

**Bear River ECC  
Final Meeting Notes  
February 17, 2016  
Pocatello, Idaho**

**ECC Members Present**

Lynn Van Every, Idaho Department of Environmental Quality  
 Jim DeRito, Trout Unlimited  
 Blaine Newman, Bureau of Land Management  
 Cary Myler, U.S. Fish and Wildlife Service  
 Corey Lyman, U. S. Forest Service  
 David Teuscher, Idaho Department of Fish and Game  
 Kathy Rinaldi, Greater Yellowstone Coalition

**Others Present**

Greg Mladenka, Idaho Department of Environmental Quality  
 Steven Smith, Idaho Department of Environmental Quality  
 Eve Davies, PacifiCorp  
 Michael Holliday, Idaho Department of Water Resources  
 Tom Lucia, Sagebrush Steppe Land Trust

<b>Commitments Made at the February 2016 Meeting</b>	
All	<ul style="list-style-type: none"> <li>• Long forms for 2016 Habitat Enhancement Projects are due from project sponsors February 29. Please forward copies to Hugentobler and Stenberg.</li> <li>• <a href="#">Review suggested edits to the ECC’s Streambank Stabilization Policy.</a></li> </ul>
Funding Subcommittee Members	<ul style="list-style-type: none"> <li>• Project sponsors – work with applicants to address any issues identified during today’s review of habitat enhancement project proposals.</li> <li>• Meet at IDEQ offices on Friday, March 18 at 9 a.m. to rank 2016 Habitat Enhancement Projects.</li> </ul>
Stenberg	<ul style="list-style-type: none"> <li>• Distribute edits to the Streambank Stabilization Policy to ECC members.</li> <li>• <a href="#">Distribute edits to the proposed land and water ranking criteria to the Land and Water Subcommittee.</a></li> <li>• Arrange tour of Cove Reconnect for ECC members.</li> <li>• Send annual maintenance coordination notification to the ECC</li> <li>• <a href="#">Check in on Sweers habitat enhancement project. Provide update at next meeting.</a></li> </ul>
Mladenka	<ul style="list-style-type: none"> <li>• Forward edits to the Streambank Stabilization Policy to Stenberg.</li> </ul>
DeRito	<ul style="list-style-type: none"> <li>• <a href="#">Provide an update on the Davis Diversion as work proceeds in spring.</a></li> </ul>
Hugentobler	<ul style="list-style-type: none"> <li>• Add to upcoming agenda(s): discussion of ECC-funded project controls</li> </ul>
Action items in <a href="#">blue</a> have been carried over.	

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

None

### **Decisions Made Via Email Since Last Meeting**

None.

### **Review of Previous Meeting Notes**

January meeting notes were approved without changes.

### **Additions to the Day's Agenda**

- Guest speaker Mike Holliday, Idaho Division of Water Resources
- Update on Cub River fish passage alternatives – DeRito

### **FERC Updates**

Stenberg shared a recent process update on the Bear River Narrows project from Shana Murray of FERC. With the issuance of the Final EIS in April there are two possible paths:

- 1) The Final EIS is issued with a recommendation to not license > Commission issues licensing order > 30-day rehearing period; or
- 2) The Final EIS is issued recommending licensing > water quality permit needs to be issued by the state > Commission issues licensing order > 30-day rehearing period.

Stenberg also told ECC members he responded to the protest Twin Lakes filed with FERC of PacifiCorp's new Exhibit G for Oneida. He briefly explained PacifiCorp's response and noted that it has been posted to FERC's website.

Teuscher asked about a recent Bear River Narrows project Historic Properties Management Plan (HPMP) filing. He said he was unable to open the attachments associated with the filing and was not sure what the filing pertained to. Stenberg said the filing has to do with the Bear River Massacre site. He said it was likely that the attachment would not open for viewing because of the sensitive nature of the information it contained.

