

**Bear River ECC  
Final Meeting Notes  
November 13, 2013  
Pocatello, Idaho**

**ECC Members Present**

Mark Stenberg, PacifiCorp  
Lynn Van Every, Idaho Department of Environmental Quality  
Lee Mabey, US Forest Service  
Arn Berglund, Bureau of Land Management  
David Teuscher, Idaho Department of Fish and Game  
Marv Hoyt, Greater Yellowstone Coalition  
Cary Myler, US Fish and Wildlife Service

**Others Present**

Jerry DeBacker, Sagebrush Steppe Land Trust  
Garry Ratzlaff, Sagebrush Steppe Land Trust  
Eve Davies, PacifiCorp  
Dave Pacioretty, Bureau of Land Management  
Greg Mladenka, Idaho Department of Environmental Quality

**Participating by Phone**

Kevin Lewis, Idaho Rivers United  
Jim DeRito, Trout Unlimited

<b>Commitments Made at the November 13, 2013 Meeting</b>	
All	<ul style="list-style-type: none"> <li>• <a href="#">Plan to discuss fish passage at Oneida.</a></li> </ul>
Stenberg	<ul style="list-style-type: none"> <li>• Rank Station Creek project and distribute to the ECC for comment and email vote (jointly with Davies).</li> <li>• Forward 15-minute data from the Oneida minimum flow nonconformance to ECC members.</li> <li>• <a href="#">Route DeRito's request for funding for Cottonwood screen construction (when available) to the ECC for approval process.</a></li> </ul>
Davies	<ul style="list-style-type: none"> <li>• Rank Station Creek project and distribute to the ECC for comment and email vote (jointly with Stenberg).</li> </ul>
Teuscher and Myler	<ul style="list-style-type: none"> <li>• Inform Stenberg of FERC filing on newly proposed Cub River hydro project.</li> </ul>
Vincent	<ul style="list-style-type: none"> <li>• <a href="#">Speak with constituency about timing of whitewater boater flows.</a></li> </ul>
DeRito	<ul style="list-style-type: none"> <li>• <a href="#">Submit request for additional funding for Cottonwood screens to Stenberg.</a></li> </ul>
Hugentobler	<ul style="list-style-type: none"> <li>• Forward ECC project monitoring forms to Teuscher, Myler</li> <li>• Draft 2014 project review calendar.</li> </ul>
Action items in <a href="#">blue</a> have been carried over.	

## **Review of Previous Notes and Action Items**

August and September meeting notes were approved without edits. Four action items from previous meetings were carried over (See table, above).

## **Decisions Made Via Email since Last ECC Meeting**

None.

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

See Land Trust updates.

## **Additions to the Agenda**

- Teuscher - A proposed new hydro development on the Cub River.
- Mabey – Western Native Trout Initiative
- Lewis - Bear River Narrows
- Stenberg - Minimum flow noncompliance event at Oneida.

## **Update on Station Creek – Van Every**

Van Every reported that Station Creek has now been BURPed (IDEQ's Beneficial Use Reconnaissance Program) twice. There is limited water in the stream, he said. Approximately 0.38 cfs was noted during field review. Fish collected included goldfish. There is some fish habitat in the lower portion, he said, but habitat is totally disconnected from the Bear. Some native fish, including Bonneville cutthroat trout (BCT), were also present. Teuscher said given all the limitations, the area will probably not be high priority for the ECC. Van Every said there could possibly be some spillage into the Bear in certain years, and there could be some possibility for native recruitment. There is just not much flow. DeRito asked about an irrigation canal that could possibly carry Mink Creek water into Station Creek. Mladenka said he was not sure. DeRito asked whether sedimentation was an issue and whether the ECC should consider an award for that, maybe less than the amount being requested. Hoyt said he believed the project may not rank high enough without direct benefit to BCT. Stenberg asked if the group wanted to proceed with ranking the project. Mladenka said it would be a good idea to rank the project for the purpose of talking to the proponents. Van Every said it probably wouldn't rank highly due to degraded habitat. He also noted that the 319 project being undertaken there would improve habitat. Mladenka noted that the habitat is isolated, so improvements would have limited impact. Teuscher suggested ranking and voting by email. Davies and Stenberg will work together to rank and distribute for comment.

