

**Bear River ECC
Final Meeting Notes
April 15, 2015
Pocatello, ID**

ECC Members Present

Mark Stenberg, PacifiCorp
Lynn Van Every, Idaho Department of Environmental Quality
Jim DeRito, Trout Unlimited
Corey Lyman, US Forest Service
Arn Berglund, Bureau of Land Management
Dave Teuscher, Idaho Department of Fish and Game
Cary Myler, US Fish and Wildlife Service
Kathy Rinaldi, Greater Yellowstone Coalition

Others Present

Jerry DeBacker, Sagebrush Steppe Land Trust
Steven Smith, Idaho Department of Environmental Quality
Eve Davies, PacifiCorp, by phone
Bob Zimmer, Greater Yellowstone Coalition
Mark Davidson, Trout Unlimited

Commitments Made at the April 2015 Meeting	
All	<ul style="list-style-type: none"> • Be advised that field review at Kackley will be rescheduled for May. • 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"> • Notify 2015 project proponents of habitat enhancement project decisions. Successful applicants will receive grant award letters following PacifiCorp approval.
Stenberg	<ul style="list-style-type: none"> • Speak with DeBacker about ECC review/approval of plan for Kackley Creek Renovation project. • Discuss Oneida project road with Pacioretty and Teuscher. • Speak with Baldwin regarding water temperature by the low level outlet and Hwy 34 bridge. • Check status of Tingey project (Steven Smith to assist). • 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. Communicate any change to Teuscher so that he can consider planned fish releases in the area.
Myler	<ul style="list-style-type: none"> • Re-scope work on Fox project and bring changes to the ECC for approval.
Lyman	<ul style="list-style-type: none"> • Coordinate rescheduling of Kackley field review.
Action items in blue have been carried over.	

Decisions Made via Email Since the Last Meeting

- Approved February meeting notes with edits from Rinaldi, Mladenka and Teuscher.

Decisions Made at This Meeting

- Approved the Funding Subcommittee's recommendations for 2015 habitat enhancement projects in the amount of \$220,264.00 (Attachment 1).
- Approved draft updates to the Oneida Site Plan.

Review & Additions to the Agenda

The following items were added to the day's agenda:

- Reschedule of Kackley field visit.

Review of Action Items

Action items carried over appear in blue in the table above. Stenberg noted that reporting of whitewater boater flow meetings to FERC is complete and has been posted to the FERC website (in the eLibrary).

Project Updates

Cove Springs Project – Stenberg said this project will be completed in May.

Dead Horse Springs – Stenberg said three grade control structures were undercut and washed out and will be repaired.

Co-op Creek– Lyman said the bridge structure has been purchased and will be installed in August.

Stauffer Creek – Teuscher said IDFG is continuing to work with the landowner on this culvert. A pad may be poured over the top of the crossing. Engineers are working on weight loads to determine whether the culvert can support it. Cost is estimated at about \$3,000, for which IDFG plans to seek internal funding.

Tingey – Steven Smith will check in with the landowner for this project.

Fund Balance Review - Stenberg reviewed habitat enhancement projects with unspent balances, including Tingey, Stauffer and Spring Creek, Grace-Cove Springs, Cove Reconnect, Fox/Hoops, BCT Broodstock, Cub River Channel Restoration, Oneida Narrows boater takeout, and Sweers Bear River fencing. About \$242,000 is available for 2015 projects, he said.

Fox Fish Screen – Myler said the landowner does not want to proceed with this fish screen. Myler said he would like to work on riparian fencing instead. Myler will rescope the project and bring to the ECC for approval.

Wildlife Friendly Fencing

ECC members reviewed guidelines for wildlife friendly fencing with diagrams as an overhead. These guidelines were distributed to the ECC via email prior to the meeting and are included in Attachment 2. Teuscher noted that while guidelines for pronghorn are included, they are not a concern in the action area. Berglund said BLM uses 4 strand fencing. It was noted that BLM and USFWS both prefer smooth top and bottom wire. Stenberg asked whether buck and rail fencing is considered wildlife friendly. Myler, Berglund and Teuscher said yes. Stenberg said the guidelines will be included in fencing project awards.

2015 Whitewater Boater Flows

Stenberg reported that 2015 whitewater boater flows have started. He said a large group of boaters from Boise had come to use the first flows. He said that inflow to Soda is very low this year, and while it has come up a little, this is causing problems with boater flows outside the irrigation season—natural flows have to refill Soda at this time of year. He said boater flows have been rearranged accordingly and he has coordinated with American Whitewater (Vincent). Further changes may be necessary this year, such as cancelling Sunday flows over the 3-day weekend. Stenberg said Baldwin is monitoring and there is a possibility that PacifiCorp may make up the lost boater flows during irrigation season.

Annual Review of Decision-making Flow Chart

Stenberg reviewed the ECC’s decision-making flow chart (from Section 4 of the Settlement Agreement) as an overhead (Attachment 3). He also reviewed the Settlement Agreement language in regard to projects outside the action area. Stenberg said that PacifiCorp must approve such projects before action is taken by the ECC (he said he believes this is in regard to project implementation and noted that this is how the group has always proceeded). He said he believed there is no path to policy group on out-of-action-area projects¹. He said he would still like to speak with the attorney who drafted the language but this is his interpretation.

¹ After discussing with PacifiCorp legal counsel, Stenberg added the following clarification to correct his statements about ECC decision making for out of Action Area proposals.

Section 4.2 of the Settlement Agreement applies to the decision making process of the ECC within and outside the Action Area. The ECC may make decisions by consensus, vote and use the elevated decision process in Section 4.2 for outside the Action Area proposals that apply to Settlement Agreement Sections 3.1.4 and 3.1.5. The elevated process in Section 4.2.2 can be used if either PacifiCorp or at least two representatives to the ECC determine that a vote pursuant to Section 4.2.1 has resulted in a decision which is inconsistent with the Settlement Agreement, or the ECC’s failure to take a vote or approve a measure is inconsistent with the Settlement Agreement. However, if PacifiCorp opposes such measures it has the ability to reject them unilaterally, regardless of which steps were used in Section 4.2 to reach a decision supporting such actions.

Funding Subcommittee

The subcommittee met briefly to finalize its recommendations to the ECC for 2015 habitat enhancement projects. Recommendations are shown in Attachment 1.

ECC members reviewed the subcommittee's recommendations. Stenberg asked for approval. Recommendations were approved unanimously, consensus reached. Total approved is \$220,264.

Berglund expressed concern about removal of Russian olives in the Kackley area per the Kackley Creek Renovation project. He said shade from some of these trees may provide thermal refuge for fish. Also if leafless, dead trees left in place may provide perches for predatory birds. He said the ECC should consider whether some specific trees should stay in place for now and added that if trees are killed, they should be taken completely out. Stenberg said leaving Russian olives along the banks could prevent willows from establishing. Stenberg said the plan would include kill one year, lay over next year, then plant underneath to protect from browsing. Teuscher said the ECC should work with SSLT to steer the project in a good direction, i.e., use trees for cover and to protect new plants. Teuscher said he thinks cormorants could potentially be a problem. He asked that the ECC be allowed to review and comment on the master plan. Stenberg said that should be possible. He will speak with DeBacker. A field trip to the site will be rescheduled for May (Lyman to coordinate).

Oneida Site Plan Update

Stenberg reviewed redline updates to the Oneida Site Plan with the ECC as an overhead. Maps have been updated, he noted, including some changes to the FERC boundary. The single biggest update is to change agricultural leases to conservation land. Stenberg asked for ECC approval of draft updates to the Oneida Site Plan. Consensus was reached. He said the updated plan will be final when approved by FERC and explained the process. As part of the submission to FERC, he will include a redline of the original plan that shows the proposed updates, as well as notes from this meeting. A new Exhibit A is due to FERC May 29, he said. Also, in mid-May, the ECC will see new Exhibit Gs for Oneida and Soda with corrected acreages.

Paris Creek Update - Lyman

This was an informational presentation to the ECC by Lyman on Paris Creek. Lyman said there is quite a lot of water diversion (including hydro and irrigation) and dewatering of the stream as well as grazing impacts on the Forest. He said the Forest Service is putting together a proposal to improve stream function and riparian habitat. The project comment period is ongoing and implementation is scheduled for 2016. Lyman will plan to submit a project proposal in 2016. He noted that the Forest Service and partners (IDFG and Western Watersheds Project) did some fisheries and aquatic monitoring in Paris Creek in 2001 and 2012 that contrasted the dewatered reach to the reach below the hydropower facility. He would like to get all of the partners together to discuss conservation planning and actions in Paris Creek. The Paris Creek monitoring report will be posted to the Bear River ECC's website.

Nounan Reach Project Prioritization – Lyman

Lyman shared a Powerpoint presentation on a recent Forest Service survey of 13 road/stream crossings on Eightmile, Stauffer and Georgetown Creek. The surveys took place during 2014 to examine fish passage at these locations. (the report: Fish Passage Assessment at Road/Stream Crossings on the Nounan Reach, 2014 will be posted to the Bear River ECC's website). Two metrics were used to rate fish passage at a site. Using the San Dimas NIAP and regional fish passage screen, 85 percent did not meet criteria to pass fish, and hydraulic analysis was needed for the remaining 15 percent. Using FishXing (hydraulic analysis) all 13 of the crossings limit fish passage. Many of the crossings assessed likely provide fish passage when stream discharge is below the PK 1.5 event. At three sites, it is evident that fish passage is restricted during base flow conditions. Lyman said StreamStats hydrologic modeling was not applicable for use on Georgetown Creek. A third metric looked at crossing resiliency and results showed all culverts were undersized. He recommended that agencies work together to prioritize passage restoration at both irrigation and road crossings. This analysis is one more tool for the group to use when developing conservation actions in the Nounan Reach.

Van Every noted that fish probably only reach the culverts during high flow years. However, the study showed culverts only pass fish at lower flows. Lyman said this has not been limiting for brown trout in Georgetown Creek, which are producing well in the lower reach under these conditions.

The ECC adjourned to closed session for Land and Water Fund updates.

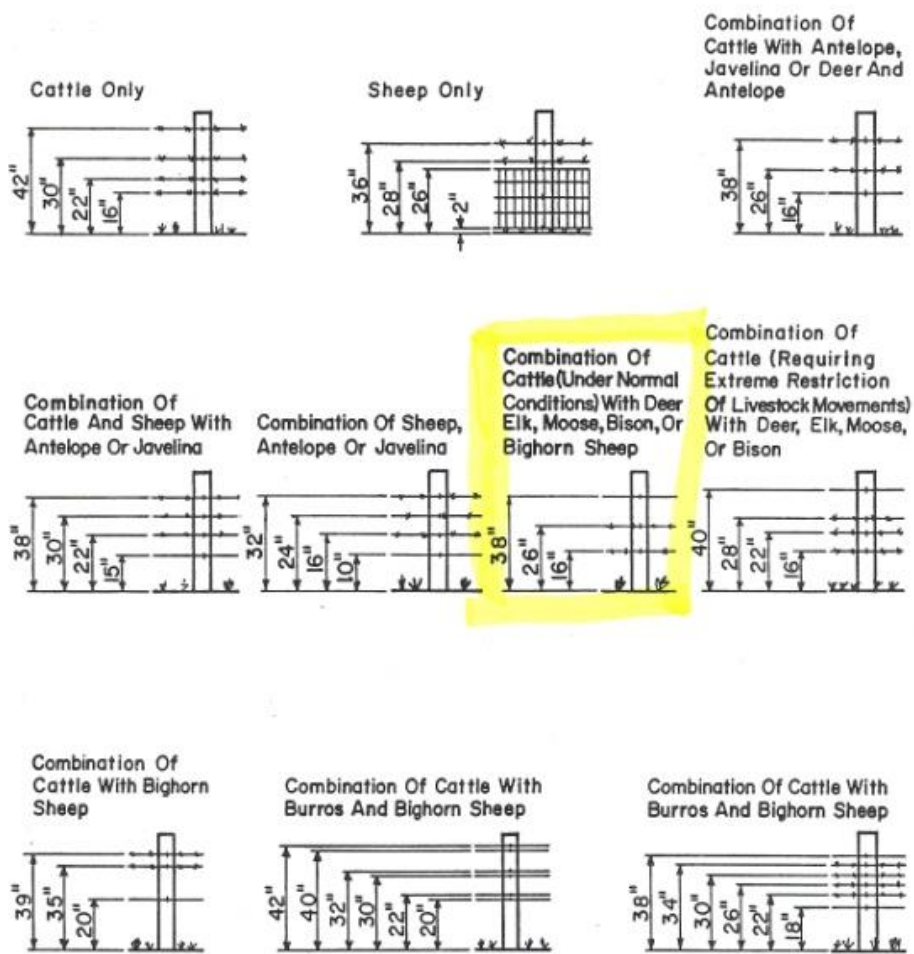
Next ECC meeting will be held June 17 at Grace and will include site visits.

Attachment 1: 2015 Habitat Enhancement Projects – Funding Subcommittee Recommendations

Bear River ECC 2015 Habitat Enhancement Projects Approved by the ECC April 15, 2015				
Project	Description	Ranking Score	Amount Requested	Amount Approved
Screen Tender 2015	Monitoring and maintenance of all fish screens on irrigation diversions within the action area of the license, Bear River drainage, Idaho. A few fish screens outside the action area are also maintained (i.e., Thomas Fork)	144 ¹	\$15,000.00	\$15,000.00
Cub River BCT Flow Monitoring	Install, maintain, and operate two flow monitoring stations on the Cub River.	140	\$20,000	\$20,000
Davis Diversion	Install a rock weir diversion structure, head gate, and new fish screen paddlewheel. Remove the ford and rehabilitate stream banks and canal.	139	\$18,000	\$18,000
Alleman Exclosure Fencing	Replace barbed wire on riparian exclosure fence with a heavier gauge wire.	132	\$6,750	\$6,750
Springs Alternative Analysis	Produce final construction plans for the restoration of three springs habitats for the benefit of native fish and other native avian and terrestrial species (Proceed with Oneida in 2015 [score 135], delay Sant [135] and Cove [130])	130	\$48,612	\$16,000
Whiskey Creek Spawning Channel	Design and install a spawning channel for BCT	130	\$58,054	\$58,054
Kackley Creek Renovation	Remove Russian olive trees, supply and install gravel for redd opportunities and silt reduction, produce a zoned vegetation plan and identify creek enhancement opportunities	127	\$20,000	\$20,000
Georgetown Summit Corral Relocation	Permanently remove all animals from existing winter feeding area, treat existing weeds and replant the entire area. Install 4500 ft of 4-strand wire fence along the Bear River, install stock watering facilities (7000 ft of pipeline, 3 troughs, 3 heavy use areas, and an inlet structure).	125	\$36,460	\$36,460
SNP Markers for Bear River BCT	Develop a set of 96 single nucleotide polymorphism (SNP) markers for the BCT broodstock program in the Bear River.	115	\$10,000	\$10,000
Maintenance Reserve				\$20,000
TOTAL				\$220,264.00
Not Ranked				
Red Point ADA Fishing Platform	Construct an accessible fishing platform, an accessible trail, and install post and cable barriers along the southern shoreline of the Bear River.	N/A	\$15,000	
1 – Used original ranking				

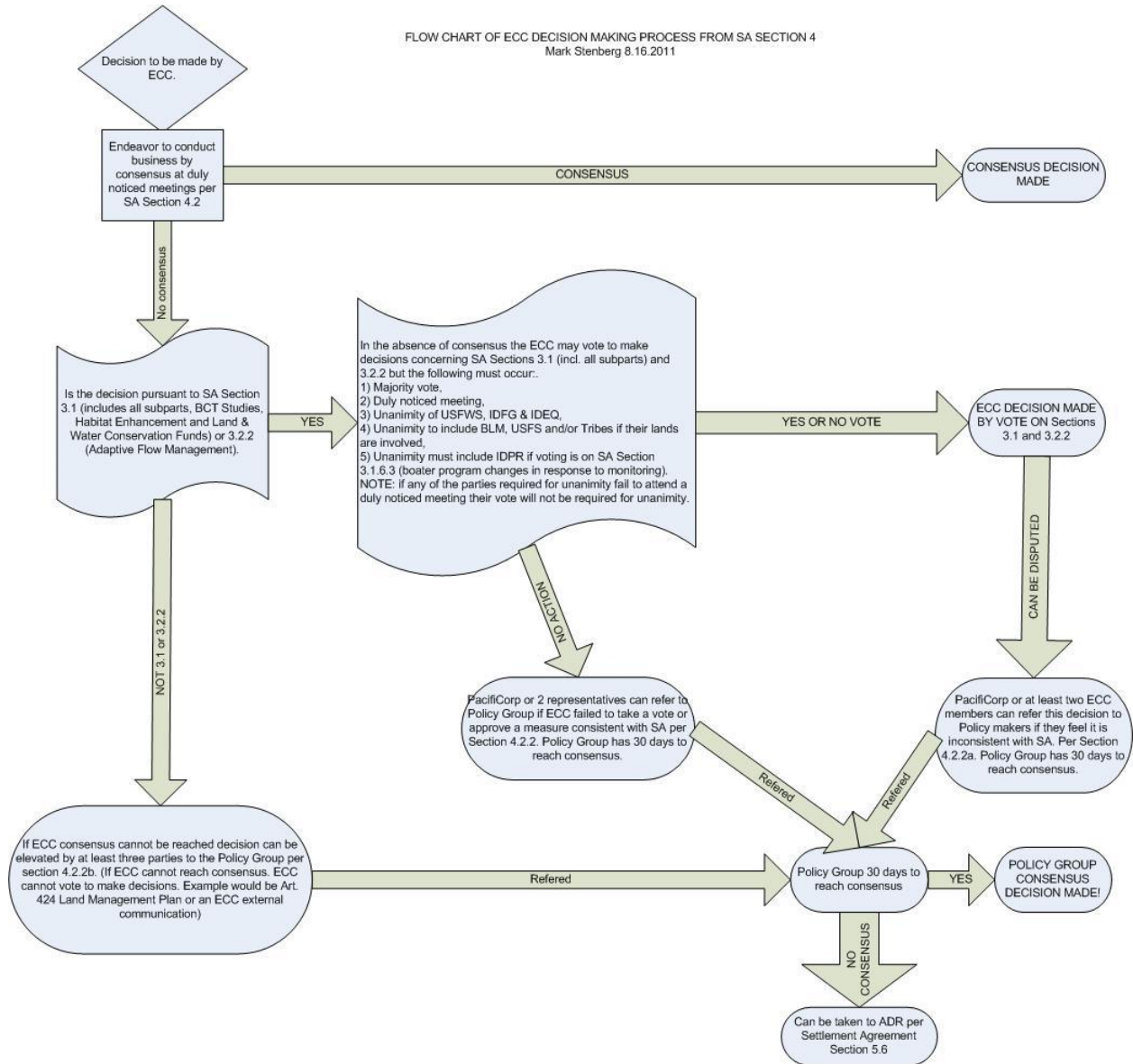
Attachment 2: Guidelines for Wildlife Friendly Fencing

