's function. He said the Water Conservancy District is willing to do this – they just waiting for an OK from the ECC. Stenberg said there may be similar issues with the **Max Bunderson structure**. DeRito will take the lead and will meet with landowners and the Soil and Water Conservation District, then follow up with a letter to the conservation district.

2013 Habitat Enhancement Projects

Pearl Creek Reconnect – It was reported that this project may not move forward. This needs to be confirmed with Teuscher, the project sponsor. (After the meeting Stenberg confirmed with Teuscher that this project is underway. IDFG engineers met onsite during the previous week.)

Screen Repair – Stenberg said funds have been disbursed for this project.

Screen Tender – Work is underway.

Unnamed Spring – Work on this project is underway with plans expected this summer, permitting this fall, and construction to follow next year.

Steven Smith Bear River Fencing– No update was available for this project.

Keetch – Internal review by PacifiCorp is still underway.

BCT Trapping – Lyman said this project has been uneventful. Low water and irrigation came on at the same time. Now water is very, very low. Lyman reported capturing a trout hybrid and a large sucker but said they are not seeing BCT. He said they will keep the project running to see what happens, but it is just not a good year for a project of this type. He added that he believes there may be [fish] barriers at low water. However, during the course of the project they have been walking the project area and making contacts. Lyman said he will probably bring some projects in this area forward for funding in the future. DeRito said since the project is near completion, he will wait until it is done to invoice. Lyman estimated that it will probably go another month.

Myler shared photos of **Spring and Stauffer Creek**, which the ECC viewed as an overhead.

Escalation of Funds – Stenberg

Stenberg reported to the ECC a recently discovered problem with PacifiCorp's escalation of ECC funding. The Settlement Agreement payment amounts are all stated in 2002 dollars, which escalate yearly with payments, he noted. Stenberg said he started management of the funds in 2006 and was using escalated funding amounts provided yearly by PacifiCorp Asset Accounting. Jack Kolkman had recently asked him to explain how the escalation works. In the course of reviewing these records, it became apparent that North Umpqua figures had been linked to Bear River figures for several years (since 2009), and the conversion of these factors introduced errors. Also, it was discovered that the wrong base year was used when PacifiCorp Asset Accounting originally built the spreadsheet of escalation values. Other individual errors were found in particular years where the wrong values were used. These errors resulted in ECC accounts being underfunded by approximately 2 percent a year. Stenberg showed a corrected table as an overhead.

Stenberg said he will need to go back through the habitat enhancement and land and water funding accounts, which were underfunded every year, and figure the amount underfunded each year plus interest on those amounts. Stenberg expressed concern and apologized on behalf of PacifiCorp. He noted that some additional amounts will also go to BLM, etc. Some of the projects that were underfunded are closed now, he said, and he will get the amounts calculated and seek direction from the ECC on how it should be used.

Stenberg said it will probably be two months until he has everything worked up. Once he has the numbers he would like to have at least two ECC representatives review the updated funding accounts and escalation values with him. The representative need not be an actual ECC member but could be an auditor or accountant from a member agency or NGO. Stenberg said he believes the total underfunded amount will be approximately \$100,000. Hoyt suggested Andrea Santarsiere. Davies suggested Vincent.

Stenberg said he does not believe the program has suffered due to the underfunding but asked that ECC members let him know if they feel differently. Once accounting of the fund is settled, he said, he would like input on where the ECC would like to put the funding. It may be repaid over two years, he said, but these arrangements will be discussed. Stenberg again apologized and said he expects PacifiCorp to do a much better job on things like this. ECC members thanked Stenberg for reporting the issue to the ECC, and said they would have had no way of knowing otherwise. Van Every asked Stenberg if he would need to report FERC noncompliance. Stenberg said no, the requirement for escalation of funds is described in the Settlement Agreement and not the license, so it is not a FERC noncompliance issue. It will be resolved directly with the ECC.

Potential New Project – Stenberg

Stenberg discussed a new potential land and water project with the ECC. The project involves a large spring that originates on PacifiCorp property near the decommissioned Cove Plant. A map of the project area was shown as an overhead. Stenberg noted there is no fish passage into the spring from the river currently and the spring return has probably been altered over time. Stenberg showed a potential route

where the spring complex could be reconnected to the river on PacifiCorp land. He said he has prepared a long form for the project. Cardno Entrix, the consultant working on the other unnamed spring, could work on this project at the same time, he said, which could save money. He said he has discussed the project with Teuscher, who expressed approval of the project.

Stenberg said \$15,000 would be needed for a plan for the project, and total cost would be \$20,000. He reviewed the long form with the ECC via overhead. He said that voting could not take place today, as a vote had not been noticed. He will circulate the long form and ranking sheet to the ECC.

Hoyt asked about potential spawning habitat in the spring. Davies noted that the substrate is travertine and the area is mucky, as it was grazed for many years. However, there is some gravel present. Hoyt expressed concern about the travertine. Stenberg noted that Kackley was built on travertine, and there were no problems as yet. He said he feels quite a bit of spawning habitat could be created on PacifiCorp land in this area.

Lyman said it may be possible to work with Berglund to do the project on BLM land. It could be a simple EA, he said, and would offset the project just a couple of years.

Davies discussed a potential *Phragmites* eradication project on BLM property in the vicinity. Stenberg noted that there is also a land swap being considered in the area.

Stenberg said he will send out an email vote on the spring proposal. Davies will circulate the ranking form.

Land Trust updates

<Closed Session>

Next ECC Meeting

Next meeting will be held Wednesday, August 21 in Grace.