

**Bear River ECC
Final Meeting Notes
February 15, 2017
Pocatello, Idaho**

ECC Members Present

Mark Stenberg, PacifiCorp
Lynn Van Every, Idaho Dept. of Environmental Quality
Jim DeRito, Trout Unlimited
Ryan Beatty, Bureau of Land Management
Kathy Rinaldi, Greater Yellowstone Coalition
David Teuscher, Idaho Dept. of Fish and Game
Cary Myler, US Fish and Wildlife Service

Others Present

Ryan Hillyard, Idaho Dept. of Fish and Game
Kelly Conde, Sagebrush Steppe Land Trust
Tom Lucia, Sagebrush Steppe Land Trust
Matt Lucia, Sagebrush Steppe Land Trust
Greg Mladenka, Idaho Dept. of Environmental Quality
John Sigler, Sagebrush Steppe Land Trust
Jennifer Cornell, Sagebrush Steppe Land Trust
Eve Davies, PacifiCorp (by phone)

Commitments Made at the February 15, 2017 Meeting	
All	<ul style="list-style-type: none"> • Project proposals (long forms) for 2017 habitat enhancement projects due Feb. 28 to Stenberg and Hugentobler. • Funding subcommittee meets March 15 at IDEQ or on phone to rank projects. • Walk-through of Kackley Spring at June meeting.
Stenberg	<ul style="list-style-type: none"> • Obtain further information on Wheelan Ditch when the opportunity arises. • Provide funding updates to the ECC in format requested by DeRito in his annual report comments. • File 2017 Whitewater Boater Flow Calendar with FERC. • Add call-in information to the ranking meeting calendar information. • Bullet items for Kackley visioning for April meeting. • Communicate with FCSWCD about Tingey project being shelved for now. • Continue to work with Paris Relief on water swap. • Arrange tour of Cove Reconnect for ECC members.
Myler	<ul style="list-style-type: none"> • Provide an informational copy of the USFWS (Fox) conservation easement to ECC when finalized.
Hillyard	<ul style="list-style-type: none"> • Continue to scope Alder Creek project for next year. Seek additional partners. • Obtain additional info on Stauffer Creek (Kempton) for ranking meeting.
Action items in blue have been carried over.	

Decisions Made by Email Since the Last ECC Meeting

None

Decisions Made at This ECC Meeting

- Approve the 2017 Whitewater Boater Flow Calendar.
- Support building both proposed Bonneville cutthroat trout broodstock ponds at the same time, using 2017 habitat enhancement funds to provide the additional funding that is needed.
- Consensus was expressed to support PacifiCorp's negotiation of a sale of the Paris Plant to Paris Relief Canal Company with provisions for MSF in Paris Creek and a reduction in MSF in the Black Canyon.

Safety

Stenberg began the meeting with a safety reminder. We live a high altitude and are getting older. Remember to get your skin checked by a doctor every year.

Welcome and Review of Agenda

The following item was added to the day's agenda:

- Update on the 2017 water year by Connely Baldwin of PacifiCorp, by phone at 1 p.m.

Review of Meeting Notes and Action Items

October and December meeting notes were approved without changes. Action items from the January meeting were reviewed. The following updates were provided during review of action items:

Paris Water Swap – Stenberg said there has been some movement on this. He said he has a nondisclosure agreement from Paris Relief and is sharing information with them. He said he remains optimistic about putting together a deal. Stenberg asked if ECC members needed a review of the proposal. Lyman summarized his understanding was that the deal would include sale of the plant, negotiating flows in Paris Creek and the Black Canyon, and developing stipulations with new owner regarding an operation scheme going forward. In return, PacifiCorp would get flows back in the Black Canyon. Mladenka said last he knew, there were caveats on when flows could be provided. Stenberg said there would be a water shepherding agreement with Paris Relief that would be inflow dependent. The plant would need to remain economic, he said, so a certain amount would be needed during low water years. Paris Relief also has an issue with the Paris sink hole, Stenberg said. They would like support in figuring out the best way to deal with it. Stenberg said while PacifiCorp runs the Paris plant year round, he believes a buyer would likely make use of PURPA rates and run the plant seasonally. He said they would make the same money but would not have to deal with winter conditions. Lyman asked if there is a fast track option that would involve selling but no conservation benefit. Stenberg said yes, his PacifiCorp goals include disposing of the plant by the end of the year. Lyman asked if support for the water swap is needed, as this seems like a much more complicated scenario than a simple sale. Mladenka and Lyman stated their support of the project. Stenberg noted that under the terms of the water swap, the water shepherding agreement would be perpetual; however, provision of water in the Black Canyon would be for the term of the license only. Teuscher said the agreement should specify that

