

**Clark Fork Settlement Agreement  
Management Committee Meeting Record  
Lakeside Motel & Resort, Trout Creek, MT  
September 20, 2023  
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

Kalispel Tribe: Ray Entz (virtual)

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

Montana Department of Environmental Quality: Keenan Storrar

Montana Fish, Wildlife and Parks (MFWP): Lee Anderson

Noxon-Cabinet Shoreline Coalition: Karen Staves (alternate)

Panhandle Chapter Trout Unlimited: Bill Love (alternate)

Rock Creek Alliance: Diane Williams (virtual)

Sanders County Commissioner: Tony Cox (left 2:28)

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

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

**Other Attendees:**

Avista: Bruce Howard, Eric Oldenburg, Shana Bernall (virtual), Arthur Potts, Paul Kusnierz, Sean Moran, Lisa Johnson, Ben Birdsall, and Davina Brown; IDFG: Ken Bouwens, Andy Dux (12:59), and Ryan Hardy; Kaniksu Land Trust: Regan Plumb; Lower Clark Fork Watershed Group: Sarah Busmire; MFWP: Jason Blakney and Travis Rehm; USFWS: Carter Fredenberg and Ken King; Interested Public: Nancy Spence

**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 59<sup>th</sup> 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 C–Upstream Fish passage Program Project Plan Protocol Revision: IDFG Westslope Cutthroat Trout Wild Broodstock Evaluation
- Appendix H– Facilities Fund Budget Allocation for Two Rivers RV Park

**FERC update**

Ott provided an update on FERC submittals since the spring 2023 MC meeting:

- May 24, 2023–Order Approving 2022 Annual Report and 2023 Implementation Plans per Article 402, Annual Threatened and Endangered Species Plan per Article 432, and Annual Fishway Plan per Article 433 for Avista Corporation under P-2058.
- June 6, 2023–Order approving revised Exhibit F drawings for addition of the Cabinet Gorge Dam Fishway.

### **CRMG update**

Lisa Johnson gave an update:

- The Cultural Resources Management Group members agreed to cancel the fall meeting and reconvene in late February. Confederated Salish and Kootenai Tribe archeologists performed annual monitoring of culturally-sensitive sites.
- Reviewed 53 projects including:
  - 27 work authorizations
  - 7 recreation related projects
  - 7 Noxon Rapids Hydroelectric Development related projects
  - 6 Cabinet Gorge Hydroelectric Development related projects
  - 6 fisheries related projects

### **Kanixsu Land Trust**

Regan Plumb gave an update:

- Swan Creek Donated 40-acre Conservation Easement (CE)
- Save the Sled Hill 48-acre
- Donated CE on Rapid Lightning Creek
- FLP application on Grouse Creek
- Sand Creek Acquisition 2.65–acres
- 1,808 CE acres donated on Prichard Creek

### **Terrestrial/Aquatic Updates**

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

Arthur Potts gave an update on notable projects:

1. Administration of the Land Use Management Plan (LUMP)
  - 5-year Lump Review
    - Document updates to be completed in 2024.
    - Pinnacle Report to be completed this winter.
  - Herbicide
    - Address knapweed at South Fork BMA in 2024.
  - McSpadden/Elk Creek Bay house vacated.
2. Monitoring Associated with the Land Use Management Plan (LUMP)
  - Resume replacing permit markers in 2024.
3. Enforcement Associated with the Land Use Management Plan (LUMP)
  - Issued 18-month ban to two individuals for abandoning/littering.
  - Island Park Subdivision lot owner mistakenly cut 4 flagged trees.
  - Camping/offroad concerns on backroad to Trout Creek.

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

### *Recreation Resource Management Plan*

#### 1. RRMP Administration and Resource Integration

- 5-year RRMP Review and Update
  - Schedule
  - Reporting
  - Use and Recommendations

#### 2. RRMP Monitoring

- 219 permits issued in 2023
- 25 Work Authorizations to date

### *Facilities*

#### 3. RRMP Recreation Facility Development

- Trout Creek Boat Launch
  - Replacement of heavier duty metal grate installed on piers.
  - Terminal piers will extend above the surface and be removable.
- North Shore Redevelopment
  - Working on RFP for design services.
  - USFS/Avista to collaborate on design.
  - Acquire adjoining acre by early 2024
- Pilgrim Creek baseball field
  - Noxon/Thompson Falls baseball co-op in spring 2024.
  - Bases and mound do not meet regulations.
  - Removal sod to expand infield and cap sprinklers.
- Flat Iron
  - Sampling conducted on 9/19, waiting for results, expect no contaminants.
  - Coordinating with Avista schedulers to identify a window to complete the sediment removal.

## **Appendix I: Aesthetics Management Plan**

- 41 Key viewpoints: Pinnacle is including this in the RRMP/LUMP update
  - Reporting will be finalized over winter.

## **Appendix J: Wildlife, Botanical and Wetland Management Plan**

- Land for Review–Avista recommend maintaining all properties as they are
  - Trestle Creek–Lagrou Estate
  - Granite Creek–Kemco and Wood
  - Prospect Creek–Slonaker
- Monica discussed property tax review and paying for taxes through PM&E funds as intended in project plans.
- Bald eagle, Peregrine Falcon, and Common Loon
  - One Common Loon sighting near Bull River Bay and two sightings Noxon Dam and Marten Creek

*The MC approved maintaining the status quo of the Trestle Creek, two Granite Creek parcels, and two Prospect Creek parcels ownership and management for a minimum of five years, recognizing that any action requires MC review and approval. The next status review of these parcels by the MC will occur no later than 2028.*

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

- Swan Creek
  - Working on a Conservation Easement with KLT for a 40-acre parcel in the Clark Fork Delta.

**Appendix P: Forest Habitat Protection and Enhancement**

- Will continue to facilitate access through use of sign-in boxes.
- Establish some roads at Tuscor BMA for PTHFV hunters in 2024.
- Steven Creek Point
  - Evaluate fence/gate on east side of bay due to USFS timber sale.

**Appendix S: Erosion Fund and Shoreline Stabilization Guidelines**

- Pilgrim Creek Park
  - Erosion repair at shoreline access and fishing platform
  - CRMG review

**Appendix A: Idaho Tributary Acquisition and Fishery Enhancement Program**

Ken Bouwens provided an update:

*Tributary Habitat Acquisition and Enhancement*

1. Habitat Restoration Scoping Allocation
  - Strong Creek design finalized
  
2. Priority Native Salmonid Habitat Acquisition and Conservation Allocation
  - A major component of this project during 2023 was developing the Trestle Creek Mouth Land Acquisition for MC consideration.

*The MC approved the expenditure of up to \$2,200,000 from Appendix A “Tributary Habitat Acquisition and Enhancement” fund for the purchase of the 5.8-acre parcel at the mouth of Trestle Creek. A conservation easement and access agreement will be placed on the property and held by Kaniksu Land Trust. The Kalispel Tribe will be the owner and ultimate steward of the property.*

3. Rattle Creek Habitat Enhancement Project
  - Design has shifted and will have changes in 2024 project plan.

*Fish Resource Monitoring, Enhancement, and Management*

4. Grouse Creek Road realignment habitat work
  - a. Bouwens provided a general overview of this project that will likely be proposed in 2024. This project would be proposed through the “Tributary Habitat Acquisition and Enhancement” portion of Appendix A.

**Appendix B: Montana Tributary Habitat and recreational Fishery Enhancement Program**

Travis Rehm provided an update:

*Tributary Habitat Acquisition and Enhancement*

1. Habitat Restoration Monitoring and Native Salmonid Abundance Monitoring Plan
  - Bull Trout numbers are looking higher than expected in Graves Creek
2. Prospect Creek Bull Trout Salvage Evaluation (New)
  - Passive Integrated Transponder (PIT) antennas to monitor Bull Trout
3. Vermilion River Restoration Projects 4 - 6 Survey and Design (New)
  - Survey reaches: Grouse Reach, Rocker Reach and Ton Reach
4. St. Paul Trailhead Improvement Project (New)
  - Design in place to relocate trailhead

**Appendix C: Fish Passage/Native Salmonid Restoration Plan**

Eric Oldenburg and Travis Rehm provided an update:

*Annual Operations*

1. Upstream Fish Passage Program
  - There were a few challenges with the Cabinet Gorge Fish Passage Facility in 2023, still working out the bugs and troubleshooting the facility.
  - The request was made for additional budget for the Upstream Fish Passage Program to cover the costs of unanticipated maintenance needs at the Cabinet Gorge Dam FPF.

***The MC approved the expenditure of up to \$80,000 from the Appendix C “Annual Operations” fund to supplement the already-approved Upstream Fish Passage Program budget.***

2. Westslope Cutthroat Trout Transport Evaluation
  - 12 detected offspring
3. Native Salmonid Restoration Plan Five-Year Plan (new)
  - 5-year plan-draft plan will be available this fall for WRTAC review and MC review in the spring.
4. Tributary Trapping and Downstream Juvenile Bull Trout Transport Program
  - Purchase/fabricate a mobile fish handling trailer

***The MC approved the expenditure of up to \$10,000 from Appendix C “Annual Operations” fund for the mobile fish handling trailer to supplement the already-approved Tributary Trapping and Downstream Juvenile Bull Trout Transport Program budget.***

5. Graves Creek Bull Trout Translocation Project (new)
  - Implementation pushed to 2025

*Facilities*

6. Fish Capture Facilities Operation, Development, and Testing
  - Installation of panels
  - New position indicators
  - Submersible PIT antennas were deployed downstream of Noxon Rapids Dam in the summer. Discussions concerning fish passage at Noxon Rapids Dam are on hold to continue to learn more about fish presence downstream of Noxon Rapids Dam and evaluate the success of the Cabinet Gorge Fish Passage Facility.

### *Cabinet Minor Modifications*

7. Cabinet Gorge Fish Passage Facility Minor Modifications
  - Three projects to date to be funded out of the “Cabinet Minor Modifications” budget
    - Stop logs
    - Air Compressor UPS
    - Vee trap fingers

### **Appendix D: Bull Trout Protection and Public Education Project**

Sean Moran provided a general update regarding Appendix D.

1. Idaho Bull Trout Protection and Education Officer Support (Officer Dustin Masin is 75% funded under App D)
2. Montana Bull Trout Education and Communication Support (Dillon Tabish FWP regional information officer)
3. Montana Bull Trout Education Outreach Support (Abigail Maddigan)
4. Montana Game Warden Support (Warden Travis Johnson)
5. Trout Unlimited Bull Trout Education Outreach (Amy Anderson)
6. Pend Oreille Water Festival (Gail Bolin 27<sup>th</sup> WF)

### **Appendix E: Watershed Councils Program**

Sean Moran provided an update:

1. Lower Clark Fork Watershed Council Projects
  - Sarah Busmire is the new coordinator. Also, in 2023, a Big Sky Watershed Corp member was brought on under a grant to assist with implementation.

### **Appendix F1: Clark Fork River Water Quality Monitoring Program**

Paul Kusnierz provided an update:

1. Clark Fork River Water Quality Monitoring Program
  - Going as planned
  - Montana DEQ is working to find a group that can take over for the Clark Fork Coalition and facilitate the Clark Fork River Water Quality Monitoring Committee.

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

Paul Kusnierz provided an update:

1. Monitoring of Noxon Reservoir Stratification and Mobilization of Sediment Nutrients/Metals
  - The third sampling event called for in the CFSA occurred in 2023. Preliminary results indicate water quality similar to past sampling events. Avista is waiting for the consultant to produce the final report. After the report is finished it will be sent to Idaho and Montana at which time all activities called for under Appendix F2 will have been completed.

### **Appendix F3: Aquatic Organism Tissue Analysis**

Paul Kusnierz provided an update:

2. Noxon and Cabinet Reservoir Fish Mercury Study
  - The sampling for this project occurred in 2021 and the analysis of the samples has

been completed. We are now waiting for the final 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 2023 Project Plans associated with Appendix F4. Oldenburg noted that the need to implement the Plan during 2023 did not arise and that there was nothing planned that would require implantation of the Plan for the near future.

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

Paul Kusnierz and Ken Bowens provided updates:

*Operations*

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

*TDG Mitigation and Monitoring Program*

1. Total Dissolved Gas Monitoring
  - Shore station installed in 2022. Avista had planned to install permanent conduit at the location in 2023; however, this has been delayed until 2024.
2. Lake Pend Oreille Experimental Walleye Angler Incentive Program
  - Ongoing
3. Lake Pend Oreille/Clark Fork River Walleye Population Assessment
  - Ongoing
4. Lake Pend Oreille Lake Trout Angler Incentive Program
  - Ongoing
5. Lake Pend Oreille Lake Trout Netting Program
6. Lake Pend Oreille Tributary PIT-Monitoring Station Installation
  - Lower and Upper Pack River, Grouse Creek installed
7. Lake Pend Oreille and Pend Oreille River Creel Survey
  - First creel survey on the river

**Appendix T: Project Operations Package**

Eric Oldenburg provided an update:

*Project Operations and Coordination*

1. Cabinet Gorge Fish Hatchery Spring Water Collection System Upgrade
  - On schedule and financial obligation under Appendix T has been met.

**Grant Writer Update**

Sarah Busmire provided the update:

- \$114,200 total grants this year surpassed the cumulative total of \$13 million since the program's inception.

**Other Business**

- Reminder of schedule for 2024 Project Plan development.
- CFSA workshop date will be pushed out.
- Avista is pursuing a federal grant to recoup a small portion of costs for the Fishway Project.
- A survey on location and overall acoustics for the meeting space will be sent out.
- Select Spring meeting date: The group agreed on March 12-13,2024.

Meeting adjourned 4:15 p.m. (MST).