

**Bear River ECC  
Final Meeting Notes  
November 20, 2020  
--Online Meeting--**

<b>ECC Members Present</b>		
	<b>Name</b>	<b>Organization</b>
x	Mark Stenberg	PacifiCorp
x	Lynn Van Every	Idaho Department of Environmental Quality
x	Jim DeRito	Trout Unlimited
x	Corey Lyman	U.S. Forest Service
x	Jeremy Jirak	U.S. Fish and Wildlife Service
x	Carson Watkins	Idaho Department of Fish and Game
	Allison Michalski	Greater Yellowstone Coalition
x	Ryan Beatty	Bureau of Land Management
	Charlie Vincent	American Whitewater
	Hunter Osborne	Shoshone-Bannock Tribes
	Kirk Rich	Idaho Department of Parks and Recreation
	Susan Rosebrough	National Park Service
	Kevin Lewis	Idaho Rivers United

<b>Others Present</b>		
	<b>Name</b>	<b>Organization</b>
	Eve Davies	PacifiCorp
x	Matt Lucia	Sagebrush Steppe Land Trust
x	Ryan Hillyard	Idaho Department of Fish and Game
x	Steven Smith	Idaho Department of Environmental Quality
x	Matt Schenk	Idaho Department of Environmental Quality
x	Jenn Cornell	Sagebrush Steppe Land Trust
x	Bradley Parry	Northwest Band of Shoshone
x	Bryan Andrew	Northwest Band of Shoshone

<b>Commitments Made at the November 20, 2020 Meeting</b>	
Stenberg	<ul style="list-style-type: none"> <li>Route draft Northwest Band of Shoshone RCPP application letter of support for ECC review by Monday, Nov. 23.</li> <li>Water rights analysis for Bear Creek.</li> </ul>
Lucia	<ul style="list-style-type: none"> <li>Arrange a meeting with Stenberg and surveyor to discuss Jensen correction. Report back to ECC with cost estimate at December meeting.</li> </ul>
Watkins, Hillyard	<ul style="list-style-type: none"> <li>Provide full cost estimate for phosphorus treatment of broodstock ponds for approval at December meeting.</li> </ul>
Action items in blue have been carried over.	

**Decisions Made at This Meeting**

- Approved payment of Sagebrush Steppe Land Trust's 2020 Monitoring and Maintenance Invoice in the amount of \$15,858.99.

## Review of Agenda

Agenda items for this meeting include:

- Northwest Band of Shoshone Battle Creek restoration (*Boa Ogoi*).
- Cove broodstock ponds phosphorus reduction
- B&R Ranch project scoping report
- Bear Creek grant match opportunity
- Sagebrush Steppe Land Trust annual maintenance and monitoring invoice

## ECC Fund Balances

Stenberg reviewed the ECC's fund balances.

### Land and Water Fund

\$1,300,000	Currently in Fund
\$13,576	2020 Interest Estimated
<u>\$422,440</u>	2021 Funding Estimated
\$1,800,000	Funding Total, 2021 (Estimated)
<u>- \$700,000</u>	Outstanding Obligations (Approx.)
\$1,100,000	Available for 2021 projects (Estimated)

Potential 2021 Land and Water grant applications may include Northwest Band of Shoshone Battle Creek, Fellows, Jensen, and Davis.

### Habitat Enhancement Fund

\$488,145	Currently in Fund
\$3,000	2020 Interest Estimated
<u>\$235,136</u>	2021 Funding Estimated
\$724,000	Funding Total, 2021 (Estimated)
<u>-\$262,000</u>	Outstanding Obligations (Approx.)
\$461,000	Available for 2021 projects (Estimated)

Potential 2021 Habitat Enhancement grant applications include Stauffer Creek, Paris Creek, Battle Creek, Steve's Creek, Oxborough, Dry Creek fencing, and St. Charles Creek.

## Northwest Band of Shoshone Battle Creek Restoration (*Boa Ogoi*)

### Regional Conservation Partnership Program Letter of Support

A draft letter of support for the Northwest Band of Shoshone (NWB) was distributed to ECC members for review prior to this meeting (Attachment 1). Stenberg said the draft was based on

the previous letter of support he had prepared for the Trout Unlimited application and more specifics may be needed for the NWB's letter.

