

**Clark Fork Settlement Agreement
Final Management Committee Meeting Minutes
Edgewater Resort–Sandpoint, ID
March 12, 2019**

Management Committee Representatives in Attendance

Avista Corporation: Nate Hall
Bull River Watershed Council: Kathy Ferguson (morning)/Tom McDowell (alternate, afternoon)
Cabinet Resource Group: Jim Nash
Confederated Salish and Kootenai Tribes: Les Evarts
Idaho Dept. of Environmental Quality (Idaho DEQ): Tom Herron
Idaho Dept. of Fish and Game (IDFG): Chip Corsi
Kalispel Tribe: Joe Maroney
Kootenai Tribe of Idaho: Susan Ireland
Lake Pend Oreille Idaho Club: Ryan Roslak
Montana Department of Environmental Quality (MT DEQ): Jason Garber
Montana Fish, Wildlife and Parks (MFWP): Jim Williams
Noxon-Cabinet Shoreline Coalition: Rick Robinson
Panhandle Chapter Trout Unlimited: Bill Love (alternate)
Sanders County Commissioners: Tony Cox
U.S. Fish and Wildlife Service (USFWS): Ben Conard
U.S. Forest Service (USFS): Doug Grupenhoff (alternate)

Interested Parties in Attendance

Avista: Shana Bernall, Heide Evans, Bruce Howard, Paul Kusnierz, Sean Moran, Eric Oldenburg, Jason Pignanelli, Lisa Vollertsen, Mary Tyrie, and Todd Kiesbuy; Avista Grant Writer: Susan Drumheller; Bonner Soil and Water Conservation: Sarah Garcia; IDFG: Ken Bouwens and Matt Corsi; Kaniksu Land Trust (KLT): Regan Plumb; Lake Pend Oreille Idaho Club: David Gillespie and Will Crook; Lower Clark Fork Watershed Group: Brita Olson; MFWP: Lee Anderson, Jason Blakney, Mike Hensler, Ryan Kreiner, Dillon Tabish, and Martha Abbrescia; North Idaho Sport Fishing Association: Chad Landrum (left after morning break); Pack River Watershed Council: Jessica Erickson; Panhandle Chapter Trout Unlimited: Don Childress; Professional Realty Services Idaho: Dwayne Parsons; USFWS: Kevin Aceituno

Welcome and Introductions

Hall welcomed everyone to the Management Committee (MC) meeting at 9:18 am, the first of two required meetings for 2019. Hall invited everyone to introduce themselves and a quorum was recognized. Hall recognized this is the 21st year of implementation of the CFSA and stated he appreciates everyone's willingness to participate. Hall acknowledged MFWP, IDEQ, MT DEQ, and USFWS on their efforts to get the Biological Opinion updated and provide the 401 water quality certifications for the Cabinet Gorge Dam Fishway Project.

Hall informed MC members to fulfill (in part) requirements of Paragraph 33 of the Clark Fork Settlement Agreement (CFSA) requires parties to designate representatives to the Water and Terrestrial Resource Technical Advisory committees (WRTAC and TRTAC) in writing on an annual basis. A sign-in sheet was passed around that allowed individuals to update

representatives, indicate on the sheet how they prefer to receive large documents, to verify attendance, and allow individuals to provide any corrections to contact information.

Meeting Etiquette

Hall explained the meeting etiquette, formal decision-making process, and the 30 minute rule. The MC will be approving a number of Annual Implementation Plans (AIPs) and the group strives to seek consensus approval. If a vote is needed the procedures will be reviewed at that time. 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.

Final Agenda Review and Approval

Hall 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.

Hydro One/Avista Merger Update

Howard provided an update on the Hydro One merger. For the merger to happen Avista needed the approval of five state commissions, but that did not happen. Avista and Hydro One agreed to end the merger at that time.

FERC Action Summary

Evans explained that Paragraph 30 of the CFSA requires Avista to keep the MC informed of license compliance items. Since the September MC meeting there were no orders received from the Federal Energy Regulatory Commission (FERC). Hall noted that Avista did receive a 401 water quality certification from Idaho DEQ, 401 water quality certification waiver from MT DEQ, Idaho and Montana State Historic Preservation Office concurrence with the revised design, and a Biological Opinion from the USFWS for the Cabinet Gorge Dam Fishway Project. These were sent to the FERC as part of the requirement for a license amendment from FERC for the construction and operation of the Cabinet Gorge Dam Fishway.

Consent Mail Package Update

- Reallocation of funds for designing improvements to the Graves Creek permanent weir trap (Appendix C)
 - Sent to MC on 11/7/2018 and approved on 12/3/2018.
- Experimental Walleye Angler Incentive Program (Appendix F5)
 - Sent to MC on 11/7/2018 and approved on 12/3/2018.

Draft 2018 Clark Fork Project Annual Report

Evans stated the draft 2018 Clark Fork Project Annual Report was mailed out on February 11 for MC 30-day review. In accordance with the CFSA, Paragraph 22, Avista will seek M C consensus approval of Section 12 (annual budget summary).

The MC members reviewed the budget sheet and Hall requested consensus approval of Section 12.1 annual budget report as presented.

The budget sheet showing amounts spent on implementation in 2018 was approved by consensus as presented.

Grant Writer Report

Drumheller provided an update on grants. A total of 11.9 million in grant funds have been acquired since the beginning of CFSA implementation to support projects. Avista has applied for 27.7 million dollars in grants over the years. Drumheller noted the higher success rate is attributed to having private dollars to leverage grant funds. She stated that \$613,000 in grant funds were acquired 2018 including \$200,000 for the Simms meander restoration project that was a MT DEQ 319 grant. An additional \$23,000 was acquired for the Crow Creek restoration project and \$200,000 from the Army Corps of Engineers (ACOE) will be used to address invasive species. Drumheller is working on other grants to address invasive species. In 2019, Drumheller is applying for additional grants for the Simms Meander Project in the Vermilion River which will be implemented in 2020, including a Future Fisheries grant from MFWP. Hall reminded the group that the private grant dollars provided do not take away from Avista's obligation to the CFSA and are a good opportunity to bring in additional resources

Kaniksu Land Trust Update

Plumb provided an update on the Kaniksu Land Trust (KLT) activities. Kaniksu Land Trust accepted seven easements in 2019 including one easement that was transferred from Avista and an additional conservation easement on the East Fork Bull River. This also includes the Bull River Bears conservation easement. Plumb noted KLT is processing two donated easements; 60 acres across Pack River and are within days of closing on Pine Street Woods which is a 160 acre parcel west of Sandpoint. Avista contributed to the Pine Street Woods through grant writer time and \$2.3 million were raised. The Pine Street Woods will be open to the public this summer. Kaniksu Land Trust is searching for a new executive director and Hall gave kudos to Plumb for being the interim executive director during the transition.

Cultural Resource Management Group (CRMG) Update

Appendix R: Clark Fork Heritage Resource Program

Vollertsen gave an update on Appendix R and noted that the CRMG meeting was held on March 5th. The group reviewed and recommended for MC approval of the 2019 Appendix R AIP..

The 2019 Appendix R AIP was approved by consensus as presented.

North Idaho Sport-fishing Association (NISA) email

Landrum presented the mission of the NISA, which was fair, science-based, multi-species management of LPO fisheries and discussed the letter that was sent out to MC members, along with concerns related to the fishery. He ended by asking the MC not to approve gill netting of Walleye and stated there are no reasonable boat access sites within 10 miles of Sandpoint for half of the year and boat access on the lower Clark Fork River is also limited.

Hall noted that the MC does not take natural resource management authority away from the agency that is responsible for it, and the group relies on their scientific information to guide decisions.

Hall added that the MC has only added one group in the 21 year history. There are high standards for adding a group and it involves bringing good faith and professionalism. That is

why this group has been successful. The meetings are open to the public. At this time Hall stated he does not support NISA becoming a member of the MC.

Water Resources Technical Advisory Committee Update

The fall meeting date for the WRTAC is August 21. Oldenburg provided an update on aquatic AIPs, and in the interest of time, only highlighted new projects and continuing projects with meaningful changes. The WRTAC met on January 22 and recommended to the MC to approve all the project plans. Oldenburg described changes made to the budget sheet for AIP summaries and noted that inflation for GDP was estimated at 1% but will be calculated using the actual value prior to finalizing the AIPs. This will increase the annual contribution associated with most projects. He also explained the budget sheets in individual project plans.

Appendix A: Idaho Tributary Habitat Acquisition and Fishery Enhancement Program

Oldenburg discussed five of the 13 project plans proposed under Appendix A including:

Tributary Habitat Acquisition and Enhancement

1. Idaho Field Station Planning
2. Habitat Prioritization Evaluation for the Upper Pack River and McCormick Creek
 - a. Roslak asked if anyone has figured out the cyclical nature of Bull Trout in this drainage and Bouwens replied that is something they are interested in investigating.
3. Pack River Watershed Management Plan Addendum
4. Johnson Creek Fish Passage Improvement Design and Construction
5. Lower Clark Fork River Minimum Flow and Water Temperature Monitoring

Fishery Resource Monitoring, Enhancement, and Management

- Oldenburg explained there are two components to Appendix A and each component has its own associated fund. The first component is “Tributary Habitat Acquisition and Enhancement” and the second is “Fish Resource Monitoring, Enhancement, and Management”. Oldenburg requested that the MC make a long-term change to the funding allocations for these two funding components. He proposed that every year there is up to \$96,000 available in the “Fish Resource Monitoring, Enhancement, and Management” fund. For reference, the current annual contribution to this fund is about \$49,000. So, we are proposing to annually transfer the difference from the tributary habitat fund to the fish resource fund with the caveat that any “carryover” at the end of the year would revert to the tributary habitat fund.

The 2019 Appendix A AIP was approved by consensus as presented.

Hall reminded everyone that we need to strive to be timelier in getting reports and projects completed; similar to Bouwens efforts to bring on assistance to help meet deadlines.

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

Oldenburg discussed six of the 22 project plans under Appendix B that were either new or continuing projects with significant changes.

Tributary Habitat Acquisition and Enhancement

1. Habitat Restoration Monitoring and Native Salmonid Abundance Monitoring Plan
 - a. Over the years tributary abundance monitoring in Montana has been conducted out of both appendices B, through this project plan, and C. The specific goals of those two efforts were slightly different but resulted in stream electrofishing for the purpose of monitoring native salmonid abundances in Montana tributaries. Montana Fish, Wildlife and Parks expressed a desire to take the lead on this through Appendix B and the Aquatic Implementation Team (AIT) agreed this was a good idea. As a result, you now see all of the Montana tributary abundance monitoring proposed in this project plan. Another goal has been to better standardize and make more predictable the specifics with regard to a sampling schedule. This is a work in progress but if you notice Table 1 in this project plan, we have started putting some definition around what streams we feel it is appropriate to monitor and how frequently. So again, more of a strategic change than anything.
2. Graves Creek Pilot Habitat Enhancement Project
 - a. Robinson asked about the funding source for this project. Blakney noted they are using Trout Unlimited out of Missoula to assist with the design which has saved money. The original funding was approved last year and the money has already been expended but project will be completed this year (carryover dollars).
3. Lower Clark Fork Watershed Group Project Coordination
4. Phase II Crow Creek Stream and Riparian Restoration Project
 - a. Blakney noted he approached NorthWestern Energy a few years ago about funding projects in the Prospect Creek drainage and wanted to thank the USFWS for working with FERC and NorthWestern Energy in allowing NorthWestern Energy to fund projects in the Prospect Creek drainage which was outside of their project area

Recreational Fishery Enhancement

5. Thompson Falls Field Station Phase II
 - a. Williams thanked everyone for working together on the field station project and noted it was a cooperative effort.
6. Lower Bull River Day Use Boat Access Site
 - a. Hope to have the Site Management Plan finalized by May 31. Therefore, the plan is to get it to the MC as a consent mail request in mid-to-late April; and to reach out to Jason Pignanelli, Jason Blakney, or Sean Moran if you have questions or want to provide input.

The 2019 Appendix B AIP was approved by consensus as presented.

- Oldenburg described another upcoming project that the MC may see a consent mail for in the near future. Montana Fish, Wildlife, and Parks has been developing a plan and working on funding to purchase two lots on the lower Thompson River. These lots are 40 acres total and span a quarter mile of the Thompson River between the Forest Service Boundary and the highway and include both banks of the river. From a benefit

perspective it is being evaluated for both public access, but also as a protection measure for native salmonids. Kreiner is still working through the details but is looking to piece together funding through Appendix B, NorthWestern Energy through their TAC process, and have received commitments from FWP's Habitat Montana Fund (that portion is related to proximity to the WMA and Bighorn Sheep habitat) and the Westslope Chapter of Trout Unlimited has pledged \$5k to this project. So, there is a reasonable likelihood that you will be seeing a consent mail for this project in the near future and reach out to Kreiner if you have any questions.

- Hall noted thanks to the Conservation Fund for helping to broker the deal with the landowner and realtor.

Appendix C: Fish Passage/Native Salmonid Restoration Plan

Oldenburg provided an update on five of the eight project plans.

Annual Operations

1. Upstream Fish Passage Program
2. Tributary Trapping and Downstream Juvenile Bull Trout Transport Program
3. PIT-Monitoring Station Operation and Maintenance
4. Non-native Fish Suppression Project in the East Fork Bull River

Facilities

5. Fish Capture Facilities Operation, Development, and Testing
 - Hall noted Avista received the Biological Opinion, Idaho and Montana State Historic Preservation Office concurrence, and MT and Idaho DEQ 401 water quality certifications or waivers for construction and operation of the Cabinet Gorge Dam Fishway and these have been submitted to FERC. Still waiting for FERC to issue a license amendment; although, they assured us we will have it before we start in-water work. Avista hired Slayden Construction to construct the Cabinet Gorge Dam Fishway and Stantec is the design consultant who will also be involved. After high water the plan is to start construction of the cofferdam which should be completed by December.
 - A lot of coordination will occur to construct the cofferdam and will be asking for zero flows out of Cabinet Gorge Dam during construction. Avista personnel will be communicating with all stakeholders and similar to last year we will be installing warning signs during these low flow periods. Avista will provide the MC quarterly updates during construction and the total estimate for construction is around \$60 million which includes the contract with Slayden, Avista personnel, overhead, etc. The contractors are scheduled to show up March 25th to do ground work and stockpile supplies.
 - Maroney asked about the negative unobligated funds? Hall responded that Avista is obligated to cover funds for facilities, and Avista is obligated to pay whatever it costs. Maroney would also like a ballpark idea of cost for construction and design (non-biological design costs). Hall will provide that information.
 - In 2019, Avista and interested stakeholders will develop a M&E Plan that will compliment and be based on the Basic Monitoring Plan for the Cabinet Gorge Dam Fishway. Let Bernall know if you are interested in participating in the plan development.

The 2019 Appendix C AIP was approved by consensus as presented.

Appendix D: Bull Trout Protection and Public Education Project

- Oldenburg provided an overview of Appendix D. He noted there are a lot more project plans in Appendix D this year than there have been in years past. Traditionally, there was one project plan per entity implementing the work which wasn't consistent with how we package all of the other AIPs where project plans are specific to projects. In the interest of consistency and transparency we made the decision this year to package these up for you by specific project.
- Appendix D efforts are guided by a 5-year plan that is due to be updated this year. So, this year we will be pulling interested parties together to take a critical look at things like what has worked or not worked through the first 20 years of implementation, identify strategies and priorities for the next five years. If you are interesting in participating in the development of the new 5-year plan, contact Moran.
- The group discussed Tom Whalen's retirement which will be occurring in 2019.
 - a. Corsi stated that Whalen has shown measurable metrics in improvements in Bull Trout identification and lowering Bull Trout take thanks to his outreach. Idaho Department of Fish and Game is working on trying to find the right person to replace him, so by fall MC meeting should have a new individual to introduce. Whalen has been involved since the start of CFSA implementation.
 - b. Love noted it has been a pleasure working with Whalen on Bull Trout education.
- Roslak stated that there seems to be a lack of signs for education at private locations/docks (private marinas) around the lake. Moran added that they have redesigned signs that are available to put up in locations and will relay that information to the Idaho Appendix D implementers.

The 2019 Appendix D AIP was approved by consensus as presented.

Appendix E: Watershed Councils Program

1. Pack River Watershed Council, Bonner Soil and Water Conservation District
 - i. Bouwens noted that one limitation on getting work done is having someone to coordinate habitat projects. He is working with Jessica Erickson to take over more of the Pack River watershed assessments.
2. Lower Clark Fork Watershed Council Projects

The 2019 Appendix E AIP was approved by consensus as presented.

Appendix F1: Clark Fork River Water Quality Monitoring Program

The 2019 Appendix F1 AIP was approved by consensus as presented.

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

The 2019 Appendix F2 AIP was approved by consensus as presented.

Appendix F3: Aquatic Organism Tissue Analysis

- Kreiner noted that mercury sampling occurs on a 5-year basis and will be proposed for 2020.

The 2019 Appendix F3 AIP was approved by consensus as presented.

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

- Oldenburg discussed the construction of the cofferdam associated with the Cabinet Gorge Dam Fishway which is going to require that we operate below the Cabinet Gorge Dam minimum flow criteria on multiple occasions during 2019. Avista will be utilizing the plan this year. He hopes we can work together to develop a “blanket” notification and set of Best Management Practices to cover the season.

The 2019 Appendix F4 AIP was approved by consensus as presented.

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

Operations and GSCP Alternative

Kusnierz provided an update.

- Operations: We will use the spill protocol updated in spring of 2018 to include spill bays 1 and 3. The current protocol uses modified gates 1-5 until they are opened to design capacity. After this point, the remaining unmodified gates 6-8 are used.
- TDG Monitoring: Similar to previous years with two changes: 1) increased budget to purchase new equipment (replace lost/damaged equipment, upgrade to more user-friendly equipment) and 2) Install the equipment necessary for us to get real-time TDG data which will allow us to keep a better watch on the equipment, help with QA/QC, and give us a better ability to minimize TDG production.
- GSCP: Have budgeted to modify two additional gates If the Gas Supersaturation Subcommittee (GSSC) decides that is appropriate. We will be convening the GSSC soon. Paul has a draft of the modification results in progress. Will get that document to the GSSC when complete and will begin discussion of further modification, other options, and final mitigation.

TDG Mitigation and Monitoring Program

Oldenburg discussed one of the 16 project plans under this component.

1. Temperature Monitoring Data Compilation

The 2019 Appendix F5 AIP was approved by consensus as presented.

- Oldenburg noted he is working with Ken Bouwens and Paul Kusnierz to identify a suite of isotopes that could be used to look at Walleye captured in LPO and determine where

they originated from (Lake Pend Oreille or upstream). They are getting an RFP together and once they get a contractor selected along with a meaningful project plan will send out as a consent mail in the next month or two.

Appendix T: Project Operations Package

Oldenburg discussed the three project plans under this component.

- Hall noted that a letter was sent out to the group from a landowner concerned about the Priest River Coldwater bypass. He added the CFSA is funding a feasibility analysis of the project at this time, so we don't know what the options are. Corsi added that IDFG has presented information on this project at multiple meetings with various stakeholder groups. He stated the draft report on the alternatives analysis is hot off the press and they need to look at the cost benefit of the alternatives and will then make a collaborative decision of what additional information needs to be gathered based on the preferred alternatives (if any).