BLM WIRE SPACING STANDARDS
NOT TO SCALE



Attachment 3: ECC Decision making

FLOW CHART OF ECC DECISION MAKING PROCESS FROM SA SECTION 4
Mark Stenberg 8.16.2011



3.1.4. Habitat Enhancement and Restoration Actions. Actions to benefit and restore aquatic and riparian habitat for BCT and other fish and wildlife resources will be conducted in the Action Area. Habitat restoration actions will begin after the first anniversary of the New Licenses becoming final and will continue throughout the license terms. The cost of restoration actions to PacifiCorp will not exceed \$167,000 annually from the first anniversary of the New Licenses becoming final through the end of the license terms. Based on decisions reached by the Environmental Coordination Committee (“ECC”) (Section 4), funding for restoration actions may also be used for studies or monitoring effects of restoration actions. To the extent that \$167,000 is not expended in one year, any remaining funds may be carried over to succeeding license years for habitat enhancement and restoration actions in accordance with this Section 3.1.4, or will be made available for land and water acquisition (Section 3.1.5), enhancement and restoration of land or water acquired pursuant to Section 3.1.5, or for fish passage as prescribed in accordance with Sections 1.1.1 and 3.1. Funds will not expire during the license terms, and will be continuously carried over as described in this Section 3.1.4; however, any funds remaining at the end of the license terms will not be available for any other purpose. The ECC may consider habitat enhancement and restoration actions under this Section 3.1.4 outside the Action Area, but such actions will occur only at PacifiCorp’s discretion.

3.1.5. Land and Water Acquisition. PacifiCorp will provide funds for the acquisition of land and water rights, if available, in the Action Area. The purpose of this fund is to take advantage of opportunities to purchase or lease and manage land and water rights and

Bear River Settlement Agreement

easements in accordance with Idaho water law and policy to benefit BCT and other fish and wildlife resources. The Parties agree to work collaboratively with local communities to acquire or lease water for non-consumptive uses, or land, all on a willing-buyer and willing-seller basis in the Action Area. PacifiCorp will transfer its interest in such land or water rights to a land trust or other nonprofit land conservation organization, or the Idaho Water Resources Board, as directed by the ECC in accordance with Idaho water law and policy. Funding will begin after the first anniversary of the New Licenses becoming final, and will continue throughout the license terms. The cost of land and water acquisition actions to PacifiCorp will not exceed \$300,000 annually from the first anniversary of the New Licenses becoming final through the end of the license terms. Funds remaining in any year may be carried over to succeeding license years, but shall not be available for any purpose other than for land and water acquisition, restoration of land acquired through this Section 3.1.5, or for fish passage as prescribed in accordance with Sections 1.1.1 and 3.1. Funds will not expire during the license terms, and will be continuously carried over as described in this Section 3.1.5; however, any funds remaining at the end of the license terms will not be available for any other purpose. The ECC may consider land and water acquisition under this Section 3.1.5 outside the Action Area, but such actions outside the Action Area shall not occur without PacifiCorp's prior consent, which may be given or not at PacifiCorp's discretion.