

**Bear River ECC
Final Meeting Notes
February 18 & 19, 2015
Pocatello, ID**

February 18, 2015

ECC Members Present

Mark Stenberg, PacifiCorp
Lynn Van Every, Idaho Department of Environmental Quality
Jim DeRito, Trout Unlimited
Corey Lyman, U.S. Forest Service
Arn Berglund, Bureau of Land Management
David Teuscher, Idaho Department of Fish and Game
Charlie Vincent, American Whitewater
Kathy Rinaldi, Greater Yellowstone Coalition
Kevin Lewis, Idaho Rivers United, by phone

Others Present

Dave Pacioretty, Bureau of Land Management
Greg Mladenka, Idaho Department of Environmental Quality
Jerry DeBacker, Sagebrush Steppe Land Trust
Eve Davies, PacifiCorp
Ryan Hillyard, Idaho Department of Fish and Game
Tom Lucia, Interested Citizen
Kevin Colburn, American Whitewater, by phone
Bob Zimmer, Greater Yellowstone Coalition, by phone
Shana Murray, Federal Energy Regulatory Commission, by phone
Blaine Newman, Bureau of Land Management, by phone
Danny Miller, Bureau of Land Management, by phone
Dick Todd, Bureau of Land Management, by phone

Commitments Made at the February 2015 Meeting	
All	<ul style="list-style-type: none"> • Be advised of a planned field review of habitat enhancement projects on Feb. 26. Meet at Oneida boater put-in at 10 a.m. • Consider revision or amendment of the Comprehensive BCT Recovery Plan to include new information from Mabey. Schedule meeting time as needed. • Consider developing a demonstration installation of streambank stabilization solutions other than rock (Stenberg – information on new concept)
Grant Fund subcommittee	<ul style="list-style-type: none"> • Provide any additional information needed for 2015 habitat enhancement project applications, as identified at this meeting. • Be advised that the 2015 project ranking meeting will take place Wednesday, March 18. Project applications (long forms) are due to Stenberg and Hugentobler on Friday, Feb. 27.
Stenberg	<ul style="list-style-type: none"> • Report results of whitewater boater flow discussions to FERC. • Discuss Oneida project road with Pacioretty and Teuscher. • Follow up on practice sheet for Georgetown corral proposal.

Commitments Made at the February 2015 Meeting	
	<ul style="list-style-type: none"> • Speak with Baldwin regarding water temperature by the low level outlet and Hwy 34 bridge. • Check status of Tingey project. • Bring photos of Grace-Cove to next ECC meeting. • Provide Teuscher with a brief written description of the planned drawdown at Soda. Also consider placing informational signs at boat ramps. Coordinate press release for Soda Springs area, as 2015 drawdown is expected to be extensive.
Teuscher	<ul style="list-style-type: none"> • Regarding SNP marker proposal-check with and see whether this work can be included in the Broodstock budget and completed over more than one year, or perhaps one reach at a time.
Action items in blue have been carried over.	

Decisions Made Via Email Since the Last Meeting

- Approved draft notes from December 2014 ECC Meeting.

Decisions Made at This Meeting

- Continue the whitewater boater flow program as described in the Draft Agreement for Boater Flows: Extended Study Period and Adaptive Management: four weekends of scheduled boater flows between April 1 and June 5, with a down ramp rate of 1 foot per hour.

Review of Meeting Notes and Agenda

January meeting notes were approved with edits from Teuscher.

Edits to the meeting notes were discussed. Stenberg suggested that if additional clarifications are needed to the draft notes (i.e., something that was not stated in the meeting is added), then those clarifications be added as supplemental comments. The material would still be subject to review and approval by the ECC before notes are made final. General support was expressed for level of detail in notes. Mladenka said he would favor adding supplemental details in the form of footnotes.

Project Updates

Stenberg reported that the balance of funding for **Whiskey Creek** has been paid to the county. The 2014 **screen tender** award has also been paid. The purchase order for updating the engineering details to include a liner for the **Cove Spring Reconnect** is complete and ready to proceed.

He noted that the Oneida project road at the boater take-out is in rough shape. Pacioretty suggested that he and Stenberg discuss road issue further after this meeting. Teuscher noted that the road is dusty, and dust is going into the river. He suggested that paving be considered. A smaller group will break out and discuss this issue further.

Twin Lakes Bear River Narrows Project

Stenberg reviewed an email he sent to Robert Brochu (Army Corps of Engineers), regarding Stenberg's questions on Twin Lakes' 404 permit on PacifiCorp property. The question involved authority to process an application where the applicant does not have property rights and has not been granted eminent domain.

Conference Call with Shana Murray

Murray called in to answer the ECC's process questions on the Bear River Narrows project. Questions were submitted to Murray in advance via email.

1) What is the current schedule for preparation of the EIS?

The Draft EIS will be issued in mid-June, specifically June 15, Murray said. That is the regulatory deadline. Some issue could cause it to go beyond that date, but she does not believe that is likely to happen.

2) Will the EIS and its alternatives be coordinated with the Army Corp of Engineers?

Yes, an EIS that will meet the needs of both agencies is the goal, Murray said. The two agencies are still discussing this and trying to move forward with this approach.

Stenberg asked whether Murray has seen other cases where a 404 application was sought for an area where the applicant had no property rights. Murray said no, she has not. She said she is aware that some applicants wait for a license, then that gives them the right through eminent domain. The license allows applicants power to acquire rights and puts them in the "will have" category. This is usually done after the license is issued. As far as she knows, there is not yet a formal 404 permit application. Murray said the MOU between FERC and Corps is for dams and is intended as a guidance document. This project doesn't quite fit, she said, and in some cases it may not work. Murray said this is part of the reason they are still talking. It's a unique situation as the applicant is trying to do both processes simultaneously.

3) Will there be additional opportunities in the process to comment on the EIS at the draft or final stage?

Murray said public meetings will be set and FERC will take comments on the draft EIS there and during the 60-day comment period after the draft EIS is released. Then a final EIS will be issued. There will not be a formal comment period after the final EIS is issued, she said, but FERC will look at comments received between issuance of the final EIS and the license order. For instance, she said, something may change or happen (new information) in the period between the final EIS and the license order. She gave an example of a California project where three years passed between the final EIS and the license order. Davies asked about intervenor status. Murray said that is only allowed during the 60-day comment period. It is rare that it would be granted outside that window, she said. She noted that entities do not have to have intervenor status to comment. Rinaldi asked whether there is a protest period after the final, and if so, how long? Murray said she did not know of a formal protest period, but in the case of a rehearing request, intervenors have 30 days after the license is issued to request a rehearing. The final EIS will give recommendations, she noted, not make a decision. The license order is the decision document, she said.

4) How and when in the process will apparent impediments to the project be evaluated? For example,

a) BLM's statement that they cannot issue a R/W for the proposed project across a research natural area.

b) The Tribes statements about treaty right infringement on unclaimed federal lands.

c) Northwest Power Planning and Conservation Council designation as protected for wildlife.

Murray said she cannot comment on question 4. These issues will be addressed through the NEPA process, she said. Stenberg said that answered his question—he wanted to know when the issues would be addressed. Pacioretty asked about cultural coordination with the Tribes. He asked whether a FERC representative would be going before the Sho-Ban Business Council. Murray said that was done 5-6 years ago. Currently, FERC's cultural consultant is planning a teleconference with the Tribe, she said, but would go in person if requested.

5) With the required strict adherence to ILP timelines what part of the process allows comments to continue to be submitted to the record after the closing of the FLA comment period? Will these late comments be included in the process going forward?

Murray said there had been a comment period after the FLA, and it is now closed. Comments between now and the draft EIS may not be considered, as some time is needed to process and include those issues in the draft EIS. After the draft EIS is issued there will be another comment period, she said, and those comments will be addressed in final EIS. Stenberg noted that Twin Lakes (the proponent) submitted rebuttals significantly after the comment period closed while others were held to deadline. He asked why they were allowed to post rebuttals after the deadline had passed. Murray said according to ILP regulations, applicants have 40 days after the close of the comment period to respond to comments that were made. FERC is required to look at comments and also the applicant's response to those comments, she said. Teuscher noted that TLCC included additional letters from outside entities during that later timeframe. Murray said yes, it appeared that they used that time to gather additional letters of support for their project. We can't tell them how to address comments, she said. That's what they chose to use the option for. She noted that some applicants don't reply at all, and she thinks that is not wise.

6) Concerning condemnation authority that may go with a FERC license. Specifically,

a) In the event of license issuance what oversight process does FERC follow in the exercising of condemnation authority by the licensee?

b) Does the process require the applicant to prove financial resources/wherewithal to construct the project prior to issuance of a license?

c) If a FERC license is granted and the applicant has not proven/does not have the financial resources to construct the project will the applicant still be able to condemn properties, given the applicant may not have the means to construct the project?

Murray said a stay can be requested pending review of the license. It's a toss-up whether FERC would grant it. She said she has never personally seen that happen, but it is not impossible. However, she noted, the license gives a project proponent authority to construct and secure lands, even with review pending. Decisions are made on a case-by-case basis, she said. Murray said she could not say more, the issue will be addressed through the NEPA process. Davies asked whether this would be stated in the draft EIS. Murray said yes.

Miller asked about condemnation authority, specifically how broad is the scope. For example, if a public campground were inundated and the proponent offered to build a replacement on private property. Murray said if a license is granted, a proponent would have eminent domain within the FERC boundary. Outside the boundary, a proponent does not have that authority. She said sometimes the FERC boundary may include islands not connected to the project boundary; however, she is not saying that is the case here. Authority lies within boundary, she said.

Stenberg asked about water rights, 401, 404, and dam safety permits. Murray said that is a state issue, and FERC does not get involved. She noted that FERC doesn't have to wait for the state to issue any permits to proceed. But if a proponent can't get needed permits within 5 years, FERC may withdraw its license. Stenberg asked so a proponent can start to acquire property with issuance of FERC's license order, then have five additional years for other permitting? Rinaldi said if a proponent can't do the project within five years, won't that complicate land ownership in project area if they have condemned properties? Murray said she doesn't know the answer to that. Rinaldi said if there are draft articles, will this issue be addressed in the EIS? Murray said she would need to talk with a compliance officer, which is a different division within FERC. She said they have not looked at that issue during NEPA before.

Van Every asked what would happen if FERC issued a license, then a project is tied up in legal challenges that preclude them from meeting their five-year deadline. Murray said an agency must then request a stay, which FERC may or may not grant. This does not happen often, she said. It would be an extraordinary circumstance.

7) When in the process will FERC consider and respond to previous motions made to dismiss?

Stenberg noted that PacifiCorp has requested dismissal several times during this process, with no response. Murray said that's what this process is for, that's what NEPA is for. This will be decided in the EIS, she said. Murray noted that the process has been drawn out in the case of this project. She said all who have been involved are waiting for NEPA to get many of the issues that have been hanging out there resolved. She said FERC is looking forward to getting to the NEPA process.

Murray said she will investigate questions raised regarding eminent domain and will pass along what she finds.

Rinaldi asked whether an applicant can get an extension beyond the five years. Murray said they can apply, and FERC can approve or deny. She said she has only seen it approved in cases beyond the control of the applicant or in cases where something they should have been working on was not included.

Grant Fund Balances

Stenberg reviewed grant fund balances with the ECC. The Land and Water Fund currently stands at approximately \$1,298,000. With the addition of 2015 funding, about \$225,000 will be available in the Habitat Enhancement Fund for 2015 projects.

Land Management Plan

Stenberg discussed upcoming work associated with recent updates to the Land Management Plan (LMP). Updates to the LMP were approved by FERC last year, he said. One big change to the language in the LMP had to do with where riparian protection measures were installed in the Oneida Canyon. The Settlement Agreement states, 'install measures to protect riparian areas within the FERC boundary.' It

wasn't practical during implementation to install these license-required measures on the FERC boundary, as it would have left the rest of the property open to trespass grazing and would have inhibited recreation access to the river. The LMP and Oneida Site Plan have always covered all of PacifiCorp's property in the Oneida Canyon. Oneida riparian protection fencing was installed at the outer property boundary. He said the Oneida Site Plan will be updated to agree with the updated LMP. In addition, Stenberg discussed that per options for implementation of the Oneida Site Plan, leases were not renewed. The planned update to the Oneida Site Plan is intended to bring it consistent with Grace and Soda after the decision to discontinue leasing was made. At Soda, large areas of leased lands were kept out of the FERC Boundary and at Grace, where only small leased areas remained, the FERC Boundary was placed on the property boundary. The ECC must review and approve the site plan, which will then be filed with FERC. He said changes will be similar to language in the LMP already approved by the ECC and FERC. Also, he said, in 2014 FERC requested an updated Exhibit G for Oneida because of changes in the reporting of federal acres. This is due by May 29. PacifiCorp will take this opportunity to update the Exhibit G FERC Boundary to be consistent with Grace and Soda and to include all implementation measures and planning areas included in the Oneida Site Plan and the LMP. The updated FERC boundaries will be on PacifiCorp's property lines, he said. The boundary will also be adjusted to include a project access road on BLM that is just outside of the current FERC Boundary. Stenberg said PacifiCorp will be submitting a letter to FERC that details why changes are being proposed.

2015 Habitat Enhancement Projects – Proposal Review

The following habitat enhancement project proposals have been submitted for consideration at the 2015 ranking meeting:

Proposal	Request	Total Cost	Applicant	Sponsor
Whiskey Creek Spawning Channel	Not Available	Not Available	Kent Clegg	Teuscher
SNP Markers for Bear River BCT	\$20,000	\$20,000	Matt Campbell	Teuscher
BCT Flow Monitoring	\$10,000	\$15,000	Teuscher	Teuscher & DeRito
Red Point ADA Fishing Platform	\$15,000	\$25,000	Blaine Newman	Teuscher
Cub River Flow and Habitat Monitoring	\$35,000	\$35,000	DeRito	DeRito & Teuscher
Davis Diversion	\$10,000	\$13,500	DeRito	DeRito
Georgetown Summit Corral Relocation	\$27,000	\$55,000	Bryce Crane	Van Every
Jensen Bear River Fencing	\$2,500	\$5,268	Lyla Dettmer	Van Every
Mussler Bear River Fencing & Stabilization	\$58,300	\$77,850	Lyla Dettmer	Van Every
Nounan Road Corral	\$5,000	\$10,000	Sean Bartschi	Lyman
Eightmile Passage	\$40,000	\$80,000	Lyman	Lyman
Alleman Diversion and Stream Restoration	\$700	\$1,400	Paul Alleman	Lyman
Springs Alternative Analysis	Not Available	Not Available	Stenberg	Stenberg
Kackley Creek Renovation	\$20,000	Not Available	SSLT	Stenberg

Proposal Review

ECC members reviewed the proposals to identify any additional information needed and assign sponsors as needed. Sponsors are shown in the table, above.

Whiskey Creek Spawning – Teuscher said this project would be located on Nathan Hale’s property. There currently seems to be no natural production of Bonneville cutthroat trout (BCT) in this area, he said. The area is currently silted in. Project costs are not yet available, Teuscher said. He has engineers reviewing flows, etc. to know whether cfs will be limiting. He said he would like to develop a more specific plan for the project. Teuscher said he believes it is about a \$20,000 project. He said he believes this one site should seed Whiskey Creek all the way to the Bear River, so no further stocking would be needed in this area. Davies asked whether there was gravel onsite. Teuscher said he would bring it in. IDFG would be a project partner (i.e., could haul gravel up in dump truck). The project has the added benefit of being located on a spring system. Teuscher said he will be updating this proposal prior to the ranking meeting, and it may be a late submittal. Mladenka had a comment on the pipe and said he thought an open conveyance to the spawning area might do better. He also commented that it would be useful to have a control device at the channel’s entrance that would facilitate flushing of fine sediments via higher flows, as needed to keep spawning gravels clean. DeRito asked whether other trout were present in the system.

SNP Markers – This project will involve collection and lab work, Teuscher said, but there would be some savings from use of this new technique. He said IDFG has already done this for Chinook and steelhead. Teuscher said that genetic analysis is completed for all fish spawned, both for hybridization and relatedness. Stenberg asked about timeframe. Teuscher said this year. Stenberg asked if this work could come out of the broodstock budget and be spread over two years, or perhaps one reach per year. Teuscher will ask.

BCT Conservation Flow Monitoring Station - This project is for the Cub River. Teuscher said it is not yet firm but if things go as hoped, there will be a need for flow monitoring stations on the Cub River. DeRito said his proposal would include baseline. Two stations would be involved, below diversions. Teuscher and DeRito will work together to develop the project application.

Redpoint ADA Boat Launch/Fishing Platform – Teuscher said he visited the project site and this turned out to be a good location which also connects to a new ADA accessible bathroom. The structure will be functional under most flow scenarios, he said. He said it is a good project but not the kind of project the ECC usually funds. He said he is not sure how it will rank but would create goodwill.

Cub Flow Monitoring – DeRito will work with Teuscher on this project.

Davis Diversion – DeRito said this project includes installation of a rock weir, diversion structure, headgate, and paddlewheel. He said he talked to Lori Stone, who is working on a timber project in the area, and the ECC could potentially partner with them on this project. However, they aren’t quite ready to proceed as they have not chosen an alternative. The scope of the project may bump up if this happens.

Georgetown Corral – Stenberg said more information is needed on this project prior to the ranking meeting. Specifically, the practices sheet is needed to see breakdown. Also need to inquire about grazing. Mladenka asked about specifying wildlife friendly fencing. Rinaldi asked if the ECC specifies this

type of fencing on ECC projects and said the group should consider it. Stenberg said not currently. Sponsorship of this project was changed to Van Every, working with Steven Smith.

Jensen Bear River Fencing – This is a Bear River fencing project. Van Every will sponsor, working with Steven Smith

Mussler Bear River Fencing – This is a Bear River fencing project. Van Every will sponsor, working with Steven Smith. Davies noted a bald eagle nest in the area.

Kackley Springs Renovation – This is a proposal for a plan to renovate Kackley Springs from Sagebrush Steppe Land Trust. Though primarily a plan, the project would include installation of gravel. Stenberg said he will need a breakdown on these elements. Mladenka said he thought a planting plan was not really needed, as we already have the needed expertise on the ECC. He said he would rather see the money spent on plants, or perhaps a pilot project in which different things are planted to see what works best at the site. Davies noted that plans don't always rank well and are difficult to rank. Stenberg said the PacifiCorp landscape architect had already planted several different things at the start of the project and the status of those plantings could help inform a decision. DeRito suggested using USU's landscape architecture program as a resource, citing their Logan River project.

Cove Springs – Stenberg said this project includes site assessment and analyzing BCT spawning potential at three potential sites:

- Sant Pasture – Would need to figure out the best way to get water back to the Bear River. This is partially on the BLM parcel purchase.
- Cove Upper – This is the southern BLM piece, discussing IDFG lease.
- Oneida Bypass- More information is needed on water that seeps in here. Plus 1 cfs related to leakage from dam. More information is also needed on water quality. If feasible, this would be a quick and relatively inexpensive project. Teuscher said he would want to look at water chemistry and temperature before proceeding. Van Every said probes could be used, and in 6 months would have the needed temperature data.

Field review of these sites is scheduled for February 26. Those interested should meet at the Oneida boater put in at 10 a.m. Stenberg will send an update on the calendar.

Nounan Road Corral – This is a water quality proposal sponsored by Lyman. The project would pipe the stream under a more confined feeding area. The unnamed stream connects with Stauffer Creek during high flows. Van Every said IDEQ objects to piping of live streams and suggests change in practices instead. Mladenka said fencing both sides of the stream would be preferable to piping.

Eightmile Passage Project – Lyman said the Forest Service recently conducted passage studies of a few drainages, looking at culverts that might be fish barriers. This project is intended as a placeholder to address some of those issues, he said.

Alleman Diversion and Stream Restoration Project – Lyman said this is a maintenance project to replace some fencing wire on a previous ECC project. Stenberg questioned who should be responsible for maintenance of the fencing. Lyman said the proposal is for purchase of materials, the landowner will install.

DeRito asked whether the **Cub River channel restoration project** approved last year but put on hold could now move forward. Stenberg said yes, with agreement from the ECC.

Black Canyon Boater Flows - Extended Monitoring Results

Water Quality

This report on extended monitoring of water quality during boater flows in the Black Canyon was presented to the ECC as a Powerpoint by Mladenka, IDEQ. The presentation is attached separately and is posted on the Bear River ECC's website (<http://www.pacificorp.com/es/hydro/hl/br.html#>, under Project Documents). Some explanatory notes from the meeting are included below:

Maximum Turbidity – Mladenka said turbidity was worst during the first year. Turbidity was also high the next year, but not as high, and has been lower since the third year. Turbidity is highest on the first day of boater flows, followed by big drop (400 – 800 NTUs). He said he expects this trend will continue. Lower turbidity in 2012 may be related to higher-than-normal flows, including opportunistic flows during 2011. Colburn said this is a pretty typical pattern for bypassed reaches—so this is normal.

Duration > NTUs (hours) – Mladenka noted that 2012, 2013, 2014 boater flows included nighttime flows. Van Every said this is good data set and it appears that adaptive management has met our needs.

Total Suspended Sediment Loads > Background for WWBF 2008-2014 – Mladenka said TSS loads appear to have come down and settled quite a bit. He noted that a lot of the sediment is organic – it doesn't settle out, and you can smell it. Colburn said it seems that this has shown that boater flows have removed sediments that otherwise would just sit there and pile up. Stenberg noted that sediment is there and something would move it eventually, like a plant trip, etc. With boater flows and adaptive management, peaks are being reduced. So there is a positive aspect.

Mladenka and Van Every said they believe compromise goals for water quality have been met.

Temperatures at the low level outlet and Highway 34 bridge were discussed but were unrelated to boater flows. Mladenka said data show an increase of up to 2 degrees over a short distance and it is not clear why this is happening. Stenberg said he will speak with Baldwin about this phenomenon. Vincent said temperature should be going down because of the aeration that is occurring here, but it's not. Mladenka said he will also do some additional correlation/analysis. Teuscher said a possible solution may be to install a pipe and pipe water into the river rather than spraying it.

Adjourn until 9 a.m. tomorrow.

February 19, 2015

ECC Members Present

David Teuscher, Idaho Department of Fish and Game
Lynn Van Every, Idaho Department of Environmental Quality
Jim DeRito, Trout Unlimited
Corey Lyman, U.S. Forest Service
Mark Stenberg, PacifiCorp
Charlie Vincent, American Whitewater
Kathy Rinaldi, Greater Yellowstone Coalition, by phone

Others Present

Ryan Hillyard, Idaho Department of Fish and Game
Greg Mladenka, Idaho Department of Environmental Quality
Eve Davies, PacifiCorp
Jerry DeBacker, Sagebrush Steppe Land Trust
Kevin Colburn, American Whitewater, by phone

This report on extended monitoring of Bonneville cutthroat trout (BCT) during boater flows in the Black Canyon was presented to the ECC as a Powerpoint by Teuscher, IDFG. The presentation is attached separately and is posted on the Bear River ECC's website (<http://www.pacificorp.com/es/hydro/hl/br.html#>, under Project Documents). Some explanatory notes from the meeting are included below:

Teuscher thanked ECC members for their patience while extended monitoring was conducted. He said he believes we are in a much better position to make decisions than we were three years ago and thinks the extended monitoring process has been valuable.

Grace Dam to Walking Bridge - Pit tagging and radio telemetry were used. Some fish were released in spring, some were released in fall. IDFG also had access at a private hatchery mid canyon. IDFG crews used a barge and fixed arrays to track fish and were able to gather a lot of data before and after boater flows, Teuscher said. Single-pass data were gathered after the first year. Radio-tagged fish came from two sources: fish raised in the hatchery and fish captured in the river and tagged.

For the purpose of this study, Teuscher said, fish displacement was considered to be tagged fish found below Grace Dam. However, all fish later found below Grace Dam were dead. Over half the telemetry tagged fish disappeared from the study area during the first month and did not come back—predation was a factor—they were leaving the study area. Radio-tagged fish were all over a year old. Tracking pre and post whitewater boating flows did not show a large number of fish being displaced.

Teuscher said in reviewing the tracking data, he saw no clear evidence that radio-tagged fish were being washed out of the study area during whitewater boater flows.

2012 Telemetry Tracking Locations – Data showed that a large section of the Black Canyon is not utilized by BCT - from Turner Bridge to the private hatchery. Teuscher said he believes this is due to high water temperatures. This also showed up in 2013 tracking locations.

BCT Tracking and Thermal Imaging - There are some large sections of the river that are too warm for BCT (lethal temperatures). Fish appear to be finding areas where there are inputs of cool water from springs and are persisting there.