The 2019 Appendix T AIP was approved by consensus as presented.

Terrestrial Resources Technical Advisory Committee Update

Hall provided an update on the TRTAC which met on January 23.

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

Hall provided an overview of the Project Plans.

1. Administration of the LUMP
2. Monitoring Associated with the LUMP
3. Enforcement Associated with the LUMP
 - a. This is an estimated amount and Avista agrees to pay the full amount if more is required to implement this program.

The 2019 Appendix G AIP was approved by consensus as presented.

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

Hall provided an overview of the Project Plans.

1. RRMP Administration and Resource Integration
2. RRMP Recreation Facility Development
3. RRMP Monitoring
 - a. Recreation site use was down last year, but overall there is an upward trend in recreation use.
 - b. Love asked if increased smoke affects visitation. Hall responded that camp fire restrictions and forest land shutdowns probably impact use as much as poor air quality.
4. Operation and Maintenance of recreation facilities
5. Interpretation and Education Program
 - The group discussed the treatment of Eurasian Water Milfoil (EWM). The alternatives analysis was completed in 2017 and the outcome was to focus on reservoir access areas utilizing funding from Appendix B. The main priority is high use access points. With the

ACOE grant money there is potential for more treatment. The alternatives analysis is something MFWP and MDNRC asked for to get an assessment of can we affectively control EWM and the result (with direction from the state agencies) was to focus on access points. It was noted that in LPO when the drawdown occurs milfoil pours into the lake and is getting worse every year.

- It was noted that the Thompson Falls Aquatic Invasive Species (AIS) check station was being moved to Plains and there is concern that there are holes that need to be covered in the Avista project area. For example an out of state boater wishing to legally launch a boat in Cabinet Gorge Reservoir would have to drive over 100 miles round-trip to have their boat inspected in Plains (prior to or after the Clark Fork, ID station being open). For the past two years Avista has paid a hydro fee to fund AIS program at \$1.5 million per year. Currently there is a bill being proposed that would utilize general fund dollars and boat stickers to fund AIS in the future; although, the MT governor is proposing a bill for utilities to pay for a portion.

The 2019 Appendix H AIP was approved by consensus as presented.

Appendix I: Implementation of the Aesthetics Management Plan

The 2019 Appendix I AIP was approved by consensus as presented.

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

The 2019 Appendix J AIP was approved by consensus as presented.

Appendix K: Wildlife Habitat Acquisition, Enhancement and Management Program

- Williams noted the importance of this fund to be available for use when properties become available.

The 2019 Appendix K AIP was approved by consensus as presented.

Appendix L: Back Cottonwood Habitat Protection and Enhancement

The 2019 Appendix L AIP was approved by consensus as presented.

Appendix M: Wetland Protection and Enhancement Program

- Opportunity on the Twin Creek property. Hall has been in discussions with Ducks Unlimited engineer and plans for 2019 are to work with him to develop a proposal that will be a 2020 Project Plan.

The 2019 Appendix M AIP was approved by consensus as presented.

Appendix P: Timber Habitat Protection and Enhancement

The 2019 Appendix P AIP was approved by consensus as presented.

Appendix Q: Reservoir Island Protection

The 2019 Appendix Q AIP was approved by consensus as presented.

Appendix S: Erosion Fund and Shoreline Stabilization Guidelines Program

The 2019 Appendix S AIP was approved by consensus as presented.

Other Business

The fall WRTAC and TRTAC meetings are scheduled for August 21 and 22. The fall MC meeting will occur on September 17 and 18, 2019.

- Parson addressed the MC and noted he was very impressed with how this meeting is conducted and the coordination of this group, and he also voiced that this process needs more of a voice in the public.
- The group discussed public outreach and the different avenues used by the different stakeholder groups to educate the public.
- Hall noted Avista is working on a communication plan for the Cabinet Gorge Dam Fishway since it is a big project for Avista and all the stakeholders.

Hall thanked everyone for participating and adjourned the meeting at 2:33 p.m.

