

Henry's Fork Watershed Council
Tuesday, March 10, 2015

Participants began registering at 8 a.m. at the Marriott SpringHill in Rexburg.

Brandon Hoffner of the Henry's Fork Foundation called the meeting to order at 8:35 a.m. Introductions were made with the 35 people in the circle. After two minutes of silence, Brandon noted Cynthia Bridge-Clark from Idaho Department of Water Resources had to cancel her presentation because of a dental emergency.

Community Building

Mike Beus reported a 100 percent snowpack above Palisades. Henry's Fork is in the 70 percent range. Irrigation demand will start soon. We have had a persistent high pressure system dominating our weather, so there is a lot of uncertainty about what comes next. We need one more good storm or two.

Jan Brown invited everyone to Teton View Regional Plan (TVRP) open houses in Ashton on March 12, Rexburg on March 18, and Victor on March 19, all from 4 to 7 p.m. She asked people to complete an online survey about 60 different projects proposed as a result of the \$1.5 million regional study. Subjects include agriculture, wildlife, outdoor recreation, and more. This is an opportunity for folks to get involved. The TVRP video will be shown at the end of the meeting today.

Sheryl Hill said she had the opportunity to work on some of the projects within the study and thanks the Fremont County Commissioners, Tom Cluff, and Jan Brown for proceeding with the study, which she called "a treasure trove of information." Ashton used its share of the study funds for a Main Street USA look at Ashton. Even though the community doesn't have the paid staff required for joining the Main Street USA program, it can follow the guidelines for economic development. One aspect of the study that was especially helpful was the housing survey. Ashton has plenty of housing but it remains mostly vacant. She said she was amazed by the number of small producers identified through one of the agricultural components of the study. Jan and Tom have done a wonderful job.

Sheryl also said the Watershed Council has come a long way in many regards. She remembers her first Watershed Council meeting at the fairgrounds in Rexburg and sitting in cold metal chairs.

Stacey Dexter said he found it odd that no county commissioners were in attendance. Teddy Stronks said Bill Baxter was teaching school and couldn't get away.

Community building was ended, and chairs moved into theater-style for the meeting.

W.I.R.E. Proposal: Assessment of Ashton's WWTP Discharge Receiving Body

The Henry's Fork Foundation (HFF), on behalf of the City of Ashton, requested that the Watershed Council review and endorse a plan to assess the receiving water body of the city's wastewater treatment plant discharge.

Rob Van Kirk presented the proposal and explained that “WIRE” stands for Watershed Integrity Review Evaluation. It is a set of criteria used to evaluate project when presented to the Watershed Council for support. In the old days, funding was at stake but the council no longer has funding to grant to projects. The WIRE checklist contains 10 items. Attendees will be divided into two groups – agency/technical and citizens – to conduct the review.

The project was motivated because the City of Ashton is potentially facing a \$2 to \$4 million upgrade of its wastewater treatment plant to meet a standard for the concentration of ammonia in its discharge. The standard was set based on the designation of the receiving body as supporting beneficial uses that include cold-water biota, salmonid spawning, and primary contact recreation (e.g., swimming). However, the City of Ashton maintains that the receiving body is an intermittent swale that supports none of these uses. Because Ashton residents are already paying several debts related to water and sewer infrastructure, the City Council is reluctant to ask them to pay yet another debt through increased monthly fees, especially if the new infrastructure is not necessary to protect aquatic resources. The HFF has offered to assist the City in its effort to avoid incurring more infrastructure debt by conducting an assessment of the physical and biological characteristics of the receiving body. Details of the proposal are available in the accompanying powerpoint presentation.

Highlights from WIRE Discussions

1. Does the project employ or reflect a total watershed perspective? It was noted that the proposed assessment may or may not change the regulatory limits. The discharge is treated effluent. Snowfluent is an option but is costly. The deadline is October 2019 to meet new permit numbers. John Millar said he is very much in favor of the proposed assessment. It pushes back at the Environmental Protection Agency (EPA), although it was noted that the Idaho Department of Environmental Quality (IDEQ) is the entity that designated the beneficial uses of the receiving body. Sheryl Hill said if anyone knows how to conduct such an assessment, it's HFF.
2. Is the project based on credible research or scientific data? IDEQ should work with HFF. Collect the data first using current, accepted methods, and then see what potential solutions the data may suggest.
3. Does the project clearly identify the resource problems and propose workable solutions that consider the relevant resources? IDEQ has designated the stream as supporting salmonid spawning, and the assessment will collect more data than currently exists to determine whether or not salmonid spawning and the other beneficial uses can be met. However, the assessment itself may not affect the regulatory outcome, so the Citizen's group felt that this item is not applicable. The Technical/Agency group emphasized that this assessment is not the same thing as a formal Use Attainability Analysis (UAA), which has a higher burden of proof than the assessment being proposed. A UAA can be used to change the beneficial-use designation of a water body, but UAAs are not often undertaken because of cost.
4. Does the project demonstrate an understanding of water supply? Yes, but this item may not be applicable, given that one of the objectives of the assessment is to determine whether the receiving body meets the definition of an intermittent stream.
5. Does project management employ accepted or innovative practices, set realistic time frames for their implementation and employ an effective monitoring plan? It takes at least

two years of hydrologic data collection to determine whether a stream is “intermittent,” by the technical definition. Meanwhile, the city is in the process of meeting the conditions of its current permit. The Technical/Agency group requested a detailed timeline for the project and a progress report to the Council as the assessment proceeds.

6. Does the project emphasize sustainable ecosystems? Yes but maybe not applicable.
7. Does the project sufficiently address the watershed’s social and cultural concerns? Yes but maybe not applicable.
8. Does the project promote economic diversity within the watershed and help sustain a healthy economic base? Yes.
9. Does the project maximize cooperation among all parties and demonstrate sufficient coordination among appropriate groups or agencies? It was noted that in early 2015, the City of Ashton chose to contact our state and federal legislators to help resolve this issue rather than work with regional IDEQ personnel. Although the City felt that it had no choice but to take this approach, contacting the legislators did set back the cooperative atmosphere a little. HFF did not even find out about the issue until the City had already distributed its January newsletter, which urged residents to contact their legislators. HFF and the City will continue to communicate with IDEQ, EPA and others, as appropriate throughout the study.
10. Is the project lawful and respectful of agencies’ legal responsibilities? Identification of possible solutions to the problem may require determining water rights associated with the receiving water body. The assessment will include a water-rights assessment. HFF and the City will need to obtain permission to access private land, if such access is needed to complete the assessment. However, it may be possible to conduct all of the work on the City’s property.

Update on Regional Habitat Restoration Projects

Katie Salsbury, Intermountain Aquatics

Intermountain Aquatics has conducted a variety of stream, riparian and wetland habitat projects in the Henry’s Fork Watershed since 1998. This presentation highlights a few of those projects. See the PowerPoint presentation for more details.

We worked with the Natural Resources Conservation Service to restore three eroded stream banks on the lower Henry’s Fork. The stream banks were stabilized with plants, not rocks. In 2010, we implemented two treatments. Vegetation was planted during the growing season, giving the plants time to root. In 2011, the river experienced a 50-year flow event. The treatments performed very well during this high-flow event, capturing sediment rather than contributing more. A trail camera installed at one of the project sites recorded numerous different wildlife species using the habitat created at the treatment sites.

We conducted another project at Fall River Springs on the former Blanchard ranch. The property was sold eight years to an absentee landowner. The Silkey Canal, a diversion from Fall River, had been neglected during this time. Part of the project involved sealing the irrigation ditches and repairing headgates. We also added pond to provide waterfowl habitat.

A client on Conant Creek has recently engaged our services to restore sinuosity to a previously straightened reach of stream and maximize juvenile trout overwinter habitat. In cooperation with the Henry’s Fork Foundation, we conducted an assessment of use of Toms Creek by juvenile

rainbow trout. We observed juvenile trout in the headwaters of Toms Creek during the winter and proposed narrowing the stream channel to increase velocity and scour in the study reach. We have also provided services to the owner of the Sheridan Ranch to correct problems created by a previous attempt to create pool habitat on Sheridan Creek.

Sheryl Hill: We are very fortunate to have you work on the lower Henry's Fork. What you have done is incredible.

Fishing Regulations Process

Dan Garren, Idaho Fish and Game

The Idaho Department of Fish and Game (IDFG) is currently in the process of updating fishing regulations, which it does on a three-year cycle. The first step in this process is public scoping, which consists of gathering ideas from anglers. Following that, IDFG will make a formal proposal for any regulations changes and present that to the public in June. The public will have the opportunity to comment at that time. In November, the Idaho Fish and Game Commission will meet to adopt the final rules, which then go into effect on January 1, 2016, for three years.

In general, IDFG's guiding principles for recommending fishing regulations include basing decisions on biology rather than on sociology, providing as much angling opportunity as possible while meeting biological objectives, and making the regulations as simple as possible, again while meeting biological objectives.

Details of proposals IDFG is considering for the upper Snake region appear in the powerpoint presentation, but here are some of the highlights.

- Change possession limit from one day's bag limit to three day's bag limit, so that anglers who travel to a destination fishery for a weekend can keep a limit of fish on each of the three days they are there, without having to eat them on-site.
- Institute a uniform limit of 2 trout (except catch-and-release for cutthroat), with no size restrictions, on the Henry's Fork from Riverside Campground all the way to the South Fork Snake confluence. This limit would then extend down the Snake River from the confluence to Osgood.
- Remove all harvest limits on rainbow trout in the Teton River, to match the regulations currently in place on the South Fork Snake River to protect native Yellowstone cutthroat trout. We are also considering opening both Teton and South Fork tributary streams to angling during the spring.
- Winter season on Fall River, Warm River, Medicine Lodge Creek and the Little Lost River is currently catch-and-release, but we are proposing to open the winter season to harvest under the same regulations that apply to these streams during the rest of the year.
- Reduce bag limit from six to two fish in Horseshoe Lake.
- Remove size restrictions on bass harvest.
- Increase kokanee limit from six to 15 fish at Mackay, Ririe, Palisades, and Island Park reservoirs.
- Clarify boundaries of the closed, fish-observation area on Warm River.

IDFG is also considering providing some additional angling opportunities by introducing

sturgeon in the Snake River upstream of Idaho Falls.

Teton View Regional Plan Jan Brown, Fremont County

The Teton View Regional Plan promotional video was shown.

Community Building and Wrap-Up

Participants moved back into a circle, with 27 people, for the wrap up. Brandon said the next meeting will be April 14, and he will get an agenda out soon.

Jan Brown said the Henry's Fork Greenway is looking at another expansion. The Bureau of Land Management is agreeable to a fishing access at the railroad trestle and extension of the Greenway down to that point. Brandon Hoffner said that HFF is also working on a couple of fishing accesses, and Dan Garren reported that IDFG is doing the same.

In regards to the Ashton wastewater treatment plant issue, Rob Van Kirk acknowledged that IDEQ is forced to work under very tight constraints and does not always have the resources necessary to collect detailed data in every situation. He understands how difficult it is for agencies to apply the minimum amount of regulation necessary to protect the resource, given politics and legal obligations. However, he still stands by what he said earlier that over-regulation promotes negative reaction from the public even when the rules are well-intentioned and designed to protect important resources.

Sheryl Hill said he has been a real pleasure to work with the City of Ashton. Ashton is one of a shrinking number of small agricultural communities. She would like to see it continue to be viable for years to come.

Katie Salsbury thanked Dan Garren for his informative presentation on the fishing regulations process.