

Lake Pend Oreille, Pend Oreille River, Priest Lake and Priest River Commission Meeting MINUTES
September 23rd, 2016 10:10 am until 1:20 pm

Commissioner's present: Ford Elsaesser, Craig Hill, Linda Mitchell, Karen Cathey (USFWS), Erin Mader (Coordinator), Molly McCahon (Asst. Coordinator)

40 plus in audience

Ford announced Priest River October Fest events, including the Regatta.

Ford announced that Erin Mader, Executive Director will be leaving the Lakes Commission and that Molly McCahon will be taking her place. He acknowledged how instrumental Erin has been to the Commission over the years. Linda Mitchell expressed how much she enjoyed working with Erin and how sorry she is to see her go. Several others commented on Erin's dedicated work with the Lakes Commission.

- Linda moved to accept Erin Mader's resignation and to appoint Molly McCahon as the new coordinator. Doug seconded, the motion carried
- Doug moved to approve the 6/29/16 minutes. Craig seconded, *the motion carried.*

Presentations

Steve Klatt, Bonner County Department of Parks and Waterways, Improvements to County Waterways Facilities.

Priest Lake - Steve reported that the County will be involved in the upcoming Priest Lake Study, funded by Idaho Water Resource Board, and that it will take place and be reported on over the next year. The study will use hydrologic modeling to help determine the best approach to the Thorofare breakwater repair. The county has committed \$110,000 in matching funds to aid in the Thorofare breakwater repair and a final plan will be determined once study is complete.

In Coolin there is a county launch next to Bishops marina where trailers are falling off ramp...possible BIG grant to help upgrade launch. Looking into how to handle lack of trailer parking in Coolin. Would like to create an advisory committee in Priest Lake in order to determine hazardous areas around the lake and need for navigational aids. Outlet Bay has a public launch that is damaged and needs repair. The goal is to find a way to repair the launch by coming to an agreement with the Outlet Bay HOA, who has an interest in the launch due to a land lease from the water's edge down.

Pend Oreille River/Priest River – Bonner Park boat ramp: make docks easily reachable next to ramp and add a sidewalk that connects pedestrians more safely. In Laclede, the more modern boat ramp was extended 30' due to the increase in use by fisherman and hunters during the winter. Because of this increase in general, we are looking into the best way to maintain county facilities for year round use. In Laclede, there is also a fixed pier where we are looking to add a portable dock next to that ramp to make it more user friendly. Berry Ln is an access point for boats that is used to the end of January. The launch

is eroding so looking into extending and improving the launch. There is only a 40' right of way, so access, turnaround and parking is difficult.

Lake Pend Oreille – Hope Boat Launch (Hope Boat Basin) - Marine patrol needs better moorage, no lights on dock so will be installed, working to provide swimming area further to the west so boats and swimmers don't interact as they do now. There are very few public swim areas in Hope, so the public ends up using launches as swim areas. Granite Crk and Cedar Crk are habitually beat up by storms. Working at adding 11 mooring buoys around the lake. This will provide areas for boats to tie off safely and have beach and shore access. Garfield Bay Facility - just added 40 feet to dock this week, going to add 30 feet to ramp when lake goes down - better deep water access at Garfield bay. Looking into a grant to add navigational aids and remove numerous hazardous pilings in area. Navigation light systems are aging in general, so will be taking an inventory in county waters so we have dependable lights when we need them.

Questions from audience:

Is there a boat launch at Morton Slough? There is a little ramp that is at Thamba Ferry (?) road that is an access point. Will be improving because rebar is sticking up. There is also a F&G access in the Morton Slough area.

Thorofare and breakwater...do you have plans? County does not. Out of study will be models that show what will be the most adventitious shape to the breakwater. Will work with residents and IDWR. F&G would like to see wildlife enhancement features. Multiple partners and agencies. (F&G, IDWR, IDL, Forest Service, Army Corp) involved who have their own specific requirements. County doesn't not have preconceive notions of how that will be accomplished.

Missi Kinney – What are the plans for improvements at Berry lane; specifically do they include a new dock? No they do not include a new dock. Space prevents a dock. There is a 40' right of way so county would need to have an encroachment permit from neighbors. Just adding a simple ramp extended to prevent erosion. *How long will launch be?* It is approx. 100 'to the water. Ramp will be constructed out of concrete planks 5' wide...it will be a narrow ramp but follows natural contour of lake bed. Unobtrusive.

Mark Sauter – What are the plans to extend ramps for winter access around LPO; Dover, City Beach Memorial? Bonner County, the Cities and Emergency Response are all focused on finding a way to improve access during the off season. The county is aware there is a need to have quick access in case of a catastrophic spill in the winter. City Beach and Memorial are city facilities and Dover is private. City beach would need to be dredged to accommodate access. Dredging preventative. No plan as of yet.

Susan Olson – owns property on west side of berry In launch and is relieved you are not putting a dock in. Talked with neighbors and he didn't think any of the neighbors would be interested so did not pursue.

Cynthia Bridge Clark PE., Idaho Department of Water Resources, Update on Priest Lake Water Management Study and a Brief History of Priest Lake Water Management

Idaho Department of Water Resources (IDWR) assists the Idaho Water Resource Board (IDWB) in implementing their programs. IDWB provides funds. Took board on a tour this summer of the PL area,

including the Outlet structure, with the help of Bonner County and the Lakes Commission. This was very helpful and a great opportunity to introduce the water board to the project.

Entire Priest Basin is 900 square miles, which includes Upper Priest Lake. The Thorofare is 3 miles long connecting the lower lake and the upper lake. The Priest River is 45.5 miles long and flows into the Pend Oreille River. An existing Priest Basin Plan gave guidance in the hydrology of the area. The plan is dated but basic numbers are still relevant. Annual volume is 1.9 acre feet a year. Discharge is 1.2 acre feet from P Lake. Loss mostly attributed to evaporation and a small portion to water use consumption. Runoff below Priest Lake begins in April and peak run of is in May to early June. Lowest flows are in Aug and Sept. Natural hydrograph altered due to 1950 construction of the dam. Operations at Outlet Dam decrease river flows in summer recreation months. Increasing in October and November. PR has a minimum stream flow (MSF), which was created and approved in 1978 and is operated by IWRB. The decision to determine MSF uses values such as: fish and wildlife habitat, recreation, aesthetics, navigation and water quality. The water board is the only entity that determines MSF, but other entities, such as Fish & Game, can request specific flows if they see the need. Priest River has a MSF priority date of 1997 which means that any new water right after that dated is subject to administration. This water right is subordinate to lake level law in Idaho code. Estimated that that reach begins approx. 20 miles downstream of Outlet Dam.

There are 4 msf date ranges.

1,500 cfs (4/01 – 6/30)

951cfs (7/1- 7/31)

300 cfs (8/01 – 10/31)

700 cfs (11/01 – 3/31)

Questions:

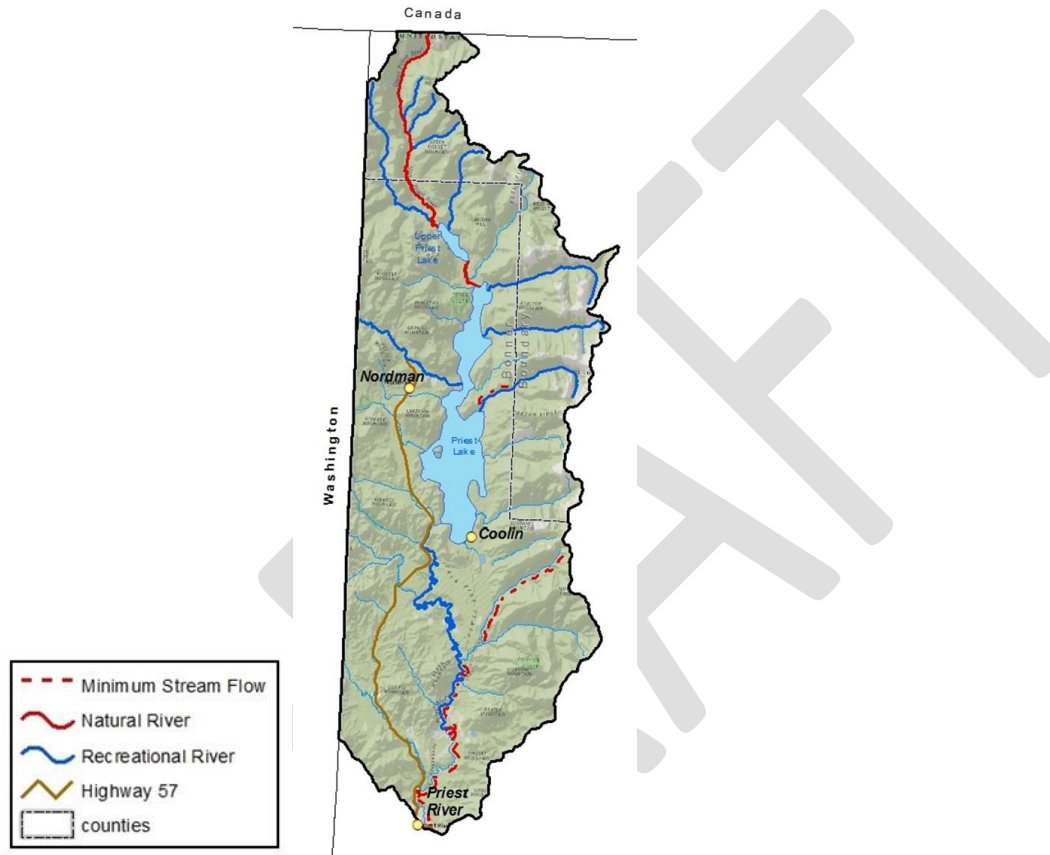
Brent –definition of a reach? Established length within said river that needs to be maintained. 21 mile long reach from confluence of east river to confluence of PO River.