### **Proposed Cub River Hydro Project - Teuscher**

Teuscher reported that the Cub River Irrigation Company is considering a new hydro project and has proposed moving its diversion up from the lower to the middle diversion on the Cub River. The canal company would like to bypass the lower diversion, he said, which is the site of ECC habitat enhancement projects. Idaho Department of Fish and Game (IDFG) and Idaho Department of Environmental Quality (IDEQ) visited the area, and sampled and took measurements in October. Teuscher said he estimates that stream segment has the highest density of naturally produced BCT in the system and IDFG has been planning to collect broodstock there for Riverdale. He noted there is new leadership at the canal company who seem to be taking a new direction and previous agreements do not seem to be in force. He expressed concern for the fishery and projects. Teuscher said the canal company's consultant has said they will be delivering a minimum flow proposal in the next three weeks and they have started discussions with PacifiCorp to purchase the power. Stenberg said those discussions would be with a different part of the company, which is likely unaware of the ECC's work in the area. Teuscher said the proponents will be filing for an exemption to the Federal Energy Regulatory Commission (FERC) and agencies like Fish and Wildlife Service can suggest stipulations. They will also be applying for a nonconsumptive water right. Teuscher said he was concerned that the exemption process is short and he was unsure when stipulations should be suggested. Mladenka asked if PacifiCorp would protest the proposal. Stenberg said it depends, that there is really no choice on power purchases and interconnects. Mabey said he was not sure the proponent is fully aware of the cost of infrastructure. Davies said an argument could be made to protest water rights applications that would damage the ECC's investment. Myler estimated that about \$750,000, not all ECC funding, have been put into that area. Stenberg asked how Teuscher heard about the proposed project. Teuscher said recent meetings. Teuscher said the proponent has not yet filed for the exemption and the project does not have a docket number. He noted that this is a new exemption process.

### **Western Native Trout Initiative - Mabey**

Mabey briefly discussed the goals of the Western Native Trout Initiative. He invited interested ECC members to stay after the meeting and discuss the initiative in more detail. He said he believes there will be a lot of partnership opportunities with the ECC. Focus is currently on Eightmile Creek, he said, and he foresees bringing forward a project in this area to the ECC.

### **Bear River Narrows – Lewis**

Lewis said he was providing information in follow up to an email he sent out about a month ago pertaining to Protected Areas, as designated by the Northwest Power and Conservation Council, and the Bear River Narrows. He said the Bear River Narrows had recently [1990] lost Protected Area status. There is now an open comment period regarding Protected Areas through November 20. He suggested that ECC members submit comments, and that it would be helpful to state that Bear River licensing work has improved habitat to the point that the Bear River Narrows should be protected. He noted that FERC has not permitted a dam in a Protected

Area. Stenberg asked Lewis to send the materials and background to him again and he will distribute them to the ECC. ECC members discussed sending individual comments versus a comment letter from the ECC as a whole. Teuscher and Van Every said they would still need to vet a letter from the ECC. Teuscher said he can prepare a letter, but some state agencies will have to run them through the state Attorney General's office. Hoyt noted that time is short.

### **Minimum Flow Noncompliance at Oneida – Stenberg**

Notice of this October 30 incident was made to ECC members via email prior to today's meeting. Stenberg said it occurred during a scheduled outage for installation of a breaker. There was a problem with the alarm due to software, he said, and as a result flows dropped below the required 251 cfs for one hourly average period, down to 240 cfs. This incident prompted a system review and this and other errors were subsequently caught and corrected. Stenberg offered to send 15-minute data to the ECC. Stenberg said that in accordance with the new Operations Plan (not yet approved by FERC), PacifiCorp will go to deadband compliance sooner, and a similar problem will be much less likely.

### **Project Updates**

DeRito reported that earthwork and infrastructure are now complete on the **Cottonwood Fish Screens**. A new Treasureton design was completed last month. DeRito said fencing will also be needed. Plans are to install the screens in early spring. DeRito said he anticipates applying for ECC funding for less than \$20,000 for fencing.

Stenberg reported that the **Steven and Dalen Smith** projects are both in place. **BCT Trapping** is done. **PacifiCorp Spring** projects: **Dead Horse Spring** plans are in, and may be discussed at the next ECC meeting. The project is on schedule with 50% spent. There are some engineering concerns with the **Cove Spring** project.

Stenberg noted there will be unspent habitat enhancement funding this year that will roll into 2014. About \$280,000 should be available for projects, he said, and asked ECC members to begin thinking of potential projects. Hugentobler will draft a project review schedule.

### **Conservation Hatchery – Teuscher**

Teuscher reported that IDFG has collected more broodstock, and the fish are in isolation while genetics work takes place. He said IDFG is on goal to have 20,000 BCT in queue for stocking. IDFG has also been sampling for BCT, looking for previously stocked fish. He said he was disappointed in the proportion of older fish, which suggests low survival of more recently stocked fish. Pit tag array data show some downstream movement of BCT. IDFG did not see a lot of entrainment by Gentile canal. This diversion doesn't seem to be a problem, he said, so he does not recommend prioritizing this diversion for screening. He said stocking was not as successful as IDFG had hoped but he estimates that fish numbers have gone from 0 to 100-200

fish per mile in this area. Stenberg said he has processed IDFG's 2014 conservation hatchery funding request.

**Fund Escalation – Stenberg**

Stenberg reported that the ECC's habitat enhancement and land and water conservation funds will reflect increased amounts due to funding escalation. He said he plans to seek direction from the ECC on where other fund amounts should go. Myler suggested the land and water fund, as habitat enhancement has had a surplus every year. Stenberg said discussion will continue.

**<Adjourned to executive session for land trust updates>**

**Next ECC Meeting:**

Wednesday, December 11.

A holiday lunch will be held, with meeting to follow in the afternoon.