PIT Tagging – Pit tagged BCT released were from the broodstock program. IDFG released fish at Grace Dam only the first year (N = 300) and used fixed array to detect downstream movement. No data were gathered from 2012 – fish did not pass the fixed array. Equipment was not working well but Teuscher believes the fish stayed above the array, in cool water. Next year IDFG stocked at Grace Dam and the

footbridge. Picked up the fish stocked at the footbridge the next year, still none that were stocked at the dam were found at the downriver array. During 2014, there were a lot of fish above the array before the first boater flow (notably more). So best data is from that year. As with radio-tag data, no consistent downstream movement was associated with whitewater boater flows on pit-tagged fish.

Irrigation Diversion Entrainment Study – IDFG tracked fish released from the broodstock program to see whether they were getting entrained at Gentile Valley Canal. Teuscher said a very, very low percentage of released fish were being entrained at this relatively large diversion. These findings guided a decision to not screen the Gentile diversion, he said, and similar studies should be completed before serious consideration of any large, expensive fish screens. Three-year studies are typical. DeRito pointed out that context is important when considering whether to screen a given canal.

BCT Abundance – BCT abundance in the Black Canyon appears to be low. A reasonable goal without limiting factors might be 600 fish per mile. IDFG reports finding about 20 fish per mile. Mortality and downstream movement are factors.

Condition of BCT Sampled - 80-83. 95-105 = good condition, 70s = starving to death. 80-83 is marginal condition. Fish may be competing for food.

Conclusions – Whitewater boater flows did not appear to have a significant impact on BCT in the Black Canyon.

Moving forward, IDFG will be releasing hatchery BCT from the footbridge, in the fall to increase survival rate. Primary limiting factors for BCT in the Black Canyon appear to be bird predation, water temperature, flow management and non-native species interaction.

Teuscher said he wonders about the impact of required minimum instream flows below Grace Dam and said cool water is needed to improve fisheries in the Black Canyon.

Minimum Flows – The possible impact of minimum flows was discussed. Davies asked if the fishing is better, or the fishery? Mladenka said the fishing experience has definitely changed. Teuscher said a lot of other things benefit from having water in the Black Canyon, and he is not advocating for a dry channel—but he wonders whether a smaller minimum flow is better. Flows were negotiated 15 years ago. Over the last 10 years, a lot has been learned. Further discussion may be warranted in the future, he said.

Whitewater Boater Flows - Recommendations

Teuscher said he doesn't see any need for change to the whitewater boater flow program based on findings during extended monitoring. He said whitewater boater flows appear to have very little impact on fisheries.

Van Every said he thinks changes to the boater flow program have met IDEQ's needs. He said he feels we can go forward with things as they are. He said he hope this meets the needs of the recreation community as well. Further discussion may be needed in the future, he said.

Teuscher said he thinks there have been benefits from night time flows, i.e., not going down to baseline.

Vincent said constraints have been placed on the duration of whitewater boater flows and more water at night has been specified. He asked if there are data to support whether the constraints are needed. He noted Teuscher's concerns about putting hot water down the river in July (summer). Mladenka noted that water temperatures are in the 20s by early June. We can look at all the years, he said, but he believes that's typical. Teuscher said he thinks later boater flow events make the area uninhabitable. Vincent asked about running a boater flow in the fall. He said there would be a great demand from the boating community. Mladenka said it would not likely create a big impact because of the Bear's flipped hydrograph, but fall boater flows would not be reflective of typical ecological conditions. Vincent said if it isn't possible to get more than 20 fish per mile in the Black Canyon, perhaps stocking efforts should be focused elsewhere. Stenberg said a fall boater flow had been looked at as a way to control turbidity but there may not be enough water available at that time. Teuscher noted that the water cools off slowly in the fall, so it would still be warm. Van Every noted that the water in the Bear River is coming out of Bear Lake, so temperature does not fluctuate as much.

Mladenka asked whether the boater flow program over last three years was agreeable to American Whitewater. Vincent said yes, compressing the program into spring was agreeable. Colburn said one change has been very helpful – scheduling of flows. This has increased use, he said. He said he thinks later season use would also be very well used, and the group may consider further discussion of this at a later date.

Mladenka said the impacts of boater flows to water quality are acceptable, but he could not say there is little impact to water quality. Colburn asked if whitewater boater flows actually help water quality. Mladenka said he could not say that, as whitewater boater flows are still exceeding state water quality standards on the first event every year¹.

Stenberg reviewed PacifiCorp's whitewater boater use numbers (see Attachment 2). He said PacifiCorp definitely wants to provide flows that are being used. He said there is a drop in user numbers with later flows. Vincent said moving the schedule up a week has been proposed as a solution. Stenberg said if more use is not seen on the last weekend, PacifiCorp may not want to continue it as a company. IDFG will continue to monitor the fishery. The ECC may consider moving one of the boater flows to the fall.

¹ Although water quality standards are still infrequently exceeded, whitewater boater flows certainly modify habitat in the bypass reach by flushing fine substrate downriver. This in turn results in different community structure (periphyton/plants and macrophytes) through the reach. The Oasis Black Canyon monitoring study (*Effects of the Variable Flow Regime on the Ecology of the Black Canyon of the Bear River, Idaho* [Oasis Environmental 2009]) indicated some such changes were occurring.

Stenberg said he will draft a letter to FERC to report on these meetings, attaching notes. He said he needs to report the ECC is still pleased with the program as it has been structured over the past three years, and has consensus to continue. He will also attach IDEQ and IDFG's presentations.

Stenberg asked for consensus to continue the whitewater boater flow program as described, and as it has been structured for the past three years. ECC members unanimously agreed. Consensus reached.

Meeting adjourned.

Attachment 1: Record of Email Voting – Approval of December 2014 Meeting Notes

**Bear River ECC – Record of Email Voting
Approval of December 2014 Meeting Notes
Query by Hugentobler
January 27, 2015**

From: Miriam Hugentobler [<mailto:miriam.hugentobler@gmail.com>]

Sent: Tuesday, January 27, 2015 4:41 PM

To: Arn Berglund; Cary Myler; Charlie Vincent; Dave Teuscher; Hunter Osborne; Jim DeRito; Kathy Rinaldi; Kevin Lewis; Kirk Rich; Lee Mabey; Lynn Van Every; Stenberg, Mark; Susan Rosebrough

Cc: Corey Lyman; Dan Miller; David Kampwerth; David Pacioretty; Davies, Eve; Greg Mladenka; Kevin Colburn; Ryan Hillyard; Scott Christensen; Warren Colyer

Subject: Bear River ECC - Approval of December Meeting Notes including edits

ECC Members and Others,

At our last ECC meeting we agreed to allow an additional week for review of the December meeting notes. Since then, I have received comments on the Land Trust portion of the notes from Trout Unlimited and Idaho Department of Fish and Game. The proposed edits are included as a redline in the Land Trust Updates (it has been proposed we instead call these notes Land and Water Fund Updates) attached to this email. No edits have been proposed to the regular open session meeting notes. They are attached for your convenience.

I am requesting an email vote to approve the notes with edits from TU and IDFG, as shown in redline. If you have comments that require additional discussion please let me or Mark Stenberg know as soon as possible. If you support approval of the notes as edited, please respond at your earliest convenience.

Thank you,

Miriam Hugentobler
Bear River ECC

**Bear River ECC
Record of Email Voting
Approval of December 2014 ECC Meeting Notes
Vote Called by Hugentobler, January 27, 2015**

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

Attachment 2 – PacifiCorp’s Whitewater Boater Flow User Counts, 2014

From: Stenberg, Mark
Sent: Monday, June 16, 2014 9:00 AM
To: Pharis, Devin
Subject: Boater Participation

Hi Devan, did you write down the numbers for 5/10-11? I didn't have them in my notes.

4/5 20-25
4/6 20-25

4/12 30
4/13 15

4/25 10-15
4/26 100+
4/27 50+

5/10
5/11

Mark Stenberg, MBA
PacifiCorp Energy
Hydro License Program Manager – Idaho
208 852-5507 office
208 547-7305 cell

From: Pharis, Devin
Sent: Monday, June 16, 2014 9:01 AM
To: Stenberg, Mark
Subject: RE: Boater Participation

5/10 had 12

5/11 had 2

Devin