### **Habitat Enhancement Grant Application for Battle Creek Restoration**

The ECC reviewed a map of the study area and discussed proposed improvements to Battle Creek. It was noted that the water quality in Battle Creek is currently fairly low, but this would be a high-profile project in a highly visible and easily accessible area. Van Every said there has been a lot of interest in the parcel and in Battle Creek because it is currently one of the worst [water quality] offenders and is tributary to the Bear River; however, it is not very good habitat for Bonneville cutthroat trout, which is the ECC's primary goal. But improving the watershed is also valuable. He also noted that the ECC doesn't typically put all its eggs in one basket, but match potential makes the project more interesting. Stenberg noted that he believes this wouldn't be a native fish project at this time but could be the start of other Battle Creek restoration projects much like Mink Creek fifteen years ago when the first conservation easement was talked about. At this time, it's a water quality project that could look like good habitat for fish and terrestrial species. Stenberg said he likes the accessible location of the project for education and getting other parties excited about doing similar things on their property.

Parry reviewed the project spreadsheets for Battle Creek restoration with the ECC. DeRito said he recognized this is a watershed vision and that the project could be worked on stepwise. Van Every noted that the ECC does not have sufficient cashflow to provide the \$1.4 million over 5 years requested. DeRito suggested focusing on the Land and Water portion of the proposal over the first year, then come back to the Habitat Enhancement portion later.

### **Conservation Easement Funding and Funding for Desired Future Conditions**

Parry reviewed the project spreadsheet and noted that the NWB proposes to provide a conservation easement donation as a match. Stenberg asked about possible development threat to the property. Parry said it's taken the tribe 170 years to get the land back, and it's sacred to the tribe. Van Every asked if there were other mechanisms besides a conservation easement to protect this land. He said he think its destiny should be held within the tribe rather than a third-party conservation easement. Parry said the NWB has been talking to the Bureau of Indian Affairs about placing the land in trust. It has already been designated as a battlefield site.

Stenberg, brainstorming, said he sees two possible grant application paths: 1) a conservation easement, including a chunk for reaching desired future conditions, or 2) Battle Creek habitat enhancement work. He asked Parry if the Tribe had just the vision presented or if they also had a base case or minimal restoration case that would have a different funding level need. Parry said yes, the NWB is looking at four or five options.

Stenberg, in an effort to move the discussion along, asked for a roll call check-in on whether ECC members would like to continue discussion of a conservation easement. These were framed for ECC members to respond to:

1. Are ECC members amenable to continuing to discuss the administrative side of a donated conservation easement with the NWB on 350 acres from the Land and Water Fund for a perpetual easement that does not preclude the tribe from future and additional protective measures?
2. Realizing the ECC has other Bonneville cutthroat trout projects, what are ECC members comfortable with for the RCPP application letter of support? The request is 80 percent of the ECC’s yearly habitat enhancement funding for 5 years.

Stenberg asked for a roll call check-in on whether ECC members would like to continue discussion of a conservation easement.

Yes	Stenberg	PacifiCorp
Yes	Jirak	USFWS
Yes	Lyman	USFS
Yes	DeRito	TU
Yes	Van Every	IDEQ
Yes, but would prefer a private discussion	Watkins	IDFG
Yes	Beatty	BLM

Stenberg proposed moving on to the next agenda item, deferring the discussion to the closed session portion of the meeting.

**Cove Broodstock Ponds Phosphorus Reduction**

Hillyard reviewed the issue of high phosphorus in the broodstock ponds. He said in the heat of summer, hatchery staff have to clean screens off twice a day. Algae is plugging up the ponds and could cause an overflow. He said phosphorus levels are not a biological problem for the fish. IDFG is proposing to use Phoslock treatments to lower phosphorus levels. Cost would be \$1500/pond to treat once a year. Subsequent treatments are less, he said.

Stenberg asked about the overall water quality in the ponds. Hillyard said it is good, within standard levels. Stenberg asked if phosphorus levels could be addressed by adjusting flows. Hillyard said yes, but it is less expensive to treat the algae or phosphorus. Van Every said he is open to a pilot of this treatment. Stenberg agreed. Hillyard said the treatment would take place in the spring, with water sampling (testing) in March/April. Stenberg asked Hillyard to bring a full cost proposal to the December ECC meeting for approval.

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

**Attachment 1**

**Draft Letter of Support for the Northwest Band of Shoshone's Application to the Regional Conservation Partnership Program**

## MEMORANDUM

**To:** [Project Lead]

[Agency]

[Address]

**From:** Bear River Hydroelectric Project Environmental Coordination Committee (Committee members include PacifiCorp, U.S. Fish & Wildlife Service, U.S. Bureau of Land Management, U.S. National Park Service, USDA Forest Service, Shoshone-Bannock Tribes, Idaho Department of Environmental Quality, Idaho Department of Fish & Game, Idaho Department of Parks and Recreation, Trout Unlimited, Idaho Rivers United, Greater Yellowstone Coalition, American Whitewater)

**Re:** Letter of the support for Northwestern Band of Shoshone Nation's application to the Regional Conservation Partnership Program.

**Date:** November 19, 2020

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The Bear River Hydroelectric Project Environmental Coordination Committee ("ECC") was formed out of a Settlement Agreement for the continued operation of PacifiCorp's Bear River Hydroelectric Project ("the Project"). The Project is comprised of three hydroelectric developments along the Bear River in southeastern Idaho. The signatories to the Settlement Agreement comprise the membership of the ECC. The ECC has several coordination roles in the ongoing operation of the Project, including the administration of funds for habitat enhancement and land conservation provided annually by PacifiCorp through the 30-year term of the Federal Energy Regulatory Commission license.

Current annual funding for habitat enhancement projects is \$235k and land and water conservation projects is \$422k. This funding will continue annually through 2033. An advantageous aspect of these funds is they can be used as private match for funding sources requiring private match. The ECC and PacifiCorp have been involved in the funding and implementation of over 100 habitat projects along the Bear River and its tributaries since 2005. Recently, ECC members were fortunate to be able to be on site and hear the Northwestern Band of the Shoshone Nation's vision for their property at the Bear River Massacre Site. All ECC members present were excited to hear the comprehensive vision for the property including, interpretation and education, removal of invasive species, terrestrial plant community restoration and the restoration of Battle Creek. The Battle Creek restoration vision will have water quality benefits to the Bear River and will restore habitat for plant and animal species. The Battle Creek project is also in a unique location to serve as a readily accessible demonstration reach that has the potential to provide inspiration for restoration projects further upstream.

Restoration of Battle Creek is consistent with many other tributary projects the ECC has been involved with to improve water quality and provide future habitat for native fish. We anticipate that ECC Members will be involved in some way with Battle Creek project implementation.

We anticipate that ECC Members and grant funds approved by them will be involved in Regional Conservation Partnership Program (RCP) projects. All ECC grant applications have to be ranked and approved by the ECC. See NRCS table below for potential match funding details.

<b>Partner Name</b>	<b>Cash vs. In-Kind</b>	<b>Amount (\$)</b>	<b>Contribution Category</b>	<b>Description</b>
<b>Environmental Coordinating Committee</b>	Cash	\$422K annually	FA: Entity Held Easement Activity Related Expenditures	Land and Water Fund, dependent upon ECC's review and approval of individual projects
<b>Environmental Coordinating Committee</b>	Cash	\$235k annually	FA: RCP Land Management Activity Related FA Expenditures	Habitat Enhancement Fund, dependent upon ECC's review and approval of individual projects

The ECC is hereby providing a letter of the support for Northwestern Band of the Shoshone Nation's RCP application with the Natural Resource Conservation Service.

This memorandum is submitted by Mark Stenberg on behalf of the ECC, as approved by vote on November XX, 2020. If you have questions please contact Mark Stenberg, PacifiCorp's Bear River Hydroelectric Project Environmental Coordinator, mark.stenberg@pacifiCorp.com, (208) 852-5507, 822 Grace Power Plant RD., Grace, ID 83241.

cc: ECC Members and Alternates; Devin Pharis, Director Plant, Hydro East; Hydro Document Services