

**Clark Fork Settlement Agreement  
Management Committee Meeting Record  
Emergency Services Building, Noxon, MT  
September 21, 2022  
10:00 a.m. (MST)**

**Management Committee Representatives in Attendance**

Avista: Nate Hall

Idaho Department of Environmental Quality (DEQ): Bob Steed

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

Lake Pend Oreille Idaho Club (LPOIC): David Gillespie

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

Noxon-Cabinet Shoreline Coalition: Rich Reich

Panhandle Chapter Trout Unlimited: Loren Albright

Sanders County Commissioner: Tony Cox

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

United States Forest Service, Cabinet Ranger District (USFS): Michael Feiger-departed at 1:45 p.m. and returned at 3:30 p.m.

**Other Attendees:**

Avista–Bruce Howard (10:35), Eric Oldenburg, Shana Bernall, Arthur Potts, Paul Kusnierz, Sean Moran, Lisa Johnson, Heide Evans, and Davina Brown; Avista Grant Writer–Susan Drumheller; IDFG–Ken Bouwens, Andy Dux, and Ryan Hardy; MFWP–Jason Blakney, Travis Rehm; USFWS–Kevin Aceituno; LPOIC–Christine Sandahl and Cafter Sandahl; Public–Allan Songstad

**Welcome and introductions**

- Nate Hall 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 57<sup>th</sup> meeting of the Management Committee (MC).

**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.

**Fire Activity update**

- Michael Feiger gave an update on the Bull Gin Complex Fires. Suppression efforts are in progress. Containment status of 50%.

**Consent Mail updates**

- Appendix H–Facilities Fund Budget Allocation for Pilgrim Creek Park
- Appendix T–Cabinet Gorge Fish Hatchery Spring Water Collection System Upgrade

## **FERC update**

- May 31, 2022–Order Approving 2021 Annual Report and 2022 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, 2022–FERC Letter stating that Noxon Reservoir Draft Exceedance will not be treated as a violation of License Article #429.
- July 12-13, 2022–FERC environmental inspection of the Clark Fork Hydroelectric Project. No follow-up items or non-compliance matters were identified during the inspection of the project.

## **CRMG Update**

- The Cultural Resources Management Group members agreed to cancel the fall meeting and reconvene in early March. Confederated Salish and Kootenai Tribe archeologists performed annual monitoring of culturally-sensitive sites.
- Reviewed 49 projects including:
  - 23 work authorizations
  - 6 Noxon Rapids Hydroelectric Development related projects
  - 7 Cabinet Gorge Hydroelectric Development related projects
  - 13 fisheries related projects

## **Kaniksu Land Trust**

Regan Plum gave an update. One donated easement; 3,000 acres of conservation easement plan to close by end of the year; 1 new project closed on 90 acres for trail and development.

## **Terrestrial/Aquatic Updates**

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

#### ***Tributary Habitat Acquisition and Enhancement***

1. Habitat Restoration Scoping Allocation
  - Strong Creek- working on putting plan in place
2. Habitat Restoration and Acquired Property Maintenance and Monitoring Allocation
3. Priority Native Salmonid Habitat Acquisition and Conservation Allocation
  - American Public Lands monitoring the market and providing us updates.
4. Idaho Field Station Construction, Furnishing, and Operation
5. Pack River Watershed Management Plan Addendum
6. Lower Clark Fork River Minimum Flow and Water Temperature Monitoring
  - Data have been reviewed and filed and we will continue to monitor.
  - Temperature monitoring–Bob Steed suggested we discuss memorializing at the WRTAC meeting. Since that time the data has been reviewed and collection of water temperature data in the lower Clark Fork River is no longer needed for this project. Idaho DEQ is good with the original agreement on reduced minimum flow.
7. Trestle Creek Habitat Enhancement Project Phase I
  - Some erosion has occurred, but the overall habitat values were maintained, and no additional maintenance work is needed.

- Trestle Creek Road work has been delayed to 2023.
- 8. Trestle Creek Habitat Enhancement Project Phase II
  - No longer pursue—selective wood placements on Avista land.
- 9. Rattle Creek Habitat Enhancement Project

*Fish Resource Monitoring, Enhancement, and Management*

- 10. Fish Resource Monitoring, Enhancement, and Management Plan
  - Ongoing

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

*Tributary Habitat Acquisition and Enhancement*

- 1. Habitat Restoration Monitoring and Native Salmonid Abundance Monitoring Plan
  - Bull Trout numbers are looking higher than expected in both Graves Creek and the East Fork Bull River.
  - The MFWP crew had a record setting year in terms of Prospect Creek fish salvage electrofishing this year.
  - In 2023, proposing to get PIT-detection capabilities into Crow Creek.
- 2. Redd Surveys in Montana Tributaries
  - Discontinue Brown Trout redd surveys, except for the EFBR.
- 3. Sim Meander Stream and Floodplain Restoration Project
  - Completed the project and it is functioning as designed and the vegetation is surviving.
- 4. Stream Gage Monitoring
- 5. Crow Creek Bull Trout Investigation
- 6. Graves Creek Pilot Habitat Enhancement Project
- 7. Upper Prospect Creek LWD Project
- 8. Lower Clark Fork Watershed Group Project Coordination
- 9. Habitat Restoration Monitoring, Maintenance and Contingency Allocation
- 10. Habitat Restoration, Property Acquisition, and Conservation Easement Contingency Allocation
- 11. East Fork Bull River Morphology, Connectivity, and Habitat Enhancement Project

*Recreational Fishery Enhancement*

- 12. Cabinet Gorge and Noxon Reservoir Fisheries Monitoring Plan
- 13. Pilot Project: Modification of Eurasian Watermilfoil Beds on Noxon Reservoir for Fishery Benefits
  - Likely discontinue this project after 2022
- 14. Mountain Lake Fisheries Monitoring Project
- 15. Lower Bull River Day Use Boat Access Site Construction
- 16. Noxon Reservoir Boat Ramp Improvements
- 17. Managing Aquatic Invasive Plants on Noxon and Cabinet Gorge Reservoirs
- 18. Dreissenid Mussel Sampling on the Noxon and Cabinet Gorge Reservoirs
- 19. Noxon Reservoir Bathymetry Update
  - Surveyed most of the reservoir from the dam upstream past the Vermilion.
  - The survey work will take longer than expected due to limited windows for surveying shallow water areas.

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

#### ***Annual Operations***

1. Upstream Fish Passage Program
  - Shana provided update on new fish passage facility—a few challenges, still working out the bugs and troubleshooting the facility.
  - Commissioning started in Mid-July.
  - Mid-October is plan for shut down.
  - PIT antennas detecting good numbers of Bull Trout.
2. Westslope Cutthroat Trout Transport Evaluation
  - 8 days of backpack electrofishing, and 22 days of hook-and-line sampling.
  - Genetics were collected.
3. Tributary Trapping and Downstream Juvenile Bull Trout Transport Program
  - EFBR trap taken out by tree—numbers are low but not of concern.
  - Improvements to the permanent weir trap were completed late last fall.
4. PIT-Monitoring Station Operation and Maintenance
5. Non-Native Fish Suppression Project in the East Fork Bull River
6. Evaluation of Potential Actions for Reducing Non-native Threats to Native Salmonid Populations

#### ***Facilities***

7. Fish Capture Facilities Operation, Development, and Testing
8. Graves Creek Permanent Weir Trap Enhancements
9. Graves Creek Bull Trout Translocation Project
  - Proposing a Project Plan for 2023.

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

1. Idaho Bull Trout Protection and Education Officer Support
  - No Bull Trout violations have been reported, at least one swimming hole dam was dismantled.
2. Montana Bull Trout Education and Communication Support
3. Montana Bull Trout Education Outreach Support
  - Abigail Maddigan has been doing an awesome job reaching out at schools and festivals.
4. Montana Game Warden Support, no request for CFSA funds, at least one swimming hole dam dismantled.
5. Trout Unlimited Outreach Coordination
  - Amy Anderson is the new Bull Trout Education Coordinator.
6. Pend Oreille Water Festival

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

1. Pack River Watershed Council, Bonner Soil and Water Conservation District
2. Lower Clark Fork Watershed Council Projects
  - Brita Olson partnered with Project Ascent to provide youth internship

opportunity.

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

1. Clark Fork River Water Quality Monitoring Program
  - Going as planned

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

1. Monitoring of Noxon Reservoir Stratification and Mobilization of Sediment Nutrients/Metals
  - No sampling was performed in 2022 due to the flow trigger not being met.
  - Plan to ask for additional funding in 2023 to cover rising costs.

**Appendix F3: Aquatic Organism Tissue Analysis**

1. Noxon and Cabinet Reservoir Fish Mercury Study

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

There are no 2022 Project Plans associated with Appendix F4.

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

1. Total Dissolved Gas Monitoring
  - Proposing next year to only monitor the tailrace using the shore-based system.
  - Gas Supersaturation Subcommittee engaged and checking in at least once a year.

**TDG Mitigation and Monitoring Program**

2. Project Scoping Allocation
3. Analysis of Gas Bubble Disease Monitoring Data
4. Mapping the Potential for Fish to Compensate for TDG in Lower Clark Fork River
5. Nutrient Level Impacts on Salmonid Populations in the Lower Clark Fork River
6. Temperature Monitoring Data Compilation
7. Walleye Geochemistry Study
8. Trophic Monitoring in Lake Pend Oreille and Pend Oreille Idaho
9. Box Canyon Reservoir Northern Pike Suppression
  - Suppression efforts are going well.
10. Lake Pend Oreille Experimental Walleye Angler Incentive Program
  - Hickey Brothers completed three weeks of netting efforts.
11. Lake Pend Oreille/Clark Fork River Walleye Population Assessment
12. Lake Pend Oreille Lake Trout Angler Incentive Program
  - Ryan Hardy provided an update on the net effect of the suppression efforts on Bull Trout.

13. Lake Pend Oreille Lake Trout Netting Program
14. Demography of Adfluvial Bull Trout in Lake Pend Oreille
15. Lake Pend Oreille Bull Trout Population Monition and Evaluation
16. Lake Pend Oreille Nearshore Index Netting
17. Idaho Protection and Education Officer Support
18. Lake Pend Oreille Tributary PIT- Monitoring Station Installation
  - South Gold Creek station installed.
19. Lake Pend Oreille Tributary PIT- Monitoring Station Operation and Maintenance
20. Clark Fork River Population Monitoring
21. Lightning Creek Delta Connectivity Project
  - Not pursuing currently.
22. Lower Clark Fork River Flow Model
23. Lake Pend Oreille and Pend Oreille River Creel Survey

*GSCP Alternative:*

24. Gas Supersaturation Control Program Total Dissolved Gas Abatement

**Appendix T: Project Operations Package**

1. Cabinet Gorge Fish Hatchery Spring Water Collection System Upgrade
  - Cost share between Appendix T and Idaho Fish and Game. This project will likely deplete the remaining funding within Appendix T.
2. Clark Fork River (Derr Island) Boating Access Site Improvements
  - Removed a couple of old pilings and expanded the parking area.

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

Michael Feiger gave an update on the Rock Creek Mine. Their plan was withdrawn for operations and HECLA plans to initiate fresh exploration work.

1. Administration of the Land Use Management Plan (LUMP)
  - 20 Work Authorizations Request have been received to date.
  - Avista postponed the process to observe and photo catalog all Private Recreation Permits. Will try to continue for fall of 2022.
  - Revoked one permit at least through 2023 for multiple violations.
  - 5-year Lump Review
    - Continue to use current document as it stands.
    - Arthur Potts will schedule date for review.
2. Monitoring Associated with the Land Use Management Plan (LUMP)
  - Resume replacing permit markers in 2023.
3. Enforcement Associated with the Land Use Management Plan (LUMP)
  - MFWP and IDFG continue to patrol Avista sites.

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

1. RRMP Administration and Resource Integration

- Michael Feiger updated group on challenges on filling Recreation manager position.
- 2. RRMP Recreation Facility Development
  - Kiosk completed. Plan to put out questions/comments signs with Arthur Potts' work phone number.
  - Micheal Feiger commentated on anti-sematic/racist graffiti, as well as signage damage.
  - Gene Jopling to retire/ Jason Helvey to take over.
- 3. RRMP Monitoring Operation and Maintenance of Recreation Facilities
- 4. Operations and Maintenance of Recreation Facilities

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

- Implementation related to this PM&E were accomplished through the implementation of the Land Use Management Plan. All photo points will be revisited in 2023.

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

- On March 16, 2011 the MC approved Guidelines for Acquisition of Land Interests, Clark Fork Projects. One aspect of these Guidelines was how to ensure compliance with the Clark Fork Settlement Agreement and FERC License as it related to properties held by Avista. For those properties that are retained in Avista ownership, the MC will review management of the property and final disposition initially no later than ten years after acquisition, and every five years after that.
- South Fork Bull River, this property is managed for stream and wildlife habitat protection and public use. Conservation Easement is held by MFWP. Enrolled in the Block Management Program through MFWP to allow public access.
- Frog Pond, this property is managed as a day-use recreation site. The property contains a vault toilet and picnic tables.
- Nate requested consensus approval of maintaining the status quo of the South Fork Bull River and Frog Pond parcels ownership and management for five years, recognizing that any action requires MC review and approval. The next status review by the MC will occur no later than 2027.

***The MC approved maintaining the status quo of the South Fork Bull River and Frog Pond parcels ownership and management for five years, recognizing that any action requires MC review and approval. The next status review by the MC will occur no later than 2027.***

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

- Twin Creek- Continue to develop site plan; IDFG addressed noxious weeds and MRL replaced underpass with drive through culvert.

**Appendix L: Black Cottonwood Habitat Protection and Enhancement**

- Exclosure fences at Hereford Slough continue to function well. The site will be inspected in the fall to ensure there is no structural damage.

**Appendix M: Wetlands Protection and Enhancement Program**

- Wetlands continue to be protected through the implementation of the Land Use Management Plan.

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

- Will continue to facilitate access through use of sign-in boxes.
- Christmas Tree Request: Cut 40-50 trees for commercial sale was discussed at TRTAC meeting and was denied.

**Appendix Q: Reservoir Island Protection**

- Avista owned reservoir island habitat continues to be protected through the implementation of this program.

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

- Following a lengthy discussion during the recent TRTAC meeting, Nate explained the intent of Appendix S, which is to address erosion concerns which are directly impacting public safety at recreation sites or sensitive resources on Avista lands.
- Avista staff have identified an erosion concern at Pilgrim Creek Park near the fishing platform. Avista will coordinate with a contractor to address the issue.

**Grant Writer Update**

- Susan Drumheller updated the group- \$225,251 total grants this year, and surpassed the cumulative total of \$13 million since the inception of the program!

**Other Business**

- Reminder of schedule for 2023 Project Plan Development.
- Eric Oldenburg updated group on due dates and guideline timelines that will be sent out to Project Leaders.
- Select Spring meeting Date
- Group agreed on March 14<sup>th</sup> and 15<sup>th</sup> 2023.

Meeting adjourned 3:35 p.m. (MST).