if Paris Relief sells the plant, we are back at the table. He said such a stipulation should be added so that the ECC could protest any proposed changes. Lyman noted that some improvements would likely be needed at the point of diversion. Stenberg said he welcomed any ideas on how to strengthen the agreement. Lyman encouraged everyone to talk to Stenberg about their concerns.

Bonneville Cutthroat Trout (BCT) Broodstock Ponds - Stenberg discussed the water right application for the broodstock ponds. He said he will apply for non-consumptive use and will transfer the banked Cove water right.

USFWS Conservation Easement/Gateway Alignment - Stenberg said the proposed conservation easement would make an allowance for the proposed powerline as described in the environmental impact statement. The landowner would be able to grant a right-of-way per the allowance if Rocky Mountain Power approaches him about it. Myler said this would be included in the easement document as an allowed use. Mladenka noted that power line maintenance is pretty harsh, even in riparian areas. He said DEQ has requested additional information regarding this from the transmission line consultant but has not received it. Teuscher said he doesn't think an allowance will be made for different maintenance. Mladenka said then it will affect the value of the conservation easement where the alignment crosses the property. Myler said the alignment is not likely to impact BCT. Matt Lucia asked whether this was captured in the appraisal. Myler said the appraisal has not happened yet. ECC members reviewed the location of the alignment on a map of the parcel. Myler said it is not yet known what will happen – including how the property will be subdivided, or whether the power line will go through. Mladenka said the ECC should not pay as much for the conservation easement if the powerline goes through and noted that the landowner would be paid for that alignment while at the same time receiving money for the conservation easement. Myler will take this issue/concern back to his group.

Comments on Annual Report

ECC review of the draft annual report is now complete, Stenberg said. Comments were received from DeRito and Stenberg. A table of comments and how each was addressed was shown as an overhead. Stenberg reviewed major comments with the ECC.

- Provide a map of habitat enhancement projects – Stenberg said this will be prepared for next year's annual report. There are 94 projects now, he said. He noted that PacifiCorp monitoring of ECC projects is voluntary.
- Clarify the number of habitat enhancement projects approved during 2016 – Report was edited to clarify.
- Clarify which fish screens are monitored by the screen tender and which are out of the action area – A table listing fish screens monitored and specifying which are out of action area was added to report.
- Provide a list of habitat enhancement projects that includes other sources of funding – Stenberg said this will be discussed at the June meeting, but would not be added to the annual report.
- Format of funding tables – Stenberg said he does what DeRito is asking for routinely (provide subtotals, etc.) and can provide the information to the ECC but would prefer not to change the

format in the annual report. Stenberg will make this an action item to periodically provide the subtotal account information to the ECC.

2017 Whitewater Boater Flow Calendar

Stenberg reviewed the PacifiCorp Black Canyon Boater Flow Schedule 2017 with the ECC. Flows will be provided as follows (also see Attachment 1):

Scheduled Whitewater Release Days and Time

Four boater events will be scheduled during 2017, and will include three two-day events (Saturday and Sunday) and one three-day event (Friday, Saturday and Sunday). During 2017, boater flows are scheduled for the following dates:

- March 25 and 26
- April 8 and 9
- April 21, 22 and 23
- May 6 and 7

On scheduled days, flows of 900 cfs or inflow, whichever is greater, will be provided on each day. Releases will begin at 10 a.m. and end at 4 p.m. Between adjoining release days, night-time flows of 200 cfs will be provided.

Stenberg said American Whitewater has approved the calendar. He noted there could be some big water this year. Stenberg asked for consensus on the 2017 whitewater boater flow calendar. Consensus was unanimous. Stenberg will file the calendar with the Federal Energy Regulatory Commission (FERC).

Oneida Spawning Channel

Stenberg said this project is currently on hold. He said better topography data was needed for design. Rather than using conventional survey, Stenberg said PacifiCorp will use data from a scheduled Lidar flight this spring (early May). Van Every asked whether the data obtained would be proprietary or would PacifiCorp be willing to share. Stenberg said he is investigating whether the data set could be given to a contractor--those who want the data would have to pay to process the portion of the data set they want. The data would be provided along with corrected ortho photos (above Soda to Great Salt Lake). Stenberg said PacifiCorp is collecting the Lidar data as part of a probable maximum flood exercise required for dam safety purposes, but it would also be useful for other purposes. Teuscher said IDFG is planning to fly the same area to get high resolution data. Stenberg cautioned that PacifiCorp has signed its hydro projects against drone use. He said a recent request for permission to film flooding around Cutler via drone was denied. Stenberg said PacifiCorp also may be running additional flights over some areas to capture high flows.

Broodstock Ponds and Cove Spring Connection

Stenberg reviewed the budget for each project with ECC members. He said he has met with Idaho Department of Water Resources and the Corps of Engineers and will be working on project permitting. He said he has asked two PacifiCorp contractors to bid the broodstock ponds, in two ways: Construction of one pond vs construction of both ponds. Stenberg noted that the ECC approved the BCT Broodstock Pond project in 2014 and there is \$136,605 in funding remaining. The estimated shortfall for construction of two ponds is \$261,381.50, using Whitaker. The estimated shortfall for one pond is \$136,828.50, also using Whitaker. Stenberg noted it will cost more to do the second pond later under the one-pond scenario.

Stenberg reviewed funding for Cove Spring Connection, the approved budget has \$28,698 remaining which will cover the estimated construction cost. . He said he is also proposing to fix a washout area on this project.

He noted that the other bidder for the Broodstock Ponds, KCA, was higher and their bid did not include concrete costs. They were also higher on the Cove Spring work.

Teuscher discussed pond phasing. He said IDFG is finishing work in the Thatcher reach, and will be moving to Nounan or Riverdale. If there is only one pond, that is limiting. He said it is not ideal to hold fish from different management areas in the same pond, with problems such as disease, etc. Not all the waters have been sampled for disease, he said, and this would risk losing everything. He said he thinks there are a lot of good reasons to build both at the same time. If we think we'll build two ponds, why not build both and save mobilization? Lyman asked whether the reason Stenberg proposed phasing was for funding flexibility this year. Stenberg said yes. Mladenka asked Teuscher how this fits into the license term. Teuscher said he thinks there will be a need through the term of this license. He said IDFG will be done with Thatcher, significantly into a second area, and starting a third by the end of this license term. Rinaldi asked about maintenance on the ponds and who would be responsible for it. Hillyard said very little is needed, but it may include bird netting.

Stenberg briefly reviewed funding requests for 2017 habitat enhancement projects (see Attachment 2) Total requests this year total \$447,160, he said, while \$325,456 is available in the fund.

Stenberg asked for consensus on the broodstock ponds. The ECC expressed support for building both ponds. Myler said since the ECC is in favor of building both broodstock ponds, just take that amount off the top [of 2017 habitat enhancement funds]. Stenberg noted that would bring available funding to \$62,000 and with screen tender and maintenance that brings available funding down to \$38,456.

Mladenka asked if there was conservation funding that could be used for this project. Teuscher said no.

Lyman and Myler said they believed this would be a good year to do this, as only a few project proposals came in this year. Lyman said he could queue some projects for next year. Van Every suggested reviewing short forms before making a decision.

Stenberg noted that one project had been re-submitted from a previous year (Tingey). Stenberg said the project was approved but paperwork was never signed by the landowner so it did not go forward. Stenberg said he will speak with the proponent and get answer regarding willingness to proceed (i.e., get a firm commitment from landowner) prior to considering this project again.

2017 Habitat Enhancement Project Short Form Review

Stenberg provided a list of short forms to ECC members prior to this meeting (see Attachment 2).

Alder Creek Fencing – Hillyard said this project is for fencing (8500 feet) in an area where BCT have been stocked. He noted that the cost was high. Since the project proposal was submitted, the landowner has said he was willing to do barbed wire fencing instead (buck and rail was proposed), and provide in-kind labor. Hillyard said this project is near the middle of the Thatcher reach. He said he wouldn't have a problem telling the proponent that, given available funding, this is not the best year for this project. Hillyard said he would continue to work on this project and would bring it forward next year instead. Teuscher asked Hillyard to ask the proponent to consider finding partners. Myler said he would be a potential partner. Hillyard will continue scoping the project, search for a match and apply next year.

Bitton Bear River Water Supply – Stenberg said the project proponent used to water his cows on PacifiCorp land but has now been fenced out. He would like to install a solar-powered pump in the Bear River and pipe water across PacifiCorp land to a trough. He is looking for matching funds and is requesting \$5500 from the ECC. Stenberg asked if anyone had questions for the proponent. Myler asked whether they have a stock water right. Van Every said it is not needed in this case.

Tingey – Stenberg said he will check on whether the other sources of funding have been applied for or approved. Stenberg said he will sponsor the project. The proponent is proposing to restore and protect 3600 feet of streambank. Stenberg said he had communicated with NRCS that the ECC was not happy with the setback as proposed previously. He asked whether ECC members had comments. Myler said he wanted to know how secure other funding sources were. Lyman said with new operational flows going through the Thatcher reach and programs associated with that, is it in this group's interest to put money into protection here given what other stakeholders have in mind? Stenberg noted that PacifiCorp's capacity project may or may not go forward. After further discussion the group decided to defer the project until PacifiCorp's Bear River Capacity Project was better defined. Stenberg is to communicate this with the project proponent.

Lower Whiskey Creek – This project includes 319 funding, which won't be decided until June. The \$5,000 request is for a construction/reclamation plan. Approximately 400 feet of channel would be reclaimed. Mladenka said he thought perhaps the level of design proposed was not necessary for permitting. Stenberg said he was not sure that is the case and that he wasn't comfortable with "back of the napkin plans" for construction or permitting.

Stauffer Creek (Kempton) – Hillyard said this project is a \$12,554 request to improve two diversions and install a culvert. He noted this landowner owns most of the water rights on Stauffer Creek and would be good to work with. More information is needed prior to ranking, which Hillyard will obtain.

Overall Project Review - Possible projects remaining for 2017 include Bitton, Nichols, Kempton. The ECC expressed support for ranking these projects and proposed holding the ranking meeting at IDEQ but allow members to phone in also as the number of projects is few. Stenberg will add call-in information to the ranking meeting calendar information. He said long forms are still needed from proponents.

2017 Water Year Update – Connely Baldwin, PacifiCorp

Baldwin reviewed graphs of snowpack data comparing 2017 with previous years with ECC members.

He said this year's snowpack (snow water equivalent data) is currently 174 percent of average, which is higher than 2011, so it is pretty extreme. He said it is now forecast that 2017 will be similar to 2011, a year with very high runoff. He said he is preparing a press release for landowners below Stewart Dam, as they rarely see flows pass below the dam, 1986 was the last time. Baldwin said there were no concerns with Stewart Dam itself, as all the gates are functional.

Baldwin said this could be a historic year and noted that above-normal precipitation is forecast for the next little while.

Stenberg asked about April boater flows. Baldwin said they will be during peak runoff. He said PacifiCorp can stick with 900 cfs flows if they [whitewater boaters] want, but PacifiCorp would probably be able to provide 1500 cfs or some other level in between.

Teuscher asked if Bear Lake Elevation got to above 5922 during 2011. Baldwin said lake elevation got up to 5921.4. Teuscher asked whether there is a level of Bear Lake where it starts going out at Lifton. Baldwin said PacifiCorp will manage so that there is some.

Van Every asked whether Baldwin had looked at the long range precipitation forecast. Baldwin said yes, it looks higher than normal. Near-term is supposed to be higher than normal as well.

Kackley Spring Fishery – Teuscher/Hillyard (Powerpoint presentation)

Teuscher summarized ECC work at Kackley thus far.

Fisheries – During 2009 only brown trout were sampled at Kackley; after 2011 renovation, no fish were sampled. BCT were stocked. Between 2011 and 2013, brown and rainbow trout both made it above the barrier at Kackley. During 2013-2016 brown, BCT and some hybrids were sampled. IDFG believes anglers may be putting brown trout above the barrier.

Stocking – IDFG has stocked more than 12,000 BCT in the last six years and has increased stocking rates the last two years. An increase in BCT returning to the trap is anticipated during 2017. IDFG has found that very few wild BCT or hybrids are returning. It is known that 1 out of 3 fish are being eaten by birds. That number could be as high as 2 out of 3. During 2016, only three marked BCT were sampled, many more unmarked. Teuscher noted that most of Kackley Spring is a straight channel. If the channel were

sinuous, it would support many more fish: 'double the length, triple the carrying capacity.' IDFG is currently removing any non-native fish sampled. If non-native fish continue to be a problem, IDFG will renovate the stream again.

ECC Visioning for Kackley Spring – Lyman (Powerpoint presentation)

Lyman said he began looking at Kackley Springs when SSLT proposed an improvement project that included removal of Russian olive and signage. He said he has spent more time out there recently with peers, and he finds that it's a stream that just shouldn't be there. When the stream was built, he said, it was just kind of thrown onto the landscape. The purpose of this discussion is to get together and discuss what could be possible there. Lyman said he has no data on Kackley Spring.

Stenberg and Davies discussed how the stream was sited and built, and provided some history of the project. Lyman said he likes a lot of things about the channel (width and depth) but it lacks pools and the gradient is steep. Beatty asked about the road crossing structure. Stenberg said was built using some pylons and materials from the old flume and was put in by the contractor.

Lyman reviewed and prioritized Kackley Spring by reach using aerial maps.

Reach 2 – Includes 1,400 feet of channel. Lyman said this area could possibly benefit from high density plantings. Moderate priority.

Reach 3 – Includes 1600 feet of channel. The stream was placed on the landscape and this area is still adjusting, he said. The upper area is over-widened. Stenberg discussed the history of this reach. He said the flume was here—there are some areas where flume breaks were repaired. Lyman said the stream doesn't fit the landscape – it's a ditch. He asked if there is potential to remedy this. High priority.

Reach 4 – Includes 1150 feet of channel with lots of Russian olive and a connection to the Bear River. The ECC has talked about removing Russian olive and putting in willows. Lyman said his concern is removing Russian olives and not having good willow survival. Sigler said willow survival could be addressed by killing the Russian olives selectively and in a phased manner and replacing them with species likely to have good survival (e.g., Hawthorne). Low priority.

Lyman said he would suggest starting any improvements with Reach 3 and addressing width to depth ratio. He said he would need to invest more time to develop projects and bring them forward as habitat enhancement projects. He discussed investments made at Kackley Spring so far. He said he is still scratching his head over the sand wand project. He said he would suggest addressing the channel first, then branch into other projects like Russian olive removal. Sigler said he thinks the Russian olive work should go forward and could be done at any time, while some of the hydrology work is big ticket stuff. He said he agrees with planning and suggested looking for biggest bang for the buck. Lyman said yes, and noted that discussion began with the concept of adding spawning gravel. But it was soon found it would not maintain. He agreed with planning before proceeding. He noted that most stakeholders are part of this group and could get together and make it better. Stenberg asked about big picture vision. How can we solve challenges with fisheries? What should it look like in 10 years? A mile-long reference

reach that people come to see? Is it a destination for recreation, learning? DeRito brought up the problem with trout hybridization. If you increase carrying capacity, he asked, do you also increase number of hybrids? Teuscher said if we address the channelization problem, we can increase carrying capacity and we have the opportunity to control the system from top to bottom. We have the whole system, he said, it's a unique situation. We have the opportunity to turn it into the best it can be and at the same time it would also be better for wildlife. He said we need to get some cover in, get big spawners and resident fish that can be seen, then make the stream the best it can be. Teuscher said he thinks it could support 3,000 to 5,000 fish--more using reach 3. Lyman said we have a lot of resources here—we could make the true big investment rather than just adding gravel, etc. Stenberg suggested developing objectives over time. Van Every said so build a better frankenstream made by a frankenhydrograph from putting water over uplands? Stenberg noted the area had a swamp designation on historic maps. Van Every said he doesn't think it would cost several hundreds of thousands to improve reach 3 and it's probably possible to increase the stream length by two or three times.

