

Henry's Fork Watershed Council
Tuesday, February 9, 2016

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

Dale Swensen of Fremont-Madison Irrigation District called the meeting to order. Introductions were made with the 59 people in the circle. An additional 12 people signed in and joined the meeting after introductions. Meeting attendance varied throughout the morning, but there were as many as 80 people in attendance at one point.

Dale introduced community building as a tradition of the council at every meeting since its inception over 20 years ago. It's an effort to bring people together and build trust among participants. Prior to the Watershed Council being established in 1993, there was quite a bit of contention in the watershed. People realized they needed to do something better to open up lines of communication, based on mutual trust and respect, and try to do what's best for the watershed. So, a group of citizens and agency personnel got together in a series of meetings to create this group; and the Henry's Fork Foundation and Fremont-Madison Irrigation District became the co-facilitators.

Dale then called for 3 minutes of silence to open the community building, as a time to reflect.

Community Building

Brandon Hoffner walked the group through the agenda for the meeting. He explained the W.I.R.E. (Watershed Integrity Review and Evaluation) process – Dan Garren from Idaho Department of Fish and Game (IDFG) will give a presentation about the proposed boat ramp project, then there will be time for questions before we take a 15-minute break. After the break, we will break into sub-groups (i.e., agency group, technical group, and citizen group) to assess the project through the established W.I.R.E process. Finally, once the project has been discussed and taken through the process, we will return and share the results from each group. This is done on a consensus basis, and the project will either be endorsed by the Watershed Council or not endorsed at that time.

Brandon went on to say that in the four years he has been a part of this group, he has been very impressed with the group's ability to take facts and data and have meaningful discussion. He believes it is a fantastic model and has a long history of facilitating good discussion.

Theresa, a local citizen, asked for clarification on whether the break out groups were related to the boat ramp or other questions. Brandon clarified that the break-out groups and W.I.R.E. process will be for the boat ramp project.

Sheryl Hill, citizen, shared that this is the 20th year that she has participated in the Henry's Fork Watershed Council and she is glad to see such a great turnout and interest in what can be accomplished through this type of interaction.

Rob Van Kirk reflected that over the years the Watershed Council has had some contentious issues, but in more recent years there has been much more agreement on things. It is helpful to remember that it took a full year for the Council just to come up with the process we have now.

Paul Bowen shared that he has also been a part of this group for over 20 years and to see the consensus and good that's come from this group has been phenomenal. He appreciates all the hard work done by this group and is glad to be a part of it.

Amy Verbeten just returned from a trip to Washington State, where folks are dealing with contentious issues and communities are going through hard times. Folks were asking about this group and were looking towards this type of problem solving to address many of the issues we're facing across the West. She's proud to be a part of this group.

Egin Recharge Canal Expansion

Mike Rasmussen, President, Egin Bench Canals, Inc.

The Egin Bench canal system consists of five canals that divert water from the Henry's Fork to irrigate land on Egin Bench, to the south and west of St. Anthony. The Last Chance and St. Anthony Union canals divert water upstream of the town of St. Anthony, and the Egin, St. Anthony Feeder, and Independent canals divert water in and immediately downstream of St. Anthony. The original Egin recharge canal was built around 50 years ago to deliver water to aquifer recharge sites on U.S. Bureau of Land Management (BLM) lands along the northwest edge of Egin Bench, in the vicinity of the St. Anthony sand dunes. The current canal has a capacity of 30-40 cfs and is fed by the Last Chance and St. Anthony canals. About 10 years ago, the canal company's easement from BLM was expanded to allow higher recharge rates, now that managed recharge on the Eastern Snake Plain Aquifer (ESPA) has become a major component of water policy and management in the upper Snake River system. The canal company has been recharging a small amount of water since that time under agreements to mitigate groundwater pumping on the ESPA and under the Idaho Water Resource Board's (IWRB) managed recharge program.

The goal of the project is to expand the delivery capacity of the Egin recharge canal to 150 cfs. During summer 2015, the IWRB made funding available for construction of managed recharge infrastructure on the ESPA. Egin Bench Canals, Inc. applied for some of this funding, which was approved at the November 17, 2015 meeting of the IWRB. According to minutes from that meeting, IWRB's fiscal-year 2016 expenditure for the Egin expansion project is \$500,000. Anticipating the funding, the canal company had designed the project and solicited bids prior to the November IWRB meeting, and construction began the day after the IWRB approved the funding.

The canal company considered many options for project design, which was constrained by topography and existing infrastructure in the area. The bench slopes to the southwest, so water flows south and west through the existing canal system. Thus, the upstream-most canals—the Last Chance and St. Anthony Union—offered the greatest opportunity for delivering water to the expanded recharge canal. Of these, the St. Anthony Union is the larger. The original canal system was built prior to construction of county roads, so as roads were built, the counties (Fremont and Madison) were responsible for building bridges over the canals. Now that the

roads are in place, the canal company would be responsible for building any necessary bridges, and those would be required to meet county standards, at a large cost. However, surveys showed that it was possible to build a gravity-fed canal that would flow north from the St. Anthony Union Canal and then west to join the existing recharge canal. This design required construction of 2.5 miles of new canal, involved only two landowners, and minimized the need to accommodate existing infrastructure such as roads and pivot sprinklers. The project will be completed and ready to deliver water in March.

The IWRB has signed a 20-year agreement to pay Egin Bench Canals, Inc. to divert and deliver water for managed recharge under the IWRB's existing 1980-priority water right. Physical recharge to the aquifer occurs both from canal seepage, which is around 50% of total diversion, and from delivery of water to recharge basins. From a water-rights standpoint, all of this is accounted to recharge during the winter. However, during irrigation season, the canal seepage does not count as recharge, since it would occur under normal irrigation practices anyway. Only the actual amount delivered to the recharge canal counts as recharge during irrigation season, so a measurement device will be built on the new canal to measure the amount of water that is actually delivered to the recharge site.

Mike's presentation is available online.

Proposed boat ramp for South Fork of Teton River

Dan Garren, Regional Fisheries Manager, Idaho Department of Fish and Game

IDFG knows this is a contentious issue and that there are strong opinions on both sides. The hope is to find middle ground that suits anglers and reflects the local community.

Why provide access, and why here? IDFG has various policy-level documents including:

- Mission of the Boating Access Program: To acquire, develop and maintain fishing and motorboat access sites that will provide adequate and safe access to Idaho waters for all members of the angling public.
- IDFG Fisheries Management Plan Direction: IDFG will actively pursue acquiring easements, leases, or purchases and development of key areas to provide access for anglers and other recreationists. Priority will be given to easements collaboratively developed with landowners.
- IDFG Strategic Plan: Protect the public's right to use public lands and waters for hunting, fishing, trapping and wildlife viewing. Work with landowners to obtain public access across private lands to public lands.

Also, Idaho code states that navigable streams (streams capable of being navigated by oar or motor propelled small craft) must be open to public use. Public Trust Doctrine, a body of law (court cases), states that natural resources (air, water, submerged lands, fish, wildlife) are too valuable to be privately owned. This is why they are owned by the State and held in Trust for the benefit of its people. This concept serves as the cornerstone of the North American Model of

Wildlife Conservation. Population growth, changes of ownership, and posting of property can result in loss to the public of access. Overall, providing access in this location is important to IDFG because it is a quality fishery, there is an existing takeout at the end of the float, a landowner is willing to donate the easement, the site is appropriate from engineering standpoint, there is an existing base of river users, and it could help alleviate existing issues.

What's proposed: a boat ramp, gravel parking lot, restroom, appropriate fencing and signage. IDFG proposes to preserve existing habitat and leave the larger trees, 0.34 acres would be disturbed, and the ramp would be small in size, commensurate with the resource. The audience views an aerial view of this section of river – lots of meander, fairly open, slow, and an average of 60 feet wide. Each concern IDFG has heard so far is presented (see PowerPoint for each of these concerns and responses).

IDFG has been charged with providing public access to public resources. They have a responsibility to do so, it is an established goal in departmental plans, and there is an expectation from the public that they provide access. IDFG is open to suggestions on how to meet its obligations while addressing concerns of landowners and the public. Ultimately, this discussion is not about if the river is wide enough, or deep enough, or safe enough. The discussion is about providing access to a public resource, while respecting private property.

Dan's presentation is available online.

Questions from the audience:

Someone asked if it is decided that the project will happen. Dan replied that it is not.

Someone else asked to see the map/overlay of the site and where the boat ramp would go. They feel the boat ramp will be far too big for its location because this section of river is often low. They also believe that their property value will decrease substantially when the ramp goes in. Dan displayed the map of the site. He showed where the river and bridge are compared to the site for reference and explained that the width of the entire site would be approximately 150 feet. Someone else added that the project has already affected property values because a prospective buyer told them that they wouldn't purchase their land if the boat ramp goes in.

The Director of Parks and Recreation in Fremont County explained that Fremont County has installed three new boat ramps within the last four years. Those who feel the site plans look intimidating are invited to come up to Fremont County to see the three new ramps in person to ease their fears. These boat ramps are engineered specifically for each site, rather than one size fits all, and there is nothing easier to clean up than an improved site. An improved site can also prevent issues with folks parking along the roads. Someone else says that they do not have that issue very often at this site because it isn't a place that people come to very often.

Another audience member wondered about the types of boats that float the river. IDFG is able to run heavily laden drift boats through there in the fall when they do their sampling. Dan personally floats this section in a canoe.

Someone was concerned that the float is too long and that many people start the float and aren't able to finish it. They said IDFG is essentially forcing people to get out on private land and forcing people to trespass. Dan disagreed, saying that IDFG does not encourage people to trespass on private land. IDFG can add signage and educate people on the length of the float. This situation would also be consistent with the typical distance for the other boat ramps in the area; anglers typically want about 5-8 miles between boat ramps. Someone in the audience agreed, saying 6 hours is a relatively short float and not uncommon.

Someone else clarified that they are not concerned with this access program or the fisherman. The concern is that people already float this river and get out on private property stranded, lost, or hurt. They believe as soon as IDFG allows more people access to this site, more people will get out on private property.

Someone else asked how many days IDFG has projected people can use the river. Dan replied that it depends on runoff, but from the time runoff subsides until irrigation demand removes too much water from the river, there will be potential for watercraft to go down there. Dan then said he'd like to bring the discussion back to the fact that we're not really arguing about whether this is an appropriate flow to float this section all year, or if it is safe enough. The issue at hand is providing access to that river while still meeting the concerns of private landowners.

Someone then repeated that people already have access, to which Dan replied that IDFG would like to improve that access and secure that access because we're one "posted" sign away from losing that access.

Someone then reemphasized that the boat ramp would bring more users, not just more anglers. They believe that floaters, especially college kids, might read a sign about safety and disregard it or underestimate the severity and get hurt or killed. Dan replied by pointing out that right now there is nothing at this spot, but there is the opportunity to do something to educate folks.

Someone asked if IDFG knows if the landowner is offering this land because of his concerns about access or what his reasons might be. Dan explained that this landowner was the first person IDFG approached and that the landowner thought it would be a benefit to the community and thought it would be a great idea.

Someone else voiced a concern about lava rock and v-notch weirs in this stretch. Dan believed these issues fall under the general safety concerns. People have to be aware of the risks of being out there, as with any outdoor activity. Someone asked Dan when he has floated it and what time of year. Dan replied that he has floated it at any time from June until October. A different audience member comments that that is not enough.

At this point, Brandon told the group it was time for the 15-minute break, followed by the participants being divided into three groups to conduct the W.I.R.E.

Highlights of W.I.R.E. Sessions

Group 1: Technical Group

1. Watershed Perspective

Items a and b, physical parameters and surface and groundwater resources, are not applicable to the project beyond site-specific design and construction aspects. The project proponent recognized and addressed items e-f, which pertain to biological, ecological and human communities and climatic factors. Of these factors, the effect of the project on human communities was the largest issue with this project. At the local scale, adjacent landowners are affected by the project. At the larger scale, the project provides public access to a public resource. The current trend in other areas around the state is for access to public waterways to become more restricted, so the project provides access that will be guaranteed into the future. At the scale of the Henry's Fork Watershed, Fremont and Teton counties have far greater public access to rivers and streams than Madison County, which currently has only three public boat ramps—Twin Bridges on the South Fork Snake River, Warm Slough on the Henry's Fork, and Beaver Dick Park on the Henry's Fork. The proposed project would help balance the availability of river access in Madison County with that in the other two counties.

Consensus: Project meets criterion 1.

2. Credibility

The proposal for a developed access site is a credible way to minimize resource impacts that result from dispersed use of undeveloped sites. With respect to item c, the project has not yet undergone regulatory processes, but all of these processes were mentioned in the presentation, and the project proponent is ready to pursue them once it is clear that the project will proceed.

Consensus: Project meets criterion 2.

3. Problem and Solution

As mentioned under criteria 1 and 2, the project identifies and proposes a solution to two problems: 1) potential loss of public access, and 2) resource damage resulting from dispersed use of undeveloped sites.

Consensus: Project meets criterion 3.

4. Water Supply

Regarding item a, the project proponent acknowledged highly variable flow conditions in the relevant river reach, depending on season, water supply, and irrigation demand. Items b and c are not applicable to this project because it will have no effect on the water use, water management, and quantity of water in the relevant river reach.

Consensus: Project meets the item in criterion 4 that is applicable.

5. Project Management

The landowner donating the easement is insistent on a high-quality facility that will last for 20-25 years and is holding the project proponent to a high standard as a condition of his donation. The landowner has set a deadline of April 2017 for completion of the project, and that goal is achievable, even allowing time for permitting and regulatory review. Weekly site visits will

monitor use and condition of the access site itself, and IDFG will continue to monitor fish populations in the relevant river reach. Development of the access will facilitate more effective monitoring of the fishery and other resources in the river reach.

Consensus: Project meets criterion 5.

6. Sustainability

With respect to the access site itself, the design of the project minimizes disturbance of the riparian area. A developed site will also decrease erosion of and damage to streambanks resulting from dispersed use of undeveloped sites, thereby increasing ecological sustainability. The lower Teton River is a stronghold for native Yellowstone Cutthroat Trout. The proposed project will help build a constituency for conservation and long-term sustainability of the species. Full review under the National Environmental Policy Act will be required because some of the funding is from a federal source. Any existing or potential Endangered Species Act concerns will be identified and addressed through that review process.

Consensus: Project meets criterion 6.

7. Social and Cultural Concerns

The sociological aspects of the project essentially involve the interests of the public large in being able to access a public resource and the interests and concerns of local landowners. The project proponent has identified and made an attempt to address interests and concerns on both sides. The project proponent made it clear that this is a very small access-only facility, not a large picnic and camping facility such as Beaver Dick Park. Demand for recreational access from BYUI students will only increase in the future, and the proposed project will concentrate use in one spot, where educational information can be posted. The technical team suggested that the educational opportunities provided by the project could be enhanced by proactively involving the BYUI outdoor program and associated equipment rental location. The partnership with BYUI is natural, given that BYUI is one of the major landowners along the relevant river reach.

Consensus: Project meets criterion 7.

8. Economy

The project considers the potential for increased economic activity associated with boating and angling, which is currently very limited in Madison County compared with surrounding counties. The costs of the project will be born by anglers and boaters, as was made clear in the presentation. Projects of this type are a way to bring federal money collected from excise taxes on sporting equipment back to local communities.

Consensus: Project meets criterion 8.

9. Cooperation and Coordination

The whole purpose of bringing this project to the Watershed Council was to maximize cooperation and coordination among agencies, nongovernmental organizations, and private citizens.

Consensus: Project meets criterion 9.

10. Legality

Compliance with NEPA will be required and will be obtained. Access for search-and-rescue and law-enforcement personnel will be improved by the proposed project.

Consensus: Project meets criterion 10.

Group 2: Agency Group

The agency group's responses mirrored the technical group answers very closely, but they did spend more time discussing what kinds of information could be on the signage to improve safety and educate users. The agency group had consensus that the project met all 10 criteria.

Group 3: Citizen's Group

The citizen's group did not make it through all 10 criteria. The group made it through the first three, but were not able to come to a consensus on any of those criteria. Notes below detail what was discussed when the group was asked to consider each of the first three criteria.

1. Watershed Perspective: Does the project employ or reflect a total watershed perspective?

Someone believed that IDFG is aware of the watershed perspective, acknowledging that the project will have an impact, but not properly addressing it.

The risk of jet boats eroding the banks came up, but it was also mentioned that the Teton Flood has already changed this part of the river dramatically. Perhaps a non-motorized designation would be useful in this stretch. The community can bring that to Madison County's attention if desired.

Whether there's a boat ramp or not, more people will be using this area in the future. Some don't want to speed up that progress, and others believe it is important to take a proactive approach.

Someone commented that as a river-adjacent landowner they would love for everything to stay the same, but realized that public access has been and can be lost far too easily if a landowner changes their mind or sells to an owner who doesn't believe in access. They believe that some of the concerns brought up are things landowners must accept as part of living on a river. The river is a public thoroughfare. A concern is that the new mindset is for folks to buy up land along the river and then think 'I've got mine, now I want everybody else to stay out.'

Others agreed that anglers need access to rivers, but felt this location is not a good choice. Maybe there's a better solution somewhere else with a different landowner. Disagreement on whether or not this is a good location continued on for some time. One side contended that the float is too long, the curves of the river and snags are dangerous, the boat ramp would bring in more inexperienced floaters, and that the boat ramp would benefit only a small group of people for a short part of the year. Others disagreed, saying that the site being by a bridge makes it a great location, that it's a short float, that it's an easy float, even for kids, and allowing more

access would put more experienced anglers on the river and improve safety. When folks floating the river need rescue, it is often anglers and guides who are providing that rescue.

Someone else asked if anyone has any suggestions to resolve this issue. Someone replied that IDFG should put the boat ramp somewhere else.

Someone pointed out that the group seems to be rehashing the same things over and over again, and asked if the group can move on to other WIRE questions so more information can be heard.

2. Credibility: Is the project based upon credible research or scientific data?

Dan shared that site plans were developed by professional engineers. There are additional regulatory processes that need to be taken on like the Sensitive Lands overlay and NEPA.

It was suggested that the boat ramp could be moved one mile upstream and floaters could take out at the proposed spot. Dan asked if it would be beneficial to educate folks that the golf course upstream is better put in for recreational inner tubes. A few people expressed a wish to put up a sign that explains when it is safe to float the river and when it is not. Others also wondered if the sign could say how long the float is, types of craft that would be suitable where, and provide information on river conditions.

Someone else believed that IDFG needs to do a study on how many days the river can be used from May until October. Others pointed out that the river changes all the time, day to day, and year to year, so a study wouldn't provide much value. Someone pointed out that USGS has done studies and already have the hydrologic data for this stretch.

No consensus was reached on the 2 criteria so the group moved on.

3. Problem and Solution: Does the project clearly identify the resource problems and propose workable solutions that consider the relevant resources?

Someone reiterated that this access is currently on private land, which could be lost at any time, and that IDFG is trying to find a permanent solution.

Someone restated the fear that if other floaters are able to use this river they will ignore the signs and get in trouble or get hurt. Someone reminded the group that this process is here for folks to come together as a group and give suggestions to IDFG on what they can do differently, but we're having a difficult time hearing solutions. Someone again repeated the suggestion that IDFG put their boat ramp someplace else. Someone tried to clarify by asking, if IDFG put the ramp one mile upstream, would people be OK with that. The general response was "yes."

Someone recommended maybe installing a set of stairs so it would only be a take-out, pointing out that it would allow for a parking lot, solving the parking issue. Dan said IDFG can easily put up signs to direct floaters to access upstream at the golf course, and let them know the length of float. A few people agreed and added that if people were made aware that it would be a 6.5 hour float, they wouldn't take their kids there; they'd go up to the golf course instead. They also said people would be more likely to take out and throw away trash at the proposed site. One group of

people like that idea but another said no, they still don't believe anyone will read or obey the signs.

Someone asked the group what they would say if IDFG and all parties involved agree to do the research to determine #1 that the proposed boat ramp won't affect land values, #2 that it will be adequately signed, and #3 it's determined that it's a navigable waterway. Would they be in favor of the boat ramp then? Two people immediately said no. They said they already believe home values have decreased. Someone suggested having an appraiser evaluate it to find out for sure. Someone else then asked why people are building million dollar houses near the other boat ramps on local rivers.

Dale stopped discussion at that point to reconvene the full group.

Community Building and Wrap-Up

Approximately 50 people reconvened in a circle for community building and wrap up.

Someone suggested a solution to put in two boat ramps on either side of the problem area to avoid it all together. Floaters could take out before bridge and drift boats could put in after it. A parking lot would connect the two ramps.

Dale announced that the project cannot be endorsed by the Watershed Council at this time.

Brandon, Dale and Dan thanked everyone for attending and taking the time out of their day to be a part of this meeting.

A tour was suggested, and citizens hope that a tour might help everyone see their concerns. IDFG would be open to continuing the discussion and the Watershed Council might facilitate that tour.

Dave Weskamp reminded everyone that the Wildlife Speaker Series is coming up and on the 25th Dan Garren will present on Yellowstone Cutthroat Trout.

Brandon Hoffner announced a symposium on private managed aquifer recharge – implementing conjunctive management on February 22nd in Idaho Falls.