

**Bear River ECC
Final Meeting Notes
December 6, 2023
Pocatello, Idaho**

ECC Meeting Participants		
	Name	Organization
x	Mark Stenberg	PacifiCorp
x	Jennifer Cornell	Idaho Department of Environmental Quality
x	Jim DeRito	Trout Unlimited
	Corey Lyman	U.S. Forest Service
x	Matt Bringham	U.S. Fish and Wildlife Service
x	Patrick Kennedy	Idaho Department of Fish and Game
	Allison Michalski	Greater Yellowstone Coalition
	Drew Retherford	Bureau of Land Management
	Charlie Vincent	American Whitewater
	Hunter Osborne	Shoshone-Bannock Tribes
x	Keith Jones	Idaho Department of Parks and Recreation
	Dan Miller	National Park Service
	Nic Nelson	Idaho Rivers United
Others Present		
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
x	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-Lavallee	PacifiCorp
x	Nick Kunath	Idaho Rivers United
x	Jeff Lovinger	Attorney
x	Brenna Guaro	Governor's Office of Energy and Mineral Resources
x	Kristina Fugate	Governor's Office of Energy and Mineral Resources

Commitments Made at the December 6, 2023 Meeting	
All	<ul style="list-style-type: none"> • January 17, 2024 ECC meeting is cancelled and replaced by subcommittee meetings (IDEQ and virtual). • Settlement Agreement License Article Review Subcommittee Meeting Schedule¹: <ul style="list-style-type: none"> <i>January 17, 1 p.m. – Whitewater Boater Flows, Recreation Plan</i> <i>January 18, 9 a.m. – Water Quality, Habitat Enhancement Fund, and Fisheries</i> <i>1 p.m. – Kackley Springs, Land and Water Fund, and Land Management Plans</i> <i>February 20, 9 a.m. – Water Quality, Habitat Enhancement Fund, and Fisheries</i> <i>February 21, 9 a.m. – Whitewater Boater Flows, Recreation Plan</i> <i>1 p.m. – Kackley Springs, Land and Water Fund, and Land Management Plans</i> <i>April 24, 10 a.m. – Water Quality, Habitat Enhancement Fund, and Fisheries</i> <i>April 25, 9 a.m. – Whitewater Boater Flows, Recreation Plan</i> <i>1 p.m. – Kackley Springs, Land and Water Fund, and Land Management Plans</i>

¹ Subcommittee meeting schedule was modified after the December 6 ECC meeting and has been updated here.

Commitments Made at the December 6, 2023 Meeting	
	<ul style="list-style-type: none"> • Provide comments on the Kackley Grading Plan to Campbell-Lavallee by Thursday, December 14.
Stenberg	<ul style="list-style-type: none"> • Adjust habitat enhancement spreadsheet to reflect Thomas Fork diversion decision. • Confirm Caribou County Conservation District as a vendor (re: Reeder Ranch project). • Email Stauffer Oxborrow project balances to project sponsor. • Obtain more information on the Matson property. Coordinate with Sagebrush Steppe Land Trust (SSLT). • Make a process timeline request to the Federal Energy Regulatory Commission (FERC) regarding Paris Decommissioning. • Oneida Pumped Storage Hydro - Share issue tracking table with Keith Jones. Share detailed study schedule with the ECC. • Presentation of ECC work to date on the Land and Water Fund (with Campbell-Lavallee and Lucia); the Habitat Enhancement Fund (with Lyman, DeRito, and Kennedy); the Recreation Plan; Kackley Springs (with Campbell-Lavallee); Whitewater Boater Flows; and the Land Management Plans for Jan. 17 and 18 subcommittee meetings. • Paris - Notice salvage, rebid diversion rebuild, and revisit plan for Paris sinkhole. • Draft additional language regarding exceptions to scheduled flows for whitewater boater flow calendar.
Campbell Lavallee	<ul style="list-style-type: none"> • Presentation of ECC work to date on the Land and Water Fund (with Stenberg and Lucia) and Kackley Springs (with Stenberg) for Jan. 18 subcommittee meeting.
DeRito	<ul style="list-style-type: none"> • Email subcommittee meeting plan language to Stenberg. • Presentation of ECC work to date on the Habitat Enhancement Fund (with Lyman, Stenberg, and Kennedy) for Jan 18 subcommittee meeting. • Check on Davis Diversion and Hull projects. Provide updates at next ECC meeting.
Kennedy	<ul style="list-style-type: none"> • Presentation of ECC work to date on Bonneville cutthroat trout/conservation hatchery and the Habitat Enhancement Fund (with Lyman, DeRito, and Stenberg) for Jan. 18 subcommittee meeting.
Lyman	<ul style="list-style-type: none"> • Presentation of ECC work to date on the Habitat Enhancement Fund (with Stenberg, DeRito, and Kennedy) for Jan. 18 subcommittee meeting.
Coombs	<ul style="list-style-type: none"> • Look into the cancelled Cottonwood Creek habitat enhancement project as a potential conservation easement.
Lucia	<ul style="list-style-type: none"> • Reconcile remaining Kackley Restoration funding. Coordinate with Stenberg. • Presentation of ECC work to date on the Land and Water Fund (with Stenberg and Campbell-Lavallee) for Jan. 18 subcommittee meeting. • Provide information on water rights associated with SSLT's Mink Creek projects.
Hugentobler	<ul style="list-style-type: none"> • Amend the ECC's 2024 calendar to include subcommittee meetings and Oneida pumped storage hydro study plans and distribute to the ECC.
Action items in blue have been carried over.	

Previous Meeting Notes and Action Items

October meeting notes were approved without corrections. Action items carried over appear in blue in the table above.

Decisions Made by Email Since Last ECC Meeting

None

Decisions Made at This Meeting

- Supported the 2024 whitewater boater flow calendar by consensus.
- Approved funding for Sagebrush Steppe Land Trust's 2023 monitoring and management invoice in the amount of \$14,582.80.

Items Added to Agenda

- Draft ECC 2024 calendar
- Kackley grading plan
- Oneida pumped storage hydro study plan schedule

ECC Calendar Review

A draft 2024 ECC calendar was reviewed by the ECC. Additional key dates (subcommittee meetings and study plan review periods) will be added and distributed to the ECC.

ECC Fund Balances

Habitat Enhancement Fund

\$922,000.00 – Currently in fund

\$651,000.00 – Outstanding Grant Awards

\$271,000.00 – Unobligated funding, available for 2024 projects.

Land and Water Fund

\$1.890 million – Currently in fund

\$695,000.00 – Outstanding Acquisition Commitments

\$1.2 million – Unobligated funding

Totals will be adjusted once interest amounts are in.

Current Habitat Enhancement Projects

Reeder Ranch – Work on this project has begun. Funds manager may be changed from project proponent to Caribou County Conservation District. Stenberg will confirm the conservation district as a vendor.

Elkhorn Ranch – Project is complete, final walkthrough to take place in spring.

Stauffer Phase 2 – Invoice for this project is in.

Cub Fish Passage Assessment – Will bill when project is complete.

Thomas Fork Diversion Design – Stenberg to adjust habitat enhancement project spreadsheet to reflect email decision made regarding this project.

Stauffer Oxborrow – An invoice is needed for this project. Stenberg will email project balances to project sponsor.

Kackley Demo – Grading plan has been developed and distributed to the ECC for review.

Kackley Restoration – Approximately \$8,000 of \$28,000 in funding remains. SSLT to reconcile.

Project Updates

Paris Decommissioning

FERC has noticed the Paris decommissioning project, but no decommissioning order has been issued. Stenberg will make a process timeline request to FERC.

Mitigation measures are proceeding. The Historic American Engineering Report (HAER) has been completed and submitted to the National Park Service for review. In addition, the scanning of original issues of a historic Utah Power & Light publication, The Synchronizer, was completed. These publications will eventually be posted on PacifiCorp's website at the same location the historic Bear River Hydroelectric Project photos are stored. The last Ward Brothers Dairy and Bloomington Grazing Association invoices have been processed. A January meeting is planned for parties directly involved to review the process going forward. A plan was developed for the Paris sinkhole, but beaver activity altered flows around the sinkhole and the plan is uncertain at this time. Some flows are still going into the sinkhole. This will be discussed at the January meeting. The irrigation diversion will go back out to bid in January, after the planned meeting. The Mattsons have advertised their property for sale, so the easements for the new irrigation intake need to be made to run with the property. SSLT inquired whether the property, which is adjacent to 30 acres of PacifiCorp land, may be of interest to the ECC. Stenberg will obtain more information on the Matson property and coordinate with SSLT and the ECC.

The request for proposals for decommissioning is out. Stenberg plans to begin issuing contracts for this work next year.

Draft 2024 Whitewater Boater Flow Calendar

Stenberg reviewed the 2024 whitewater boater flow calendar with the ECC and checked for consensus. No objections were noted. Consensus to support the 2024 whitewater boater flow calendar was unanimous.

Oneida Pumped Storage Hydro

Meeting and Site Visit Debrief – A Joint Agency Meeting was held October 25 in Oneida and was well attended. The site visit was also well attended. Stenberg shared the sign in sheet with ECC members. Stenberg said a few new issues were raised at the meeting, including currents in the reservoir, Maple Grove hot springs, and waterfowl nesting and migration. Concerns regarding impacts from the construction process, as well as ongoing access for operation and maintenance, were raised by a landowner.

In regard to the hot springs, Stenberg said that when the reservoir was drawn down recently, the hot springs went down as well. This affected their aging syphon pipe, causing it to suck air at its joints, requiring repairs as described in a video posted on YouTube. This isn't a new situation as the hot spring source pond has always moved in a proportional measure with reservoir fluctuations. A reconnaissance-level study is being discussed.

Stenberg said PacifiCorp is awaiting comments on the Initial Consultation Document (due December 26), then will potentially have additional study plans or modifications to existing studies.

Jones requested a copy of the issue tracking spreadsheet. Stenberg will forward the spreadsheet when it is completed.

Upcoming Schedule Items and Study Progress – Stenberg reviewed the detailed schedule for studies. Most will be done by March 2024. Hugentobler will put together a comprehensive calendar including key study dates and distribute it to the ECC.

Bear River Hydroelectric Project Settlement Agreement Continuation

Review of License Article Subcommittees

Stenberg reviewed subcommittee membership from the online signup sheets.

Land and Water Fund – Lyman, Cornell, Schenk, Kennedy, Johnson, Vincent, Stenberg, Campbell-Lavallee, Garro, and Lucia. Stenberg, Campbell-Lavallee, and Lucia indicated they are willing to provide a summary of progress to date to the ECC.

Habitat Enhancement Fund – Lyman, DeRito, Cornell, Schenk, Smith, Kunath, Kennedy, Johnson, Vincent, Michalski, Stenberg, Garro, and Pankau. Lyman, DeRito, Kennedy, and Stenberg indicated they are willing to provide a summary of progress to date to the ECC.

Recreation Plan – Cornell, Schenk, Smith, Jones, Kennedy, Johnson, Vincent, Colburn, Stenberg, and Garro. Stenberg indicated he is willing to provide a summary of progress to date to the ECC.

Kackley Springs – Kennedy, Stenberg, Campbell-Lavallee, Garro, and Pankau. Stenberg and Campbell-Lavallee indicated they are willing to provide a summary of progress to date to the ECC.

Bonneville Cutthroat Trout/Conservation Hatchery – Lyman, DeRito, Kunath, Kennedy, Johnson, Michalski, Stenberg, and Garro. Kennedy indicated he is willing to provide a summary of progress to date to the ECC.

Whitewater Boater Flows – Kunath, Kennedy, Johnson, Vincent, Colburn, Stenberg, and Garro. Stenberg indicated he is willing to provide a summary of progress to date to the ECC.

Land Management Plans – Schenk, Smith, Jones, Kennedy, Johnson, Stenberg, and Garro. Stenberg indicated he is willing to provide a summary of progress to date to the ECC.

A water quality subcommittee was requested by interested ECC members and will be added. Cornell said IDEQ is not sure how 401 certification will work with this licensing process and has contacted FERC for additional information. Cornell noted that the existing 401 was quite brief and IDEQ would like to have the opportunity to review any new 401 certification, which may cover the next 20 years.

DeRito suggested developing a general outline for the presentations and proposed a process. Stenberg requested that DeRito email details to him for distribution to the ECC.

Revised Schedule²

Each subcommittee will meet three times and then present recommendations to the ECC in May. The goal is to redline license articles this year and to finalize Settlement Agreement license articles in spring 2025.

- January – review progress on license implementation to date
- February – future vision for relicensing (redline of license articles)
- April – finalize redline of license articles
- May – subcommittees present recommendations to the ECC

The January 17, 2024 ECC meeting was cancelled and replaced by subcommittee meetings (IDEQ and virtual), scheduled as follows:

Bear River Settlement Agreement License Article Review Subcommittee Meeting Schedule		
Date	Time	Subcommittee
January 17, 2024 (Wed)	1 p.m.	Whitewater Boater Flows Recreation Plan
January 18, 2024 (Thurs)	9 a.m.	Water Quality Habitat Enhancement Fund Fisheries
	1 p.m.	Kackley Springs Land and Water Fund Land Management Plans
February 20, 2024 (Tues)	9 a.m.	Water Quality Habitat Enhancement Fund Fisheries
February 21, 2024 (Wed)	9 a.m.	Whitewater Boater Flows Recreation Plan
	1 p.m.	Kackley Springs Land and Water Fund Land Management Plans

² Schedule was modified after the December 6 ECC meeting and has been updated here.

April 24, 2024 (Wed)	10 a.m.	Water Quality Habitat Enhancement Fund Fisheries
April 25, 2024 (Thurs)	9 a.m.	Whitewater Boater Flow Recreation Plan
	1 p.m.	Kackley Springs Land and Water Fund Land Management Plans

Johnson asked whether new license articles may be discussed. Stenberg said yes, subcommittees will focus on license articles at this time, and will track back through the settlement agreement later. The ECC discussed ways to add flexibility and adaptive management, given the length of license (50 years).

Kackley Grading Plan – Campbell-Lavallee

The grading plan was provided to ECC members in advance of this meeting. Campbell-Lavallee reviewed details of the grading plan to decommission structures at Kackley Springs, restoring more natural flow from springs. Master planning for this area could be incorporated into the Kackley portion of license continuation. DeRito suggested incorporating revegetation plans into the grading plan. Campbell-Lavallee requested comments/suggestions on the plan by Thursday, December 14, 2023. An implementation date has not yet been set.

Next Agenda

Next regular ECC meeting will be held May 15, 2024. The first of a series of subcommittee meetings will be held January 17 and 18, 2024 (IDEQ and virtual).

Adjourned to closed session for Land and Water Fund Updates.