

Lake Pend Oreille, Pend Oreille River, Priest Lake and Priest River Commission Meeting MINUTES

April 6th, 2018 9:10 am until 1 pm

Priest River, Idaho

Commissioner's present: Ford Elsaesser (Chair), Craig Hill, Darrell Early, Marc Brinkmeyer, Kate Wilson(MDNR), Brent Baker, Molly McCahon(Coordinator), public - full house

- Craig moved to approve the 10/27/17 minutes. Marc seconded the motion, *the motion carried.*

Presentations

Dale Van Stone – Idaho Water Resource Board

Priest Lake Water Management Study Update

Shawn Keough suggested packaging as 2 projects. Project idea began in January 2016. In September 2016 the water Board approved a 300,000 study. Mott McDonald hired as consultant. Public outreach spring of 2017. Study showed a cost of 5 million to propose to the legislature in January. The Governor approved 2.4 million for Outlet Dam but asked that the community and the County find the funding (2.6 million) for the Thorofare. Idaho Department of Water Resources discovered a fund from CREP that wasn't being used fund. Short \$250,000. The County committed \$50,000, \$50,000 plus from Save the Thorofare (Priest Lake Community Group). Now looking at 2 bids – one for Dam one for Thorofare. Funds available July 1. Dale thanked Shawn Keough, Sage Dixon and Steve Klatt and the IDRDB for all the hard work in getting this together. Had to change the statute to raise the level of the lake to 3.5' only in the dry years. *Craig Hill asked – being on the breakwater committee for the last 10-15 years we want to make sure we have a seat at the table as this new plan comes into place to ensure that it will be aesthetically pleasing.* Steve Klatt assured public involvement during the design process. Klatt acknowledged Ken Hagman and other locals who volunteered their time toward this effort since the 90's.

Kiira Siitari, Idaho Department of Fish & Game

Priest River Bypass Project

Kiira talked about the concept of augmenting water in Priest River to improve water quality and enhance fishery. Priest River- 45 miles stream miles. Aug and September hottest temperatures and lowest flows. 65-70 degrees in main stem. Fish data shows a lack of trout. The concept is instead of taking water spilling over top of the dam, take it from the cold water from bottom of lake. 20 meters down you can reach 40 degree water. Not changing the flows but using a different portion of water in the lake. Would not change lake levels, just where water comes from. Models showed that water would be cooled down to the confluence at the POR. Even a small difference in temp will improve habitat for trout. Next step is preliminary study from the Clark Fork Settlement agreement. \$70,000 came through for alternative assessment. Kiira referenced for comparison the cost of the Sullivan bypass project at less than 5 million. No unacceptable impacts to fish habitat reported under Sullivan Lake project. Questions arose regarding cfs, pipe diameter and length, sediment build up, change in lake temperatures and fish populations. A: The alternatives assessment will determine all of those variables.

Chip Corsi, Idaho Fish & Game

Wildlife Mitigation Settlement

Chip noted that this agreement was primarily focused on restoration work on Clark Fork Delta. On the verge of signing a settlement agreement with BPA to finish work on Clark Fork and possibly the Priest River Delta. Anticipate having agreement signed this spring. In the past, mitigation funds were related to construction and inundation impacts costs. The main focus is the operations impacts such as raising and lowering the lake. Impacts that occur due to the building of the dam and the flooding of land. Kootenai tribe, Kalispell tribe and the CDA tribe. 4200 acres acquired and/or protected. Part of agreement involves switching from habitat units to acres. F&G can live with that but will need funds to manage the lands that have been acquired. 6.8 million will go to a stewardship management account -weed control, restoration

management on those lands. Prior to AFD 2060' would be an average high in late spring, early summer. Wetlands lost due to inundation. Chose not to go into a full blown loss assessment because didn't believe it would get us anymore and would take a long costly time. Clark Fork delta annually loss of 10-15 acres a year due to operation of dams. It is agreed that in place of land acquisition, in-kind restoration and sustainable management is preferred. 13 million and 1400 acres – agreed to 10 year time frame. 1.4 million Stewardship fund for management of those lands. Look at project again in 30 years. Clark Fork at 1/3 of what we would like to hit. Priest River Delta next in line – has changed quite a bit over time.

Commissioner Darrel Early made a motion: to amend the agenda to include a discussion on the Commission's participation in the Columbia River Treaty, including whether to obtain outside council in regard to the CRT. This motion being made due to the fact that the statute allowing the Lakes Commission to participate had not been approved by the time the agenda was sent out to the public. Marc seconded. Motion passed.

Michael Naylor, Citizens Against Newport Smelter

Mentioned that the smelter would be one of WA largest polluters. Massive amount of coal burning, 170 trucks a day on Idaho roads. For PO County this is about losing its primary customers. Michael showed a video of their attorney Norm Semanko talking to the Newport Community on legal land use parameters that the County and HiTest need to abide by. Micheal talked about the ph levels that will change the water and vegetation. 240 gallons of water are needed, but Newport city doesn't have that supply. Asked for support wherever possible because this will affect all of us. A member of CANSS commented that IDL is looking to trade IDL Endowment lands to Hitest. Q: why smelter would be located in Newport. A: The apparent reason because of inexpensive power, tax incentives, and the PUD is looking for a customer. 105 Megawatts of power to run 1st phase of this. PUD cannot produce that amount of power so will have to buy from BPA. The product from HiTest facility will go to a separate production facility. Q: Where should this facility be, if not here? A: Where there are brownfields or greenfields that want them. Q: What help are you looking for? A: Looking for funding to pay for legal representation.

Jeremy Varley, Idaho Department of Agriculture

Aquatic Noxious Weeds

For 2018 looking into what changes need to be made to control weeds. Currently lacking in the ability to effectively map species in a way that can be used facilitate effective management moving forward. Scoping meetings will be held at 4 different locations throughout Idaho to get an idea of how ISDA can help. Meetings will begin next week- one in Hayden. 2018 season need to survey and quantify how much is in the water. Instead of presence of absence but how much is there. They will be doing chemical and diver dredging treatments. Surveys will begin late May early June - weather dependent. Target species will be EWM, FR. Treatments will occur after the 4th of July. No exact dates set. Priest Lake was primarily diver dredging and has proven effective. EMW in Round Lake – diver dredging, first treatment. EWM long bridge patch - Water intakes and water flows make treatment difficult. Denton slough- evaluate populations, not many landowners, hasn't been a high priority, but has been a high seed source. Cocollalla – success story, pair diver and chemical to get down to a very low population. Q: how will funds be dispersed this year. A: State funds for treatments talked about today and then a separate funding source to go through CWMA's for select projects.

Nic Zurfluh, Idaho Department of Agriculture

Invasive Species - Watercraft Inspection Program

Last year, Senator Keough and members of JFAC took a close look at our budget and realized there were some needs. Prior to 2017 program ran off 1.4 million. 3.1 million in ongoing appropriation for the State. WRDA 1 million (1:1) match and the 1.4 from sticker funds. WRDA primarily used for monitoring of quagga/zebra mussels. Inspection stations: Try to partner with local entities to run the stations. In N. Idaho there are 3 in Bonner, 4 near CDA. Expansion of seasonal duration, expansion of hours, more stations, expanding night time operations at Cottrell – 18 hr duration- 6am to midnight. More compliance with law enforcement presence.

31 boats came into the state with mussels, out of those, 29 were dead, 2 were viable and boats were decontaminated. The Columbia River Basin is the last Basin without mussels. States are actively working together, so if a boat is inspected in Idaho, it will also be inspected in MT and vis versa. Hwy 20 & Hwy 7 inspect stations hot wash the most boats coming

into Idaho. Traveling coming out of MT. Snowbirds coming back from Colorado into the CRB. 10th year of program, running 20 inspections stations. 8 stations open right now, 1500 inspections so far, high risk from the lower Colorado. Kayak coming out of Lake Mead fouled. Q: Fly fishing gear A: Mainly targeting vessels, but promote educational campaigns and groups who target that demographic. Q: What does "refuse hot wash mean"? A: If there is no mussel found, a person can refuse a hot wash.

Kate Wilson, Department of Natural Resources, UC3

AIS Montana Upstream Update

Similar program as ID in MT. Recreational boat traffic highest pathway. 2017 inspected 86,000 boats, 17 that had mussels. Boats came from every state plus Canada and Mexico. CRB is half a billion a year to management mussels if found. Lake Winnipeg had mussel infestation in the recent past. Congratulated Idaho on the 2009 bill funding mechanism. MT funding mechanism currently funding via AIS pass and hydro power tax. That will change next year – to be determined. In addition to having to stop if you pass a station, you need to find a station if your travels meet certain parameters. Of the boats inspected, lower Colorado high risk. Tiber most concerning reservoir, BOR managed, 3 positives hits, no adults to date, 8 access points. UC3 recommended closing access points that cannot be staffed with inspection stations. Canyon Ferry suspect. All the same stations as last year. Working with Northern Rockies Group targeting firefighting gear. Kate will also be working for the Flathead Basin Commission.

Break:

Ford moved to adopt a letter of support for UC3 recommendations to close access points on Tiber Reservoir that cannot be staffed with inspectors. Craig seconded, motion passed.

Ryne Linehan, USACOE

Albeni Falls Operations

Last year we had a good water year -Oct – Mar 2017. February hit a home run for water year. Overall lower temps. Normal precipitation for next 3 months. Put in place several Flexible Winter Pool Power Operations (FWPO). Forecast predicts a 10% chance of going above flood stage(2063.5) 95,000 cfs is flood stage downstream. Stay ahead of bottleneck at Dover to prevent flooding near Priest River. Typically we have 12 million acre feet of runoff. This year 14 million predicted. Water management folks will be in Sdpt on the 18th of April. Q: Should Cusick start preparing sand bags. A: Personally, I don't think so. Q: How many weeks does the management plan suggest the lake will be full? A: It will just be a typical year.

Fish Passage: Tentative plan for fish passage at the island near the dam. Drilling a tunnel into island. Fish will enter ladder on downstream side, climb ladder to a sorting station, trucked upstream to Bonner Park West boat launch and Trestle Creek recreation boat launch if H2O above 65 degree. 3 years before construction starts. 2 years for construction. Still need to go to Congress for approved funding to finish final design. Have 35% of funding. Q: Heard that Albeni would be competing nationwide for funding. A: Yes. Q: What makes this the preferred option, is it economics? A: Sorting an advantage to preventing non-native fish. Classic spillways can cause fish to "fall back" also a shorter ladder makes it easier on sub adults.

BNSF – Emergency Response Improvements

Nic Winslow, Matt Jones, Pat Brady, Courtney Wallace

Ford introduced the letter from the Lakes Commission to BNSF with requested improvements to response time:

- Boom permanently installed and ready to deploy near or on Hwy 95 over Lake Pend Oreille.
- Assigned vehicles to pull Spill Response Trailers.
- Spill Response Trailers within 15 minutes of all high risk areas equipped with adequate supplies.
- Year round maintained boat access near Sandpoint Train Bridge.
- The ability to have emergency response boats in the water year round (boat house)

- Resolve any confusion between BNSF's response plan and the 2017 GRP for Lake Pend Oreille developed by IDEQ and EPA.
- Annual Emergency Incident Exercises and Drills.

Matt Jones shared that they are happy to engage in conversations on rail safety and response. For BNSF there is no confusion between GRPs. Clarified that under federal law, the EPA develops contingency plans and under those plans there are GRPs. BNSF looks at these plans and will develop GRPs further, so if the agencies want to include those they can. We all have adopted the new DEQ/EPA plan adopted in 2017. These GRPs are living documents. Q: if there is an incident, how long do you have to get in under control, based on lake levels, flows, etc... A: Tiered response. Bring in response contractors locally and throughout region, first responding group implements strategies determined in GRP. Also by having equipment in the right places and consistent training in this region with local firefighters, we are increasing our response program. Within minutes, calls are going out. Fire departments do source control. We have equipment in the water within a couple of hours and boom in within a couple hours. Nic explained that there is currently 4500 feet of boom locally, but proposing additional boom close to dog beach. On the Clark Fork we put boom in within 4 hours. Nic showed 4 maps demonstrating design concepts for having permanent boom on Hwy 95 at the long bridge.

Q: Is BNSF involved in transporting coal to Newport smelter. A: This team is not involved in that project. Q: would boom proposed for bridge installed on the bridge or stored separately. A: the recommended option is to have a boom reel on a trailer that would be located very close to bridge then moved. Permanently affected boom has limited ability to move during flows and is susceptible to weather. This approach would be tested in all conditions. Q: Do you have a plan to remove tank cars or materials. A: yes we have contractors out of Seattle and Portland who could do that. Q: What is the likelihood that MRL and UP will adopt the IDEQ GRP A: MRL has developed their own plan for the Clark Fork and they have already adopted the IDEQ plan. Q: What is the plan for upgrading the cars for better protection? A: BNSF doesn't own the cars, but railroads pushed to promote a safer car now using DOT 117 tank cars. As of June of 2018 BNSF all crude oil customers will be required to use DOT 117 tank cars. Comment to LC: Also focus on prevention of derailment.

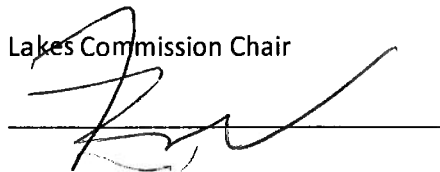
Addition to Agenda: Columbia River Treaty and Bill 1260

Ford explained that the Lakes Commission was successful in getting additional jurisdiction to be on the IISC and CRT. CRT moving a lot faster than we anticipated a few years ago. Because bill 1260 was just passed we aren't able to talk about representation under the CRT today, but will at a future meeting. Ford asked Norm Semanko, who has been working with others under the CRT to speak to the Treaty process and on how the Commission fits into the regional recommendations for the CRT. Norm discussed what the U.S entity had to say about not adding additional flood control burdens. A group of Idaho stakeholder came together to represent the Pend Oreille, the Snake and the Kootenai River -not to have inverse impacts on Idaho projects due to added flood restrictions. We were fortunate to get to the U.S Negotiator to come to Idaho - Boise and Sandpoint. She was impressed that Idaho has a unified position. Announced that Jill Smail, US negotiator will be in Spokane April 24. This is not an idea that we will be providing legal representation directly to the L. Commission but to provide representation under the CRT discussions.

The meeting adjourned at 1:23 pm

Approved by:

Lakes Commission Chair



Date:
