

**Bear River ECC  
Final Meeting Notes  
January 18, 2023  
Pocatello, Idaho**

<b>ECC Meeting Participants</b>		
	<b>Name</b>	<b>Organization</b>
x	Mark Stenberg	PacifiCorp
x	Jennifer Cornell	Idaho Department of Environmental Quality
x	Jim DeRito	Trout Unlimited
x	Corey Lyman	U.S. Forest Service
x	Matt Bringham	U.S. Fish and Wildlife Service
	Patrick Kennedy	Idaho Department of Fish and Game
	Allison Michalski	Greater Yellowstone Coalition
x	Drew Retherford	Bureau of Land Management
	Charlie Vincent	American Whitewater
	Hunter Osborne	Shoshone-Bannock Tribes
x	Andy Stokes	Idaho Department of Parks and Recreation
	Dan Miller	National Park Service
x	Nic Nelson	Idaho Rivers United
<b>Others Present</b>		
	Steven Smith	Idaho Department of Environmental Quality
x	Ryan Hillyard	Idaho Department of Fish and Game
x	Eve Davies	PacifiCorp
x	Matt Lucia	Sagebrush Steppe Land Trust
x	Matt Schenk	Idaho Department of Environmental Quality
x	Matt Coombs	Sagebrush Steppe Land Trust
x	Jeremy Jirak	U.S. Fish and Wildlife Service

<b>Commitments Made at the January 18, 2023, Meeting</b>	
All	<ul style="list-style-type: none"> <li>• Comments on the 2022 annual report are due February 17, 2023</li> <li>• Grant proposals (short forms) for 2023 habitat enhancement projects are due by March 3</li> <li>• Grant applications (long forms) for 2023 habitat enhancement projects are due by April 7</li> <li>• Funding subcommittee meets April 19 to rank projects</li> </ul>
Stenberg	<ul style="list-style-type: none"> <li>• Share ECC funding spreadsheets with Stokes, interested ECC members</li> <li>• Check status of 2022 fish screen repair and screen tender invoice/payment</li> <li>• Call email vote on ECC letter of support for revised RCPP application, reducing ECC funding amount. Provide to Coombs by January 31, 2023.</li> <li>• Schedule call to discuss Larsen management plan/new information with Lucia and interested ECC members.</li> <li>• <a href="#">Email ECC to confirm removal of Fox as a subject property</a></li> <li>• <a href="#">Meet with IDFG regarding the 2023 screen tender funding proposal</a></li> <li>• <a href="#">Coordinate with Lyman to visit Kackley.</a></li> <li>• <a href="#">Distribute Bouwes' Station Creek report to the ECC.</a></li> </ul>
Stenberg & Hillyard	<ul style="list-style-type: none"> <li>• Rescope Elkhorn and Stauffer projects prior to 2023 grant cycle.</li> </ul>
Hillyard	<ul style="list-style-type: none"> <li>• Coordinate any necessary rotenone treatment at Paris by summer 2023.</li> <li>• Review new information in the most current BCT Plan with the ECC to help identify possible priority streams.</li> <li>• Consider submitting a proposal for a stewardship fund for the screen tender position.</li> </ul>

	<ul style="list-style-type: none"> <li>• Contact the Mattsons regarding an access agreement for the point of diversion on their property.</li> </ul>
DeRito	<ul style="list-style-type: none"> <li>• Draft a Land and Water proposal for the Paris diversion for the March ECC meeting</li> <li>• <a href="#">Check in on Davis Diversion/provide status update.</a></li> </ul>
Coombs	<ul style="list-style-type: none"> <li>• Provide a clean copy of the B&amp;R Ranch project scoping report to the ECC.</li> <li>• <a href="#">Look into the cancelled Cottonwood Creek habitat enhancement project as a potential conservation easement.</a></li> </ul>
Lucia	<ul style="list-style-type: none"> <li>• Hold call with the ECC to discuss the Larsen management plan/new information.</li> <li>• <a href="#">Provide information on water rights encumbered on SSLT's Mink Creek projects.</a></li> </ul>
Action items in <a href="#">blue</a> have been carried over.	

## Decisions Made by Email Since Last Meeting

None

## Decisions Made at This Meeting

- Approved PacifiCorp's Paris Hydroelectric Project Petition for Surrender of Exemption and Application for Amendment of License for submittal to the Federal Energy Regulatory Commission.
- Approved the B&R Ranch Project Scoping Report, as edited.

## Previous Meeting Notes and Action Items

December meeting notes were approved as written. Action items carried over appear in blue in the commitments table, above.

## ECC Calendar

Updates to the ECC's calendar were reviewed and approved.

## Updates

### ECC Fund Balances - Stenberg

Land and Water Acquisition Fund (unobligated): \$1,622,514.52

Habitat Enhancement Project Fund (unobligated): \$316,000.00

### 2023 Grant Fund Cycle

A flyer announcing the availability of 2023 habitat enhancement funds was distributed to the ECC and others prior to this meeting. Project proposals (short forms) for habitat enhancement projects are due by March 3, 2023. Project applications (long forms) are due by April 7, 2023. The funding subcommittee meets April 19 to rank projects.

## **Current Habitat Enhancement Projects**

**Hull Fencing** – This project has been invoiced.

**Fish Screen Repairs and Screen Tender** – Status of 2022 invoice and payment needs to be checked.

**Bartschi/Stauffer Creek** – First year’s work included upgrades to irrigation practices. Work on the stream channel took place in 2022. Work will resume in July. Remaining tasks include one mile of stream channel work, stock water, and fencing. The project should be complete in 2023.

**Elkhorn Ranch** – This project will be scaled down to focus on fish passage. Eco blocks will be replaced with weirs. Diversion work can go forward once the water adjudication process is complete. Stenberg and Hillyard will re-scope this project in advance of the 2023 grant review process.

**Bloomington** – This project has not yet been billed.

**Thomas Fork** – Plans to move forward are still under consideration.

**Dip Creek** – Fencing is in. This project should be billed soon.

**Davis** – DeRito will provide an update on this project at the next ECC meeting.

**Boa Ogoi** – Stenberg will provide an update on this project at the next ECC meeting.

**Paris Creek Irrigation Diversion** – Work is ongoing.

**Kackley and Cove** – Remaining funds are being used to water plantings.

**Mussler** – Project is 90 to 95 percent complete. Bank grading remains to be completed.

## **Paris Decommissioning**

PacifiCorp’s draft Paris Hydroelectric Project Petition for Surrender of Exemption and Application for Amendment of License were distributed to the ECC for review prior to the December ECC meeting. Comments were received from Idaho Department of Environmental Quality and were incorporated into the documents.

Stenberg reviewed the final Petition of Surrender of Exemption and Application for Amendment of License with the ECC and asked for ECC approval to proceed with the FERC filing. ECC members voted unanimously to approve the final petition and application, and for PacifiCorp to proceed with the filing. ECC members provided the following additional comments:

**Jennifer Cornell, IDEQ** – IDEQ is fully in support of the project, which is expected to result in habitat and water quality improvements.

**Drew Retherford, BLM** – BLM supports the project. Retherford will speak with his manager about providing a letter of support.

**Jim DeRito, Trout Unlimited** – TU is fully supportive of the project and is a signatory to the Paris Creek Restoration Agreement, coordinating the new point of diversion.

**Matt Bringhurst and Jeremy Jirak, USFWS** – USFWS is supportive.

**Ryan Hillyard, IDFG** – IDFG supports the project. IDFG would like to turn the fishery over to a Bonneville cutthroat trout population. IDFG had concerns about decreased flows in the Black Canyon but this may be a benefit, with less warm water coming out of Grace that could affect the hatchery.

**Corey Lyman, USFS** – Forest Service supports the project.

**Nic Nelson, IRU** – Supports the project but is coming in late in the process and has concerns that returning flows may be put back up for use.

Letters of support are included in Attachment 1.

### **Schedule of Decommissioning Activities**

The 404 permit for the project was submitted December 14, 2022. PacifiCorp’s consultant is currently working on plans for the tailrace. Plans are 99 percent complete. PacifiCorp will hold a walkthrough with contractors as soon as snow is off at the site this spring. The decommissioning is expected to occur in the fall (potentially could start in August but may extend into 2024—the remainder of the schedule is determined by how quickly FERC responds).

Hillyard asked why a fish screen is needed at this location. DeRito said it’s needed because fish can get entrained in the new irrigation diversion. Currently they cannot get entrained in the canals where they connect to the tailrace. This will also allow all the work to be done at once (diversion and fish screen). DeRito noted that the design is almost complete, so any questions or concerns should be provided soon. If rotenone treatments by IDFG need to be scheduled, this summer is the best window to do so because it could be the last time flows are diverted around the reach if decommissioning happens this fall

### **Paris Diversion**

DeRito said fewer people are using the Upper Southfield Canal. There have been issues with holes that will need pipes. There has been discussion of changing the point of diversion but it is probably too late to include it in this process. Upper Southfield is working on their plans to fix the leaks.

The consultant is close to completing overall design for the new diversion. Costs are going up. The original estimate was \$600,000, now it's probably closer to \$800,000. Stenberg suggested that DeRito consider applying for ECC Land and Water funding to complete this work. DeRito will draft a project proposal for consideration at the March ECC meeting.

### **Watershed Approach to Habitat Enhancement Projects**

Stenberg said this approach to habitat enhancement project selection was first proposed by ECC members some time ago and Lynn Van Every of IDEQ brought it up again just prior to his retirement. It would target specific reaches for focus. One way to accomplish this would be to give greater weight to priority streams during project ranking. Stenberg noted the number of habitat enhancement project applications has been down in recent years.

Schenk noted that many habitat enhancement projects are opportunistic, and he did not want to hamstring other good projects [outside of priority reaches]. He asked how priority reaches would be identified. It was noted that Steven Smith had been working on an ECC project map with project descriptions, which may be available for review.

Stenberg said Steve's Creek was one stream mentioned as a possible priority reach. Hillyard said he would support Steve's Creek, noting valuable habitat and willing landowners.

DeRito said he supported the watershed approach and suggested reviewing IDFG's recently updated Bonneville Cutthroat Trout Restoration Plan, using new information in the plan as a guide. Hillyard will review new information in the plan with the ECC to inform identification of priority streams.

Cornell suggested getting word out to adjacent landowners where habitat enhancement projects are under consideration.

### **Stewardship Fund for Screen Tender**

Stenberg said given that there are only 10 years remaining in the license, large yearly amounts would be needed to build the fund to a sufficient level for when the license expires. He noted there is money in the Land and Water Fund and asked IDFG to consider bringing a Land and Water project proposal to the ECC to establish a stewardship fund for a screen tender. Hillyard said this may be complicated, as the state legislature determines IDFG employees and funding. He asked whether Sagebrush Steppe or Trout Unlimited could employ the screen tender.

Hillyard noted that there currently no easements in place for any of the fish screens and IDFG could lose access to them at any time. Stenberg said it would be timely for the ECC to consider this and any proposals for "future proofing."

DeRito suggested the new point of diversion on the Mattson for access agreement consideration. Hillyard will contact them.

**Next Agenda:**

- Consider a project proposal for Land and Water Funds for the Paris Diversion
- Review new information in the BCT Restoration Plan to inform identification of priority streams
- B&R Ranch – Updates from final appraisal
- Comments on the annual report
- Paris Decommissioning update
- Update on Larsen and Jensen
- Station and Mink Creek Updates

**Attachment 1: Paris Decommissioning Letters of Support**

**From:** Charles Vincent <charliev@xmission.com>  
**Date:** Thursday, January 19, 2023 at 9:59 AM  
**To:** Mark Stenberg <Mark.Stenberg@PacifiCorp.com>, Miriam Hugentobler <miriam.hugentobler@gmail.com>  
**Cc:** Kevin Colburn <kcolburn@amwhitewater.org>  
**Subject:** Paris Decommissioning Support

Mark/Miriam:

Follow-up on yesterday's ECC meeting discussion, American Whitewater recently reviewed the document package for Decommissioning of the Paris Hydropower facility and fully supports proceeding with the document filing and field execution of the project.

Thanks,

Charlie Vincent  
AW Regional Representative  
[CLVincent@xmission.com](mailto:CLVincent@xmission.com)  
801-243-4892



**From:** Johnson,Becky <becky.johnson@idfg.idaho.gov>  
**Sent:** Thursday, January 5, 2023 4:21 PM  
**To:** Stenberg, Mark (PacifiCorp) <Mark.Stenberg@pacificorp.com>  
**Cc:** Kennedy,Patrick <pat.kennedy@idfg.idaho.gov>; Miriam Hugentobler <miriam.hugentobler@gmail.com>  
**Subject:** [INTERNET] RE: Paris Decommissioning documents for 60 day review

**THIS MESSAGE IS FROM AN EXTERNAL SENDER.**

Look closely at the **SENDER** address. Do not open **ATTACHMENTS** unless expected. Check for **INDICATORS** of phishing. Hover over **LINKS** before clicking. [Learn to spot a phishing message](#)

Hi Mark,

We have reviewed the draft Paris decommissioning documents you provided and have no additional comments or edits to recommend. We discussed internally the potential need for a rotenone treatment for brook trout to make BCT recovery possible in Paris Creek and look forward to future discussions with you on that topic.

Thank you for the opportunity to comment.

Becky

Becky Johnson  
Technical Assistance Manager  
Idaho Department of Fish and Game  
1345 Barton Road  
Pocatello, ID 83204  
O: 208.236.1258  
M: 208.251.2588





STATE OF IDAHO  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

444 Hospital Way, #300, Pocatello, ID 83201  
(208) 236-6160

Brad Little, Governor  
Jess Byrne, Director

November 29, 2022

Mark Stenberg, Project Manager  
PacifiCorp  
822 Grace Power Plant RD  
Grace, ID 83241

Subject: Amendment to the License for the Bear River Hydroelectric Project

Dear Mr. Stenberg:

The Idaho Department of Environmental Quality (DEQ) lends their full support to the application by PacifiCorp to FERC for amending the Bear River Hydroelectric Project license to adjust the minimum instream flow requirement in the Grace development's bypassed reach. This amendment is part of completing the Paris Creek Restoration project, a significant effort toward restoring ecological functions to Paris Creek. As a stakeholder and partner in the project, DEQ has participated in its planning and development in recognition of the many resulting water quality benefits.

The ecological benefits resulting from the Paris Creek Project include restoring flows to the head waters and providing an increase in the average monthly flow in 4 miles of creek previously experiencing low to no flow. This increase in flow could potentially reduce in-stream temperatures by 4 to 5 degrees during warm periods. Higher flows would clean the substrate of fine sediment in gravels thus promoting successful spawning of sensitive Bonneville Cutthroat Trout found in the system. Overall, this project is seen as an important opportunity to restore and enhance cold-water habitat for Bonneville Cutthroat Trout and improve water quality in Paris Creek.

DEQ recognizes the significant ecological improvements the Paris Creek Project will provide. DEQ understands the compromises required to allow this project to move forward, including the reduction in flow through the Grace bypass reach. For these reasons, as previously stated DEQ fully supports the request for amendment to the FERC license.

Sincerely,

A handwritten signature in blue ink that reads "Jennifer Cornell".

Jennifer Cornell  
Surface Water Quality Manager  
DEQ Pocatello Regional Office

Cc: Katy Bergholm, Regional Administrator, DEQ-PRO; [katy.bergholm@deq.idaho.gov](mailto:katy.bergholm@deq.idaho.gov)  
Matthew Schenk, Water Quality Analyst, DEQ-PRO; [matthew.schenk@deq.idaho.gov](mailto:matthew.schenk@deq.idaho.gov)  
Tambra Phares, 401 Certification Lead, State Office; [tambra.phares@deq.idaho.gov](mailto:tambra.phares@deq.idaho.gov)



Forest  
Service

Caribou-Targhee National Forest HQ

1405 Hollipark Drive  
Idaho Falls, ID 83401  
208-557-5900  
Fax: 208-557-5827

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**File Code:** 1500  
**Date:** January 26, 2023

Mark Stenberg  
Senior Operations Project Manager  
PacifiCorp

Subject: Support Letter for the Paris Creek Restoration Project

Dear Mr. Stenberg,

The Caribou-Targhee National Forest (CTNF) appreciates PacifiCorp's efforts to move forward with the Paris Creek Restoration Project and FERC filings. Agency staff have been involved with the coordination and development of the restoration project. The Intermountain Regional Forester is a signatory of the Paris Creek Restoration Agreement indicating their support of this work.

I appreciate the cooperation and work that has gone into this restoration project and appreciate PacifiCorp's commitment to improving conditions in the Bear River Watershed. For further information, please contact Corey Lyman at 208-557-5838 or myself.

Sincerely,



MELVIN BOLLING  
Forest Supervisor



Caring for the Land and Serving People

Printed on Recycled Paper



**RESOLUTION**

**WHEREAS**, the Fort Hall Business Council (FHBC), governing body of the Shoshone-Bannock Tribes (Tribes) has the ultimate responsibility for approvals and oversight of the administration of all Tribal contracts, grants, cooperative agreements, regardless of source; and

**WHEREAS**, the Fort Hall Business Council (FHBC), governing body of the Shoshone-Bannock Tribes (Tribes), has the ultimate responsibility to direct staff to conduct work off-reservation; and

**WHEREAS**, the protection, preservation, and enhancement of Tribes' reserved off-reservation Treaty Rights retained by our ancestors is vital for maintaining health, well-being, spirituality and culture of the Tribes and members; and

**WHEREAS**, the right to partner with companies and corporation is primarily exercised within the public domain on lands managed by the federal government and staff direction has been to expand the Tribes management authority to ensure that environmental concerns are addressed at the source; and

**WHEREAS**, Tribes along with Pacificorp and other federal agencies and NGO (non-profit organizations) are party to the FERC Bear River Relicensing Settlement Agreement, which includes participation with Pacificorp and other signatories through the ECC (environmental coordination committee) for PM&E (protection, mitigation, and enhancement) fish and wildlife, including native Bonneville Cutthroat trout projects in the Bear River watershed and any outside the Action Areas in agreement with Pacificorp; and

**WHEREAS**, the Tribes will support by vote and agreement (signatory) to fund EDD projects, including decommissioning of hydro operations impacting native fish and wildlife including FERC application filing by Pacificorp (land owner of hydro project on Paris Creek) for the Paris Project decommissioning restoring instream flows; now

**THEREFORE, BE IT RESOLVED BY THE BUSINESS COUNCIL OF THE SHOSHONE BANNOCK TRIBES**, that with regards to the Paris Creek Restoration Project, the Tribes will support the funding through Bear River Settlement Agreement PM&E by vote with EEC or signatory agreement for Pacificorp support in decommissioning FERC filing for the Paris Project, in accordance with the Fort Bridger Treaty of 1868 and Natural Rivers Policy.

Authority for the foregoing resolution is found in the Indian Reorganization Act of July 18, 1934 (48 Stat., 984), as amended, and in the Shoshone-Bannock Tribes Constitution and Bylaws of the Fort Hall Reservation, as amended, including but not limited to the authority found in the Constitution, Article VI.

Dated this 17th day of November 2022.

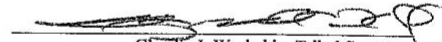


Nathan Small, Tribal Chairman  
Fort Hall Business Council

**SEAL**

**CERTIFICATION**

**I HEREBY CERTIFY**, that the foregoing resolution was passed while a quorum of the Business Council was present by a vote of 5 in favor, 1 absent (CJW), and 1 not voting (NS) on the date this bears.



Claudia J. Washakie, Tribal Secretary  
Fort Hall Business Council

ENVR/CTRT-2022-0969