

Draft Meeting Minutes

Kootenai Valley Resource Initiative

June 18th, 2012 - 7:00 p.m., University of Idaho - Boundary County Extension Office
Bonners Ferry, Idaho

Committee Members in Attendance:

Dan Dinning, Boundary County Commissioner & KVRI Co-Chair
Ron Abraham, (alt.) Kootenai Tribe of Idaho & KVRI Co-Chair
Dave Anderson, City of Bonners Ferry & KVRI Co-Chair
Tony McDermott, Idaho Fish & Game Commission
Bob Blanford, Business/Industry
Linda McFaddan, (alt.) U.S. Forest Service - Idaho Panhandle National Forest
Don Allenberg, (alt.) Corporate Ag
Jim Cadnum, (alt.) Industrial Forest
Sandy Ashworth, Social/Cultural/Historical
Robyn Miller, Conservationist/Environmentalist
Dave Wattenbarger, Soil Conservation District/Ag Landowner

Patty Perry, KVRI Facilitator, Kootenai Tribe of Idaho
Kristin James, KVRI Recording Secretary, Kootenai Tribe of Idaho

Agency/Others in Attendance:

Chip Corsi, Idaho Department of Fish & Game
Kevin Greenleaf, Kootenai Tribe of Idaho
Ben Conard, U.S. Fish & Wildlife Service
Norm Merz, Kootenai Tribe of Idaho
Karen Roetter, Senator Mike Crapo
Sid Smith, Senator Jim Risch
Aaron Calkins, U.S. Congressman Raul Labrador
Colet Allen, Private Citizen
Sara Hall, Private Citizen
Mac Lefebvre, Idaho Forest Group
Wayne Wakkinen, Idaho Department of Fish & Game
Greg Hoffman, U.S. Army Corps of Engineers
Kennon McClintock, (alt.) Conservationist/Environmentalist
Dave Gray, (alt.) Social/Cultural/Historical

Opening:

Ron Abraham opened and welcomed everyone to the meeting; introductions followed.

The group approved draft minutes of May 21st, 2012 meeting by consensus.

Announcement:

Kristin James has submitted her resignation to the Kootenai Tribe and has decided to move forward and try new things. Patty expressed her appreciation and sent around a card for everyone to sign. The group shared cake and thanked Kristin for her work.

Presentations:

Overview of Self-Sufficient Community Lands Act of 2012--- Aaron Calkins, Congressman Raul Labrador's Office:

Congressman Labrador's Office has been working with (5) counties in Idaho. The (5) counties had originally put together a proposal that was named the Community Forest Trust Proposal. Congressman Labrador's office has tweaked it a little and renamed it the Self-Sufficient Community Lands Act of 2012. It will be introduced in the House this week. Once it's introduced Aaron will email Patty the finalized language of the bill so she may disperse to the group for a preview.

The purpose of the bill is to begin finding a solution to move away from SRS (Secure Rural Schools) funding. The federal government is out of money and will not be able to continue to write checks to counties that have large amounts of federal lands. Currently the counties receive money from SRS funds which go towards schools and roads maintenance. Solutions are being sought after to manage federal lands in a different manner and provide revenue to counties. Originally, the proposal was to be a pilot program for Idaho, however, after DC folks got talking about, other states wanted to participate. It has now grown and become a nationwide pilot program where any state has the opportunity to participate.

A minimum of 200,000 acres in the state as part of the National Forest system will be managed by a (4) member board of trustees consisting of an elected official and representatives from the timber, grazing and recreational community. The board will oversee management decisions on the properties and manage according to state forest practice laws (i.e. for Idaho – Idaho Forest Practice Laws) and consult with Indian Tribes and Collaboratives within the areas. For Idaho, Idaho Department of Lands (IDL) will be the agency completing the on-the-ground work. Again, the basic purpose is to use the forest to create revenue that will return to the counties and managing the forest recognizing that a lot of management needs to be done for a variety of reasons.

Q&A:

How many sponsors does the bill have and which committee will it go to?

It will go to House Natural Resources and it does not have any co-sponsors because it has not been introduced, but it is expected there will be several co-sponsors signing onto the bill after introduction.

How do you decide where the 200,000 acres will be chosen from?

The board of trustees, once appointed, will work with the state and National Forest representatives to choose the properties to be used. The idea being that properties are easily manageable to maximize the revenue that comes from the land and complete sustainable management to provide long term income for counties. Lands will be managed similar to how Idaho Trust Lands are managed. The revenue will be divided evenly among all the counties that currently participate in SRS, even if the land used does not fall within the county.

At 200,000 acres what percentage of current SRS payments will that cover? How many acres beyond that will need to be used to cover the current payments?

The exact number was not available. With 200,000 acres it could possibly get 1/3 to 1/2 of current SRS funding. The bill words it as a minimum of 200,000 acres. States may start small to make sure the program actually works and to see the program be successful. The idea, if the program works, is to move it up to replace SRS funding.

Will the projects be subject to NEPA?

The properties will not be subject to NEPA because properties that are managed according to the state statutes will be the law that governs the lands. The purposes of the act are to streamline procedures to get things working and moving forward.

If extra IDL staff were to be required would that be paid for out of receipts?

Yes.

Can the acreage be divided?

Yes, logistically that's how it will probably have to be so one IDL office is not overwhelmed with the management of 200,000 acres.

How will the lands be chosen? With the Forestry committee the group has looked at lands that are in general forest so that continued funding could be received from them. Lands were narrowed down to what obstacles may be in those areas and move forward in areas such as WUI areas. So how will the decisions be affected by lands that will be chosen?

A lot of the decisions will be site specific. The board of trustees will be appointed and consult with IDL, Tribes and Collaboratives to help choose a preferred land area. They don't want to go in and disrupt any projects that are already in progress. The purpose is to help make it easier to manage lands.

The thought was to use the process to help augment projects the Forestry Committee has in place if there is an opportunity to do so.

Will it have any effect on U.S. Fish & Wildlife Service and how they manage wildlife?

Answer unknown. Understanding is that it will still be federal land. The land will be managed under Idaho State Law. If IDL has to get a federal permit to complete work now, then likely they will still have to get a permit to complete work under this program.

Is the Chief of the Forest Service looked at this program and what are his thoughts?

The DC staff has been working on that aspect, but Aaron did not have the information at this meeting. Last year the proposal that the (5) counties put together was supported unanimously by the Idaho Association of Counties and it wouldn't be a surprise if they continued to support the language of the current bill.

When will the copy of the draft bill be available?

The hope is that the draft will be available by Friday, June 22nd. Once folks have an opportunity to look at it Aaron will gladly answer any questions folks have.

As part of the conservation/environmental group this program will be met with quite a bit of challenge from that constituency group. They are interested and have been working with the counties diligently in trying to find a solution for SRS and Pelt funding. The groups are working together towards a solution, but they just aren't there yet.

Will this be a rider onto a bigger bill?

Yes, that's how many things pass through Congress these days. SRS reauthorization is proceeding through Congress slowly this year and it may be attached through that. DC staff will worry how it passes through the House. Mr. Hastings is the chair of the House Natural Resource Committee.

2012 Libby Dam Operations Update --- Greg Hoffman, U.S. Army Corps of Engineers:

Greg provided a handout on the Kootenai River White Sturgeon BiOp Flow Augmentation/Flood Risk Management. The Corps began spill testing on June 4th and they were required to spill for 7 days. The objectives trying to be met are listed below:

- Provide conditions for normal migration and spawning behavior
- Through in-season management, provide peak augmentation flows that lead to a biological benefit for sturgeon to maximize migration and spawning behavior via a normalized hydrograph.
- Through in-season management, provide post-peak augmentation flows that lead to a biological benefit for sturgeon to maximize embryo/free-embryo incubation and rearing via descending limb of a normalized hydrograph.
- Provide conditions for spawning and embryo/free-embryo incubation and rearing.
- Provide conditions for normal migration and spawning behavior via a normalized thermograph.
- Provide conditions for normal migration and spawning behavior.

Due to large amounts of rain and runoff the spill needed to be backed off to prevent exceeding flood levels at Bonners Ferry.

Key points that were outlined are as follows:

- Spill above PHC (power house capacity) to be provided for 7 days total
 - Spill commenced on June 4th
 - Ceased on June 5th due to Bonners Ferry flood stage encroachment (high tributary inflow/rain/high Kootenay Lake elevation).
 - Re-commenced spill on June 10th
 - Montana TDG (total dissolved gasses) waiver to 127% --- 8 to 9 kcfs spill possible. The water comes over the spill way and trades atmospheric nitrogen and drives it deep in the solution of the Kootenai River. It takes several miles for the nitrogen to come back out of the solution into the air. It affects the fish similar to a scuba diver having the bends. If there was more than 127% for 7 days or more it's often times lethal.
 - Ceased spill for sturgeon early morning on June 17th.
- PHC/PHC + flow to be provided for total of 14 days
 - This requirement met on June 17th
- Likely to continue PHC + (within Montana TDG standard of 110% ~ 2 kcfs) operations through the end of June after sturgeon flow augmentation operations have ceased – reservoir elevation management/refill.

- May need to exceed TDG standards to prevent fill/spill of Kooconusa
- Kootenay Lake elevation near 1752'
- Managing for Bonners Ferry Flood stage (1764') – likely at/near 1763' for rest of June
- June's April – August inflow forecast 123% of average – upper basin snowpack still at or above last year's measurements on this date.
- 2012 was Year 3 of 3 years of spill testing (2011 counted even though no spill was provided).
- Will be preparing an assessment of "attribute attainment" and biological responses to sturgeon flow augmentation operations under 2006 BiOp this fall
 - Physical (depth, velocity, temperature)
 - Biological (sturgeon movement and wild juveniles)

Greg offered to update KVRI on the assessment for "attribute attainment" once it has been completed, likely later this year. The Corps will be working with Jason Flory (FWS), Gary Barton (USGS – U.S. Geological Service), IDFG and others to collect data for the assessment.

Q&A:

Was the settlement agreement from a lawsuit that was filed?

The settlement agreement came out of a lawsuit by several conservation groups, mainly Center for Biological Diversity. The first suit was filed in response to the 2000 BiOp. The spill test basically emulates what could happen with 2 additional turbines and the potential effectiveness.

If it's 1764' what is the measurement of cubic feet/second (cfs) in Bonners Ferry?

A lot of the stage has a lot to do with Kootenay Lake and the backwater effect. Right now the back waters are well above town.

With VARQ there is a monthly reservoir elevation target which is for flood control space and reservoir refill. Every month the elevation goes up its difficult to manage because the dam can't draft back down had they known what the forecast would have been a month prior.

Patty reiterated VARQ is a fish centric operation of how Libby Dam is managed. Until there is 110% snow pack, Libby Dam operates to the fish centric model. Libby Dam operated to VARQ until May when normally the elevations would have been drafted to drop in the reservoir. Now there is a lot of water and snow everywhere and there are only 15 feet remaining in the reservoir. The Dam now needs to manage for flood control and risk management, but VARQ was managed for until mid-May. VARQ was put in place was to manage for sturgeon and salmon which produced a lot of refill failure that was not acceptable for some folks. Across the region it could be learned that often times we don't know what we will be looking at for runoff. The best intentions have been made to manage for 1764' at Bonners Ferry, but we're still not 'out of the woods' yet. This is not just a Libby Dam issue; this is an issue across the basin.

Libby Dam is one of four headwater storage reservoirs authorized by the Columbia River Treaty, which was written in 1964. Essentially the treaty was in response to large flooding downstream of Portland. The treaty will expire in 2014 and there will be a 10 year negotiation period between Canada and the U.S. and how to move forward with management of the 4 reservoirs for flood control, power production, and fisheries. There will be some big impacts and the treaty may not even be renewed. Greg and Brian Marotz have both been asked to provide input in negotiations moving forward.

Greg will continue to send out daily reports as he receives them from Joel Fenolio in Seattle. He has also agreed to provide another update next month on Libby Dam Operations and flows and provide information on what the elevations would be currently at Bonners Ferry if the Libby Dam were not in place.

Committee Updates:

TMDL Committee --- Patty Perry:

The committee met on June 11th. Bob Steed, DEQ, was going to bring the temperature monitors for the group to disperse, however he wasn't able to locate them within the office after a remodel. The water is still pretty high so there's plenty of time to get the monitors out. Bob will locate the temperature monitors and get them to Patty to disperse to the group for deployment.

The group discussed the Draft Integrated Report for 2012 and at the prior meeting the committee Reviewed it and made corrections on the DEQ maps so that they would not be trying to address issue within the reports that didn't actually exist. IDEQ also wants to make wilderness streams designations, which are different than wilderness forest planning designations. It is designating streams in proposed wilderness areas or inventoried roadless areas and it would be assumed, in those situations, that there are no impacts to the streams and the water quality is appropriate for that stream. Bob has been asked to assess if there are any waters in our local watershed.

Bob will provide more information on the Integrated Report. Blue Joe Creek has been a topic of conversation once again and the group has looked at whether it's time to propose for a different type of listing (i.e. moving the creek from a category where work could be done to a category that acknowledges whatever work could be done in that area has been done).

Bob did express concerns that the temperature standard in the Pend Oreille Basin is not achievable and has been proven time and time again across the state of Idaho. The cold water criteria for cold water fish are not meeting; even reference streams in this area like Long Canyon don't meet the criteria. Patty reminded Bob that's the reason why in this drainage the committee has chosen to do the potential natural vegetation TMDL looking at what the potential natural vegetation would have been along the stream bank in the area and based on that what could be expected to achieve. EPA has approved the TMDL's for our areas.

Forestry Committee --- Patty Perry:

The monitoring committee met to discuss the monitoring strategy and reviewed the wildlife, vegetation, social/economic, water quality aspects. There was a miscommunication in expectations for the Forest Service staffer. Linda has been working with Shanda and has gone back through other CFLRA proposals that are available to model our monitoring strategy from. There needed to be clearer direction so the group can get a monitoring strategy in place and move forward.

Wildlife Auto Collision (WAC) Committee --- Patty Perry:

The committee will meet again on July 10th. The group has contracted with Western Transportation Institute. The final report will be reviewed during this meeting. Ben Studer, IDFG, met with Patty, ITD foreman and a few others and presented the new format online to track road kill and accidents. The presentation will be made at the July 10th meeting as well.

Old Business:

CFLRA – Washington, DC Trip --- Ron Abraham, Kootenai Tribal Council:

Gary Aitken, Jr., Ron Abraham (Tribal Council), Sue Ireland and Billy Barquin (Kootenai Tribe of Idaho), went to Washington, DC and discussed CFLRA, KVRI, and the Kootenai River Habitat Project. Idaho and Montana delegation, U.S. Army Corps of Engineers, U.S. Forest Service, and Bureau of Indian Affairs were very pleased at what they heard. It was a good trip.

Correspondence:

BPA Public Meeting:

Sandy met with several of the BPA folks during a public meeting that was held at the Boundary County Library as part of their public outreach for the Twin Rivers Hatchery site. KVRI and the Kootenai Tribe have done a lot of outreach on this subject, but BPA is required to do additional outreach as part of their process and requirements.

9th Circuit Wolf Ruling:

The deadline passed for appeals to the 9th Circuit Court for the Wolf Ruling. The ruling will stand. This email was forwarded to all the KVRI members.

U.S. Forest Supervisor – North Zone Roadside Salvage Decision:

There was a finding of no significant impact and they considered (4) alternatives. The decision notice and related documents are available. The appeal period ends on June 21st. If there are no appeals the project will move forward.

Idaho Fish & Game Commission Meeting:

The IDFG Commission will hold a public meeting on July 11th at the Kootenai River Inn. July 12th the Commission will hold a business meeting at the Kootenai National Wildlife Refuge. The public is welcome to attend, however it is not a meeting for public comment. KVRI board will get together and plan to hold a BBQ or social event to provide an opportunity for folks to visit with the IDFG Commission.

CFLRA Correspondence:

Annual report for the CFLRA is seeking profiles from KVRI project area. Patty sent in several profiles for them to use. Dan Dinning will be responding to their request and he will send pictures and other pertinent information. All information will need to be submitted by July 9th.

Closing Comments:

Kennon McClintock reported that Idaho Forest practices act and is governed by an advisory committee that meets 3-4 times per year. The last 4-5 years they have been working on changing requirements in the riparian zones for shade. They made a decision, last month on new set back requirements. The current 75% shade rule will be replaced by the following requirements. There will be two options when a person applies for a permit:

1. 0' – 25' from high water mark will be a no cut no harvest zone, 25' – 50' will be a minimum amount of harvest to occur.

2. 75' zone where plots will have to be placed and relative stocking to be figured out (equates to shade).

This still needs to be signed by the Land Board and passed by legislature next year. The State has Forest Practices Act Advisors for each district that will be responsible for overseeing the projects. There will be a worksheet for the landowner to fill out or a forest consultant. The thought is that the advisors will be able to assist the landowners. EPA wants a wide no cut zone along streams and the Advisory Committee settled on the current criteria. If 10 – 20 years of measurements can be obtained will help drive this decision.

Next Meeting:

The next meeting will be held on July 16th, 2012 at the Boundary County Extension Office at 7:00 p.m.; the meeting was adjourned at 8:40 p.m.