

Attachment A

Supporting Information for Certification Condition #2 for the Bear River Hydroelectric Project

The LIHI Board asks PacifiCorp to supply the following: (1) *copy of entire settlement document*, (2) *Annual status of land protection measures*, (3) *contacts with whom LIHI can discuss the administration of this land protection (e.g., land trust given to, etc) to see how it is going, and;* (4) *any additional information that helps the Board answer “yes” to D.2 of the Watershed Protection criterion:*

D.2 Has the facility owner established an approved watershed enhancement fund that: 1) could achieve within the project’s watershed the ecological and recreational equivalent of land protection in D.1., and 2) has the agreement of appropriate stakeholders and state and federal resource agencies?

The following information corresponds to the numbered items in the optional condition. An analysis demonstrating how the Bear River project provides equivalent land protection is provided in response to supporting information item #4.

(1) A copy of the Settlement Agreement:

The following documents are being transmitted by email (PDF attachments):

- Bear_River_Settlement_Agreement_Explanatory_Statement.pdf
- Bear_River_Final_Settlement_Agreement.pdf

(2) Annual status of land protection measures:

PacifiCorp has established several funds and plans that focus on achieving the “ecological and recreational equivalent of land protection in D.1.” The two main PacifiCorp funds and plans are the Land and Water Conservation Fund and the Land Management Plan. Both are required by the Settlement Agreement and therefore have the agreement of appropriate stakeholders and agencies. A description of these programs and their annual status follows.

Land and Water Conservation Fund

In accordance with License Article 406 and the Settlement Agreement (Section 3.1.5), PacifiCorp is committed to providing up to \$300,000 annually through the term of the license to purchase land or water rights to benefit Bonneville Cutthroat Trout and other fish and wildlife. Unused funds can be carried over to successive years. Annual funding began in December 2004, and as of August, 2010, a total of 1000 acres of conservation easements or fee title purchases have been acquired. This includes 923 acres acquired by the Sagebrush Steppe Regional Land Trust and an additional 78 acres of land purchased by Idaho Department of Fish and Game (IDFG land was 30% funded by PacifiCorp).

Acquisitions through the Land and Water Acquisition Plan and associated Land and Water Conservation Fund are prioritized by the Environmental Coordination Committee (ECC) which consists of representatives from the signing parties.

PacifiCorp’s annual reports summarize the status of program activities for the Land and Water Acquisition Plan and associated Land and Water Conservation Fund. The 2009 Annual Report is

posted on PacifiCorp's website (follow the Annual Reports link on the Bear River project homepage). <http://www.pacificorp.com/es/hydro/hl/br.html>

Land and Water Acquisition Plan (Article 406)

The Land and Water Acquisition Plan was completed in 2004 as part of the Implementation Plan and an order approving the plan was issued by FERC on March 22, 2005. This plan describes the funding provided to acquire available land and water rights in the action area. Actions pursuant to the Land and Water Acquisition Program will be decided upon and prioritized by the ECC. Annual funding of \$300,000 (escalated annually) for this purpose began December 22, 2004 and will continue through the end of the license term.

In 2005, the ECC formed a subcommittee to develop proposal and application forms for individuals and organizations seeking funding from the ECC for land and water acquisition projects. The subcommittee also developed evaluation criteria for proposals. Due to the opportunistic nature of land and water acquisition fund projects, the ECC voted in 2007 to accept and evaluate such proposals year-round. They are approved by consensus agreement among ECC members at large. Prior to the 2009 review period, flyers were distributed to ECC members, local USDA-Natural Resource Conservation Service offices, and previous applicants to announce land and water acquisition funding availability and request proposals. Application materials were posted to PacifiCorp's website.

Three land and water acquisition projects were approved by the ECC during 2009. See Section 4.0 [of the 2009 Annual Report] for funding activity in the Land and Water Conservation Fund in 2009.

Conservation easements or fee title purchases of land have been acquired mostly through the Sagebrush Steppe Regional Land Trust. Some land is also held by the Idaho Department of Fish and Game. A listing of conservation land and acquisition dates as of August 2010 is provided in Tables 1 & 2.

Table 1. Conservation Land and Easement purchases 100% funded by the Bear River Hydroelectric Project Land and Water Conservation Fund and held by Sagebrush Steppe Regional Land Trust

Conservation Easements	Acreage	Watershed	Date	LF Protection*	
				RB	LB
Cove Easement 1/Olsen	0.25	Bear River	2006	342	
Cove Easement 2/Hansen	0.04	Bear River	2006	29	
Cove Easement 3/McCurdy	0.68	Bear River	2006	758	
Cove Easement 4/Olsen	0.24	Bear River	2006	343	
Cove Easement 5/Harris NS	1.0	Bear River	2006	1,521	
Henderson Preserve	210.0	Bear River	2008	4,456	4,828
Harris Preserve	116.0	Bear River	2009	1,509	
Fee Title					
Kackley Preserve	157.0	Bear River	2006	1,964	3,402
Kackley Creek		Bear River	2006	2,661	2,790
Cove Preserve	2.3	Bear River	2006		772
Deep Creek Preserve	435.0	Bear River	2010	1,767	1,812

Table 2. Conservation Land purchase partial funded by the Bear River Hydroelectric Project Land and Water Conservation Fund and held by the Idaho Department of Fish and Game.

Fee Title	Acreage	Watershed	Date	LF Protection*	
				RB	LB
McCammon Parcel	77.5	Bear River	2006		4,696

* Linear feet of riparian protection provided. RB = right bank, LB = left bank looking downstream.

Total land protected through fee purchase and conservation easements as of August 2010, is 1000 acres. Total linear feet of riparian protection provided is 33,650 ft (6.4 miles).

Management of these lands varies with the parcel and by conservation entity. Overall, management of these lands is compatible with the watershed protection goals of the LIHI certification. Watershed protection measures are implemented and monitored. Public access is permitted on the large Kackley Preserve and adjoining PacifiCorp lands but is restricted on some of the privately held easements.

The Harris Conservation Easement area is an example of one of the larger areas protected through the Land and Water Conservation Fund that is managed by the Sagebrush Steppe Regional Land Trust for conservation purposes. The Harris Conservation Easement is located along the Bear River in Caribou County, Idaho. The 116 acre conservation easement is just across the river from the Land Trust’s Kackley Preserve. The conservation easement will permanently protect the property’s diverse open space values, including riparian areas along the Bear River, wetlands and springs, as well as prime agricultural and ranch land. The conservation easement allows the landowners to continue traditional farming and ranching, but forever prohibits development and harmful land uses and activities on the property. Goals are: to improve wetland function, riparian condition, water quality, and fish and wildlife habitat through habitat restoration, enhancement and management; to sustain priority natural resource features for the long-term through monitoring and adaptive management; and, to facilitate limited educational and recreational opportunities to improve knowledge and inspire stewardship of Bear River’s vulnerable natural areas, while prioritizing protection of wetlands, riparian areas, water quality, and fish and wildlife (http://www.sagebrushlandtrust.org/harris_conservation_easement.php).

This conservation easement protects low wetland and riparian areas along the Bear River. A spring water source is also included in the conservation area. This landowner had previously completed exclusion fencing along the Bear River and the spring complex. This project complements the PacifiCorp ownerships in the area.

Bear River Land Management Plan (LMP) Description

In addition to the lands purchased through ongoing the Land and Water Conservation Fund program described above, PacifiCorp manages a total of approximately 2,885 acres of land in the vicinity of the Soda, Grace, and Oneida hydroelectric facilities in accordance with the Bear River Land Management Plan (LMP) and associated Site Plans. Site plans provide management standards for each facility. Site plans assign land management classifications to various parcels, with each classification having slightly different management requirements. Land management classifications include Conservation Lands, Recreation, Potential Lease, and Operations. The

Conservation Lands category provides for riparian buffers, conservation practices and recreational use that is most relevant to the requirements of Certification Questionnaire requirement D.1. Although the other land management categories also provide watershed protection, for simplicity, the acreage of land in the Conservation Lands category will be used for further comparisons of equivalent land protection. Conservation Lands make up about 988 acres of the 2,885 total approximate acres managed under the LMP.

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The following LMP standards describe management of lands designated as Conservation Lands (Table 4.1-4 from LMP, page 62):

PacifiCorp
 Bear River Hydroelectric Project
 FERC Project No. 20

Table 4.1-4. Specific Land Use Standards for Lands in the Conservation Land Management Classification.

Issue	Land Use Standards
Public Access	<ul style="list-style-type: none"> • Motorized vehicle use is prohibited off existing roads. • Dispersed camping is prohibited. Any newly discovered campsites will be removed and appropriate measures taken to correct damage and prevent future use. • Pedestrian and equestrian trails are allowed and may be hardened if needed. • In areas where a Conservation land management classification occurs adjacent to developed or dispersed recreation areas, signage will be installed at the boundary prohibiting fire rings, vegetation removal, and site hardening within the Conservation land management classification.
Vegetation Management	<ul style="list-style-type: none"> • Vegetation management will be limited to restoration of damaged sites. • Restoration projects will utilize approved native or non-invasive non-native plant species. • Mechanical (hand pulling and use of heavy equipment), biological, and appropriate chemical methods will be emphasized for control of noxious weeds to minimize impacts to water quality. • Roads within or immediately adjacent to Conservation land management classifications will be maintained in a manner that is consistent with maintaining wetland and riparian vegetation.
Wetland and Riparian Habitat Management	<ul style="list-style-type: none"> • Springs and wetlands within the Conservation land management classifications that are currently used for agricultural purposes (through diversions and ditches) will continue to be utilized for irrigation, but will be managed to maintain or improve water quality. • PacifiCorp will monitor wetlands and riparian areas within Conservation land management classifications at least once every 5 years to determine if additional protection measures or vegetation management actions are necessary.
Agricultural Uses	<ul style="list-style-type: none"> • Grazing and farming are generally not permitted in Conservation land management classifications. The only exception is that controlled, short-term grazing may be considered as a management tool to achieve desired vegetation conditions. Grazing would only occur in Conservation land management classification within the FERC Project boundary after consultation with the ECC. Such grazing would adhere to standardized criteria (from the Natural Resources Conservation Service [NRCS] and other accepted sources) and monitoring. • Fencing will be maintained to exclude livestock where necessary. • Watering access points along the river may only be installed if off-river water sources (using existing irrigation diversions) cannot be used in adjacent lease areas. • Existing agricultural irrigation systems that emanate within or cross Conservation land management classifications can continue to function under existing water rights. Diversion of water will only be conducted during the growing season. Future easement requests will require Best Management Practices (BMPs) by irrigation system owners. • PacifiCorp will explore options for terminating water diversions that are no longer necessary for agricultural purposes. If terminated, water will be returned to the Bear River via natural drainageways (restored if necessary).

PacifiCorp's annual reports summarize the current status of implementation of land protection measures related to the Land Management Plan and associated site plans. The 2009 Annual Report is posted on PacifiCorp's website (follow the Annual Reports link on the Bear River project homepage). <http://www.pacificorp.com/es/hydro/hl/br.html>

Land Management Plan (Article 424), which includes Shoreline Buffer Zone Plan (Article 425), and Cove Bypass Reach Fencing Plan (Article 426)

The Land Management Plan (LMP) was filed with FERC January 31, 2005. Included in the LMP are the Shoreline Buffer Zone Plan and the Cove Fencing Plan. The LMP has specific detail regarding implementation of new land management procedures in five site plans. These site plans were completed (written) within 5 years after the LMP is approved, and are prioritized as follows: Grace-Cove, Oneida, Soda, Grace Dam, and Last Chance. During 2008, the ECC agreed to incorporate the Grace Dam and Last Chance site plans into one document, reducing the number of site plans to four. Implementation of the site plans must be completed by 10 years after the LMP is approved.

The first site plan, for the Grace-Cove area, was completed and reviewed by the ECC in 2005. Most of the implementation scheduled in the Grace-Cove Site Plan was completed in 2005 and 2006, the remainder was finished in 2007—including revised leases, final edits to monitoring forms, and revisions based on Cove decommissioning. The Oneida Site Plan was drafted and reviewed by the ECC in 2006. The plan was finalized in 2007, but revisions were made during 2008. Implementation actions for Oneida were completed in 2007 and 2008 including installation of cattle exclusion fencing and boundary markers along property lines not fenced. The Soda Site Plan was completed and reviewed by the ECC during 2008 and implementation actions were substantially completed during 2008, including installation of boundary markers and cattle exclusion fencing, marking of expanded reservoir buffer areas, and seeding of approximately 130 acres with native grass in new reservoir buffer areas. Agricultural leases were modified to prohibit grazing and to allow for the reduction in areas set aside for reservoir buffers. The Soda Site Plan was finalized in 2009 and is submitted to FERC with this annual report. The Grace Dam and Last Chance Site Plan was reviewed and approved by the ECC during 2009. Implementation of this final site plan began during 2009, including installation of property boundary markers and cattle exclusion fences where needed, marking of an expanded reservoir buffer area at the Grace forebay. Noxious weed control activities were performed in 2009 as required in the site plans. The Cove Buffer shoreline fence was monitored as required during 2009. Monitoring forms are included in Appendix D of this report. Maintenance needs were noted and will be completed during 2010. Monitoring reports for Grace-Cove, Oneida, and Soda site plans are included in Appendix C, E, and F of this report, respectively.

(3) Contacts with whom LIHI can discuss the administration of this land protection:

For information on the management of land and easements purchased by Land and Water Conservation Fund, contact the Sagebrush Steppe Regional Land Trust:

Joselin Matkins
Executive Director
Sagebrush Steppe Regional Land Trust
PO Box 1404
Pocatello, ID 83204
(208) 241- 4662
www.sagebrushlandtrust.org

Tom Lucia
President
Sagebrush Steppe Regional Land Trust
PO Box 1404
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(208) 221-7100

Contacts for feedback on PacifiCorp's management of lands under the Bear River Land Management Plan would be the members of the Environmental Coordination Committee (ECC). Contact information for ECC members was provided in the contact list - Attachment 1 to the Bear River LIHI application questionnaire.

(4) Any additional information on the watershed enhancement fund that achieves the ecological and recreational equivalent of land protection in D.1 and has the agreement of appropriate stakeholders and state and federal resource agencies:

As discussed in section (2) above, the watershed enhancement fund (Land and Water Conservation Fund) was established in 2004. Since contributions will continue annually throughout the term of the license, the full benefits from this fund in terms of acres of land protection have yet to be realized. Even at this point in time, however, PacifiCorp believes that the combination of land acquired through the Land and Water Conservation Fund and the land currently managed as Conservation Lands under the Land Management Plan (LMP) provide substantial protection of land in the watershed which is equivalent to the protection afforded by D.1.

Analysis of equivalent land protection

To meet the requirements of Questionnaire section D.1., a 200-ft wide land protection buffer that extends around 50% of the project's reservoir and includes all undeveloped land would be needed.

There are a several ways to illustrate that the land protection afforded by the Bear River Project provides the equivalent to the land protection requirements of questionnaire section D.1. One way to evaluate this is to estimate the number of acres that would be protected within a 200-ft buffer of the project reservoirs as required in questionnaire D.1 and compare that to the acres of conservation lands acquired or managed by PacifiCorp within the watershed. A second way to evaluate equivalent land protection in the watershed would be to calculate the length of shoreline that occurs around the three project reservoirs that could be protected through requirements of questionnaire D.1 and compare that to the lengths of shoreline protected by PacifiCorp programs. The following analyses describe how the Bear River Project meets or exceeds these two metrics.

Comparison of acreage of watershed protection

There are approximately 717 acres of land that would be protected if there was a 200-ft buffer around the three reservoirs (Table 3).

Table 3. Acres within a 200-ft buffer

Acres	Reservoir
373	Alexander (Soda) Reservoir
79	Grace Reservoir
265	Oneida Reservoir
717	Total acres

The Land and Water Conservation Fund established by PacifiCorp through the Settlement Agreement has been used to purchase lands in the watershed and as of August 2010, approximately 1000 acres of conservation lands and easements have been acquired (see list of parcels and acreages in the answer to question #2 above). In comparison to the requirements of D.1, the 1000 acres protected by this PacifiCorp program exceed the 717 acres that would be protected with a 200-ft buffer around the reservoirs.

Additionally, PacifiCorp’s LMP program also provides equivalent land protection near the hydro facilities. Lands managed by the LMP site plans under the Conservation Lands category provide riparian buffers, conservation practices and recreational use. Approximately 989 acres of land in the LMP are managed as “Conservation Lands” and meet the intent of Questionnaire requirement D.1. The 989 acres protected by the LMP program exceed the 717 acres that would be protected in a 200-ft buffer around the reservoirs.

Together, the Land and Water Fund and the Conservation Lands in the LMP provide approximately 1,989 acres of watershed protection (Table 4) which greatly exceeds the 717 acres of land that would be protected by equivalent shoreline buffers as intended in questionnaire D.1.

Table 4. Conservation Lands in watershed

Acres	Reservoir shoreline classified as Conservation Lands in LMP
566	Alexander (Soda) vicinity
234.5	Grace vicinity
188	Oneida vicinity
	Land and Water Conservation Fund acquisitions
923	Easements and fee title purchased through Sagebrush Steppe Land Trust
78	IDFG land 30% funded by PC
1,989.5	Total acres

Comparison of length of shoreline protection

There is approximately 33 miles of total shoreline surrounding the three project reservoirs (Table 5). Only a portion of the shoreline (50% plus all undeveloped shoreline is less than the entire shoreline) would be required to be protected to meet D.1. Thus, the 33 miles of total shoreline would be the maximum length of shoreline that might be protected by a shoreline buffer that meets the requirements of questionnaire D.1.

Table 5. Reservoir area

Miles	Reservoir area
17.0	Alexander Reservoir (Soda facility) vicinity
5.1	Grace vicinity
10.6	Oneida vicinity
32.7	Total miles

In comparison, the Land and Water Conservation Fund and the LMP programs together, protect approximately 35 miles of shoreline in the Bear River watershed (Table 6). This includes 28.5 miles of shoreline protected by the LMP and associated site plans (conservation land management category) plus an additional 6.4 miles of shoreline protected by the easements and fee title acquisitions through the Land and Water Conservation Fund. About half of the protected shoreline has a shoreline buffer width that is greater than 200 feet.

Table 6. Shoreline length protected by LMP (conservation lands), land acquisition and easements

Miles	Reservoir shoreline classified as Conservation Lands in LMP
16.3	Alexander Reservoir (Soda facility) vicinity
4.9	Grace vicinity
7.3	Oneida vicinity
	Land and Water Conservation Fund acquisitions
5.5	Sagebrush Steppe Land Trust acquisitions and easements as of 7/2010.
0.9	IDFG parcel partially funded by PacifiCorp
34.9	Total miles

The 35-mile length of protected shoreline in the Bear River watershed is equivalent to the 33-mile length of shoreline that occurs around the three project reservoirs. Using length of shoreline protection within the watershed as the metric, the Bear River project’s conservation lands provide the equivalent or greater protection than the buffer requirement in questionnaire D.1.

In summary, there are several ways in which the established Land and Water Conservation Fund and LMP protection measures “achieve within the project’s watershed the ecological and recreational equivalent of land protection in D.1.” First, the acreage of conservation land provided by the Land and Water Conservation Fund and the LMP is currently much greater than the watershed protection acreage that would be provided through D.1. Second, the length of shoreline protected through Bear River Land and Water Conservation Fund and LMP measures is currently equivalent to the shoreline length that would be protected through D.1. The amount of land protected by these programs will continue to grow as PacifiCorp continues to provide annual funding to the Land and Water Conservation Fund throughout the term of the license.

PacifiCorp conservation funds and plans have the “agreement of appropriate stakeholders and state and federal resource agencies” as outlined by LIHI requirement D.2. These funds and plans are required by the Settlement Agreement which has been approved by the appropriate stakeholders and agencies. These stakeholders continue to approve land acquisition and land management site plans through their membership in the RCC.

PacifiCorp believes that the Bear River Project meets both requirements of D.2. Therefore, PacifiCorp would like to respectfully request consideration for an additional three (3) years of Low Impact Hydropower Certification for the Bear River facilities.