Ford - What happens when flows go below 300? Wondering what is meaningful about MSF considering Priest Lake has the priority? Good question Meaningful to new development question reasonable flows downstream, considering minimum stream flow has not been met. Board could request that the department meet those flows. *Ford –no meaningful diversions on the PR*

Craig: Historically how many times have you not been able to meet msf? Cannot answer how often. A department hydrologist may have a better feel for that. Important to distinguish the challenges we had last year from others, but it appears we don't always meet stream flows in the Priest River. *Craig asks Ford what he noticed this year (2016)* *Ford - low but not like last year. Last year only year where it was critical. Still trying to understand the significance given the conflicting interests and that the lake level has priority. Unlikely if not impossible to have added water rights on the priest river below the dam, that would be significant.* Water needs to be available to meet that flow. So, in the process, you need to go through

a hearing process and a significant amount of effort goes into the decision for establishing a stream flow. Good to question if water supply characterizes have changed since.

Protect Rivers Program –The IWRB designates waterways as state protected if considered an outstanding resource as part of the State’s Water Comprehensive Plan. This plan is approved by the legislature. The Board can establish river segments as protected if they out way development. It can have a designation of natural or recreational. State legislature has approved 12 reaches and 121 miles within the Priest Basin; Upper P. River, Thorofare, and a portion of the Priest River.



Brent: what is O&M budget annually? Does not know.

Priest Lake Statutory Lake Level Requirements – Can exceed 3 feet but needs to be maintained at 3 feet in the recreational season. 800,000 feet of storage. Discharge from the lake provides a majority of the flow to the river.

Outlet Dam - Includes 11 radial gates which are not large but complicated to operate. Lake levels measured at Outlet gauge.

2015 drought – During the latter part of the summer it was difficult to maintain lake levels and as a result PR flows dropped below 60 cfs. Goal is to have sufficient info to measure outflows. Outdated gauge.

Seeking funding for installation of a new gauge. Due to this IDWR contracted with USGS to monitor inflows. USGS measured 21 streams and calculated an estimated inflow. Thorofare actually had a negative flow...flowing upstream. Projected minimum lake level in Oct was estimated to be 2.79 to 3'. Indicated that the discharge of outlet dam would have a small influence relative to amount of inflow. USGS attempted to develop a rating table and estimated that 42.5 cfs would equate to 2600 acre feet and a reduction of lake level .11 feet. Just starting to acquire data with which they will be able to draw in the future

Study - Idaho Water Resource Board committed \$300,000 to study whether operation, structural changes and or management can be used to maintain lake levels and downstream river flows. Will also look at how the Thorofare will be influenced by changes in hydrology. Plan is to compile a robust analysis in order to understand the watershed.

Questions:

Erin Mader – never realized there was a natural river designation on Thorofare. How will dredging be permitted if it has this designation?

Betty Gardener – Has lived on the PR for 33 years and the quality has degraded. According to a report done by IDEQ in 2002, lower priest river is on the 303 list of impaired waterbodies. Impaired for cold water fish due high temperature. Said to be caused by dam, which creates warm water as it sits in the shallow bay before leaving dam. It is a law that the quality of the river needs to be addressed and improved. Newer law should trump older law. Degraded over time, less wildlife. Wildlife affected by the temperature.

Ford - Where did syphon project go? Thought this study was a 3 legged stool. Mentions Sullivan Lake syphon. Not aware that the syphon was included in this IDWR Priest Lake Study.

Betty? Wondering if TMDL recommendations, which had a due date of 2007 were implemented.

Rob Ryan, IDFG – not aware of the syphon in relation to the PL study. Not certain of project, just aware of the concept.

Break

Rob Ryan – Idaho Department of Fish and Game

Rob stated he will provide basic info on what F&G has done on Priest Lake, Upper Priest Lake, a little about the Thorofare and how they relate to priest Lake, and some basic info on what has been done on the Priest River over the years.

Upper Priest Lake –Objectives for fish management are for the conservation of native fish. Main focus has been on cutthroat, bull trout, and mountain white fish. UPL differs from the management of Priest Lake fishery, which has a lake trout focus. There is lake trout in UPL, but not as abundant.

Lake trout are a non - native predator fish. They are a threat to native endangered bull trout and tent to become predominate and take over. Lake trout pose the same problems in Lake Pend Oreille. They were

introduced to PL in the 1920s. They were not introduced to UPL and they weren't seen there through the 50, 60, and 70s. It wasn't until the 80s that LT started to show up in UPL. By the 90s they were common and really established. Because of the concern on the impact to native fish we started looking at what to do. Have been removing LT since the 80s. There is only a 2 week window to net LT. It is a big effort that receives funding from USFW for Bull trout, Kalispell tribe and IDFG. Net in shallow areas where bull trout generally don't hang out.

Linda – how do you get the boat up there? Wait till end of May when water levels come up. It has been stuck.

From the 90's to 2006 it was a small operation and in those years under averaged a 1000 fish. In 2007 we began hiring a bigger crew and catch was over 5000. In most recent years catch is 2000 on average. Each year there are a number of variables, but catch rates have been pretty stable regardless. We know that we are good at keeping them at a good level but aware we will not be able to get rid of them. We know that some portion are from PL. How is this a benefit to native fish? We think that BT numbers have improved. More in bycatch and by using red counts. Implemented a new survey 3 years ago for CT, which will help us analyze that fishery as well. What does future look like? Conservation of native species will likely be part of future efforts. Working on 2019 management plan. Looking to the public for advice on what they would like to see. Expecting broad public support for the future efforts on UPL. Always uncertainty with grant funds. The management of UPL will also be affected by the future management of PL.

Rob spoke to the issue of how to prevent Lake Trout from entering UPL. So far they don't have a great solution.

Priest Lake - Working with a group of stakeholders for a number of years to help guide management in PL into the future.

Priest River – surveys to date have been pretty general. It is a warm and a moderate sized river. The most abundant fish is the mountain white fish. Other fish include suckers and pike minnow, which are not the fish anglers are interested in. The fish they are interested in; cutthroat, brown trout, rainbow trout and small mouth are less frequent in the summer. They do use it as a migratory route to access tributaries. East river is a strong hold for bull trout and also cutthroat, so the Priest River is an important migratory route.

Ford: what is plan for PR? Thinking is that if the temps decreased in PR the fishery could improve. The thinking behind the syphon concept is that it could solve temp issues.

Bob Steed, IDEQ: mentions the expansion of the didymo in the Priest River. Would certainly reduce macroinvertebrate forage for fish. This is something that IDEQ is looking into. Fish densities are already low, so any reduction could be significant.

Public: Was going to ask about sampling techniques? Assume size of gill net would have an effect on native fish. Timing so as not to harm natives? Where we fish is more important than when. Nets are

designed to target a broad range of sizes and would include BT but we are not netting where BT would likely be. Cutthroat oriented toward the surface and the nets are placed low.

Amidy Fuson, Idaho Department of Lands, Navigable Waters 101

Background: State was given title to all bed and banks of Navigable Waters: lakes and rivers historically used as a commerce source; for logs, fishing, and travel. Lake Protection Act 1975 gave the right to regulation anything on, in or above the bed of navigable waters. We administer this according to the Public Trust Doctrine. Intended to make sure the public had the right to use public waters and their rights are defendable. The doctrine states that IDL must regulate for the protection of property, navigation, fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, and water quality and that those be weighed against navigation or economic necessity or the benefit to be derived from the propose encroachment. Primary permits are non-commercial encroachments, commercial and community docks, and shoreline stabilization.

Single family dock permits - are the most comment permit at the Sandpoint office. Must have 25' of linear shoreline frontage. Maximum of 700 square feet of deck space over water. No portion can be wider than 10' excluding slip cut out. Cannot be out past other docks. No hard or permanent covers are allow. 14 days to go through, \$300 permit.

Doug- is there a limit to the number of docks you can have. Yes, only allowed 1 encroachment per permit. Needs to be used as an aid to navigate.

Linda- who enforces when setbacks have not been met. Try to get out and do a 5% check. Has not been fully funded until last year. Best way to enforce is to receive a phone call. Also, completion reports are required to determine it was built according to permit. They also do aerial checks in google earth.

Rip rap permits - are also a common permit. Only allowed to rip rap the existing condition of your shoreline. Ask that large angular rocks are used in order to break up wave action. Notify public and relevant agencies. \$625, which includes \$75 for public notification.

Also do large marinas and anything that is anchored to the bed of the lake is permitted through IDL.

Amidy informed everyone on how to navigate the IDL website, which has maps of Navigable waters and the joint permit for application.

Ford – It seems there is controversy about community docks here more so than in CDA. What is the issue with that? Seems like issue is that community docks are being used by people other than the entitled water front owners. How do you safeguard against this? In order to get a community dock you need to have a communal parcel of land that is owed by a majority of people and or more that 2 separate parcels on the water. If so, you are allowed 7 square feet per lineal foot of shoreline. But you right, some upland people have been buying into the rights of the shoreline owners. Not usually an issue unless it is a very large dock.

Jeanne Pipella – Lake Pend Oreille differs from other lakes because of the submerged leased land. Questioning no hard or permanent covers. When did this happen? Amidy believes it came out in 1981. 1975 is when the grandfather date begins. Even if grandfathered you still need a permit.

Craig Hill - Do you have to have a permit for a shore station? – boat lift – if you have an L shaped dock you can add without a permit. If you put outside of dock you will need a permit. Single family allowed one boat lift and 2 jet lift ports.

Joel Fenolio, FP., US Army Corp of Engineers

Announced that the week of Oct 24th is the week they are doing the “road show” the Corp, BPA and BOR will be doing the scoping for the Columbia River Operation System EIS. This is the communities’ opportunity to comment.

Mark – will it occur after 6 pm? Joel not sure the date and time yet, but will let Molly know.

Joes also announced that he brought Dean Apostle from the Corp who is the project manager for the fish passage at Albeni Falls. If there are any question on fish passage he is here to answer questions. Also brought Fred Goetz who is the new Endangered Species Act coordinator.

Joel went over what happened this last winter, which was kind of unique. At the beginning of water year 2016 (Oct 1 - April 4th) the Pend Oreille Basin was well above average for precipitation. 2016 also had above average temps. Not as extreme as 2015, but 2016’s early April we the warmest on record for this region. This summer the basin was in the 37th lowest in 46 years and in 2015 it was the 44th lowest year. 2016 also saw an above average snow pack. The combination of high snow pack and a record warm April resulted in a record runoff in April (2016). Streams were below average in Aug and September. Flows still low for this time of year. Expected precipitation for Jan, Feb and March 2017 to have above average precipitation.

Operation updates - This weekend due to the regatta lake level will remain at 2061.5. Started drafting down on Wed, but will kept it up longer because BNSF road work being done on bridge near longbridge. Goal is to have the lake elevation at its lowest 2051 by middle of Nov. This year there will be Corp work above Albeni Falls Dam in Jan and Feb so cannot fluctuate at that time. Likely will not be conducting flexible winter lake operations because the only time they have would be March and flows are not a priority that time of year. Joel presented a graph showing projections of how we will operation. In 2016 reached summer operation level by June 15th, 10 days sooner than in the past. Will be at 2054.5 by October.

Linda asked for a copy of the graph Joel was referring to. Joel has links to graphs on website and it can be found in email flow notifications.

Outflows – really low conditions right now. Upstream of the dam there was a good recreation season but downstream they had low flows and difficult access and fishing throughout August – September. Outflows will now be increasing in order to get the lake down.

Ford: flex P operations. Won't occur because in Jan and Feb of erosion work. Could you elaborate on that work? Project will be placing rip rap for erosion control for one of their campgrounds which will take place between elevations 2054 and 2052.

Mark: relationship between cfs outflows and elevations. Rule of thumb. About a foot a week. If we release more than 4.5 thousand cfs over outflow, it drops about 10th of a foot a day. At 12,000 cfs that is about .1 - .2 feet a day.

Doug - Wasn't there supposed to be a study on the Flexible Winter Power Operation? Erin – thought it was a F&G analysis using bank pins. BPA saying they provided funding to study.

Dale Van Stone – How big a role does Hungry Horse play on Lake Pend Oreille and when do they start releasing water? Usually start in January. For day to day operations we pay closer attention to Avista's Cabinet Gorge. But for overall predictions and calculations, HH is a fairly significant portion of the decision process. Look at Clark Fork River more so than Flathead. Do they fill the reservoir every year? Not with the guarantee that Lake Pend Oreille has.

Dean Apostle, Project Manager for Fish Passage, US Army Corp of Engineers

Dean Apostle – we were given the go ahead for Albeni Falls fish passage last year. Feasibility design will be used to fund project. Have a cost estimate done and are now working on completing a public draft by Jan or Feb. Working with the Kalispell tribe. Funds may be available from tribe, but right now it is just a conversation. *Erin- does project look like the one the Kalispell tribe was looking at?* No it is different. Entrance to facility will be at the point on the island but it goes all the way back to the edge of power house. So fish ladder, I will call it, wraps around island to spill way where fish are collected and trucked to a place near Priest River. Design will be part of environmental assessment. USFW still needs to approve the Biological Assessment that the Corp wrote for this project. Most construction will be done in the dry or on the land. Will need to blast a portion of the island. May pour concrete from elsewhere and float it into place. Still 3rd level design that needs approval. 2-4 years to construct. Need funding in order to build and if we cannot find funding we will need to get authority from Congress for something like this. One of the first on the Pend Oreille Basin. Cabinet Gorge and Noxon should have passage soon. All dams on main stem have a fish ladder, this however will be a fish trap, a resident migratory system for bull trout, mountain whitefish and native fish. In conjunction with the BA they had to write, there is also a BA being done for the entire Columbia River System Operations just for Bull Trout. Most assessments have been centered on salmon. This one will be for one species of fish. Will cover operations from Hungry Horse all the way down to Bonneville Dam. This is different than the Columbia River Systems Operations EIS that Joel spoke about.

Ford – last time we asked about Bull Trout numbers they were low. Is that still the case? Means to catch Bull Trout are limited, so it is difficult to get actual numbers. Shock treatment isn't very effective at reaching BT because they are in deep water. The ones they have found they used radio transmitters on to track where they go and are from. At least a couple have gone to the PR. Building fish passage at Albeni and Box Canyon will reconnect that part of the river, so if fish want to migrate, they can. There aren't any reproducing BT below Albeni Falls right now.

Jeanine Pipella – in 2013 there was conversation with the Corp about this and it has been assumed years of research had already been done. Because there was a lack of transparency, it caused confusion. What did happen in the 2 years that we were said thing were being done?

Biological Opinion by USFWS spurred BT research In 2003/04. In 2007/09 looked at what kind of fish ways might work for BT. In 2009 Corp did their own study on BT and began collecting data. In 2011 Corp finally had policy people say okay let's look at this. 2011/13 Corp was going through decision process and had be convinced this was an important project. 2013 we were close to starting this study beyond talking points but were put on hold for reasons unknown. Original authorization of Albeni Falls in the 50s did include fish passage, but Corp opted not to do it. Dean used the Mud Mountain Dam project he is working on as an historic example of how fish passage was thought about in the past. The MMD was built as temporary passage and designed for 4000 fish, but in 2009 a million fish showed up. So it is now being built as permeant passage for over a million fish. May be largest fish way in the world.

If we do have cost share with the Kalispell Tribe, it will streamline the project. Explained that federal dams don't have the same funding sources as FIRC licensed dams. Mitigation fund doesn't exist for Albeni Falls. Will need to use funds that doesn't come from Albeni Falls revenue. Even though some funds come from BPA, the Corp will not have those funds for this project.

Recommended that the public comment on the impacts of the operations of the dam during the scoping meeting coming up for the Columbia River Systems Operations EIS.

How do we get the information to comment on the fish passage? There will be a public comment period and will let you know when we know.

Comment by Morgan Case – Priest lake drawn down will the evening of Oct 8th.

Ford - Will be scheduling meeting in December, likely at Dover City Hall and will announce it as soon as we know.

The meeting adjourned at 12:00 pm