

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

June 15th, 2018 9:10 am until 12:00 pm

Sandpoint, Idaho

Commissioner's present: Ford Elsaesser (Chair), Craig Hill, Linda Mitchell, Darrell Early, Kate Wilson(MDNR), Brent Baker, Molly McCahon(Coordinator)

- Craig moved to approve the 04/6/17 minutes. Brent seconded the motion, *the motion carried.*

Presentations

Columbia River Treaty

Molly McCahon – Lakes Commission

Norm Semanko – Attorney at Law

Molly provide a presentation on the history of the Columbia River Treaty (CRT), the purpose of the Treaty, the future of the Treaty and the new Idaho statute approving the Lakes Commission to be involved in CRT discussions under the ongoing negotiations between Canada and the U.S. Norm Semanko introduced himself as an attorney with Parsons Behle & Latimer and his long history working on water law in Idaho. Mr. Semanko explained that he lobbied for the recent statute that provided for participation by the Lakes Commission in the process of negotiations for the CRT, EIS and anything involved in the broader Columbia River Basin. Senator Keough took the lead in sponsoring the bill. Mr. Semanko reviewed the meetings that have taking place, to date, with the US negotiator and the US Negotiation Team (Corp, Interior and BPA). A long discussion took place on the legality of hiring Norm Semanko to represent the Lakes Commission in discussions related to the Pend Oreille Basin in Columbia River Basin processes. Ultimately, a motion passed to: authorize Ford to execute a consulting agreement with Mr. Semanko for work on behalf of the Lake Pend Oreille, Pend Oreille River, Priest Lake, Priest River Commission ("Lakes Commission") and with Molly, in the ongoing discussions concerning the Columbia River Treaty ("CRT"), subject to legal review over jurisdiction and state contracting by our legal counsel at the State of Idaho's Attorney General's office.

Logan Osgood-Zimmerman, US Army Corp of Engineers, Upper Columbia Senior Manager

Albeni Falls Operations

Spring operations went above the operating band. We are back in the operating band as of June 13th. 140-180% of snow pack in the basin. Most of the snow pack melted in May, which was an incredibly early run off. Columbia River System Flood Operation this year. 8.65 million acre feet of run off into the POB is the largest single volume by month. Unregulated flow. 6.81 million acre feet actual into LPO in May, second largest since 1994. Difference between those is what was stored in dams above us. 17 million acre feet expected this year, which is above the average of 12 million acre feet. 13.5 mac since April. Peak reached on May 30th 2064.2' 115,000 cubic feet per second Plan to stay in the operating range of 2062-2062.5 until the drawdown September 18th. Boat ramps are all open except in Albeni Cove because spill too high and swim areas are closed until the swim lines put out. More debris in system than CF Driftyard can repair it. Booms damaged this year and last will be repaired once flows go down. Downstream in Cusick they built a heska(sp) wall around areas of concern, but flows never reached the height expected but they did see a longer duration of flow. Steve Klatt with Bonner County Road and Bridge thanked the Corp for their work and support on Johnson creek road and debris off Merritt Bridge on POR.

Dale Van Stone

Priest Lake Water Management Study

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. Now looking at 2 bids – one for Dam upgrades and one for Thorofare dredging and a new breakwater. The dam is antiquated and will need to be modified for a 6 inch higher lake level in dry years. Had to change the statute to raise the level of the lake to 3.5' only in the dry years. The breakwater designs for the Thorofare will consider steel pilings, rock or a combination of sheet piling, rock and vegetation. A portion of the funds are available July 1 and will be used for consultant design work. Public outreach and steering committee meetings will be in August/Sept.

James Shannon, Bonner County Recreation Director
Bonner County Wake Issue

James explained that the County is seeing changes in use patterns on our waterways from different boats and different activities. A subcommittee to the BC Waterways Advisory Board was created and consisted of nine individuals representing varying positions on the issue. Created a mission statement: research cause and effects related to wake issue in diverse county waterways and agree on a set of facts related to wakes and to make recommendations based on those facts. Damaging impacts are occurring even when following current laws on the book. Studied the science behind waves such as how wave heights dissipate over a distance. Looked into other lakes throughout the country who are seeing similar issues. The subcommittee came up with a list of recommendations to present to the Waterways Advisory Board, who would then vote and pass onto the Commissioners.

1. Implementation of higher fee for no-wake violations
2. Increase countywide no wake zone to 300 feet
3. County funding and support for Ride the Core program.
4. Marine deputies to perform emphasis patrols.
5. Implement the 10 roving buoy program on the Pend Oreille River
6. County resolution in support of a mandatory statewide boater education program.
7. 300 -500' no wake zone around marinas

Progress to date: fines increased for wake infraction and buoys on the PO River that were purchased by a river landowner. The buoys will be installed in 2019. In addition, the County supported working on an organized protocol for reporting infractions and an APP that explains our local laws, although there has been no progress on those. Chairman Elsaesser asked if the issue of expanding the no wake 300' zones had been presented to the Commissioners. James replied that "no it has not been presented to the Commissioners and that these things take a long time. There is not a big hammer solution that came out of the committee". Commissioner Baker asked where the problem areas are. A: Majority is on the POR and Priest Lake but tried to address as a county wide issue. Q: How many citations have been issued? Comment that when the sheriff is present violations don't occur and that violations aren't being given. Q: What is the plan for the recommendations? Answer: Plan to tackle them one at a time. There has been traction on some and not on others. The Board moved to write a support letter to the Bonner County Commissioners supporting the efforts of the subcommittee's recommendations on addressing the impacts occurring from wakes. Linda seconded.

Amanda Wilson. City of Sandpoint Public Works Director

Amanda provided an update on stormwater management efforts and the most recent discharge permit for Sandpoint's Wastewater Treatment Plant. The city is making continuous effort to implement green streets and stormwater treatment into all construction projects when applicable. All new bulbouts treat stormwater by filtration using vegetation rocks and other material. This reduces pollutants such as oil, chemicals as well as reduces the temperature of the water. Robust repair and maintenance program. CIPP (Cured in Place Pipe) for sanitary systems, which is like a slip liner. Initially used in the sewer system but tried it in the stormwater system on Michigan St and it worked well. The city has a stormwater management ordinance in order protect ground and surface water from erosion and almost all development in the city fall under this. City utilizing the 2017 Construction Permit and are actively reviewing plans

New discharge permit – Dec 1 2017 – 5 year permit. EPA's ability to ensure we are controlling pollutants. Limitations on effluent, but also what's coming in. It also has a requirement for looking at the future and maintenance and upgrades. New to this permit is phosphorus. Others have been there but limits have changed- mercury, temperature, fish tissue samples, additional plans. Phosphorus is a key interest due to its effects on aquatic life. City is easily meeting those limits at 32 lbs per day which is a 1/3 of what is allowed. Zero violations this year. Escalated our knowledge of certifications. Went from a level 3 plant to a level 4 plant. Now have 2 operators that are licensed at a level 4 which is the highest level. Maximum peak flows has historically been 10 million gallons per day, but this year it was 5.8. Base flows 1.2 million. Trees make a difference and has a great water quality component because they absorb water and reduce stormwater runoff. Strive to be on the cutting edge of Best Management Practices and we like to work with youth education. Priorities in the near future are the Citizen Advisory Group to for our Treatment Plant - going to council on July 5th. Assessing our existing stormwater management system and looking toward the future when we need an MS4 permit (a requirement for stormwater filtration). Will be taking a thorough assessment of inflow into our system.

Milton Ollerton, Bonner County Planning Director

Milton began by saying the County had 936 BLP (Building Location Permit) up from 800 from the year before. 65 land use files in process vs 155 total last year. 175 new lots created in the county. Milton went over floodway program and several noncompliance property builds that they addressed. Creating neighborhood planning committees. To help with sub area comprehensive planning. These committees have asked for more involvement in reviewing land use applications coming to their areas. Now expanding to Blanchard and Priest River. Going before the Bonner County Commissioners on July 11th will be changes to Administrative Exemption -The only difference is that it doesn't go to a public, Admin Variance – up to 30% of what is allowed. So for a 40 foot set back that would be 12 feet difference. No public hearing required but does require notice to neighbors. By simplifying the process we believe we are reducing the amount of folks who might deviate. 40% are requests are on the shoreline. Ford asked how often variances were requested. Milton said that 30 % deviation is less than 10% of our requests. Average 10 and 16 deviance requests a year. Linda asked wow allowing 12 feet closer to the water would benefit anything other than the landowner? Just because you want to be closer is not a good enough reason for approval. A question was asked about how septic systems fall into this approved request. The question was answered by someone from PHD, who stated state septic laws would still apply, which is 50 feet from surface water. . Have to meet the standards and the codes. Baker: Traditionally variances are approved because there is a hardship that you yourself did not create. Is that still the case under these new changes? Milton answered yes and that you still need to meet standards and codes.

Kate Wilson, Department of Natural Resources – Commission Administrator for the Upper Columbia Conservation Commission (UC³) and the Flathead Basin Commission (FBC) Aquatic Invasive Species - Montana Upstream Update

Kate announced that she now works for the Flathead Basin Commission (FBC) as well as the UC³. FBC was created in 1983 to protect the natural resources of the Flathead Basin with an emphasis on water quality. The FBC has a similar purpose and structure as the Lakes Commission, whereas the UC³ is very specific to preventing aquatic invasive species (with an emphasis on invasive mussels) from entering the Upper Columbia River Basin. Back in April the UC³ recommended closing access points on Tiber Reservoir that cannot be staffed with inspection stations. That recommendation was initially supported by the state, but a compromise was struck with local anglers. Now 3/8 major boat launches are open to the public (and staffed with inspectors), but those that primarily use Tiber can take an online test on AIS to become a 'certified boater,' which provides them access to the additional launches with a key code. The state of Montana is looking at how to fund the watercraft inspection program at the upcoming Legislative session in January. One of the things they are proposing is a non-resident motorized fee of \$60. Also looking into funds from gas tax and are actually looking about how much of gas can be attributed to from motorized boats. An interim legislative committee will make a recommendation that will likely turn into a bill. Kate has been working on addressing AIS issues that are non-boat related, such as firefighting equipment and seaplanes. Has been working with a fire fighting group to create a mandatory directive for all fires in North Idaho, Montana and North Dakota that focuses on equipment that touches raw water (e.g. helicopter buckets, foot valves

and draft hoses), in addition to changing drafting techniques. Also potentially a seaplane certification for Columbia River Basin states that would ensure seaplane pilots access to an online training program prior to traveling to western states. A member from the public asked whether there is a provision for ballast boats from water to water. Yes, inspection, and most likely a hot water wash. But, ballast boats continue to pose a problem when it comes to guaranteed decontamination. They would need to be filled all the way up or sealed and there are many different ballast designs.

Joel Fenolio, US Bureau of Reclamation

Hungry Horse Dam

101 of Hungry Horse in the Basin. 3 million acre feet. Control point is at Columbia Falls. Flood stage is 51, 000 cfs and went near that 3 or 4 times this year. The drainage area above Albeni is 20,000 square miles. Hungry Horse only impounds 1600 square miles of that. So there is not a lot of control that can occur for the Pend Oreille Basin. This year, basically from April 28th to present Horse and Flathead Lake have shaved off 15,000 to 20,000 cfs. HH starts its draft in January. Keep it up in fall so fish have access up to the side tributaries. Also don't have a massive inflow coming at us. Drafted 4 feet lower in April to try to save space. Ford asked what guidelines HH uses. Have it full by end of June. 10 feet from full at end of Sept to supply water all the way through the Pend Oreille for salmon downstream. Will hit full pool at end of June. Primary purpose is flood control and hydro, no recreation or private property directive.

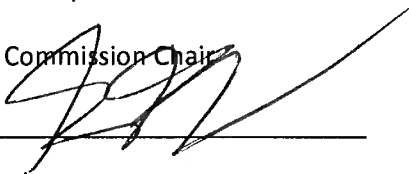
Chip Corsi,

Seeing a doubling of Walleye population every year. Every walleye we are finding tends to have Kokanee in its belly. Now seeing walleye as a threat to the Pend Oreille fishery. State of Washington has revised the idea of drawing water from the Pend Oreille to cool water downstream in WA. Mr. Corsi shared with downstream folks that the folks up here thought that was resolved and wouldn't look kindly on that idea. Looks like push is from Pend Oreille River Commission but directive is coming from Washington Governor. Folks in attendance were WA fish and wildlife, WA ecology Gov office, Kalispell tribe, and Idaho fish and game. Chip also spoke to the bypass project for Priest lake and said that it is not being consider as part of the Outlet Dam upgrade.

The meeting adjourned at 12:18 pm

Approved by:

Lakes Commission Chair



Date:
