

Lake Pend Oreille, Pend Oreille River, Priest Lake and Priest River Commission Meeting MINUTES
October 27, 2017 9:10 am until 12:34 pm

Commissioner's present: Ford Elsaesser (Chair), Linda Mitchell, Craig Hill, Darrell Early, Marc Brinkmeyer, Kate Wilson(MDNR), Molly McCahon (Coordinator), 39 members of the public in audience

- Craig moved to approve the 8/27/17 minutes. Marc seconded the motion, *the motion carried.*

Presentations

Steve Klatt –Bonner County Parks and Waterways Director
Priest Lake Water Management Study Update

Steve gave an overview of the study conducted by Mott McDonald, for the analysis of water management on Priest Lake, in order to address low water years. This study looked at improvements to Outlet Dam and the Thorofare. It was determined that the dam can be improved to hold the lake 3 inches above summer pool in dry years and still keep river flows to a minimum of 60 cfs. Steve reminded the audience that in 2015, the lowest discharge at the dam was 40 cfs and the dam was almost drying up. At no point would we want it to get to 60 cfs but proposed designed can meet that. The design includes power assistance for the gates, which are currently operated by hand.

The Thorofare, will need to be dredged for sustainable passage and the old breakwater will have a new design meant to keep sediment from continually filling in the access from the lake. There are several design options for the breakwater, one of which includes the potential for vegetative plantings. All designs are of similar cost. The total cost estimate for both projects is 5 million, and would be evenly split between the two.

Ford asked where would funding come from and whether there was consensus from the public that these are the best solutions? Steve replied that funding would likely be appropriated through Idaho Department of Water Resources and Senator Keough and Representative Dixon will start looking at sources and where it can fit into the budget. He is optimistic that the state of Idaho is in a good position to spend money in Northern Idaho. Steve acknowledged that there are definitely public who would like the Thorofare to take its natural course, but the majority were in support of these solutions. Dale Vanstone, with IWRB asked for a letter of support from the Lakes Commission to the legislature on the package for funding the Priest Lake Water Management improvements.

A discussion took place on adding a recommendation made by ICL, Matt Nykiel, to support the most environmentally friendly design for the Thorofare breakwater. A discussion also took place on adding the siphon concept at the same time improvements are being made to the dam and on whether F&G supports the 60 cfs on the river. Steve explained that the project focused on water management of the dam and upward and the complex siphon components still need to be studied. F&G voiced that having added security for water to the river in low years is better than none. Ford made the point that keeping the lake higher adds more insurance for flows than we had in 2015 and that the Lakes Commission along with numerous other agencies, will be on top of future environmental concerns, including water temperature, to the extent we can.

The board moved to send a support letter to IDWR and state legislators for the appropriation of 5 million in funding for improvements to Outlet Dam and the Thorofare.

Steve closed by sharing that the Idaho Water Resource Board, until their tour of Priest Lake, had never really looked at recreation as a true value that is intrinsic to the economy of Idaho. This realization ultimately allowed them to endorse this project.

Andy Dux, Idaho Fish and Game
Pend Oreille Basin Fisheries Update

Andy provided a status of the fish species that F&G are targeting through their kokanee recovery efforts, as kokanee is a driver to fishery efforts. Andy explained that Kokanee fishing was tough this year. This fall they noticed low kokanee numbers in trestle creek that are likely related to stream conditions (limited spawning habitat from high run off) 2016 data of over a million and half kokanee translated into a good season for 2017. Modeling done in August showed numbers of adults similar to last year, so we are still in a good spot. The one thing that is unique though is that adult fish are smaller than in years past (approx. 9"). Should have hard estimates next month.

Bull Trout are looking really good. Last year estimates were low and we think that is because the flows were so high. Number of signs that we have a very stable Bull Trout population.

Lake Trout (suppression efforts since 2006). The adult trend is declining. Juveniles have a 75% decline since we started the program.

Rainbow Trout – difficult because they have an off shore environment which is difficult to monitor. Using anglers to monitor growth rates with fin ray analysis, which show growth increasing. Assumption that with more kokanee available growth rates should increase.

Walleye – walleye have been in LPO for a while. Several illegal introductions in Montana trickled down to us. Now have an illegally introduced species that could become a threat as we are noticing an increase. Catch rate shows double population since 2011. F&G in the beginning phases of determining reason for increase. Are we now getting natural reproduction in our system? What are they eating, what kind of distributions, what are anglers seeing? Don't have a lot of info yet. Ramping up our efforts. Preliminary diet analysis showed that they do eat kokanee. Placing transmitters in fish to track location and depth - 25 transmitters out there. Will determine in spring where they are going

Kate Wilson: What efforts do you have in place for Northern Pike? Andy: Are main attempt to keep numbers low is to have no bag limits. Bill Love: What are you seeing for BT redd numbers in trestle crk? Andy: Down in trestle crk, less spawning sized gravels than there used to be but other streams are doing really well.

ICL: asked to have chart on BT explained in relation to what a healthy population is. Andy: We have a healthy bull trout population in relation to other regions.

Jim Yost – Northwest Power and Conservation Council
Columbia River Treaty

Jim explained that he represents Idaho on the Northwest Power and Conservation Council for all regional issues for the state of Idaho related to power, flooding and fish and wildlife. Governor Otter asked that Jim be included in the group putting together recommendations on the Columbia River Treaty. The two reasons for the creation of the Treaty were power and flood control. Treaty doesn't end in 2024, but flood control changes from pre-paid flood control to pay as you go. Preparations began in 2010 and 2011 for recommendations ahead of a 10 year advance notification requirement to amend the Treaty. At that time, the CRT was very low on the priority list for the new US Administration, they let go of the US Negotiator and Canada hadn't come to the table. Spent 3.5 years developing before sending to the US State Department. The US thinks they are overpaying Canada over 300 million a year in power. Tribes would like to see that go back to the ecosystem, while the public utilities want to see it go back to the rate payer. Mid seas- grant Chelan and Douglas control about a 1/3 of the power going back to Canada. On flood control – we paid for flood control ahead 60 years. Under the "called upon" agreement all the dams in the US states need to be drafted before the US could ask Canada for flood control. Difference between local flood control and system control. Canada using it as a bargaining tool. Our position is that it should only be treaty dams not all dams. Some power interests and some power utilities think the Canadian entitlement (power given back to Canada in exchange for flood control) is unfair and inequitable. Those interests wanted to get Canada to start negotiations by threatening termination.

Since the northwest submitted its recommendations, nothing has happened except they have hired a new US Negotiator, Jill Smal. Have requested that Mrs. Smal come to a couple meetings up north. Looking forward to hearing what their

position is. US recommendations added the term and provision “ecosystem function”. The State of Idaho is opposed to including ecosystem function and if added it needs to be ratified by Congress.

Currently the US buys one and a half million acre feet of non-treaty water from Canada. Only a limited amount of storage that would be of assistance to us. Jim thinks relevant activity will begin to happen within the next year. Unsure to what extent will they involve the state the tribes and federal agencies. We hope that soon we will be able to establish a process among stakeholders in order to have a dialog and let our interests be known. Thinks Canada will make a decision within a year on how they want to move forward.

Comments:

Ford: Concern up here is that the downstream users may view Lake Pend Oreille as a million acre resource for stream flow control. We have spent a substantial amount of time trying to maximize the summer pool for recreation and are concerned about any modification of the existing protocols that would effect this pool here. We are worried about the possibility and ability of include Albeni Fall and the lake in changes in operations under the Treaty. This is the overriding concern of the stakeholders of the north. Jim: models to look at the various options for shaping the flows, showed no change in elevation to the lake up here. Didn't impact LPO or Lake CDA. Albeni Falls IS a treaty dam, but modeling didn't change flows here. The Northwest has a modeling group for the Columbia River Treaty and there are 3 Idaho representative's in that group. We don't want to change the systems we have. We don't want to have to draft, whether it is for irrigation in the south or fish wildlife and recreation in the north. KW: Wouldn't any ratification have to happen if any change happens? Jim: No, only changes outside of power and flooding. Ford asked what motivation Canada would have to take less money? Water and stream flow have a higher value now than when Treaty put in place. We don't have any leverage so why would they do that? Jim: in the negotiations they need to look at both benefits in both countries. We spend a lot of money paying Canada to give us water when we need it for power to keep rates low. Dan Petersen, Pend Oreille PUD – Public Utility District Communicator for Pend Oreille PUD and Co-chair power group. Emphasize that what we are paying for is the power benefit of that water. Believe the money we are giving to Canada is unbalanced and unfair. That is why we want to threaten Canada with a notice of termination. Norm: A lot of activity going on in the US to communicate the issues and the issues related to Albeni Falls has been discussed in Washington DC and all discussions with the Power Group and other river partners as well. Also, the governor's office has tasked Senator Keough to plan the meeting in the north and it seems just as easy to land a plane in Sandpoint as it is in CDA. Jim: Will Hart is the administrator of public power interest in Idaho as well. We are working with power co/ops to get on board with negotiations.

***Nic Winslow- BNSF/Haz Mat and Bob Howard – Bonner County Emergency Management
BNSF Partnership with Bonner County on Response Planning***

Nic began by explaining that much of BNSF planning includes using advanced technology, coordination and training with local responders. BNSF in partnership with Bonner County EM just recently conducted a response drill exercise on Lake Pend Oreille near Long Bridge and on the Clark Fork River. The exercise used the existing Geographical Response Plan (GRP) for LPO and equipment and resources available locally. There are several spill response trailers located throughout the county that consist of containment recovery tools such as; oil skimmers and oil booms. BNSF conducts drills throughout the region and the country...recently conducted one on the Kootenai River, in Boundary County. Work with other railroads and local municipalizes to build plans we all benefit from. Drills are used to determine deficiencies within the plan and helps to develop a “common operational plan”: communication protocol, cultural and ecologic resources at risk, make sure the length of boom and angle of boom specified are actually accurate for the conditions and locations. Call tree includes dams, public water intakes... The LPO GRP includes an inventory of equipment and where it is: spill trailers, boats, vehicles, etc... Nic showed pictures of the drill exercise at both the Long Bridge and the Clark Fork River. For the Long Bridge exercise they got boom in and out in approx. 4 hrs and on the Clark Fork, 3.5 hrs. Great exercise in communications on land and on water. Bob Howard with BC Emergency Management commented that they just used the new GRP at a recent hospital training and find we are using the GRP more than we have in the past. Existing challenges include access to the water in low water and the fact that we have a volunteer fire crew.

Questions: How do you respond in ice conditions? Nic: We have airboats that can go over ice and gravel/

Ford: Where do you put in, in winter at low water? Bob: Hope and Laclede in the winter months. Where would you place the boom if it was iced over...for example when frozen over from Dover Point to Conteste Point. Matt Jones with BNSF responded by saying you would go down to the next available location. Question: Are boom lengths set up for a huge disaster? Nic: Have approx. 10,000 feet of boom in the County. Nic pointed out that the plan is a living document that will be updated as needed. Bob said there will be another exercise with the state that will focus on Bonner County in August. ICL, Matt Nykiel: encourage BNSF and other railroads to reach out to others in the community to participate. Identified a lot of vulnerabilities in the plan: most of boom is in Boundary County, limited boat access in the winter time, night spills, and references to flow rates in relation to realistic time it would take to deploy boom. Ford: Has Union Pacific been involved with this process. Bob: UP came to the table several time during the process, but they were difficult to reach. UP line comes down from the Moyie and crosses just downstream from here KW: Pointed out that an exercise only as good as the people involved: are there people missing, how do you respond to local land owners? Courtney Wallace with BNSF pointed out that BNSF equipment is available to the community to use no matter what or who spilled. So, if it was a highway incident it would be available. Bob Steed, IDEQ: Participated in the exercise and emphasized the importance of these drills in training the local responders in hands on exercises. Sandy Compton: Biggest concern is if a spill were to happen above the dam (Cabinet Gorge) and the product got sucked into the turbines and came out mixed. How do you recover that? Nic: Work with dams to shut turbines off. ICL, Matt Nykiel: Asked that the commission take it into consideration, that since we are not 100% prepared, we shouldn't increase infrastructure and postpone 2nd bridge. A discussion took place on whether the new bridge would increase risk of spills and traffic to the area.

Jim Lewis - Chief Sales and Marketing Officer Montana Rail Link

Jim started by saying he didn't intend to comment on BNSFs 2nd bridge proposal but that from MRL perspective on the congestion now verses whether this track will be built, is that MRL currently has trains backed up all the way through Montana. Out of all the complaints he hears, congestion is by far the most. Jim went on to discuss the numbers for MRL: 385,000 carloads across MTR tracks, bridge traffic is bulk of our traffic, which begins in east of Billings...Bozeman, Helena, Missoula... cover the southern route of Montana. Largest percentage is grain, coal behind that at 24% -coal market shrank drastically last year, 25% vehicle traffic, and industrial products: scrap metal, timber, 2 % crude oil. Last year MRL saw huge growth. If you think of Sandpoint rail traffic, think globally not locally.

Standard response on the Noxon spill is that it is still under investigation, but can say that 99% of derailments are caused by a bad wheel or a broken rail link. Jim reviewed MRL safety standards required by federal law as well as tools that go above and beyond what is required. When a train comes into the Laurel and Missoula yards it goes through a visual inspection of wheels on both sides. Overall, there is a large reduction in accidents.

Coal load from Noxon spill came out of Power River Basin destined to GE in Boardman, OR. 9:30 on Sunday Aug 12th they got the call – at 10pm someone was on site (road master based out of Sdpt) 33 aluminum cars derailed, 3072 tons of coal spilled, to date 2.5 million dollar derailment. Conducted an environmental and public safety assessment. Called Enviro contractors. 42 hours had track repaired. Communicated with Green mountain conservation district, ACOE, Forest Service, etc... Water testing required by MDEQ in Sept, a month after the derailment. 31 demolished cars and 3000 tons of coals, so needed large containers to put all the debris in. Recycling companies came in to recover product. Barge service with back hoe, vacuum services, revegetation consultation. Took 4 weeks to mobilize and get it cleaned up to MRL standards. Wanted to clean up responsibly and not just tear everything up. 2 dumpsters worth of coal ended up in water. Hydro seeded on October 3rd. Jim described a recent tour of the site with concerned stakeholders. He explained that yes, there is a small amount of coal on site still, but relative to the 3000 tons, it is not much. Linda commented on the fact that the coal ignited in September. Jim acknowledged that he should have updated the community more regularly than he did and is working on updating the communication tree. Mark commented on the fact that it took too long to clean up. Jim responded that only a small amount of time could have been shaved off. Linda questioned Jim about the fact that the coal was combustible. Jim responded that they did learn a lot from this experience, one being that moisture is the leading cause of self-combustion. So, we had 24 hour fire watch to make sure it didn't spread.

Public comment: cars were pushed river side of the tracks, which seems counterproductive preventing it from entering river. Jim commented that MRL felt there was enough room in that area without risking entry to river. Wanted to avoid removing trees for space.

Public comment: regarding the derailment in Ponderay early in the spring caused by severe undercutting of railway. Jim responded that he was not aware of the cause of the incident. However, in wet springs we are constantly out there inspecting for hazards. Ford commented that it seems like between Paradise/Plains and Sandpoint, there is a lot of difficult terrains and steep banks. Where does risk assessment fit in...for instance open fields aren't as difficult to respond to? He also asked about the ease of finding rail cars from many places. Jim stated that finding cars is not quick and easy. ICL thanked MRL for the tour, then cautioned the Lakes Commission that more natural gas is going to be transported by rail even if coal is decreasing and that they don't believe we have plans in place to handle a hazardous disaster. Linda asked what the lessons learned are? Jim said having contractors in place and ready to go, which comes at a higher cost. But we still need to coordinate with agencies which takes time.

Ford thanked Jim and pointed out that we would like to continue to hearing from all the railroads, even in the absence of an accident.

**Kate Wilson- Upper Columbia Conservation Commission – Aquatic Invasive Species
Montana Department of Natural Resources**

Two reservoirs operated by Bureau of Reclamation has a positive analysis of invasive quagga/zebra mussels. They are just the microscopic veligers, no adults found to date have been found. Both reservoirs are east of the continental divide. Tiber reservoir had 5 positives, which is concerning. Canyon Ferry only had 1 positive sample come back. Montana is taking this very seriously. Missouri River is the main drainage these reservoirs flow to. The state is looking at a quarantine and control programs. Trying to make sure traffic in contained and doesn't move around the state, but Tiber reservoir has over 25 boat launches. Created the Upper Columbia Conservation Commission (UC3), as Montana is one of headwaters to the Columbia River System on west part of the continental divide. UC3 is similar to the Lakes Commission, all governor appointed commissioners. Will be focused on mussel detections and facilitating cooperation amongst stakeholders. Kate will be the conduit to us for us.

Question about funding? Kate: Was running at 1.8 million a year, which wasn't nearly adequate to deal with a response effort. Passed a 2 year hydroelectric tax, which likely won't be renewed. Another part was a prevention pass for anglers not specifically boaters. Looking at things like boat stickers and there is also federal funding under the Water Resources Development Act – getting a federal match for money spent by State.

The meeting adjourned at 12:34 pm

Approved by:

Lakes Commission Chair

Date:
