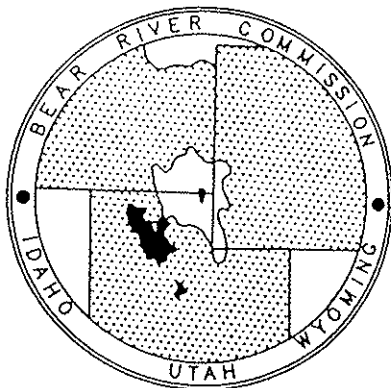


BEAR RIVER COMMISSION

106 West 500 South, Suite 101
Bountiful, UT 84010-6232
(801) 292-4662
(801) 524-6320 (fax)



MINUTES

BEAR RIVER COMMISSION SPECIAL MEETING/CONFERENCE CALL ONE-HUNDREDTH COMMISSION MEETING

October 21, 2002

COMMISSION MEMBERS

Chair

Dee C. Hansen

Idaho Members

Karl J. Dreher
Rodney Wallentine
Dean M. Mathews

Utah Members

D. Larry Anderson
Blair Francis
Charles W. Holmgren

Wyoming Members

Patrick T. Tyrrell
James Crompton
John A. Telchert

ENGINEER-MANAGER

Jack A. Barnett
Suite 101
106 West 500 South
Bountiful, UT 84010

The one-hundredth meeting of the Bear River Commission was a meeting accomplished by a conference call held on Monday, October 21 at 3:00 p.m. The meeting was called specifically to discuss the potential for the Commission, under the guidance of the Water Quality Committee, submitting a grant request to the EPA under a call for grant requests issued by the EPA. The specific grant request is captioned "The Watershed Initiative." Prior to the Commission meeting, a memorandum was sent alerting the Commission of the conference call/meeting and providing Commission members with a copy of the current ten pages that are being reviewed for submittal to the EPA. A copy of the proposed grant request is attached as Appendix A. The grant request limits proposals to ten pages. The purpose of the Commission meeting was to determine if the Commission would support, in the name of the Commission, the submittal of the grant request. Appendix B is a list of those participating in the meeting/conference call.

It was concluded that because the Chairman and the Vice Chairman of the Commission were not able to participate in the conference call that the Engineer-Manager, Jack Barnett, should act as the facilitator for the discussion during the meeting. Chairman Hansen joined the conference call near the close of the meeting. Barnett asked Don Ostler to explain the grant request and the process. Ostler first apologized for the need for a Commission conference call explaining that the announcement for the grant was made after the last Commission meeting and the grant request must be submitted prior to the next Commission meeting. Ostler then explained the nature and timing of the grant and stated that the request has the support of the three State Department of Environmental Quality offices. He further indicated that the three states have agreed only to submit this one grant request and that the grant request will be accompanied with a letter of support from each of the Governors.

Ostler then asked Mike Allred to explain briefly what was proposed by the grant. Allred indicated that there are basically four tasks. The first would be to prepare a model and a decision support system. The second would be to investigate the opportunity for pollution trading between the states. The third would be to provide cost-sharing funds to landowners for on-the-ground implementation of water quality enhancement measures. The fourth would relate to information sharing which could include the preparation of a web page.

After a brief discussion where questions were asked and responses were made, Karl Dreher moved that the Commission approve the submittal of the grant request. The motion was seconded by Pat Tyrrell and the motion passed unanimously. After the passage of the motion, there was some follow-up discussion. There was some discussion concerning the \$100,000 that could be set aside for grant administration. Noting that this was about 8% of the total, it was agreed that the Commission would want all identified costs to the Commission paid in full. Barnett was asked to explain how the grant might be administered and he explained that it might be possible to hire someone to focus on the administration of the grant so that the grant effort did not distract from the Commission's staff's efforts to facilitate three-state discussions and meetings and to administer water as provided for under the Compact.

Ostler was asked if he felt that of the \$100,000 much of it might be potentially diverted to the three State DEQ's to support their staff and he felt that if that was considered it would only result in a minor amount of funds being so directed. Larry Anderson also indicated and Karl Dreher concurred that he would be interested in seeing that there might be a way for the Commission to permanently establish a web page that could be kept up-to-date with funds made available through the grant.

There being no further discussion, the Commission meeting/conference call adjourned at 3:40 p.m.

10-16-02

1. Narrative Description

I. Characterization of the Watershed and Watershed Planning Effort

The Bear River Basin is located in northeastern Utah, southeastern Idaho and southwestern Wyoming. The basin comprises 7,500 square miles of mountain and valley lands including 2,700 in Idaho, 3,300 in Utah and 1,500 in Wyoming. It ranges in elevation from over 13,000 to 4211 feet. It is unique in that it is entirely enclosed by mountains, thus forming a huge basin with no external drainage outlets. It is the Western Hemisphere's largest stream that does not reach the ocean. It is also the largest tributary to the Great Salt Lake. Its beginning and mouth are barely 80 miles apart yet it travels over 500 miles to get there. The arable lands throughout the basin are located in the valleys along the main stem of the river and its tributaries. This is where the agricultural lands both developed and undeveloped, as well as the urban areas lie. Bear Lake is a large body of fresh water within the basin. It is about twenty miles long with a maximum width of about 7 miles. It is located in Bear Lake County, Idaho and Rich County, Utah. Approximately half of the lake is contained within each state. The lake has a maximum depth of 220 feet and a surface area of about 70,500 acres with 48 miles of shoreline.

The major crops grown in the basin are grain, corn, and alfalfa however many other fruit and vegetable crops are also produced. Different types of natural vegetation vary markedly with differences in precipitation and evapo-transpiration. The natural cover of the valley floors includes sparse stands of greasewood and saltgrass on low-lying, saline soils. Sedges, rushes, and cattails dominate in marshlands. Various grasses occur along with sagebrush, rabbitbrush, and bitterbrush in the remainder of the valley areas. Although sagebrush is common through the basin, much of the area it now dominates was historically grassland. On the lower mountain slopes, Sagebrush blends into brushy areas of Maple or Oak associated with Chokecherry and

Serviceberry. On south and west facing slopes, Juniper or Mountain Mahogany is prevalent. The higher mountain areas and more protected canyons are dominated by stands of Aspen or various conifers. Cottonwood, Willow, Chokecherry, and Dogwood are found along many streams.

There are currently 52 Streams and 9 lakes in the basin on the three states 303(d) lists of impaired waters. There have been 9 TMDL's completed for streams and 2 completed for lakes.

Thirty-nine streams and 3 lakes are in the process of developing TMDL's.

Table 1 - Bear River water use, areas & pollutants of concern and sources.

| Major Water Uses: | Major environmental concerns: | Pollutants of concern: | Other areas of concern: | Identified Sources |
|--|---|--|---|---|
| Agriculture, Irrigation, Power generation, Recreation, Municipal, Industrial. | Soil erosion, Sediment loading, High coliform, Excess nutrients, Loss of riparian, Aquatic habitat, Excessive growth of aquatic plants, High turbidity. | Total Phosphorus, Dissolved Oxygen, PH, Temperature, Fecal Coliform, Ammonia, Hydro-Mod, Sediment, Metals, Habitat Alteration, Total Residual Chlorine. | Support for local planning efforts, Animal waste management, Nonpoint source reductions, Volunteer activities Source water protection, Development of GIS database. | AFO/CAFO, Irrigation return flow, Waste Water Treatment Facilities, Riparian vegetation removal, Stream channelization, Degraded streambanks, Urban development, Roads, Oil and gas exploration, Silviculture. |

Watershed groups throughout the Bear River Basin have embarked on planning and implementation activities. As these project progress, there is an ever-increasing need to support local efforts and tie sub-basin watershed planning efforts into the bigger Bear River Basin

picture. Many efforts by local workgroups basin-wide are inhibited by inadequate budgets to support the goals and objectives of watershed planning.

Partnerships with federal, state and local agencies, private landowners, producers, municipalities, private organizations and others have been forged and strengthened through the local planning efforts that have occurred. These partnerships are vital and will continue to be sought in order to effectively assist the local communities and expand participation throughout the basin.

The mission statement for the Bear River Water Quality Task Force is very appropriate for this initiative. – **'To establish a path and direction for Cooperation and Coordination of water quality work across all jurisdictions for the Bear River Basin.'** The Bear River Water Quality Task Force was formed in 1993 to address water quality issues throughout the Bear River Watershed. The Task Force is co-chaired by the Wyoming RC&D and the Bear River RC&D and is comprised of representatives from all interested stakeholder groups in the basin including environmental organizations such as Bear Lake Watch, Trout Unlimited, and The Nature Conservancy. The Task Force also has representation from federal, state, and local governments. The Task Force has three sub-committees, the Technical Committee, the Planning & Development Committee, and the Information Education Committee.

The goals and objectives of the Bear River Water Quality Task Force are pertinent to and will be adopted for this project. Task Force Goals for this initiative are:

1. Measurably improve the overall water quality and stream integrity of the Bear River and its tributaries, including lakes and reservoirs, to support multiple beneficial uses and development.

2. Develop and implement a coordinated tri-state basin wide water quality planning approach with strong local involvement and leadership.

Objectives:

1. Identify all major stakeholders with water quality issues in the basin and develop: 1) a means to solicit their involvement, and 2) a method to keep them informed of activities in the basin.
2. Initiate and facilitate local public involvement in water quality issues in the basin to identify the primary water quality related issues.
3. Establish a broad-based local involvement and leadership role in the planning process, through public involvement activities and information dissemination, based in the offices of the Bear River and Western Wyoming's RC&Ds.
4. Establish and coordinate a data gathering system and assessment, including historical, current and future data needs, and water quality standards in the basin.

II. Description of the Proposed Initiative

Task 1: Large-scale modeling project. There is a growing need in the basin to show the cumulative effects of the smaller WS projects and their impact on the overall water quality in the basin. One task associated with this proposal will be to coordinate and link together these smaller projects. Technology transfer from one project to another will reduce the duplication of efforts in all projects. To accomplish this goal a large-scale modeling project would be undertaken using BASINS and SWAT (a routing model using GIS) to characterize and simulate the impacts of the smaller projects. The main pollutants of concern in the basin are sediment and nutrients. A decision support system developed by the Utah Water Research Laboratory would also assist in this endeavor. The Jordan River Water Conservancy District and the Weber Basin Water

Conservancy District are looking at the Bear River as a potential future culinary water source. The modeling effort will assist in identifying the most promising areas for pollution trading explained in task 2 and identify potential cooperators for task 3.

Task 2: Pollution trading feasibility study. There is an increased concern and interest associated with the beneficial uses of the Bear River water and the collective efforts to improve the quality of the water for multiple uses. Efforts to address all water quality issues are needed. A feasibility study of the potential for pollution trading could benefit many stakeholders within and outside of the basin. The water quality modeling plan includes a broad reaching analysis of pollutant loading to the river as well as physical habitat assessments. Because the Bear River encompasses portions of Utah, Wyoming, and Idaho, a basin wide study is necessary. Key components of the effort are to share information, coordinate planning efforts, identify potential areas for pollution trading and involve "grassroots" direction and participation.

Task 3: Cost share funding for landowners not currently in an organized project area.

Currently within the Bear River Basin there is a number of small watershed projects that are underway and have established watershed Steering Committees/Technical Committees and are receiving implementation funds. Many of these projects already have watershed plans in place. When these smaller watershed plans are developed a large portion of the main corridor of the Bear River is excluded from these smaller projects and these areas are not eligible for cost share available to the individual projects. A large portion of this proposal would be to provide funding to identify and cost share improvements on these areas. Watershed Initiative funds would be used to partner with other funding sources such as NRCS EQIP funds and EPA 319 funds to more wholly support water quality improvements basin wide. The main pollutants of concern

causing impaired waters in the three states are sediment and nutrients. The Best Management Practices implemented in conjunction with this task would focus on these pollutants.

Task 4: Information sharing through neighborhood meetings and a web page. Through a cooperative effort with the Bear River Tri-State Task Force a series of neighborhood meetings will be planned and organized. These meetings will serve to distribute information about the Bear River and the Watershed Initiative as well as to collect information from the public concerning landuses, public perceptions and desired future condition. Information will be shared basin wide through the development and maintenance of a Bear River web page. The web site would be constructed and maintained under the direction of the Bear River Commission's Water Quality Committee. Many web pages have been developed within the basin aimed at specific topics however none are being adequately maintained and updated. With information, education and technology transfer, as a priority in the basin an effective web page would be a big step towards accomplishing this goal.

This proposal would **compliment existing projects** within the watershed by sharing with others accomplishments and lessons learned. The cost shared projects occurring in sub-watersheds would be made available throughout the basin. Prioritization methods from established projects will be modified for use basin-wide.

Monitoring within the basin will be carried out through coordination of individual state monitoring programs. In addition photo sites associated with each project will be established and documentation of improvements recorded. On selected projects above and below water quality monitoring will be done to document local impact on water quality. The determination of project success will be from the improvement of water quality in the main channel.

The entity responsible for the coordination of the projects will be the Bear River Commission. The Water Quality Committee of the Commission made up of the 3 state Directors of Water Quality will oversee implementation. Progress reports will be submitted to EPA from the Bear River Commission Water Quality Committee quarterly.

As can be seen from the attached letters of support there is a broad range of stakeholder involvement and support for the project.

Projects currently underway: Little Bear River, Cub River, Spring Creek, Newton Creek, Lower Bear River - GSL/Cutler, Amalga/Benson, Smith's Fork, Sulfur Creek, Bridger Creek.

III. Description of Management and Stakeholder Involvement

The **Bear River Commission** was created when the Bear River Compact became law in 1958. The states had negotiated, with the approval of the federal government, to find a way to fairly apportion the waters of the Bear River. There is a limited water supply in the river system that often does not meet all of the needs of water users. Because the river crosses state lines five times between the states of Idaho, Utah and Wyoming as the river flows from its headwaters in the Uinta mountains to its terminus in the Great Salt Lake, a legally binding document, such as a compact, was needed to give stability to the region. The legislatures of the three states and the United States Congress enacted laws that ratify the agreement in the form of a compact.

As water quality control has advanced, the states have found that many of the same issues that had to be resolved for water quantity regulation now must be solved with respect to water quality issues because of the multi-state nature of the river. The Commission is composed of a federal representative and chair appointed by the President and nine other members from the three states appointed by the Governors. After consultation with the water quality lead for each of the three states, the Commission created a Water Quality Committee and that three-member

committee is composed of these three state water quality leads. With the assistance of the staff of the Commission, water quality issues are advanced to the Commission when the committee deems it appropriate. The Commission provides an excellent forum for discussion of water quality and water quantity issues when correlation is needed.

Utah Department of Environmental Quality / Division of Water Quality

Utah, as the second driest state in the nation, faces many of the complex problems presented by expanding populations, changes in local economic bases and land uses, and changes in national leadership on water quality protection. The Utah Division of Water Quality has a diverse set of programs, which address all aspects of water quality. These ranged from the development and implementation of TMDL's to the permitting and compliance of point sources. Efforts have also resulted in the development of a statewide strategy for Animal Feeding Operations. Maintaining a healthy agricultural sector while protecting water resources has been a main focus of our efforts. Many of the projects in the Bear River Basin have focused on priority watersheds. These have been successful in engaging stakeholders within the sub-watersheds, educating and informing these citizens on the impacts of their activities, and partnering with agencies at all levels to lead to locally led decision-making. The Utah Division of Water Quality has been an intricate partner in these efforts, providing technical support, assistance in assessing impacts, riparian restoration projects, GIS and involvement on technical advisory committees.

Idaho Department of Environmental Quality, Pocatello Regional Office

The Pocatello Regional Office of the Idaho Department of Environmental Quality is anticipating releasing the draft total maximum daily load plan for the entire Bear River Basin including the Malad River and tributaries by October 2002 with anticipated submittal to EPA Region 10 by early 2003. TMDL's will be developed for those streams listed as impaired on the State of

Idaho's 1998 303(d) list. This includes 39 stream segments in 4 different hydrologic sub-basins (HUCs). Pollutants of concern (not inclusive of every stream segment) are sediment, nutrients, flow alteration and habitat alteration. The Bear River Basin Advisory Group, comprised of 10 representatives from interest groups in the watershed, is DEQ's primary outlet for public participation in the basin. They are tasked with prioritizing 319 nonpoint source projects for funding, advising the Department on designating beneficial uses where necessary and advising the Department on other issues of interest in the basin.

Wyoming Department of Environmental Quality. In the Bear River basin Wyoming has two Clean Water Act watershed efforts in process. These efforts are both in the assessment and analysis stage. It is anticipated that the Plans will be completed by 2004. There have been two 319 projects completed in the basin. Both projects have substantially reduced sediment discharge into the Bear River.

The Wyoming Water Development Commission has completed a Bear River Basin plan that was designed to look at water use and determine future development possibilities. The Plan provides a good base from which a water quality improvement plan can be developed.

The Bear River Basin Water Quality Task Force was formed in 1993 by a grassroots effort as a result of a Bear River Water Quality symposium. It has been a key forum for the cooperation and coordination of water quality projects and issues across the state lines of Utah, Idaho and Wyoming. The Task Force has been and is a vital group in the coordination of water quality planning and improvements to the water quality of the Bear River System. This group will play an important role in Bear River Watershed Initiative.

Other Stakeholders: Bear Lake Regional Commission; Bear River Resource Conservation and Development Council; Idaho Division of Environmental Quality; Idaho Fish and Game

Department; Local citizen groups; Natural Resource Conservation Service; U.S. Bureau of Land Management; U.S. Bureau of Reclamation; U.S. Environmental Protection Agency; U.S. Fish and Wildlife Service; U.S. Forest Service; Utah Department of Agriculture; Utah Department of Environmental Quality; Utah Division of Water Resources; Utah Division of Wildlife Resources; PacifiCorp; Wyoming Department of Environmental Quality; Wyoming Game and Fish Department.

IV. A Description of Outreach Activities

Public awareness and understanding of water quality problems and concerns is key to successful planning. By establishing a web page information and knowledge gained from projects within the basin will be easily transferred to other projects within the region and across the country. In conjunction with the assessments and development of the BASIN/SWAT models and with the cooperation of the Nature Conservancy a series of neighborhood meetings will be organized where information can be shared with communities and local input obtained to assist in prioritizing and targeting areas with an identified need. These meetings will be a great opportunity for improving public awareness and for information exchange.

MILESTONE TABLE FOR BEAR RIVER WATERSHED INITIATIVE

| <u>Task</u> | <u>Responsible Agency/Persons</u> | <u>Start/Complete</u> | <u>Outputs</u> |
|---|---|--------------------------------|---|
| 1. Large-scale modeling project | Consultant Contracts through Bear River Commission. UDEQ, IDEQ, WDEQ. | March 2003 - October 2005 | Holistic look at the watershed and the cumulative effects of individual projects. Knowledge of how land management effects water quality. Identification of priority areas for treatment. An ecological look at a unique basin. |
| 2. Pollution trading feasibility study | Consultant Contract through Bear River Commission. UDEQ, IDEQ, WDEQ. | October 2003 - December 2004 | Identify best locations and opportunities for pollution trading |
| 3. Cost share funding for landowners not currently in an organized project area | Contracts through Bear River Commission. UDEQ, IDEQ, WDEQ. | September 2003 - December 2005 | On the ground projects to improve water quality in the Bear River |
| 4. Information sharing through neighborhood meetings and a web page | UDEQ, IDEQ, WDEQ. | April 2003 - May 2005 | Public awareness and support of Initiative. Better-informed and educated communities in the basin. |

BUDGET TABLES
Bear River Watershed Initiative

| Funding Sources | FY 2003 | TOTAL |
|----------------------------|--------------------------|--------------------|
| <u>EPA</u> | | |
| 1) Watershed Initiative | \$1,300,000 | \$1,300,000 |
| Subtotal | <u>\$1,300,000</u> | <u>\$1,300,000</u> |
| <u>Other Federal Funds</u> | | |
| 1) EQIP | Total allocation unknown | ??? |
| 2) EPA 319 | Total allocation unknown | ??? |
| Subtotal | <u>\$?</u> | <u>\$???</u> |
| <u>State/Local Match</u> | | |
| 1) USU Water Research Lab | \$100,000 | \$100,000 |
| 2) Landowners | \$133,334 | \$133,334 |
| 3) PacifiCorp | \$200,000 | \$200,000 |
| 4) Local Organizations | \$25,000 | \$25,000 |
| Subtotal | <u>\$458,334</u> | <u>\$458,334</u> |
| TOTAL BUDGET | \$1,758,334 | \$1,758,334 |

BEAR RIVER WATERSHED INITIATIVE PROJECT BUDGET

| ELEMENT | TOTAL COSTS | Funding | | |
|---|---------------------|----------------------------------|------------------|--------------------|
| | | Cash Match | In-Kind Match* | W.I. Funds |
| Task 1 - Modeling | \$600,000 | \$0 | \$100,000 | \$500,000 |
| Task 2 - Pollution Trading feasibility study | \$150,000 | \$0 | \$0 | \$150,000 |
| Task 3 - On the ground cost share with landowners | \$733,334 | \$50,000 | \$333,334 | \$400,000 |
| Task 4 - Neighborhood meetings & web page | \$175,000 | \$0 | \$25,000 | \$150,000 |
| <u>Subtotal</u> | <u>\$1,758,334</u> | <u>\$0</u> | <u>\$0</u> | <u>\$1,200,000</u> |
| Project Administration | \$100,000 | \$0 | \$0 | \$100,000 |
| TOTAL 319/NON-FEDERAL BUDGET | \$ 1,758,334 | Included in In-Kind Match | \$458,334 | \$1,300,000 |

* In Kind match is a combination of landowner cash match and labor match.

2. Other Requirements.

(a) One-page cover letter signed by the Governor or Tribal Leader. - Jack Barnett

(b) Budgets reflecting a detailed breakdown of cost by category for each project.

Please review

(c) Signed letter(s) from active partners indicating their commitment to implementing the watershed plan or for specific proposed projects.

Needed support letters (Who will pursue)

| Jack | Mike | Lynn | Chuck |
|---|---|---|--|
| BOR Bear River Commission Bear River Bird Refuge Water Users Bear Lake Regional Commission Utah Association of Soil Conservation Districts | BLM Extension Service USU Water Research Lab Bear River RC&D Bear River Task Force PacifiCorp Bear River Bird Refuge State Div. of WQ Local SCDs | USGS / NAWQA Bear River BAGs Trout Unlimited Bear Lake Watch State Soil Conservation District State Div. of WQ Local SCDs Bear Lake Refuge Extension Service | FS Wyoming RC&D State Soil Conservation District State Div. of WQ Local SCDs Extension Service |

(d) Signed letter(s) from entities committing to provide matching funds, either cash or in-kind, and the amount of equivalent value of the commitment toward the projects.

USU Water Lab

PacifiCorp

Landowners (letters from SCD's should reflect willingness to participate with 25% cost match for on-the-ground projects).

(e) For inter-state or joint nominations, signed letter(s) expressing the support of the other participating governmental entities. - Jack Barnett will coordinate.

(f) Maps (optional).

ATTENDANCE ROSTER

**BEAR RIVER COMMISSION
MEETING/CONFERENCE CALL**

October 21, 2002

IDAHO COMMISSIONERS

Karl J. Dreher

WYOMING COMMISSIONERS

Patrick T. Tyrrell

James L. Crompton

John Teichert

Sue Lowry (Alternate)

FEDERAL CHAIR

Dee Hansen (joined the meeting in progress)

UTAH COMMISSIONERS

D. Larry Anderson

Charles Holmgren

ENGINEER-MANAGER

Jack A. Barnett

OTHERS PARTICIPATING

UTAH

Todd Adams, Division of Water Resources

Don Ostler, Division of Water Quality

Mike Allred, Division of Water Quality