

**Bear River ECC  
Final Meeting Notes  
March 17, 2021  
--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
	Matt Bringhurst	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
x	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>
x	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	Jennifer Cornell	Sagebrush Steppe Land Trust
x	Bradley Parry	Northwest Band of Shoshone
x	Jaime Campbell	Sagebrush Steppe Land Trust
	Kevin Colburn	American Whitewater
x	Kiley Heaps	Sagebrush Steppe Land Trust
x	Nick Wobbrock	Blue Forest
x	Peter Wyrsh	Blue Forest

<b>Commitments Made at the March 17, 2021 Meeting</b>	
Upcoming Dates	<ul style="list-style-type: none"> <li>• 2021 habitat enhancement projects - Long forms (applications) due April 9, 2021.</li> <li>• Subcommittee meets virtually to rank projects April 21, 2021. Ranking subcommittee members: Stenberg, Davies, Hillyard, Lyman, Smith, DeRito, Beatty.</li> <li>• A walk-through of Battle Creek restoration potential with the Northwest Band of Shoshone will take place April 2. ECC members are welcome to attend. Contact: <a href="mailto:bparry@nwbsoshone.com">bparry@nwbsoshone.com</a></li> <li>• SSLT will schedule site visits to 2021 land and water subject properties, invitations to follow.</li> <li>• June 2021 field visits - Consider potential locations and coordinate with Stenberg.</li> </ul>
Stenberg	<ul style="list-style-type: none"> <li>• Forward results of Bear Creek water rights analysis to ECC members.</li> <li>• Forward information on Fellows/Bear Creek BDAs to ECC members. Call an email vote on additional funding.</li> </ul>

	<ul style="list-style-type: none"> <li>• Forward letter to Steven Smith regarding written confirmation that Cottonwood Creek project will not go forward.</li> <li>• Verify B&amp;R Ranch funding amount and confirm with Lucia.</li> <li>• Keep Vincent apprised of discussions with PacifiCorp operations regarding whitewater boater flows/planned maintenance at Grace.</li> <li>• Continue discussion of willow staking at Cove with Beatty for possible habitat enhancement project.</li> </ul>
Lucia	<ul style="list-style-type: none"> <li>• <a href="#">Arrange a meeting with Stenberg and surveyor to discuss Jensen correction. Report back to ECC with cost estimate.</a></li> <li>• <a href="#">Provide information on water rights encumbered on SSLT's Mink Creek projects.</a></li> </ul>
Hillyard	<ul style="list-style-type: none"> <li>• <a href="#">Provide information on fish populations and distribution in Mink Creek. Summarize Twin Lakes data. Consider future sampling.</a></li> </ul>
DeRito	<ul style="list-style-type: none"> <li>• For <i>Boa Ogoi</i> project, follow up with Parry on amount of water coming from freshwater spring.</li> </ul>
Beatty	<ul style="list-style-type: none"> <li>• Continue discussion of willow staking at Cove with Stenberg.</li> </ul>
Lyman	<ul style="list-style-type: none"> <li>• For Dip Creek project, work with proponent to develop application (long form).</li> <li>• For Stauffer Creek project, request a landowner commitment letter prior to approval of Phase 1.</li> <li>• Provide an email update on work pending on Egley culvert.</li> </ul>
Smith	<ul style="list-style-type: none"> <li>• Obtain written confirmation that 2020 Cottonwood Creek project will not go forward.</li> <li>• For Paris Canyon Stock Water project, work with Payne on timing and amount of grant applications to ECC and 319.</li> </ul>
Hugentobler	<ul style="list-style-type: none"> <li>• Poll ECC regarding restart of in-person meetings in May.</li> </ul>
Action items in <a href="#">blue</a> have been carried over.	

## Email Decisions Made Since the Last Meeting

None

## Decisions Made at This Meeting

- Approved January meeting notes.

## Agenda Review

- An update on St. Charles Creek from DeRito was added to the agenda.
- Jensen deed correction was deferred to the next regular meeting.

## Introductions

Lucia introduced Kiley Heaps, Sagebrush Steppe Land Trust's (SSLT) new Bear River watershed coordinator. Heaps will help facilitate conservation easements in the Bear River watershed. Her position is funded by multiple organizations.

## Calendar Review

Stenberg reviewed the ECC's upcoming calendar. Project applications (long forms) for 2021 habitat enhancement projects are due to Stenberg and Hugentobler April 9. The ranking subcommittee meets virtually April 21 to review and rank projects. Next regular ECC meeting

takes place May 19. The ECC's June 16 meeting will be a field day. Stenberg asked ECC members to let him know if they have suggestions for specific locations.

Stenberg suggested an email poll of ECC members on their level of comfort to resume meeting in person beginning in May. Hugentobler will coordinate. Watkins said Idaho Department of Fish and Game (IDFG) could host the ECC with social distancing, following state COVID protocols.

## **Updates**

### **2020 Bear River Annual Report**

ECC review of the draft 2020 annual report closed February 15. Comments/approvals were received from Beatty, Lyman, and Smith. All comments received were incorporated into the final annual report. The annual report was filed as required with the Federal Energy Regulatory Commission on February 29, 2021.

### **Paris Decommissioning Water Swap**

Stenberg said PacifiCorp's internal financial analysis for the agreement is being routed now. After that, there will be funding to proceed. Multiple agreements will be needed, including with the ECC, tailrace users, landowners, Bureau of Land Management (BLM), U.S. Forest Service (USFS), landowners along canal, stock waterers, etc. Stenberg said he has meetings scheduled in March at Paris City Hall to discuss the project. An April 29 walkthrough is scheduled with PacifiCorp staff. There will also be an onsite visit with federal agencies. He will then schedule an ECC meeting to work on agreements.

Smith asked about the Paris sinkhole. He said a concern he's heard is that the majority of the water is currently bypassing the sinkhole because of the power canal. What will happen if it's removed? Stenberg said he's prepared to work with people on this issue.

Lyman said USFS and BLM met to discuss combined National Environmental Policy Act (NEPA)/environmental analysis to facilitate the project on public lands. He said any action that would create disturbance will require some kind of NEPA. On Forest Service side, decommissioning will require some kind of NEPA and cost recovery.

Lyman asked how water rights would be handled and whether decommissioning could go forward with those rights in place. Infrastructure would require new special use permits, and stock water on the National Forest is a sensitive issue. The irrigator would have to apply for a right from USFS.

Beatty said the question from internal BLM was whether the project can be done without all the disturbance proposed. He said he understands that PacifiCorp wants to rehabilitate the area and walk away. Stenberg said one of the issues is the canal. If any of the water right holders say they want to keep the canal to exercise their water right, then the canal must stay. That is not known at this point

## **Habitat Enhancement Projects**

**Mussler** - No update. Stenberg said it may be a good year to get it done since water is low.

**Kackley Ponds** - An Army Corps of Engineers permit will be needed for this project to move forward. Stenberg and Lyman will work through the details this year.

**Bear Creek** - Additional funding may be requested for this project. Stenberg said the ECC approved a 2020 grant for Anabranch to plan and install beaver dam analogs (BDAs) at a cost of \$42,000. The ECC paid \$14,000 to Anabranch, Bouwes did a site visit, prepared a layout for BDAs, visited with the Natural Resources Conservation Service (NRCS), and prepared an Army Corps of Engineers permit application. Fellows subsequently signed a contract with NRCS that included the BDAs which said they must be installed during 2020. The NRCS included 933 feet of BDAs in the Fellows contract. Meanwhile, Bouwes had an accident and was temporarily unable to work. Fellows went ahead and installed the 933 feet of BDAs, did a nice job, and got the practice funding. But Anabranch and NRCS's reimbursed price differ and now the project is short approximately \$20,000. Stenberg proposed that the ECC make up the difference in reimbursement. He will put the proposal in writing to the ECC for email vote.

Beatty said Bear Creek is on BLM's work schedule now, but information from the proponent is incomplete. More information is needed from the landowner and NRCS regarding the point of diversion. Beatty said he is not optimistic about a right-of-way this year and needs a complete proposal right away. BLM will require a drawing of a diversion structure, what the right-of-way needs are, and a proposal on paper. Stenberg said the Fellows are considering whether to repair existing system or go forward with BLM and NRCS. Beatty asked if the current pond is off channel. Stenberg said yes.

Stenberg said the Fellows are still interested in a Bear Creek water deal and a land and water project proposal will be discussed later this afternoon.

**Cottonwood Creek** - Smith said he is still trying to get a letter confirming that this project is not going forward. Stenberg will provide a sample letter to Smith.

**Kackley Riparian Habitat** - Lucia said there are about 100 additional plants to install this spring. Water will be needed for the new plantings. PMG will provide a system and water the plantings for the first 2 years.

**Mill Hollow Aquatic Organism Passage** - Stenberg said he has an agreement from the USFS and is working through it. Lyman said the project will be on the ground in fall of this year. The structure has been purchased. ECC funding will be used for installation.

**Paris Irrigation Diversion Design** - This project has been deferred until an agreement with the ECC has been signed.

## **Review of ECC Fund Balances**

### **Habitat Enhancement Fund**

\$678,622 - Balance

\$203,822 - Obligated

\$474,799 - Available for grants

### **Land and Water Fund**

\$1,784,312 - Balance

\$733,070 - Obligated

\$1,051,242 - Available for grants

Lucia asked Stenberg to verify numbers for B&R and confirm with him.

## **2021 Whitewater Boater Flows**

Stenberg summarized that in 2020 one whitewater boater flow (WWBF) weekend took place as scheduled in spring and the remaining flows were cancelled due to COVID. With an outage at Grace, PacifiCorp was able to make up two weekend WWBFs in the fall. Stenberg said the two other units at Grace also need work, and he thought this may create additional opportunities for fall WWBFs. However, based on recent internal analysis, work on other two units can take place outside of irrigation season. Stenberg said he still needs to talk to Operations, but at this time he can't forecast the potential for additional fall flows in out years. He asked whether American Whitewater would like to move the fourth WWBF weekend this year to the fall, if possible. Vincent said yes and confirmed that there are currently four releases proposed for 2021, with some potential to move the fourth to fall. Stenberg said yes and reviewed the WWBF calendar. Vincent said American Whitewater supports moving the last WWBF flow of 2021 to fall but he understands it may not happen. Stenberg will keep Vincent informed of discussions with PacifiCorp Operations. Stenberg checked in with the ECC on the 2021 WWBF calendar. No comments or concerns were noted.

## **2021 Habitat Enhancement Project Proposals**

The ECC reviewed proposals (short forms) for 2021 habitat enhancement projects (See Attachment 1). The purpose of the review is to identify any questions or the need for additional information prior to the ranking meeting. Additionally, if project has a very low probability of ranking well, the ECC can call it off. Questions and additional information needs are noted below.

**Boa Ogoi** - A walk through of this project is scheduled April 2, ECC members welcome to attend (calendar invitation to follow). Hillyard asked if the project would be phased. Parry said four phases are being considered. The third phase is Russian olive removal on the mainstem, the fourth is culvert installation on the trib. Hillyard asked whether ECC funding will be sought for all four phases. Parry said yes, the Northwest Band is hoping to come back to ECC. Schenk asked

how much water is coming out of freshwater spring. Parry said 13,000 acre-feet/year (follow-up needed to confirm).

**Davis Diversion** - No questions.

**Dip Creek** - This project is outside of the action area on National Forest System land. Lyman noted that Dip and Dry Creek are tributary to the Thomas Fork, which supports a population of Bonneville cutthroat trout. Lyman will work with Payne on the project application and agreed to serve as ECC sponsor.

**Fish Screen Repair and Tender** - No questions.

**Kackley Demolition** - No questions. Stenberg said he believes this project will come in below budget, likely \$10,000 to \$12,000.

**Paris Canyon Livestock Water** - This project will also be submitted for 319 funding. Stenberg and DeRito suggested increasing the 319 ask this year and adjusting the ECC portion accordingly, then increasing the ECC ask next year for construction. Stenberg and Smith will speak with Payne about adjustments.

**St Charles Creek Diversion** - This project is outside the action area. Hillyard said there is some concern that the landowner is not yet willing to do project/may not go forward this year. Given this, Hillyard asked if the ECC would still like to consider it for funding in 2021. Stenberg asked if it would be beneficial to approve the project this year and obligate funds as match. DeRito noted IDFG already has a design in hand—ECC funding would be used to fund construction. Smith asked if Banks is working on this with 319 dollars. Hillyard said yes.

**Stauffer Cr/Phase I** - DeRito suggested that a landowner commitment letter be requested prior to approval of Phase 1. Stenberg requested Lyman serve as ECC sponsor.

**Stauffer Creek/Oxborrow** - Stenberg asked about scheduling for this project. Hillyard said the proposal is for engineering, to take place this fall. Additional funding will be sought next year for construction.

**Thomas Fork Diversion Design** - Lyman asked who would design the project. Hillyard said Quadrant would design both Thomas Fork and Stauffer Creek (above).

**Eightmile Creek** - No questions.

## **Project Follow up**

**Cove BLM Property** - Stenberg said he is considering a 2-day pilot project to assess the feasibility of using willow bundles on the Cove BLM property. He said he did not prepare a short form, but estimated cost at approximately \$2,000. He asked Beatty if any of the previous willow

staking survived on BLM land. Beatty said no. Davies said she has had success with willow bundles as long as a zone where the roots can get to water is identified during planting. Otherwise, the method is cheap and easy. Other possible methods were discussed. Stenberg and Beatty will discuss and bring a proposal back for consideration.

### **St Charles Creek Follow up - DeRito**

DeRito said this landowner mowed a half-acre of riparian vegetation in this area in order to access the creek and subsequently contacted him for remediation advice. DeRito said he put the landowner in touch with Biota. The landowner now has a design to address the damage which also includes some ponds. DeRito said he encouraged the landowner to address the damage first and then propose ponds later. DeRito said he asked the landowner if he is planning to stock the ponds. He said yes, with hatchery Bonneville cutthroat trout (BCT). Watkins said he saw the landowner's application and it looked good. He said IDFG would grant a permit to stock a private pond but there is no source for hatchery BCT. They could stock sterile rainbow trout. But if there is a connection back to the stream for mitigation, then they won't be able to stock the ponds. DeRito will forward the email about stock ponds to Watkins and Hillyard and let them take it from there. Van Every said he has not seen the application. Watkins will forward a copy to him.

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

### **Blue Forest - Overview of the Organization and the Concept of Resilience Bonding**

The ECC heard a presentation from Peter Wyrsh and Nick Wobbrock of Blue Forest which provided more information on the organization and the concept of resilience bonding. DeRito said Blue Forest is looking for a place to pilot on the Bear River watershed and the Idaho portion seems like a good place to start, especially with ECC.

Additional information:

Wheaton, slideshow - Intro to Resilience Bonding

[http://capstone.restoration.usu.edu/Course\\_Topics/WATS\\_5350/ConsFinance.html](http://capstone.restoration.usu.edu/Course_Topics/WATS_5350/ConsFinance.html)

Blue Forest, links

[How the Forest Resilience Bond Works](#)

Blue Forest 2019 Impact Report

San Francisco Federal Reserve Publication

Contacts:

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Nick Wobbrock, Cofounder and COO, [nick@blueforest.org](mailto:nick@blueforest.org)

Also: Joe Wheaton, Assistant Professor, Utah State University, [joe.m.wheaton@gmail.com](mailto:joe.m.wheaton@gmail.com)

**Attachment 1**  
**2021 Habitat Enhancement Project Proposals**  
**Review of Short Forms**

### Bear River ECC 2021 Habitat Enhancement Project Proposals (Short Forms)

Proposal	Applicant & ECC Assignments	Description	ECC Funding & Overhead Requested	Matching Funds	In-kind Match	Total Project Cost
<i>Boa Ogoi</i> Battle Creek Habitat Enhancement, Phase 1	<b>Applicant:</b> Brad Parry, Northwest Band of Shoshone <b>ECC Sponsor:</b> Jim DeRito, TU <b>Funds Manager:</b> Mark Stenberg, PacifiCorp	Design and planning for a new irrigation diversion on Battle Creek North, a spring water piping system, and a culvert under West Cache Canal. Design and installation of beaver dam analogs. Removal of non-native vegetation and replanting and reseeding of native plants.	\$55,000.00	\$110,000.00	\$21,716.00	\$186,716.00
Davis Diversion Fish Screen and Road Improvements	<b>Applicant:</b> Jim DeRito, TU <b>ECC Sponsor:</b> Ryan Hillyard, IDFG <b>Funds Manager:</b> Mark Stenberg, PacifiCorp	Improve a road-stream crossing, clean out a sediment trap, and plant additional willow clumps along the Davis Diversion fish screen on Cottonwood Creek.	\$2,500.00 + \$250.00 \$2,750.00	N/A	\$500.00	\$3,250.00
Dip Creek Riparian Fencing	<b>Applicant:</b> Taylor Payne <b>ECC Sponsor:</b> Corey Lyman, USFS <b>Funds Manager:</b> Mark Stenberg, PacifiCorp	Replace a non-functioning electric fence with a permanent wooden rail fence to protect and enhance the riparian area along Dip Creek.	\$44,048.00	\$5,000.00	\$5,000.00	\$54,048.00
Fish Screen Repairs	<b>Applicant:</b> Ryan Hillyard, IDFG <b>ECC Sponsor:</b> Mark Stenberg, PacifiCorp <b>Funds Manager:</b> Carson Watkins, IDFG	Annual set-aside to repair and maintain fish screens throughout the Bear River drainage. Request includes \$1,000 to install a flow measurement device on the lowest fish screen on Fish Haven Creek.	\$9,000.00	N/A	N/A	\$9,000.00

Proposal	Applicant & ECC Assignments	Description	ECC Funding & Overhead Requested	Matching Funds	In-kind Match	Total Project Cost
Fish Screen Tender	<b>Applicant:</b> Ryan Hillyard, IDFG <b>ECC Sponsor:</b> Mark Stenberg, PacifiCorp <b>Funds Manager:</b> Carson Watkins, IDFG	Operation 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 tended.	\$26,000.00 <u>\$4,000.00</u> \$30,000.00	N/A	\$8,000.00	\$38,000.00
Kackley Pond Demo	<b>Applicant:</b> Mark Stenberg, PacifiCorp <b>ECC Sponsor:</b> Mark Stenberg, PacifiCorp <b>Funds Manager:</b> Mark Stenberg, PacifiCorp	Prepare a removal plan for the two ponds at Kackley Springs.	\$20,000.00	N/A	\$5,000.00	\$25,000.00
Paris Canyon Livestock Water Pipeline	<b>Applicant:</b> Taylor Payne <b>ECC Sponsor:</b> Steven Smith, IDEQ <b>Funds Manager:</b> Mark Stenberg, PacifiCorp	Install a livestock watering system to replace the open ditch that feeds the Paris hydroelectric plant.	\$67,928.00	\$61,012.50	\$39,830.00	\$168,770.50
St Charles Creek Fish Screen Construction	<b>Applicant:</b> Ryan Hillyard, IDFG <b>ECC Sponsor:</b> Jim DeRito, TU <b>Funds Manager:</b> Carson Watkins, IDFG	Construction of a fish screen on St. Charles Creek.	\$75,000.00			\$282,000.00
Stauffer Creek Fish Passage, Riparian, and Aquatic Habitat Improvement Project - Phase 1	<b>Applicant:</b> Corey Lyman, USFS <b>ECC Sponsor:</b> Corey Lyman, USFS <b>Funds Manager:</b> Jim DeRito, TU	Phase 1 Implementation: develop new irrigation practices and stock water in uplands.	\$100,000.00	\$175,000.00	N/A	\$275,000.00
Stauffer Creek/Oxborrow Diversion Design	<b>Applicant:</b> Ryan Hillyard, IDFG <b>ECC Sponsor:</b> Corey Lyman, USFS	Engineering design for two diversions with fish screens.	\$40,000.00	N/A	N/A	\$40,000.00

Proposal	Applicant & ECC Assignments	Description	ECC Funding & Overhead Requested	Matching Funds	In-kind Match	Total Project Cost
	<b>Funds Manager:</b> Carson Watkins, USFS					
Thomas Fork Diversion Design	<b>Applicant:</b> Ryan Hillyard, IDFG <b>ECC Sponsor:</b> Jim DeRito, TU <b>Funds Manager:</b> Carson Watkins, IDFG	Engineering design to replace an existing diversion on the Thomas Fork.	\$25,000.00	\$5,000.00	N/A	\$30,000.00
USFS Eightmile Creek Water Quality/Habitat	<b>Applicant:</b> Kara Green, USFS <b>ECC Sponsor:</b> Corey Lyman, USFS <b>Funds Manager:</b> Mike Duncan, USFS	Pilot process-based restoration techniques on Eightmile Creek, install a relief culvert, and use bioengineering to stabilize 150 ft of streambank.	\$7,000.00		\$2,000.00	
<b>TOTAL</b>			<b>\$475,726.00</b>			