### **Planned Discussion of Project Controls**

Stenberg said there is a need for future discussion of project controls for ECC habitat enhancement projects. He said the ECC's funding award letter should be revised to specify that modifications to the plans submitted with funding applications must be approved before funding is released. There was discussion of how project modifications should be managed. It also was noted that there are instances

where the project sponsor and applicant are the same individual. Stenberg asked how project sponsors view their roles. Teuscher said there is a vast range of responsibilities across different types of projects. He suggested adding a proviso to the funding applications that if there is a significant change to a project during implementation, applicants may receive only partial funding. Rinaldi said change orders could be requested and volunteers from the subcommittee may be needed to review and approve them as they come in. Stenberg said project sponsors should receive all plans and permits prior to the start of work. The award letter should state that funding is based on the plans, and if there are significant deviations, they need to be documented through the project sponsor before funding is released. He added that sponsors need to be sure applicants provide receipts. He said he does not believe the ECC should pay for things that are not built per plan. Davies added that depending on the level of detail, this may require up to an engineering inspection. This may also be an item checkbox on the project ranking criteria. Teuscher said he supports the idea of a checkbox. Newman suggested just stating “deviations,” rather than “significant deviations” in the award letter, and let the project sponsor make the call on whether it’s major or minor. Stenberg suggested that the project sponsor not be the applicant for funding so there is another person to make this call. Myler asked for a requirement for a final project walkthrough.

ECC members agreed (not a formal vote) to add a checkbox item to the ranking form stating that construction plans and permits need to be submitted to the project sponsor prior to approval to proceed with construction. Deviations from approved plans, if not approved by the project sponsor, may put reimbursement for work completed at risk.

### **Meeting Notes and Action Items**

January meeting notes were approved without changes. Stenberg reviewed action items. Items carried over appear in blue in the commitments table (page 1).

### **Project Updates**

Lyman reported that there were unspent funds on the now-complete **Co-Op Creek** project, and he plans to send back \$2,000 to \$3,000. Stenberg asked that Lyman send a check to PacifiCorp to Stenberg’s attention at the Grace address.

Stenberg said there is an updated scope for the **Oneida Spawning Channels** project, and the project will be done this fall. He said the ECC will be involved in the design. Stenberg said the **BCT Broodstock Ponds** project is back on. Criteria for the ponds have been changed and work on plans is proceeding. Work is expected to take place this year. Stenberg said the **Cove Reconnect** project is being re-scoped. The new concept is to divert a smaller amount of water towards the Kackley fish trap, which is a shorter route. Teuscher said he liked the new concept. He asked if the water source for Cove Reconnect was also the source for the broodstock ponds. Stenberg said yes, 1 cfs would go to the new channel and .5 cfs per pond would go to each pond through the pipe. Mladenka asked for a tour of the site. DeRito reported on the **Cottonwood Creek** budget. He said the budget included \$10,000 for bridge work in conjunction with State Lands at this site. State Lands is not moving that project forward at this time, he said, but the potential for future collaborative work at this location still exists. DeRito noted that there were some engineering overruns on the project.

## **2015 Bear River Annual Report**

The ECC's 30-day comment period for the 2015 Annual Report ended February 15. Comments on the annual report were received from Mladenka (IDEQ), DeRito (Trout Unlimited) and Colburn (American Whitewater). Stenberg said the annual report is on track to file with FERC on Friday.

## **Streambank Stabilization Policy**

Mladenka summarized and discussed recent review of the ECC's streambank stabilization policy. Most of his revisions were in regard to projects on the mainstem Bear River. He suggested sending the edits out for review and approval by the ECC. Mladenka said he is open to comments. Mladenka will forward his edits to Stenberg, who will distribute them to the ECC.

## **2016 Habitat Enhancement Projects**

Stenberg reviewed the habitat enhancement fund balance via overhead. He said approximately \$250,000 is available in the habitat enhancement fund for projects this year.

ECC members reviewed project proposals received by the February 5 deadline (see Attachment 1). Stenberg said the purpose of the review is to identify any roadblocks or the need for additional information and to assign sponsors. It was noted that some project sponsors may have to be reassigned to avoid sponsor/applicant being the same person.

**Cub River BCT Evaluation** – Teuscher reviewed the project map and discussed screening. He said for this project, IDFG would outfit fish with PIT tags, install arrays, and check for entrainment. Telemetry would also be included. Teuscher said the purpose of the project is to be in a better position to make decisions on how much to spend on ECC projects in place on this system. He said no overhead would be charged to the project. The biggest expense would be telemetry tags, he said, but they would provide the best data. Stenberg said he had suggested coming to some kind of cooperation agreement with the irrigation company prior to spending money on the Cub River. Teuscher said that may not be necessary with Consolidated, as it's on Forest Service land. Teuscher said he had wanted expedited approval of this project, but Stenberg reminded him that out-of-action-area approval would be needed. Teuscher said the project will go through the usual process and start next year instead. DeRito mentioned the USGS gage in this area being discontinued (since about 2010). He said flow data for this area is needed. Teuscher agreed. He said water rights there are based on flows and there is no flow data. Van Every said the cost of a U.S. Geological Survey (USGS) gage is about \$16,000/year if paying for the whole thing, less if co-op funds can be obtained.

**Screen Repair** – No additional information requested.

**Eightmile Passage Project/Nounan** – No additional information requested.

**Harris** – Stenberg asked if a plan would be provided with the project application (long form). Teuscher said yes. Stenberg said Teuscher will have all the plans and permits, and will implement and manage funds. A new sponsor will be assigned prior to submittal of the long form.

**Mussler** – It was noted that overhead was included in the amount requested, then overhead was added to the request on page one of the form. This needs to be addressed prior to submission of the long form. There were also questions about the fence setback, exclusion agreement, and adjacent ownership (i.e., does the applicant own the other side of river?). Steven Smith will sponsor this project.

**Paris Creek Stream Restoration** – Trout Unlimited will be the funds manager and sponsor; Forest Service will be the applicant.

**Screen Tender** – No additional information requested.

**Wheeler** – It was noted that the landowner may have already hauled in rock for this project while the ground was frozen. Stenberg said he thinks the vegetation component is low. Same fix to budget noted for Mussler is needed. Stenberg requested a “typical” bank cross-section.

Long forms are due Feb 29 (Monday), ranking meeting will be held March 18 (Friday) at IDEQ offices.

Revisions are needed to the proposal and application forms to include total ask and to the ranking form to add the new checkbox item.

### **Streambank Canoe Survey – Hannah Harris – Powerpoint Presentation**

Harris presented the results of a survey she conducted on portions of the mainstem Bear River by canoe using a GoPro camera. The survey gathered information not easily obtained any other way, as access to private property along the river banks is limited. Bank stability and cover estimates were gathered as part of the survey.

### **Cub River Fish Passage Alternatives**

DeRito provided a follow-up from his presentation to the ECC last month on repairs needed to the Cub River Fish Ladder<sup>1</sup>. DeRito said he, Teuscher and Ryan Hillyard have since met to discuss how to proceed on this project. It is going to be costly, needs to withstand high flows, and must pass fish at a variety of flows. Data from the habitat enhancement proposal proposed by IDFG this year would help inform how to proceed, DeRito said, and he decided to wait for the results of that study before bringing a project forward. DeRito said Cub River Irrigation Company has not decided whether to build its hydro project. He said it’s much more expensive than estimated by their engineering firm, as much as 10 times more for the interconnection between their proposed generator and facilities of the local power company.

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<sup>1</sup> Available at:

[http://www.pacificorp.com/content/dam/pacificorp/doc/Energy\\_Sources/Hydro/Hydro\\_Licensing/Bear\\_River/ECC/CubRiver\\_Trtr%20Unltd.pdf](http://www.pacificorp.com/content/dam/pacificorp/doc/Energy_Sources/Hydro/Hydro_Licensing/Bear_River/ECC/CubRiver_Trtr%20Unltd.pdf)

They still have the capacity to divert their whole water right at the Middle Ditch because of the piping that was put in place. DeRito said it looks like it only got as low as 3.5 cfs last year, according to his gage. Myler asked what would happen with the FERC process if they [CRIC] don't build the hydro. DeRito said he thinks it all goes away--there is likely a time constraint to use the water right. Mladenka said he would like to form some kind of partnership to get things working on the Cub.

**Water Aspect** – Concerns were raised by the group that no gage is in place while all these [water management] changes are occurring. After the gage was discontinued, there was some data collection by the Water Conservancy District for a time, but it was discontinued after the high flows in 2011. Holliday was asked what the options might be for getting a gauge in place on the Cub. Holliday said he was not sure, as the USGS is charged with stream gaging. He said the Idaho Water Resources Board does fund some projects, and there is a process for this, but he is not sure what their priorities are. Smith said it is challenging to measure high flows on the Cub as it is difficult to stand in the stream at that time. Mladenka asked what measurements were needed. All flows all the time? Critical flows at certain times? He said if something like three flows in three locations were all that was needed, maybe IDEQ could do the measurements. Late summer and winter measurements would capture low flows. Van Every said there is also the option to approach USGS to co-op it and reinstall the gage above Albert Moser. This would lower the cost to \$8,000 per year plus some upfront cost, he said. Stenberg asked that discussion of the Cub River gage be moved offline.

<Adjourned to closed session for Land and Water Fund Updates>

### **2016 Whitewater Boater Flows**

Stenberg said 2016 boater flows are still on track. PacifiCorp may run boater flows in a different way this year until the Last Chance Dam Rebuild is done by using some of the storage in the Grace Reservoir so 900 cfs doesn't have to run through the Last Chance Canal Company's construction site.

### **Maintenance Coordination**

Stenberg gave notice to the ECC that there will be an 8-foot drawdown at Oneida during the first week of June. He said he will be sending the annual coordination email to ECC members soon.

### **Next ECC Meeting**

Next ECC meeting takes place Wednesday, April 20.

**Attachment 1: List of 2016 Habitat Enhancement Project Proposals (Received by Feb. 5, 2016)**

**Bear River ECC  
2016 Habitat Enhancement Project Proposals**

<b>Proposal</b>	<b>Short Form</b>	<b>Long Form</b>	<b>ECC Request, exclusive of OH</b>	<b>OH Requested</b>	<b>Total Cost, All Sources</b>	<b>Applicant</b>	<b>Sponsor</b>
Eightmile Creek Nounan Rd Crossing	X		65,000.00	0	125,000.00	Lyman, Bear Lake County	Lyman
Paris Creek Stream Enhancement	X		33,200.00	5,870.00	52,000.00	Lyman, Trout Unlimited	Lyman
Cub River BCT Migration and Entrainment Evaluation	X		32,814.00	0	51,814.00	Hillyard	Teuscher
ECC Fish Screen Repair	X		10,000.00	0	10,000.00	Hillyard	Teuscher
Screen Tender 2016	X		12,200.00	2,800.00	20,000.00	Hillyard	Teuscher
Harris Spring Additional Funding Request	X		25,000.00	0	123,291.50	Hillyard	Teuscher
Mussler Streambank Stabilization & Fencing	X		66,770.37	3,185.97	89,027.26	Mussler	IDEQ
Wheeler Streambank Stabilization	X		12,252.00	1,800	\$70,854.00	Nieslanik, FSWCD	IDEQ
<b>TOTAL</b>			<b>257,236.37</b>	<b>13,655.97</b>			
<b>TOTAL ECC</b>				<b>\$270,892.34</b>			