Stenberg summarized – In general, this group would like to see more at Kackley than is currently there. He asked, so what's your vision, what's your commitment? Where do you want to see it in 10 years? He suggested that the group lay out some statements and prioritize from there. Sigler said SSLT had a long discussion about this area today and would like to move forward to make it what IDFG needs it to be.

Stenberg asked whether anyone thought we should leave Kackley as it is. None. Mladenka asked what could be put in to get the maximum benefit out? He noted it's a ditch. Possibly Instream structures? Lyman said the group should collect data. Then bring several ideas with price tags. Stenberg said yes, once we make a decision on vision. Then consider options. Mladenka said, for example, what will grow out there? He suggested test plantings. Rinaldi said we all agree something better is desired. Stenberg said as the next step, representatives of landowners should get together with Lyman and work on ideas, then bring some bullet points back to the ECC. We can decide from there.

Lyman suggested a walkthrough at the June ECC meeting. Stenberg will have bullet items in time for the April meeting.

Attachment 1: PacifiCorp Black Canyon Boater Flow Schedule 2017 – Grace, Idaho

PacifiCorp Black Canyon Boater Flow Schedule 2017 – Grace, Idaho

PLEASE NOTE: The Black Canyon is a Class 5 Boating Opportunity

– Experts Only –

The Black Canyon is rated Class 5¹ whitewater, appropriate for expert boaters only. Class 5 whitewater is described as extremely long, obstructed, or very violent rapids, which expose a paddler to added risk. Drops may contain large, unavoidable waves and holes or steep, congested chutes with complex, demanding routes. Rapids may continue for long distances between pools, demanding a high level of fitness. What eddies exist may be small, turbulent, or difficult to reach. At the high end of the scale, several of these factors may be combined. Scouting is recommended but may be difficult. Swims are dangerous, and rescue is often difficult, even for experts. A very reliable Eskimo-roll, proper equipment, extensive experience, and practiced rescue skills are essential.

The Class 5 rating is intended to serve as guidance only. Whitewater boaters should assess their ability to run the Black Canyon based on their individual skill level, river flow level, and weather conditions.

Flows below the dam may change substantially without warning. PacifiCorp assumes no responsibility for damage to equipment or personal injury resulting from any change in flow.

Disclaimer: PacifiCorp is by no means promoting or inviting the public to participate in whitewater boating activities on the Black Canyon of the Bear River.

Black Canyon Boater Program

The structure of PacifiCorp's whitewater boater flow program has been modified by agreement between the Parties to the Bear River Hydroelectric Project Settlement Agreement also known as the Bear River Hydroelectric Project Environmental Coordination Committee (ECC). In 2012, the ECC agreed to change from the previous forecast-dependent flow program to the scheduled program described in this document. The current season and days of boater flows are described in the following sections.

Whitewater Boater Flow Season (2017)

March 25 through June 5.

¹ American Whitewater International Scale of Whitewater Difficulty

Scheduled Whitewater Release Days and Time

Four boater events will be scheduled during 2017, and will include three two-day events (Saturday and Sunday) and one three-day event (Friday, Saturday and Sunday). During 2017, boater flows are scheduled for the following dates:

- March 25 and 26
- April 8 and 9
- April 21, 22 and 23
- May 6 and 7

On scheduled days, flows of 900 cfs or inflow, whichever is greater, will be provided on each day. Releases will begin at 10 a.m. and end at 4 p.m. Between adjoining release days, night-time flows of 200 cfs will be provided.

Attachment 2: 2017 Habitat Enhancement Project List (as of 2/3/2017)

2017 Habitat Enhancement Proposals								
1	Alder Creek fencing	\$108,606						
2	Bitton Bear River Water Supply	\$5,500						
3	Tingey Bear River stabilization and fencing	\$27,500						
4	Fish Screen Tender 2017	\$15,000						
5	Cove Broodstock Ponds Supplemental Funding	\$263,000	Based on one bid for two ponds, second bid will be in next week.					
6	Nichols Whiskey Creek Reclamation Planning	\$5,000						
7	Kempton Stauffer Creek Culvert	\$12,554						
8	Screen Repair Set Aside	\$10,000						
	Total Requests	\$447,160						
	Available 2017 Funding							
	\$325,456							