

**Clark Fork Settlement Agreement
Management Committee Meeting Record
Lakeside Motel & Resort, Trout Creek,
MT September 24, 2024
10:00 a.m. (MST)**

Management Committee Representatives in Attendance:

Avista: Monica Ott

Idaho Department of Environmental Quality (DEQ): Bob Steed

Idaho Department of Fish and Game (IDFG): Carson Watkins

Lake Pend Oreille Idaho Club (LPOIC): Christy Sandahl (alternate)

Montana Fish, Wildlife and Parks (MFWP): Mike Hensler (alternate)

Montana Dept of Natural Resource: Valerie Kurth

Noxon-Cabinet Shoreline Coalition: Rick Robinson

Panhandle Chapter Trout Unlimited: Chip Corsi (alternate)

Rock Creek Alliance: Diane Williams (virtual)

Sanders County Commissioner: Tony Cox (left at 11:45 a.m.)

United States Fish and Wildlife Service (USFWS): Ben Conard

United States Forest Service, Cabinet Ranger District (USFS): Michael Feiger

Other Attendees:

Avista: Eric Oldenburg, Shana Bernall, Arthur Potts, Paul Kusnierz, Sean Moran, Lisa Johnson, Ben Birdsall, Jared Webley (virtual), Todd Kiesbuy, Heidi Evans and Davina Brown; Avista Grant Writer: Susan Drumheller; IDFG: Ken Bouwens and Ryan Hardy; Kaniksu Land Trust: Regan Plumb (left at 11:30 a.m.); Lower Clark Fork Watershed Group: Sarah Poiesz; MFWP: Jason Blakney and Travis Rehm; USFWS: Carter Fredenberg

Welcome and Introductions

Monica Ott welcomed those in attendance. The purpose of today's meeting is to provide an update on the implementation progress for the Terrestrial and Aquatic PM&Es for this year. A quorum was recognized for this 61st meeting of the Management Committee (MC).

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.

Consent Mail Updates

Ott provided an update on consent mails that were approved since the spring 2023 MC meeting.

- Appendix H – North Shore Expansion Due Diligence
- Appendix K – Swan Creek Conservation Easement

FERC Update

Ott provided an update on FERC submittals since the spring 2024 MC meeting:

- June 6, 2024 – Avista submitted a notification of the Cabinet Gorge Dam Fish Passage Facility shutdown on May 5, 2024.
- September 12, 2024 – Avista submitted a notification of the Cabinet Gorge Dam Fish Passage Facility shutdown on August 14, 2024.

- May 27, 2024 – Avista submitted a Report on Condition 20 of the Biological Opinion regarding one Bull Trout mortality.
- Two more report submittals will be filed in the near future.
 - Fishway shutdown
 - Bull Trout mortality

Kaniksu Land Trust

Regan Plumb gave an update:

- Harbuck/Grouse Creek conservation easement (CE) (35 acres)
- Prichard Creek CE complete (1,813 acres)
- Swan Creek CE complete (40 acres)
- Community Housing Trust groundbreaking, Priest River
- NPS grant for Eastward Extension Trail
- Peterson/Graves Creek CE underway (92 acres)

Grant Writer Update

Susan Drumheller provided the update. A total of \$332,303 in grant funding has been received this year. The cumulative total is now \$13 million since the inception of the program. Drumheller noted there was an error regarding the Priest River Trout Unlimited Grant and that a corrected report would be provided at a later date.

CRMG Update

Lisa Johnson provided an update:

- The Cultural Resources Management Group members agreed to cancel the fall meeting and reconvene in late February. Confederated Salish and Kootenai Tribes archeologists performed annual monitoring of culturally-sensitive sites.
- Johnson reviewed 56 projects

Terrestrial PM&E Measure Updates

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

Arthur Potts gave an update on notable projects:

1. Administration of the LUMP

- Twenty-eight work authorizations processed to date.
- Three new dock permits were issued.
- Thirteen Special Use Requests were processed.
- Ron Iff Easement Request- requesting road easement to access his property – this was approved by the Terrestrial Resource Technical Advisory Committee (TRTAC)
- LUMP review will be in 2025
- Replacement permit markers are in; will plan to start installing in the next few weeks

2. Monitoring Associated with the LUMP

- Avista staff has patrolled by vehicle and boat for indications of trespass or other unauthorized activities.
- Will begin cataloging all permit sites during the marker installation.

3. Enforcement Associated with the LUMP

- IDFG wardens evicted a camper near the Cabinet Gorge Hatchery
- No funds utilized for real estate, land survey, or cultural personnel to prosecute violations in 2024.

5. Noxon Rapids Dam Vicinity Hunting Restrictions

- Gates installed on August 28, 2024.
- A formal request was submitted to the USFS for similar restrictions on their property.

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

Potts gave an update on notable projects:

Management Fund

1. Administration and Resource Integration

- Budget overages from 2024 – both of the below were just slightly over the reporting threshold:
 - Flat Iron Dredging
 - Pilgrim Creek Park Ballfield Improvements
- RRMP Update
 - Will be completed in 2025; substantially more involved than the 20217 Addendum.

2. Monitoring

- Plan to begin developing an electronic site evaluation form for recreation sites – looking into Survey 1, 2, 3 which is already used widely across Avista
- Traffic counter data is not yet available, expect numbers to be “normal”.

3. Operation and Maintenance

- New host at Two Rivers RV Park and Finley Flats Recreation Area this year; both interested in returning for 2025,
 - Still looking for a co-host at Two Rivers RV Park
- Two Rivers RV Park
 - Replaced well pump control panel and water heater in host house.
- Commercial Outfitter Use at Avista boat launches
 - Potts discussed recent requests from outfitters to use CFSA managed boat launches. There have been four requests received in summer 2024 in both Idaho and Montana.
 - Historically have not allowed commercial outfitter use at CFSA sites.
 - Plan to gather a Commercial Use Subgroup of any interested parties to discuss the allowance of commercial use as well as develop a comprehensive plan for use at each site.
 - Ott requested consensus approval of temporary commercial outfitter use of Clark Fork Access Site to licensed outfitters for the remainder of 2024.

The MC members discussed the commercial outfitter use for the remainder of 2024 and decided to not approve this request. The MC members agreed to wait until the Commercial Use Subgroup develops a policy for commercial use of CFSA facilities.

Facility Fund

4. Trout Creek Boat Launch Enhancements [Tier 1]

- Project was completed in spring 2024.
5. Heron and Cabinet Gorge Fence Repairs [Tier 1]
- Project was completed during 2024.
6. North Shore Expansion Due Diligence [Tier 1]
- Hired MacKay-Sposito to develop Redevelopment Master Plan; anticipate conceptual design to be completed by the end of November.
 - Anticipate a project plan for property acquisition in 2025.
 - Enhancements to the site will include repositioning boat ramp, move swimming area, expand both parking areas, add group use pavilion, add picnic areas, extend walking trail, and ADA upgrades.
7. Thompson Falls State Park Group Use Shelter [Tier 1]
- MFWP archeologist is working to schedule evaluation.
 - Brian Schwartz is working to identify a contractor.
8. Supplemental Projects (Tier 2)
- Unanticipated Repair and Improvement Projects
 - North Shore swim dock repairs: rollers are rusted out and will have to be rebuilt
 - Flat Iron Dredging and Ramp Extension
 - We have two quotes, will be looking for a third.
 - Will not exceed \$60,000 based on the first quote that was received
 - Construction is not included in this phase
 - Bull River Dock Repairs and Potential Extension
 - A vehicle backed onto the dock and damage several boards
 - Waiting for a quote from contractor. Will have them include a line item to add another 20ft section on the ramp to help with launching during low water.
 - Boat Launch Assessment and Prioritization Project
 - New project to conduct an assessment of all CFSA boat ramps and determine approximate water level where they are no longer functional
 - Develop a prioritization strategy to extend ramps

Appendix I: Implementation of the Aesthetics Management Plan

- Aesthetics Management Plan update was completed and will be placed in RRMP update as an addendum.

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

- Potts provided an update on properties needing ownership review.

Ott requested consensus approval of maintaining the status quo ownership and management of the two Trestle Creek parcels, the Granite Creek parcel, and the Squaylth-Kwum parcel for the minimum of five years, recognizing that any action required MC review and approval.

The Consent Approval of 2024 Property Review was approved by consensus as presented.

No reports of Bald Eagles, Peregrine Falcons, or Common Loons in 2024.

Appendix K: Wildlife Habitat Acquisition, Enhancement, and Management Program

Potts gave an update on notable projects:

1. Habitat Acquisition and Conservation and Contingency Fund
 - KLT has finalized the Swan Creek Conservation Easement
2. Wood Duck Re-vegetation Maintenance
 - Sarah and Arthur are working to finalize the draft management plan

Appendix L: Black Cottonwood Protection and Enhancement

- Continue to monitor previous efforts (Hereford Slough)

Ott provided an update on budget corrections for Appendix L. An error was found in the calculation of funding. The errors were that Avista did not add \$3,000 in year 4 (and beyond) as outlined in Appendix U and did not stop the addition of \$5,000 after year 8. The correct calculation makes the new unobligated funds \$83,956.

Appendix M: Wetland Protection and Enhancement Program

- Monitor Hereford Slough, McKay Creek, Finley Flats, and Blacktail Bay/Islands Enhancement
 - All continue to function well.
 - Twin Creek- Avista and IDFG are discussing the possibility of a transfer of ownership down the road.

Ott provided an update on budget corrections for Appendix M. An error was found in the calculation of funding. The errors were that Avista did not add the site maintenance amount of \$15,000 in Year 4 and beyond, or the long-term monitoring amount of \$5,000 in Year 9 and beyond. The correct calculation makes the new unobligated funds \$651,929.

Appendix P: Forest Habitat Protection and Enhancement

Potts gave an update on notable projects:

1. South Fork Block Management Area Spotted Knapweed Treatment
 - Initial application in May 2024, revisited and spot-sprayed in August
 - Results: good coverage, some drift to saplings
 - Two years remaining on Project Plan
2. Tuscor Block Management Area Road Development
 - Working to coordinate site visit with MFWP Warden and the contractor to look at road layout.
 - Road development will most likely occur in 2025 with a transition away from the sign-in box.

Appendix Q: Reservoir Island Protection

- Continue to ensure restrictions developed for the protection of these areas utilizing the land use classifications described in the LUMP

Appendix S: Erosion Fund and Shoreline Stabilization Guidelines Program

Potts gave an update on notable projects:

1. Pilgrim Creek Park- Elk Creek Contracting finished placing stone dust on trails this summer: project is complete.
2. Kirby Gulch Erosion Stabilization
 - Currently pursuing GMCD/USACE permits; likely to be a 2025 project.

Aquatic PM&E Measure Updates

Appendix A: Idaho Tributary Acquisition and Fishery Enhancement Program

Ken Bouwens gave an update on notable projects:

Tributary Habitat Acquisition and Enhancement

1. Rattle Creek Habitat Enhancement Project
 - The USFS felled 170 trees over two miles of stream to complete the work.
 - A robust monitoring plan is in place
2. Grouse Creek Stream Channel Restoration Project
 - The USFS rerouted road. The stream re-route portion of the project is delayed until 2025 due to contractor availability.

Fishery Resource Monitoring, Enhancement, and Management

3. Fish Resource Monitoring, Enhancement, and Management Plan
 - 2024 sampling was completed
 - 3-round (2009–2023) tributary monitoring data summary report is anticipated to be complete this fall.

Appendix B: Montana Tributary Acquisition and Recreational Fishery Enhancement Program

Travis Rehm provided an update on notable projects:

Tributary Habitat Acquisition and Enhancement

1. Habitat Restoration, Property Acquisition, and Conservation Easement Contingency Allocation
 - Due diligence - Graves Creek potential land transfer, appraisal in effect
 - A part of the transfer would be road relocation away from the creek.
2. Vermilion River Restoration Projects 4 - 6 Survey and Design
 - Restoration design package completed for Reach 4 (Grouse Reach). The implementation will not happen in 2024 and the project lead will be shifting to the LCFWG in 2025. Design for the remaining reaches may be contracted out. This project plan will likely be closed to do to project changes.

Recreational Fishery Enhancement

3. Noxon Reservoir Bathymetry Update
 - Transects finalized in 2024.
4. Lower Clark Fork River Pathogen Survey
 - No pathogens were detected.

Appendix C: Fish Passage/Native Salmonid Restoration Plan

Shana Bernall provided an update on notable projects:

Annual Operations

1. Upstream Fish Passage Program

- Continue to operate, monitor, and evaluate CGFPF
- Two unexpected shutdowns and one planned shutdown
- CGFPF subgroup approved decision to only transport Bull Trout captured in the Hatchery Ladder Trap that assigned to Vermilion River or tributaries upstream of Thompson Falls Dam, so more Bull Trout present to evaluate performance of CGFPF. This decision was reverted on September 20 when the CGFPF was shutdown for a planned repair. All Bull Trout captured in the Hatchery Ladder Trap that met the transport criteria would be transported upstream for the remainder of the trapping season.

2. Native Salmonid Restoration Plan Five-Year Plan

- Sean Moran is working with stakeholders to update the last 5-year plan with inclusion of all aquatic PM&Es.
- Internal review of the draft has been delayed for MC review to late winter. Likely a consent mail

3. Tributary Trapping and Downstream Juvenile Bull Trout Transport Program

- Sean Moran is transitioned into lead for downstream program as Eric has assumed an aquatic programs oversight role.
- The mobile fish handling trailer is being returned as the wrong size was delivered. Working to purchase and fabricate a new one in 2025

Facilities

4. Fish Capture Facilities Operation, Development, and Testing

- Contactor completed verification testing/hydraulic monitoring
- Ott provided an update on the CGFPF warranty work. We will continue to work with the original contractor to address any warranty items

5. Graves Creek Permanent Weir Trap Enhancements

- Traveling screen was not successful therefore we will not be pursuing it

Minor Modifications

6. Cabinet Gorge Fish Passage Facility Minor Modifications

- CGFPF subgroup approved funds for underwater camera and air bubbler system
- Working with contractor to develop a design for an air bubbler to be deployed in the forebay to prevent ice buildup near the siphon intake structure; will ask for approval of funding once proposed budget is received
- Working with contractor to evaluate options for cold water to holding pool/vee trap area. May ask for Minor Modifications funds for this work

Appendix D: Bull Trout Protection and Public Education Project

Sean Moran provided an update on notable projects:

1. Montana Game Warden Support

- Six trail cameras purchased
- Sawyer Johnson is the new Libby-Troy Warden

Appendix E: Watershed Councils Program

Sean Moran provided an update on notable projects:

1. Pack River Watershed Council, Bonner Soil and Water Conservation District
 - Site tours conducted with stakeholders in early March
2. Lower Clark Fork Watershed Council Projects
 - Sarah Poiesz second year- a lot of work was conducted on coordinating for potential Vermilion implantation, also had a booth at the Fly-Fishing Film Festival

Appendix F1: Clark Fork River Quality Monitoring Program

Paul Kusnierz provided an update:

1. Clark Fork River Water Quality Monitoring Program
 - Going as planned; samples successfully collected in 2024.
 - Montana DEQ recently completed 2023 data review

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

Kusnierz provided an update:

1. Monitoring of Noxon Reservoir Stratification and Mobilization of Sediment Nutrients/Metals
 - Monitoring of Noxon Reservoir Stratification and Mobilization of Sediment Nutrients/Metals Final Report was completed, wrapping up the requirements of the PM&E.

Ott requested consensus agreement that the Appendix F2, “Noxon Reservoir Stratification and Mobilization of Sediment Nutrients/Metals” obligation has been met for the term of the License and approval for Appendix F2 to be omitted from the future Annual Implementation Plans and Annual Reports beginning in 2025.

The Consent Approval of Appendix F2 was approved by consensus as presented.

Feiger requested meeting notifications be sent emphasizing items that require MC review before the meetings.

Appendix F3: Aquatic Organism Tissue Analysis

Kusnierz provided an update:

1. Noxon and Cabinet Gorge Reservoirs Fish Mercury Study
 - The sampling for this project occurred in 2021 and the sample analysis was completed. We are now waiting for the final draft report and for fish consumption advisories to be updated.

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

Eric Oldenburg provided an update:

- There are no 2024 Project Plans associated with Appendix F4. Oldenburg noted that the need to implement the plan during 2024 did not arise and there was nothing planned that would require implantation of the Plan for the near future.

Appendix F5: Dissolved Gas Supersaturation Control, Mitigation and Monitoring

Kusnierz provided an update on notable projects:

Operations

- There is no project plan for operations; however, Avista will continue to utilize spillway operations at the Noxon Rapids and Cabinet Gorge dams as outlined in the GSCP.

TDG Mitigation and Monitoring Program

1. Total Dissolved Gas Monitoring

- Upgraded TDG shore base system with two permanent sonde housings
- The Gas Supersaturation Subcommittee met in August to discuss the 2024 spring spill season

2. Box Canyon Reservoir Northern Pike Suppression

- Catch rates have been maintained at low levels

3. Lake Pend Oreille/Clark Fork River Walleye Population Assessment

- FWIN survey occurs every three years
- Catch of Walleye in suppression netting tripled in 2024, compared with 2023

4. Lake Pend Oreille Bull Trout Population Monitoring and Evaluation

- Ben Birdsall provided an update referencing the graph on Bull Trout stomach content

5. Lower Clark Fork River Genetics Evaluation

- Four hundred and twenty-six plus samples taken; 15% hybrids in river, 3% hybrids in Lake Pend Oreille

Appendix T: Operations Package

Oldenburg provided an update:

1. Cabinet Gorge Fish Hatchery Spring Water Collection System Upgrade

- On schedule and financial obligation under Appendix T has been met.

Other Business

- Forest Assessment/Management Plan
 - Avista is contracting with Inland Forest Management to conduct a fire risk assessment of all property on the Clark Fork River under Avista ownership. Included in the deliverables would be recommended risk reduction measures and high priority areas. Part of the acreage is managed through the CFSA so there will be a project plan in 2025 under Appendix G for this effort.
- Noxon Bridge
 - The group discussed the closure of Noxon bridge and potential impacts to CFSA operations.
- Select Spring meeting date: The group agreed on March 11-12, 2025.

- Ott reminded the group about 2025 project plan development and dates to complete project plans and annual work summaries.

Meeting adjourned 3:33 p.m. (MST)