

**Clark Fork Settlement Agreement
Management Committee Meeting Notes
March 14, 2023, 8:30 a.m. (PST)
Best Western Edgewater Resort, Sandpoint, ID**

Management Committee Representatives in Attendance

Avista – Monica Ott
Green Mountain Conservation District – Sarah Busmire (Alt)
Idaho Department of Environmental Quality (Idaho DEQ) – Bob Steed
Idaho Department of Fish and Game (IDFG) – Carson Watkins
Kalispel Tribe – Joe Maroney
Lake Pend Oreille Idaho Club – Carter and Christine Sandhal (Alt)
Montana Fish, Wildlife and Parks (MFWP) – Lee Anderson
Panhandle Chapter Trout Unlimited – Bill Love (Alt)
Sanders County Commissioner – Tony Cox (9:30)
United States Fish and Wildlife Service (USFWS) – Kevin Aceituno (Alt)
United States Forest Service, Cabinet Ranger District (USFS) – Michael Feiger

Other Attendees

Avista–Shana Bernall, Heide Evans, Bruce Howard, Carie Mourin, Jeremiah Webster, Paul Kusnierz, Sean Moran, Eric Oldenburg, Arthur Potts, Davina Brown, and Lisa Johnson; Avista Grant Writer–Susan Drumheller; IDFG–Ken Bouwens, Andy Dux, and Mark Rhodes; Kaniksu Land Trust–Katie Cox; MFWP–Jason Blakney and Travis Rehm; USFWS–Ken King; Priest Lake Homeowners–Alan Songstad; North Idaho Sportfishing Association–Eric Gilbert

Welcome and Roll Call

Monica Ott welcomed those in attendance to the 58th meeting. The purpose of today’s meeting is to review and approve the 2022 Annual Report budget sheet and 2023 Annual Implementation Plans (AIPs). A quorum was recognized. Ott reviewed housekeeping items.

Ott explained the meeting etiquette, formal decision-making process, and the 30-minute rule. The Management Committee (MC) will be approving several AIPs and the group strives to seek consensus approval. Ott outlined the approval process if a vote is needed. . The language for the approval of AIPs will be displayed on the screen for all MC members to view prior to and during decision making. Joe Maroney is designated Proxy vote for Diane Williams, Rock Creek Alliance (see attached).

Final Agenda Review and Approval

Ott reviewed the meeting agenda and reminded members that several informational packets were sent out prior to this meeting. There were no additions or changes to the meeting agenda.

FERC Action Summary

Heide Evans explained that Paragraph 30 of the Clark Fork Settlement Agreement (CFSA) requires Avista to keep the MC informed of license compliance items. There has been one Federal Energy Regulatory Commission (FERC) order since the September 2022 meeting.

- January 30, 2023–Order modifying and approving Cabinet Gorge Dam Fishway operations, filed April 7, 2022, pursuant to ordering paragraph (E) of the August 8, 2019, order amending license and approving construction and operation of the Cabinet Gorge Dam Fishway.

Consent Mail Package Update

Heide Evans described the purpose of consent mailings. They are a business process utilized to seek approval of various items between formal Management Committee meetings. There has been one consent mail since the September 2022 meeting. The Appendix H–Cabinet Gorge Dam Viewpoint Road Replacement Project Consent Mail was approved on October 25, 2022.

Grant Writer Update

Susan Drumheller provided an update and reviewed the grant status report. A total of \$13.3 million in grant funds have been acquired since the beginning of CFSA implementation to support projects. Ott reminded the group that the private grant dollars provided do not take away from Avista’s obligation under the CFSA and are a good opportunity to bring in additional resources.

Kaniksu Land Trust Update

Katie Cox provided an update on the Kaniksu Land Trust activities.

- Kaniksu Land Trust is celebrating 20 years.
- A new 40-acre project is in the planning process.

Draft 2022 Clark Fork Project Annual Report

- The MC members reviewed the annual report budget sheet.

Ott requested consensus approval of Section 12.1 annual budget report as presented.

The 2023 Annual Report Section 12.1 Budget Sheet was approved by consensus as presented.

Cultural Resources Management Group Update

Appendix R: Clark Fork Heritage Resource Program

Lisa Johnson provided background information on the Cultural Resources Management Group (CRMG) that was formed in support of CFSA Appendix R (Clark Fork Heritage Resource Program) and corresponds to FERC License Article 427 for Clark Fork Project.

The CRMG consists of representatives from the Kootenai Tribe of Idaho, Confederated Salish and Kootenai Tribes of the Flathead Reservation, Coeur d'Alene Tribe, Kalispel Tribe, USFS, Idaho and Montana State Historic Preservation Offices, and Avista.

Johnson gave an update on Appendix R and noted that the CRMG meeting was held virtually on March 2, 2023. During this meeting the CRMG reviewed 37 of the 2023 aquatic and terrestrial resources project plans that have planned ground disturbance or the potential to effect cultural/historic resources. The group also reviewed the 2023 Appendix R AIP, Clark Fork Heritage Resource Program project plan, and associated budget.

Ott requested consensus approval of the 2023 Appendix R AIP as presented.

The 2023 Appendix R AIP was approved by consensus as presented.

Water Resources Technical Advisory Committee Update

Eric Oldenburg stated the Water Resources Technical Advisory Committee (WRTAC) choose fall meeting date for August 29, 2023.

Appendix T: Project Operations Package

The purpose of this measure is to mitigate the effects of project operations to achieve the goals of enhancing native salmonids and providing recreational fishery opportunities.

- Cabinet Gorge Fish Hatchery Spring Water Collection System Upgrade

Ott requested consensus approval of the 2023 Appendix T AIP as presented.

The 2023 Appendix T AIP was approved by consensus as presented.

Appendix A: Idaho Tributary Habitat Acquisition and Fishery Enhancement Program

The purpose of this program is to offset the impacts of the power peaking operation of the Cabinet Gorge Project to native salmonids through the restoration and enhancement of lower Clark Fork River and Lake Pend Oreille (LPO) tributary watersheds, fishery monitoring and management support, and a public education and enforcement initiative focused on Bull Trout and their associated habitats in Idaho.

Tributary Habitat Acquisition and Enhancement

- Habitat Restoration Scoping Allocation
 - Proposed the Strong Creek project which involves a combination of channel work and dredging in the alluvial fan to increase surface water connectivity for fish.

Ott requested consensus approval of the 2023 Appendix A AIP as presented.

The 2023 Appendix A AIP was approved by consensus as presented.

Appendix B: Montana Tributary Habitat Acquisition and Recreational Fishery Enhancement Program

The purpose of this program is to offset the impacts of the power peaking operation of the Cabinet Gorge and Noxon Rapids Projects to native salmonids and recreational fisheries in Montana.

Tributary Habitat Acquisition and Enhancement

- Prospect Creek Bull Trout Salvage Evaluation
 - Proposed utilizing autonomous Passive Integrated Transponder (PIT) antennas to monitor Bull Trout.
- Vermilion River Restoration Projects 4 - 6 Survey and Design

- Proposed to fund the survey and design for the next three restoration reaches which are the Grouse Reach, Rocker Reach, and 100 Ton Reach.
- St. Paul Trailhead Improvement Project
 - Proposed to facilitate and fund a contractor to work with the USFS on survey and design so they can get NEPA rolling to ultimately relocate the trailhead.

Recreational Fishery Enhancement

- Noxon Reservoir Boat Ramp Improvements
 - Proposed to continue working with stakeholders to evaluate boat ramp improvements.
- Noxon Reservoir Bathymetry Update
 - Proposed to finalize the survey work this year or in the spring of 2024 and requested an extra \$5,000 due to the increased survey time.
 - Approximately 75% of Noxon Reservoir was mapped on transect data in one direction.
- Upper Thompson River Connectivity Project
 - Proposed to contribute \$250,000 toward the protection of just under 50,000 acres through a conservation easement on private timber land. The estimated total easement cost is just under \$18 million and the CFSA contribution would be part of a critical non-federal match component. This easement provides benefits to both the protection of Bull Trout and Westslope Cutthroat Trout as well as recreational fisheries as it will ensure public access to these lands in perpetuity.

Ott requested consensus approval of the 2023 Appendix B AIP as presented.

The 2023 Appendix B AIP was approved by consensus as presented.

Appendix C: Fish Passage/Native Salmonid Restoration Plan

The purpose of the Fish Passage/Native Salmonid Restoration Plan is to mitigate the continuing effects of the project as obstructions to fish passage, and to achieve the goal of increasing the long-term population viability of native salmonids in the Lake Pend Oreille-lower Clark Fork River system (FERC Order, Article 406). This goal is to be accomplished through the aggressive implementation of the Clark Fork River Native Salmonid Restoration Plan (NSRP).

Annual Operations

- Native Salmonid Restoration Plan Five-Year Plan
 - New project for 2023 but will represent the third update to the NSRP 5-year plan.
 - If stakeholders are interested in participating in this project contact Oldenburg or Moran.
- Graves Creek Bull Trout Translocation Project
 - Proposed to start translocating a modest proportion of Graves Creek juvenile Bull Trout upstream of the Graves Creek falls.
 - Use this year (2023) to research and develop the project.
 - Proposed to set this up as a cost share between Appendices B and C and requested \$5,000 for the 2023 effort.

Facilities

- Graves Creek Permanent Weir Trap Enhancements
 - Proposed to purchase and install a traveling screen on the back wall of the trap box that will serve to retain fish but continually remove debris from the box.
 - Requested \$145,000 for this purpose.

Cabinet Minor Modifications

- Cabinet Gorge Fish Passage Facility Minor Modifications
 - Requested that the MC delegate decision-making authority to the Fish Passage Subgroup to review and implement modifications, up to \$500,000.
 - If the Fish Passage Subgroup cannot make a consensus decision the topic will be sent to the MC.

Ott requested consensus approval to designate the Fish Passage Subgroup as the decision-making committee with the authority to review and approve minor modifications by consensus to the Cabinet Gorge Fish Passage Facility.

The Fish Passage Subgroup designation was approved by consensus as modified.

Ott requested consensus approval of the 2023 Appendix C AIP as presented.

The 2023 Appendix C AIP was approved by consensus as presented.

Appendix D: Bull Trout Protection and Public Education Project

The purpose of this project is to protect Bull Trout, a federally listed species (threatened), through a combination of enhanced law enforcement efforts by the states of Idaho and Montana, coupled with a public education outreach program.

- The proposed budget for this year is slightly higher than the amount of money that will be contributed to Appendix D this year; however, there is plenty of carryover funding remaining to cover everything that is proposed and we will still have about \$180,000 in carryover as we head into next year.

Ott requested consensus approval of the 2023 Appendix D AIP as presented.

The 2023 Appendix D AIP was approved by consensus as presented.

Appendix E: Watershed Councils Program

The purpose of this program is to facilitate the protection and restoration of tributary stream habitat in the Lake Pend Oreille-Clark Fork River system.

- Lower Clark Fork Watershed Council Projects
 - Brita is phasing out as Sarah is transitioning into the position.

Ott requested consensus approval of the 2023 Appendix E AIP as presented.

The 2023 Appendix E AIP was approved by consensus as presented.

Appendix F1: Clark Fork River Water Quality Monitoring Program

The purpose of this program is to provide for the systematic, long-term monitoring of nutrients and metals in the lower Clark Fork River. Paul Kusnierz is the Program Leader for Appendix F1.

- Clark Fork River Water Quality Monitoring Program
 - In addition to the annual sampling, HydroSolutions will be doing the 5-year trend analysis on the 2018 through 2022 data.

Ott requested consensus approval of the 2023 Appendix F1 AIP as presented.

The 2023 Appendix F1 AIP was approved by consensus as presented.

Appendix F2: Monitoring of Noxon Reservoir Stratification and Mobilization of Sediment Nutrients/Metals

The purpose of this monitoring program is to collect data concerning the potential for nutrients or metals deposited in Noxon Reservoir sediments to remobilize back into the water column during periods of stratification. Paul Kusnierz is the Program Leader for Appendix F2.

- Monitoring of Noxon Reservoir Stratification and Mobilization of Sediment Nutrients/Metals
 - There are no functional changes to what is being proposed for this year.

Ott requested consensus approval of the 2023 Appendix F2 AIP as presented.

The 2023 Appendix F2 AIP was approved by consensus as presented.

Appendix F3: Aquatic Organism Tissue Analysis

The purpose of this measure is to provide a commitment to analyze aquatic organism tissues for the presence of toxic substances.

- Noxon and Cabinet Gorge Reservoirs Fish Mercury Study
 - The reservoir mercury study is currently in progress and we expect to have that report by the end of the year.

Ott requested consensus approval of the 2023 Appendix F3 AIP as presented.

The 2023 Appendix F3 AIP was approved by consensus as presented.

Appendix F4: Water Quality Protection and Monitoring Plan for Maintenance, Construction, and Emergency Activities

The purpose of this measure is to minimize or eliminate negative effects on water quality and associated resources related to dam maintenance, construction, and emergency activities. Nothing new is proposed for 2023.

- Annually update the designated contacts for the Plan, as needed.

Ott requested consensus approval of the 2023 Appendix F4 AIP as presented.

The 2023 Appendix F4 AIP was approved by consensus as presented.

Appendix F5: Dissolved Gas Supersaturation Control, Mitigation, and Monitoring

The purpose of this measure is to provide for the study, control, mitigation, and monitoring of gas supersaturation and the associated biological resource effects related to spill at Cabinet Gorge and Noxon Rapids dams.

Operations

- Proposed to continue to utilize spillway operations at Noxon Rapids and Cabinet Gorge dams as outlined in the Gas Supersaturation Control Plan (GSCP).

TDG Mitigation and Monitoring Program

- Total Dissolved Gas Monitoring
 - Proposed to install two permanent conduits to the shore-based station.
- Lake Pend Oreille Tributary PIT-Monitoring Station Installation
 - Proposed to install three stations in the Pack River watershed at the mouth of Caribou Creek, lower Grouse Creek, and near the mouth of the Pack River.
- Lower Clark Fork River Flow Model
 - Proposed to develop a high-quality flow model of the lower Clark Fork River from Cabinet Gorge Dam down to the delta. Requested an additional \$37,000 to complement the existing data with a LiDAR survey as well as additional boat-based bathymetry that is tied to RTK data, for a total request of \$87,514.
- Lower Clark Fork River Genetics Evaluation
 - Proposed to establish a baseline of the genetic composition of *Oncorhynchus* species in the lower Clark Fork River downstream from Cabinet Gorge Dam.
- Gas Supersaturation Control Program Total Dissolved Gas Abatement
 - The Gas Supersaturation Subcommittee will hold a meeting later this year, as requested by Bob Steed at the WRTAC meeting.

Ott requested consensus approval of the 2023 Appendix F5 AIP including the addition of \$37,000 to the Lower Clark Fork River Flow Model budget.

The 2023 Appendix F5 AIP was approved by consensus as modified.

Terrestrial Resources Technical Advisory Committee Update

Arthur Potts provided an update on the Terrestrial Resources Technical Advisory Committee (TRTAC) meeting was held on January 21, 2023, and the fall meeting date is August 30, 2023.

Appendix G: Implementation of the Land Use Management Plan (LUMP)

The purpose of this measure is to provide protection and maintenance of resources on Avista owned project lands and promote the rural and remote character of the area through implementation of the LUMP while still allowing reasonable access to the public.

- Land Use Subgroup will meet in Spring 2023 to discuss the 5-year LUMP update, which was originally slated to occur in 2021. At the time, everyone agreed the current document was working well and it will be revisited for full review later.
- The proposal for Managing Aquatic Invasive Plants remained the same as 2022, for Avista facilitation and assistance to the Sanders County Aquatic Invasive Plant Task Force.
- This PM&E also includes monitoring and enforcement of the LUMP
 - Avista and USFS are assessing measures to ensure Stevens Creek point cannot be accessed by vehicle.
 - IDFG will send an Annual Report on enforcement.
 - Enforcement: warden Travis Johnson continues to patrol Avista sites, along with Sanders County Sheriff's Department. Avista reports enforcement activities in the Annual Report.

Ott requested consensus approval of the 2023 Appendix G AIP as presented.

The 2023 Appendix G AIP was approved by consensus as presented.

Appendix H: Implementation of the Recreation Resource Management Plan (RRMP)

The purpose of this measure is to provide for appropriate and adequate recreational opportunities and facilities associated with the Clark Fork Project through implementation of the RRMP.

- **Flat Iron Dredging:** Avista and MFWP staff continue to monitor for extended drawdown; hope to complete this project in the fall of 2023.
- **Additional road maintenance projects:** Big Eddy, North Shore, Bull River, Cabinet Gorge HED viewpoint, Noxon Rapids HED upper and lower viewpoints, and Frog Pond.
- **North Shore and Bull River Campgrounds:** Les Raynor (USFS) provided an update that NEPA has been completed and these projects should be cleared for spring 2023.
- **Triangle Pond:** Pardee Excavating will wrap-up a few items this year and close out this improvement project.
- **Antelope Lake:** Will continue to work with Appendix A to identify a plan for access road improvements; additional information will be provided to the MC at a later date.
- **Kirby Gulch:** Avista had initial discussions with Sanders County Parks Board about this project; the Parks Board have also proposed creating a new canoe/kayak launch day-use site off Columbia River Road.
- **North Shore Expansion/Redevelopment:** Avista and USFS have had initial conversations about the goals for the day-use area. They will continue to identify the desired acreage for acquisition and then begin talks with the adjacent landowner. Potential goals may include replacing/adding picnic structures, a new walking trail, parking expansion/reconfiguration, traffic flow redesign, repositioning the boat ramp, and relocating the swimming area.
 - Once goals are determined, may consider outsourcing master plan to a design firm.
- This PM&E includes monitoring of the RRMP, Operation and Maintenance of Recreation facilities, and Interpretation and Education Program.

- Pinnacle Research will be conducting a system-wide recreation visitor survey during the 2023 season. They will have 2 staff members conducting in-person interviews at 26 different sites. This information will be used to assist with review and update of the RRMP.
- The 2022 Rec Monitoring report is available if anyone would like a copy; overall saw a 13% increase over 2021.
- Lisa is currently coordinating repairs to the canoe/paddle at Pilgrim Creek Park.
- Note that the Memorandum of understanding with MFWP has been amended to increase the not to exceed cap from \$20,000 to \$25,000.

Ott requested consensus approval of 2023 Appendix H AIP as presented.

The 2023 Appendix H AIP was approved by consensus as presented.

Appendix I: Implementation of the Aesthetics Management Plan

The purpose of this measure is to provide for the protection and enhancement of aesthetic resources associated with Avista’s Clark Fork Projects and to mitigate for project related impacts to those resources through the implementation of the Aesthetics Management Plan.

- Goals include maintaining the rural and rustic character of the reservoir shoreline, which is accomplished through implementing the LUMP.
- Continue to look for opportunities to address areas where vegetation has obscured views.
 - Re-inventory of 41 key viewpoints is scheduled to occur every 5 years. Pinnacle Research will be re-inventorying these sites in 2023.

Ott requested consensus approval of the 2023 Appendix I AIP as presented.

The 2023 Appendix I AIP was approved by consensus as presented.

Appendix J: Implementation of the Wildlife, Botanical and Wetland Management Plan

The purpose of this resource PM&E is to provide for the organization and presentation of the various wildlife, botanical and wetland management activities and site-specific plans within a single, comprehensive management plan document.

- Properties under review for 2023 will be presented at the fall meeting.
- USFS development of snow motorized maps; Avista to assist with providing mapping data as requested.

Ott requested consensus approval of the 2023 Appendix J AIP as presented.

The 2023 Appendix J AIP was approved by consensus as presented.

Appendix K: Wildlife Habitat Acquisition, Enhancement and Management Program

The purpose of this program is to mitigate for the potential effects to wildlife resources and habitat due to the continued operation of the Clark Fork Project. The program will focus on the types of habitat most significantly affected, such as wetland and riparian habitat.

- **Twin Creek:** Bouwens is working on a management plan for the property. The railroad trestle was replaced with a culvert that limits vehicle size. Hay lease is set to end in 2023.
- **Wood Duck:** Brita has completed a draft long-term maintenance plan for revegetation efforts. This will be reviewed by Avista, the Land Use Subgroup and the CRMG.

Ott requested consensus approval of the 2023 Appendix K AIP as presented.

The 2023 Appendix K AIP was approved by consensus as presented.

Appendix L: Back Cottonwood Habitat Protection and Enhancement

The purpose of this measure is to provide for the protection of black cottonwood at three specific sites through site-specific management and enchantment plans.

- Exclosures at Hereford Slough continue to operate well; they will be monitored annually for damage.

Ott requested consensus approval of the 2023 Appendix L AIP as presented.

The 2023 Appendix L AIP was approved by consensus as presented.

Appendix M: Wetland Protection and Enhancement Program

The purpose of this PM&E is to provide for the protection of wetlands on project lands, and evaluation and potential enhancement of selected wetland areas. The overall goal is to ensure no net loss.

- Proposed to continue exploring potential wetland enhancement for the 2016 Twin Creek acquisition.
- Monitoring of enhancements previously completed at Hereford Slough, McKay Creek, Finley Flats, and Blacktail Bay/Islands will continue.

Ott requested consensus approval of the 2023 Appendix M AIP as presented.

The 2023 Appendix M AIP was approved by consensus as presented.

Appendix P: Forest Habitat Protection and Enhancement

The purpose of this PM&E is for the protection and enhancement of specific previously identified forest areas that exhibit significant wildlife habitat value.

- Will utilize a forester to oversee the development and implementation of timber projects.
 - Avista established an on-call agreement with Inland Forest Management out of Sandpoint. They evaluated one stand on Vermillion Bay in the fall of 2022.
- All timber projects will come to the TRTAC, CRMG, and MC for approval.
- Any revenue generated from the sale of timber will return to the PM&E.

Ott requested consensus approval of the 2023 Appendix P AIP as presented.

The 2023 Appendix P AIP was approved by consensus as presented.

Appendix Q: Reservoir Island Protection

The purpose of this measure is to provide for the protection of islands owned by Avista in the project reservoirs and maintain the wildlife habitat functions of these islands.

- No budget was proposed for 2023 as activities for this PM&E are covered under the LUMP.

Ott requested consensus approval of the 2023 Appendix Q AIP as presented.

The 2023 Appendix Q AIP was approved by consensus as presented.

Appendix S: Erosion Fund and Shoreline Stabilization Guidelines Program

The purpose of this measure is to provide funds to ameliorate adverse impacts to resources of interest caused by the continued operation of the Clark Fork Projects including the Erosion Control Guidelines Manual.

- Adjacent landowner in Vermillion Point is moving forward with a plan to add a rock toe to the bank and shore up dock footings. This project was removed from Appendix S and will be completed under a Work Authorization.
- Provide support for any erosion control projects identified by CRMG.
 - Avista has been in contact with Elk Creek Contracting to evaluate an erosion issue at Pilgrim Creek Park in the spring.

Ott requested consensus approval of the 2023 Appendix S AIP as presented.

The 2023 Appendix S AIP was approved by consensus as presented.

Other:

Ott proposed a mini-workshop in the fall, to coincide with the Fall MC meeting.

- With many new faces at the table, the purpose would be to review background/goals of the CFSA, what has been learned and what the future of the CFSA looks like. A key component would be engagement between stakeholders.

Ott thanked all the stakeholders and implementers for their continued efforts on projects.

Select Fall Meeting Date:

September 20, 21, 2023-Location in Noxon, MT

Adjourn Meeting:

Meeting was adjourned at 2:38 p.m. (PST)