

**Bear River ECC  
Final Meeting Notes  
October 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
	Matt Bringham	U.S. Fish and Wildlife Service
x	Patrick Kennedy	Idaho Department of Fish and Game
	Allison Michalski	Greater Yellowstone Coalition
x	Drew Retherford	Bureau of Land Management
	Ryan Whitworth	Bureau of Land Management
x	Charlie Vincent	American Whitewater
	Hunter Osborne	Shoshone-Bannock Tribes
	Andy Stokes	Idaho Department of Parks and Recreation
	Dan Miller	National Park Service
	Nic Nelson	Idaho Rivers United
<b>Others Present</b>		
x	Steven Smith	Idaho Department of Environmental Quality
	Ryan Hillyard	Idaho Department of Fish and Game
x	Becky Johnson	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
	Matt Coombs	Sagebrush Steppe Land Trust
x	Jeremy Jirak	U.S. Fish and Wildlife Service
x	Eric Pankau	Sagebrush Steppe Land Trust
x	Jaime Campbell	PacifiCorp
x	Nick Kunath	Idaho Rivers United

<b>Commitments Made at the October 18, 2023 Meeting</b>	
All/ECC Project Sponsors	<ul style="list-style-type: none"> <li>Next ECC meeting: December 6, 2023 at IDEQ offices.</li> <li>A subcommittee will be formed for future work at Kackley Springs. Notify Hugentobler if you would like to participate.</li> <li>ECC project sponsors - submit any outstanding habitat enhancement project invoices ASAP (by November) so they can be paid by end of year.</li> </ul>
Stenberg	<ul style="list-style-type: none"> <li>Distribute ECC funds spreadsheet.</li> <li>Check on Dip Creek project. Provide an update at next ECC meeting.</li> <li>Provide Paris update to DeRito for his annual report.</li> <li>Distribute Kackley grading plan.</li> <li>Paris - Notice salvage, rebid diversion rebuild, and revisit plan for Paris sinkhole.</li> <li>Draft additional language regarding exceptions to scheduled flows for whitewater boater flow calendar.</li> </ul>
DeRito	<ul style="list-style-type: none"> <li>Check on Davis Diversion and Hull projects. Provide updates at next ECC meeting.</li> <li>Submit invoice for Cub River fish passage project.</li> </ul>
Kennedy	<ul style="list-style-type: none"> <li>Check on Elkhorn/Stauffer project. Provide an update at next ECC meeting.</li> <li>Submit invoices for fish screen tender and screen maintenance.</li> </ul>

Commitments Made at the October 18, 2023 Meeting	
Coombs	<ul style="list-style-type: none"> <li>Look into the cancelled Cottonwood Creek habitat enhancement project as a potential conservation easement.</li> </ul>
Lucia	<ul style="list-style-type: none"> <li>Provide information on water rights associated with SSLT's Mink Creek projects.</li> </ul>
Hugentobler	<ul style="list-style-type: none"> <li>Distribute September meeting notes.</li> <li>Draft 2024 whitewater boater flow calendar.</li> </ul>
Action items in blue have been carried over.	

**Previous Meeting Notes and Action Items**

August meeting notes were approved as written. September meeting notes were reviewed and approved as written. Final notes will be distributed after this meeting.

**Decisions Made by Email Since Last ECC Meeting**

The following decision was made by email vote since the last ECC meeting. A record of voting is included in Attachment 1.

- Coordinate application of funding for Paris Decommissioning so that all funding secured may be used.

A correction was made to this email vote. Item 1 of the email vote should state "Bloomington Grazing" rather than "Ward Brothers Dairy." ECC members voted unanimously to approve this change.

**Decisions Made at This Meeting**

- Approved a correction to item 1 of the September 26 email vote to coordinate Paris funding, changing Ward Brothers Dairy to Bloomington Grazing.

**Items Added to Agenda**

None. Oneida pumped storage was deferred to the October 25 public meeting.

**ECC Calendar Review**

- PacifiCorp's Oneida pumped storage meeting takes place October 25 in Preston, Idaho. The meeting venue may change. Preston Fire Station was suggested as a possible alternate venue.
- Next regular ECC meeting takes place December 6, 2023.

## **ECC Fund Balances**

### **Habitat Enhancement Fund**

\$725,000 – Currently in fund

\$275,000 – Expected for new projects next year.

\$1 million – Unobligated funding (by January 1, 2024)

### **Land and Water Fund**

\$1.8 million – Currently in fund

\$630,000 – Outstanding obligations

\$1.17 million – Unobligated funding

Stenberg noted that if there is a change to Sagebrush Steppe Land Trust's monitoring and management practices, the amount of funding needed for that may increase.

## **Current Habitat Enhancement Projects**

**Davis Diversion** – DeRito will check on this project, may still need gravel.

**Dip Creek** – Stenberg will check on this project.

**Kackley Demo** – A grading plan is currently being developed for this project. Stenberg would like it to go forward next year. A subcommittee will be formed for future work at Kackley. If ECC members would like to participate, let Hugentobler know.

**Oxborough** – Project is pending in November.

**Bloomington** – Billing for this project is nearly complete.

**Elkhorn/Stauffer** – Kennedy will check with Hillyard for an update.

**Hull Fencing** – DeRito will check to see if this project is complete.

**Cub River Fish Passage** – This project is now operational. DeRito will invoice.

**Fish Screen Tender and Screen Maintenance** – Invoices are needed for both projects.

**Paris Creek Aquatic Organism Passage** – Lyman reported this project will take place next year.

**Reeder Ranch** – Grazing plan is complete. Project will take place next year.

**Stauffer Phase 3** – This project is currently in process.

Stenberg will distribute the ECC funds spreadsheet. He requested that invoices for habitat enhancement projects be submitted in November, to the extent possible, so that balances are paid down by the end of the year.

## **Project Updates**

**Paris Decommissioning** – Stenberg reported that bids are in for decommissioning and are acceptable. Paris salvage needs to be noticed. The plant will run through September. DeRito reported that an access agreement for the Mattson property is in process. Data loggers are being installed to measure temperatures in Paris Creek (flows will be measured manually). Introduction of beaver in this area is being investigated. Kennedy noted that more discussion is needed before treatment of the stream moves forward. The diversion rebuild will be put back out for bid next year as previous bids did not pan out. Stenberg reported that beaver activity has affected plans for the sinkhole, so that plan will need to be reworked. Beavers have already diverted water away from the sinkhole.

**Aquatic Organism Passage Culverts** – Lyman reported that planning for this project is taking place this year, installation will go forward next year.

**Stauffer Creek Phase 3** – Lyman reported this project is in progress. The remnant channel is being reactivated—about two-thirds is now wetted. Work in upper area is in process. Stock water is in. There is green grass in the meadow now. Landowner is pleased with project. Workers will be out on the project for the next couple of weeks.

**Stauffer (IDFG)** – This project is delayed. Bids just came in.

**Kackley Ponds**– Stenberg reported that a grading plan is currently being developed. He will distribute the plan to the ECC. Stenberg said the south dike of the pond is breached, and water is flowing through. Stenberg said the Kackley portion of the Bear River hydro license may be recrafted, and he has asked Jaime Campbell-Lavallee to take the lead for this. Subgroups may be formed for review of license articles, including one for Kackley.

**Whitewater Boater Flows** – Stenberg reported that snowpack prevented the two earliest 2023 whitewater boater flows. PacifiCorp provided make-up flows on September 9 & 10 and September 16 & 17. Flows were well attended, and boaters said they particularly enjoy fall flows in the Black Canyon. They actually prefer these flows and there has been some confusion among boaters as to why there can't always be fall flows. It was suggested that additional information be provided when these exceptions are made. Vincent noted that this question may be raised by American Whitewater during upcoming license discussions.

A draft 2024 whitewater boater flow calendar will be put together for the December agenda. More information on the reason for spring flows will be added.

## Bear River Hydroelectric Project Settlement Agreement Continuation - Stenberg

If agreement is reached to continue the current license, a license amendment with a settlement agreement would be submitted to the Federal Energy Regulatory Commission (FERC) late next year or very early in 2025. If not, in 2027, PacifiCorp will begin a new relicensing process (using the Integrated Licensing Process, or ILP). Certain programs may be incorporated into the new license, or the old license may be determined complete. The habitat enhancement fund and land and water acquisition fund, as well as the ECC itself are an example. Davies noted that a new license “wipes the slate clean” and begins anew.

Stenberg outlined the two possible paths:

### 1. 2024 License Amendment

- Oneida Pumped Storage Hydro
- Settlement Agreement – continuation
- Include new measures for pumped storage hydro
- Extend the current license 20 years, to 2053

A FERC order approving license continuation (expected 2027) may also allow early implementation of some measures, like fisheries studies, etc.

### 2. 2027 Begin ILP



FERC License ~2034

To advance discussion of license continuation, Stenberg proposed the ECC form subgroups to discuss major topics, such as recreation, fisheries, and whitewater boater flows. The following subgroups were proposed:

Land and Water Fund  
Habitat Enhancement Fund  
Recreation Plan  
Kackley  
Bonneville Cutthroat Trout/Conservation Hatchery  
Whitewater Boater Flows  
Land Management Articles

PacifiCorp’s proposed pumped storage project will move forward concurrently over the next 18 months.

Kennedy said he would like to see a summary of work to date on the major areas, to reach a common understanding, before moving onto license continuation discussions.

It was agreed that the license article review table (developed during one-on-one discussions with ECC members and reviewed at the August ECC meeting) would be distributed to ECC members and include options for ECC members to 1) sign up for subgroups and 2) sign up to present a summary of the ECC's work to date at a future meeting.

### **Next Agenda**

Next ECC meeting will be held December 6, 2023, at the offices of Idaho Department of Environmental Quality, Pocatello, Idaho. Agenda items include:

- Draft 2024 whitewater boater flow calendar
- Oneida pumped storage project

**Adjourned to closed session for Land and Water Fund Updates.**

**Attachment 1**  
**Email Voting Record**

Bear River ECC – Record of Email Voting Paris Creek Funding Coordination Vote Called by Stenberg September 26, 2023		
	Name	Organization
yes	Lyman	USFS
yes	DeRito	Trout Unlimited
yes	Cornell	IDEQ
yes	Nelson	Idaho Rivers United
	Jones	Idaho Parks and Rec
yes	Kennedy	Idaho Fish and Game
yes	Retherford	BLM
yes	Osborne	Sho-Ban Tribes
	Miller	National Park Service
yes	Vincent	American Whitewater
yes	Michalski	Greater Yellowstone
yes	Stenberg	PacifiCorp
yes	Bringhurst	USFWS

**From:** Stenberg, Mark (PacifiCorp) <[Mark.Stenberg@pacificcorp.com](mailto:Mark.Stenberg@pacificcorp.com)>

**Sent:** Tuesday, September 26, 2023 9:08 AM

**To:** Charlie Vincent <[charliev@xmission.com](mailto:charliev@xmission.com)>; Hunter Osborne ([hosborne@sbtribes.com](mailto:hosborne@sbtribes.com)) <[hosborne@sbtribes.com](mailto:hosborne@sbtribes.com)>; James DeRito <[JDeRito@tu.org](mailto:JDeRito@tu.org)>; Jennifer Cornell ([jennifer.cornell@deq.idaho.gov](mailto:jennifer.cornell@deq.idaho.gov)) <[jennifer.cornell@deq.idaho.gov](mailto:jennifer.cornell@deq.idaho.gov)>; Kathy Rinaldi ([krinaldi@greateryellowstone.org](mailto:krinaldi@greateryellowstone.org)) <[krinaldi@greateryellowstone.org](mailto:krinaldi@greateryellowstone.org)>; Keith Jones <[Keith.Jones@idpr.idaho.gov](mailto:Keith.Jones@idpr.idaho.gov)>; Kennedy,Patrick <[pat.kennedy@idfg.idaho.gov](mailto:pat.kennedy@idfg.idaho.gov)>; Mabey, Lee -FS <[lee.mabey@usda.gov](mailto:lee.mabey@usda.gov)>; Mathew Bringhurst ([matthew\\_bringhurst@fws.gov](mailto:matthew_bringhurst@fws.gov)) <[matthew\\_bringhurst@fws.gov](mailto:matthew_bringhurst@fws.gov)>; Michael Kuyper <[mkuyper@blm.gov](mailto:mkuyper@blm.gov)>; Miriam Hugentobler <[miriam.hugentobler@gmail.com](mailto:miriam.hugentobler@gmail.com)>; Nic Nelson <[nic@idahorivers.org](mailto:nic@idahorivers.org)>; Allison Michalski <[amichalski@greateryellowstone.org](mailto:amichalski@greateryellowstone.org)>; Andrew Stokes <[Andrew.Stokes@idpr.idaho.gov](mailto:Andrew.Stokes@idpr.idaho.gov)>; Campbell-Lavallee, Jaime (PacifiCorp) <[Jaime.Campbell-Lavallee@pacificcorp.com](mailto:Jaime.Campbell-Lavallee@pacificcorp.com)>; dan\_miller@nps.gov; Davies, Eve (PacifiCorp) <[Eve.Davies@pacificcorp.com](mailto:Eve.Davies@pacificcorp.com)>; Hillyard,Ryan <[ryan.hillyard@idfg.idaho.gov](mailto:ryan.hillyard@idfg.idaho.gov)>; Jeremy Jirak ([jeremy\\_jirak@fws.gov](mailto:jeremy_jirak@fws.gov)) <[jeremy\\_jirak@fws.gov](mailto:jeremy_jirak@fws.gov)>; Johnson,Becky <[becky.johnson@idfg.idaho.gov](mailto:becky.johnson@idfg.idaho.gov)>; kcolburn@amwhitewater.org; Lyman, Corey - FS, ID <[corey.lyman@usda.gov](mailto:corey.lyman@usda.gov)>; [Matthew.Schenk@deq.idaho.gov](mailto:Matthew.Schenk@deq.idaho.gov); Nick Kunath ([nkunath@idahorivers.org](mailto:nkunath@idahorivers.org)) <[nkunath@idahorivers.org](mailto:nkunath@idahorivers.org)>; Retherford, Drew W <[dretherford@blm.gov](mailto:dretherford@blm.gov)>; [Steven.Smith@deq.idaho.gov](mailto:Steven.Smith@deq.idaho.gov); Warren Colyer <[wcolyer@tu.org](mailto:wcolyer@tu.org)>

**Cc:** Taylor Payne <[2prangeguy@gmail.com](mailto:2prangeguy@gmail.com)>

**Subject:** [External Email]Email Vote - Funding coordination for stock water and irrigation diversion projects on Paris Creek

Hello ECC Members and Alternates,

Please see email string below for background or refresher on this item. No additional funding is requested just a change in the application of the funding so all funding sources secured can be applied to existing projects. If you have questions please email and include Jim and Steve on those questions. Please include Miriam on your email vote to approve or not. Thank you!

1. Are you okay if Bear Lake Soil and Water Conservation District (BLSWCD) retains 10% overhead from the \$50k stock water system grant to Bloomington Grazing? This was a 2022 Habitat Grant for stock water system. Overhead wasn't identified in the original grant application. BLSWCD can accept and disburse funds as needed but they would like their overhead portion for providing that service. No additional funds are requested.



2. Because Ward Brothers Dairy is using 319 funds (Steven Smith coordinated) to complete their stock water system the BOR funds (Jim DeRito coordinated) cannot be used on the same project. The BOR funds can be used on Paris Relief/Upper Southfield new diversion which has ECC funds committed. Jim has proposed that the BOR funds secured for Ward Brothers Dairy be used on the new irrigation diversion and ECC funds be used on Ward Brothers Dairy stock water project. Simply put, the funding amounts will stay the same but we would swap which funding pot goes to which project. No additional funds are requested.

Mark Stenberg, MBA  
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