FINAL Meeting Notes
Lewis River License Implementation
Terrestrial Coordination Committee (TCC) Meeting
April 14, 2010
Ariel, WA

TCC Participants Present: (14)

Susan Cierebiej, WDFW
Ray Croswell, RMEF
Kendel Emmerson, PacifiCorp Energy
Diana Gritten-MacDonald, Cowlitz PUD
Eric Holman, WDFW
LouEllyn Jones, USFWS
Kimberly McCune, PacifiCorp Energy
Kirk Naylor, PacifiCorp Energy
Bob Nelson, RMEF
Bill Richardson, RMEF
Mitch Wainwright, USDA Forest Service

Tom Tuchmann, US Forest Capital
Alice Williamson, US Forest Capital
Cherie Kearney, Columbia Land Trust

Calendar:

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
<th>Location</th>
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<tbody>
<tr>
<td>May 12, 2010</td>
<td>TCC Meeting &amp; Site Visit</td>
<td>Merwin Hydro Control Center</td>
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<tr>
<td>June 9, 2010</td>
<td>TCC Meeting</td>
<td>Merwin Hydro Control Center</td>
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Assignments from April 14, 2010 Meeting:

<table>
<thead>
<tr>
<th>Assignment</th>
<th>Status</th>
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<tr>
<td>Emmerson/McCune: Incorporate WDFW comments and PacifiCorp’s formal response and/or today’s TCC meeting notes into Appendix A of the WHMP 2010 Annual Plan for the FERC submittal.</td>
<td>Complete – 4/20/2010</td>
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<tr>
<td>Emmerson: Add additional clarification in Section 7.2 – Riparian Habitat Management Actions to address WDFW questions/concerns specific to the riparian buffer zone.</td>
<td>Complete – 4/20/2010</td>
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<tr>
<td>Emmerson: Submit PacifiCorp’s Bald Eagle Management Plan to the TCC for review and approval in approximately May or June 2010.</td>
<td>In progress</td>
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Assignments from March 10, 2010 Meeting:

<table>
<thead>
<tr>
<th>Assignment</th>
<th>Status</th>
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<tr>
<td>McCune: Add Susan Cierebiej to the Lewis River TCC Land Acquisition Subgroup email distribution list.</td>
<td>Complete – 3/10/10</td>
</tr>
<tr>
<td>McCune: Add missing data in electronic version of PacifiCorp WHMP Appendices B &amp; C; update Lewis River website and notify the TCC.</td>
<td>Complete – 3/10/10</td>
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</table>
Gritten-MacDonald: Review WHMP 2010 Annual Plan forestry alternatives with her forestry consultant and submit revisions to TCC. Complete – 3/17/10

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<thead>
<tr>
<th>Assignments from January 13, 2010 Meeting:</th>
<th>Status</th>
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<tr>
<td>Kearney: Coordinate with McCune to convene a land acquisition subgroup meeting as early as mid February 2010.</td>
<td>Complete – 3/22/10; Meeting date scheduled on 4/06/10</td>
</tr>
<tr>
<td>McCune/Naylor: Coordinate with creating a land acquisition spreadsheet to include type designations for the TCC review and approval.</td>
<td>Pending</td>
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<th>Parking lot items from February 10, 2006 Meeting:</th>
<th>Status</th>
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<tbody>
<tr>
<td>Conservation Agreement – what is wanted?</td>
<td>Ongoing – 4/28/06</td>
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**Review of Agenda and Finalize Meeting Notes**

Kirk Naylor (PacifiCorp Energy) called the meeting to order at 9:10am. Naylor asked if the TCC attendees had any additions or changes to the agenda. No additions were requested.

Naylor reviewed the TCC Draft 3/10/2010 meeting notes and asked for any comments and/or additional changes. The meeting notes were approved at 9:15am with no additional changes.

LouEllyn Jones (USFWS) and Susan Cierebiej (WDFW) joined

**Columbia Land Trust Update (CONFIDENTIAL)**

Cherie Kearney (Columbia Land Trust) provided a brief background of their meeting with Pope Resources and the TCC Land Acquisition Subgroup. Tom Tuchmann (US Forest Capital) provided a PowerPoint presentation which addressed the meeting agenda and purpose, the letter of intent, forest management assumptions, financing template, proposed offer, counter offer and next steps.

*<Break 10:15am>*
*<Reconvene 10:20am>*

**Columbia Land Trust Update (CONFIDENTIAL) – cont’d**

The detailed content of this portion of the meeting is considered confidential and proprietary and not for public viewing.

General discussion took place regarding safe harbor agreements which allow private landowners to voluntarily conserve endangered species without fear of new federal laws. LouEllyn Jones (USFWS) will provide more information regarding safe harbor agreements for TCC review ([Attachment A](#)).

**PacifiCorp Wildlife Habitat Management Plan (WHMP) 2010 Annual Plan Discussion**

Naylor quickly addressed the WDFW comments ([Attachment B](#)) we received relating to PacifiCorp’s draft *Lewis River WHMP Annual Plan for Operation Phase 2010*, dated March 8,
2010. He expressed that he did not see any comments that could not be addressed at the May 12, 2010 TCC meeting during its field visit to view proposed road management plans and timber harvest areas.

Naylor noted that Kendel Emmerson (PacifiCorp Energy) will add additional clarification in Section 7.2 – Riparian Habitat Management Actions to address WDFW questions/concerns specific to the riparian buffer zone. Emmerson informed Susan Cierebiej (WDFW) that PacifiCorp’s water typing data used in the WHMP 2010 Plan contains more current data than the Washington Department of Natural Resources water typing data referenced in her comments.

In Section 15.0 – Raptor Site Management Cierebiej requested consultation with WDFW biologist Eric Holman when developing the Bald Eagle Management Plans. Emmerson responded that PacifiCorp will consult with the TCC, of which Holman is a participant. In addition, Emmerson communicated that the Bald Eagle Management Plan is nearly complete. PacifiCorp will submit its Plan to the TCC for review and approval in approximately May or June 2010.

Emmerson will incorporate WDFW comments and PacifiCorp’s formal response and/or today’s TCC meeting notes into Appendix A of the WHMP 2010 Annual Plan for the FERC submittal.

**Cowlitz PUD WHMP 2010 Annual Plan Discussion**

Diana Gritten-MacDonald (Cowlitz PUD) provided hard copies of the comments they received from Comments received from WDFW, dated March 18, 2010 and the US Forest Service, dated March 11, 2010 ([Attachment C](#)) for TCC review. The PUD will insert the comments and their formal response in its WHMP version that will be submitted to the FERC.

**New Topics/Issues**

None

**Next Meeting’s Agenda**

- Review of 4/14/10 Meeting Notes
- Lands Update
- Review of Timber harvest areas (field visit)

**Public Comment Opportunity**

No public comment was provided.

**Next Scheduled Meetings**

<table>
<thead>
<tr>
<th>May 12, 2010</th>
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<tr>
<td>Merwin Hydro Control Center</td>
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<tr>
<td>Ariel, WA</td>
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<td>8:00am – 3:00pm</td>
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Meeting adjourned at 2:10 pm

**Handouts**

s:\hydro\Implementation Compliance\LewisRiver\TCC\MeetingNotes\FINAL 4.14.10
- **Agenda**
  - Draft meeting notes from 3/10/10
  - **Attachment A** – USFWS Safe Harbor Agreements for Private Landowners Brochure
  - **Attachment B** – PacifiCorp WHMP Annual Plan for Operation Phase 2010 – Comments received from WDFW, dated April 6, 2010
  - **Attachment C** – Cowlitz PUD Draft WHMP 2010 Annual Plan – Comments received from WDFW (dated March 18, 2010) and the US Forest Service (dated March 11, 2010)
What Is a Safe Harbor Agreement?
A Safe Harbor Agreement (SHA) is a voluntary agreement involving private or other non-Federal property owners whose actions contribute to the recovery of species listed as threatened or endangered under the Endangered Species Act (ESA). The agreement is between cooperating non-Federal property owners and the U.S. Fish and Wildlife Service (FWS) or the National Oceanic and Atmospheric Administration, which is responsible for most listed marine and anadromous fish species.

In exchange for actions that contribute to the recovery of listed species on non-Federal lands, participating property owners receive formal assurances from the FWS that if they fulfill the conditions of the SHA, the FWS will not require any additional or different management activities by the participants without their consent. In addition, at the end of the agreement period, participants may return the enrolled property to the baseline conditions that existed at the beginning of the SHA.

How Does a SHA Contribute to Recovery?
Because many endangered and threatened species occur exclusively, or to a large extent, on privately owned property, the involvement of the private sector in the conservation and recovery of species is crucial. Property owners are often willing partners in efforts to recover listed species. However, some property owners may be reluctant to undertake activities that support or attract listed species on their properties, due to fear of future property-use restrictions related to the ESA. To address this concern, a SHA provides that future property-use limitations will not occur without the landowner’s consent.

Central to this approach is that the actions taken under the SHA will provide a net conservation benefit that contributes to the recovery of the covered species. The contribution toward recovery will vary from case to case, and the SHA does not have to provide permanent conservation for the enrolled property. The benefit to the species depends on the nature of the activities to be undertaken, where they are undertaken, and their duration. The finding includes a description of the expected net conservation benefit(s) and how the FWS reached that conclusion.

Examples of conservation benefits include:
- reduced habitat fragmentation;
- maintenance, restoration, or enhancement of existing habitats;
- increases in habitat connectivity;
- stabilized or increased numbers or distribution;
- the creation of buffers for protected areas; and
- opportunities to test and develop new habitat management techniques.

How Does a Property Owner Benefit?
By entering into a SHA, property owners receive assurances that land use restrictions will not be required even if the voluntary actions taken under the agreement attract particular listed species onto enrolled properties or increase the numbers of distribution of those listed species already present on those properties. The assurances are provided by the FWS through an Enhancement of Survival Permit issued to the property owner, under the authority of section 10(a)(1)(A) of the ESA. This permit authorizes incidental take of species that may result from actions undertaken by the landowner under the SHA, which could include returning the property to the baseline.
What Is the SHA Process?
Generally, the steps are:

1. Contact the nearest FWS Ecological Services field office.

2. The property owner(s), with the aid of the FWS, gathers general information. This includes, but is not limited to, a map of the property, proposed management actions, information on the listed species on the property, and other pertinent information. (In the case of a programmatic SHA, the map shows the specific area within which individual property owners can enroll. These participating owners then provide applicable information for their property.)

3. The FWS (or approved cooperators) will describe the baseline conditions for the property to be enrolled in the SHA program in terms appropriate for the covered species. Baseline conditions can refer to population estimates and distribution, or to the habitat characteristics that sustain seasonal or permanent use by the species. Using the baseline determination, the property owner and FWS discuss land use objectives, assess habitat quality, and identify other information needed to develop an agreement that meets the SHA net conservation benefit standard.

4. Based on the information provided by the property owner, information gathered during site visits, and FWS technical assistance, the property owner (and any other pertinent entity, such as a State fish and game agency) develops a draft SHA.

5. The property owner applies to the FWS for an Enhancement of Survival Permit, with the draft SHA attached.

6. Once the FWS complies with applicable ESA provisions (internal review and public comment period on the permit application) and ensures that the permit criteria have been satisfied, the property owner is issued an Enhancement of Survival Permit and the SHA is finalized.

What Happens When the SHA Expires?
The SHA can be renewed for as long as the property landowner and FWS mutually agree. If the landowner does not renew the agreement, the assurances tied to the Enhancement of Survival Permit expire. The owner then is no longer protected from the “take” prohibitions of the ESA that are allowed under the permit.

What Is a Programmatic SHA?
A programmatic SHA and associated permits authorize State, local, Tribal governments and other entities to enter into an agreement and hold the associated permit. This entity can then enroll individual property owners within a specific region, and convey the permit authorization and assurances to them through a “certificate of inclusion.” This programmatic approach is an efficient mechanism encouraging multiple non-Federal property owners to engage in the Safe Harbor program.
April 6, 2010

Mr. Kirk Naylor  
Environmental Supervisor  
PacifiCorp Energy  
825 NE Multnomah, Suite 1500  
Portland, Oregon 97232

**RE: WDFW comments on PacifiCorp’s 2010 Lewis River Annual Plan**

Thank you for the opportunity to review PacifiCorp’s 2010 Draft Annual Plan for management of their mitigation lands under the FERC License Nos. 935, 2071, and 2111. WDFW received the draft report from PacifiCorp during the Terrestrial Coordination Committee (TCC) meeting on March 10th, 2010. The purpose of this letter is to express WDFW’s comments and questions regarding the plan. Relevant references are included in Attachment A.

WDFW appreciates the efforts by PacifiCorp to incorporate our previous suggestions and management recommendations, such as the annual removal of stop logs in the wetlands to control bullfrog (*Rana catesbeiana*) populations and bolster the presence of native amphibians, Accipiter acoustical surveys, and efforts to improve waterfowl habitat. WDFW looks forward to continued cooperative efforts with PacifiCorp in future years to enhance habitat in the Lewis River Basin. The comments below correspond with sections of the Draft Annual Plan.

**Section 6.0 Wetlands**

PacifiCorp has assessed invasive species at sensitive sites and associated buffers, as per the TCC’s and WDFW’s previous recommendations. According to the plan, control measures for old man’s beard (*Clamatis vitalba*) and reed canary grass (*Phalaris arundinacea*) will be implemented at some sites during the current management year. WDFW recommends prompt control of invasive species in sensitive areas, particularly in wetlands that are adjacent to areas of disturbance.

**Section 7.0 Riparian Habitat Management**

Section 7.2 mentions timber harvest within a designated riparian buffer. Please clarify; does PacifiCorp intend to remove trees within the riparian buffer zone? If so, what is the purpose of removing riparian vegetation? What does this area look like? WDFW would like to make a site visit and discuss this further to get a better understanding of the proposed timber harvest.
Section 7.2 states that riparian evaluations will begin in 2010, which includes establishing buffers and water typing in some areas. When reviewing the maps included in PacifiCorp’s Annual Plan, WDFW noted several streams mapped by PacifiCorp as non-fish bearing that are mapped as potentially fish bearing by the Washington Department of Natural Resources (WDNR) Water Typing Project (accessed March 2010). Please update maps included in the 2010 Annual Plan by using current WDNR Water Typing Data. WDNR’s interactive water type mapping tool is available online at the Forest Practices Application and Review System (FPARS) Mapping Website: http://www.dnr.wa.gov/BusinessPermits/Topics/ForestPracticesApplications/Pages/fp_watertyping.aspx. Since water typing updates are continually accepted by WDNR, consult more than one source, including WDFW, when verifying fish use using FPARS.


Section 9.0 Farmland, Idle Areas, and Meadows Habitat Management
Management activities outlined in Section 9.2 include mowing and fertilizing farm fields (elk meadows), weed control, and the visual screen that will be planted along State Route 503. PacifiCorp is proposing to plant a diverse selection of shrub and tree species, which will provide a nice screen from the highway for foraging elk, as well as provide additional food and habitat resources for birds and other small mammals.

Section 13.0 Forestland Habitat Management
Section 13.2 states that a new road is proposed in Management Unit 18 that would provide access for future habitat management and year-round access to the transmission ROWs. This includes relocating a section of road, removing a potion of an old road, blocking unauthorized ATV access, and reconstructing an old ROW access road. Please elaborate on how access roads will be blocked and the deleted road section will be decommissioned. In addition to blocking access, will the decommissioned road be fully obliterated, recontoured, and revegetated? Will the Scotch broom noted within the ROW vicinity be removed or treated? Several snags greater >50” DBH and 100’ tall were also noted within Management Unit 18- will these snags be preserved?

Section 13.2 outlines PacifiCorp’s proposal to relocate a portion of the 650 Road crossing Management Unit 6 that was damaged during a small landslide after a winter storm in January 2009. Does this road really need to be fixed or can it be abandoned?

Section 15.0 Raptor Site Management
PacifiCorp will develop Bald Eagle Management Plans for all nests within 0.50 m (0.8 km) and all roost sites within 0.25 mi (0.40 km) of WHMP lands. Have nests and roost sites already been documented? Please consult with WDFW biologist Eric Holman when developing the Bald Eagle Management Plans.
Appendix E: 2010 Proposed Timber Harvest Areas Map, First Pre-cut Survey Forms, Wildlife/Forestry Evaluation Forms, and Sensitive Species/Habitat Assessment

Management Unit 11
PacifiCorp proposes timber harvest areas within Management Unit 11 that may be adjacent to a potentially fish bearing stream (north of 1150 Rd, see map in Appendix E). The stream is mapped as seasonal, non-fish bearing on PacifiCorp’s map, however approximately 1200 ft (365 m) is mapped as fish bearing water in WDNR’s Water Typing Project database (accessed March 2010; see Attachment B). Fish use potential should be verified prior to the proposed timber harvest. If PacifiCorp documents the stream as non-fish bearing, then a water type modification form (accessible online at: [www.dnr.wa.gov/Publications/fp_form_wtmodinstruct.pdf](http://www.dnr.wa.gov/Publications/fp_form_wtmodinstruct.pdf)) should be completed and submitted to WDNR, per the form instructions.

Four large snags are noted bordering the northwestern-most harvest area (Management Unit 11) that if retained will reduce the proposed harvest from 17.9 acres to approximately 10.0 acres to accommodate a buffer or eliminate harvest altogether due to the proximity of the access road. PacifiCorp is considering either leaving the snags standing or falling them as large down wood. WDFW recommends leaving the snags standing as they are important for nesting, roosting, foraging, and perching for many bird species. The snags will eventually fall down and will function as large down wood in the future. Larger snags (>10” DBH) are more valuable since they can be used by a wider variety of species (Hunter 1990). The snags in Management Unit 11 are reportedly >30” DBH, making them even more valuable as habitat features. Perhaps PacifiCorp could access the timber harvest area from Road 1151 to the south, in order to avoid the snags and the stream. This also appears to be within a bald eagle roost buffer area and a Bald Eagle Management Plan should be prepared.

Management Unit 18
There are several large snags (>50” DBH and 100’ tall) within the timber harvest area proposed for Management Unit 18. WDFW recommends preserving these snags, as they are highly valuable for wildlife due to their size and height.

Again, please elaborate on the details regarding road construction, decommissioning, and access blocking activities proposed for Management Unit 18. The map of the proposed harvest area in Management Unit 18 shows construction of more than a mile of new road through sensitive habitats, such as mature and old growth forest stands. WDFW would like to have the TCC group conduct a site visit to see the on the ground impact of the proposed road construction activities. WDFW suggests scheduling this site visit to coincide with the onsite meeting to review the proposed 2010 timber harvest areas sometime in April or May 2010.
WDFW looks forward to continue working with PacifiCorp in enhancing, improving, and protecting habitat within the Lewis River Watershed. If you have any questions or comments regarding this letter, please feel free to contact Susan Cierebiej and/or Eric Holman using the information provided below.

Sincerely,

Susan Cierebiej

Susan Cierebiej, Biologist
Washington State Department of Fish and Wildlife
Susan.Cierebiej@dfw.wa.gov
360-902-2561

Eric Holman, Biologist
Washington State Department of Fish and Wildlife
Eric.Holman@dfw.wa.gov
360-696-6211 ex 6755
Attachment A

Relevant References


http://www.dnr.wa.gov/BusinessPermits/Topics/ForestPracticesApplications/Pages/fp_wateryping.aspx
FOREST PRACTICE WATER TYPE MAP

TOWNSHIP 06 NORTH HALF 0, RANGE 04 EAST (W.M.) HALF 0, SECTION 32

Application #_____________________

March 18, 2010

Dianna Gritten MacDonald
Public Utility District No. 1 of Cowlitz County
P.O. Box 3007
Longview, WA 98632-0307

RE: Comments on Cowlitz PUD 2010 Annual Plan

Thank you for the opportunity to review Cowlitz PUD’s (Cowlitz) Annual Plan for management of their mitigation lands under the FERC License No. 2213, for the Swift No. 2 Wildlife Management Area. WDFW reviewed the plan independently and during the Terrestrial Coordination Committee (TCC) meeting on March 10th, 2010. On March 17th, WDFW received an addendum to the draft plan (Cowlitz PUD Annual Plan Alternatives 3-17-2010.doc). The purpose of this letter is to express WDFW’s concerns and comments regarding the plan.

Within the individual site plans, please specify the seed mix to be used, including species composition, percentages of each species, and application rate. WDFW recommends using certified weed-free seed; please specify this in your plan. Consider using native seed mixes in habitat restoration areas. Higher forage-value, non-native seed mixes are suitable for planting in unnatural habitat areas, such as along roads within the vicinity of the power canal.

Establishing shrubs and trees at the Worthington Wetland site is an excellent project proposal. Along with the willow and black cottonwood species mentioned in the plan, incorporate additional trees and shrubs to provide greater diversity in food sources, shelter, and habitat for birds and mammals, such as Pacific ninebark (physocarpus capitatus), Red-osier dogwood (cornus stolonifera) or Red-twig dogwood (cornus sericea), Salmonberry (rubus spectabilis), and Highbrush Cranberry (viburnum edule). Red-osier and red-twig dogwood, for example, are easily propagated by hardwood cuttings (Leigh 1999; Myers 1993), create dense thickets, and the berries are eaten by many birds and mammals (Link 1999). Around the wetland margin, Thimbleberry (rubus parviflorus), snowberry (symphoricarpos albus), trailing blackberry (rubus ursinus), and red elderberry (sambucus racemosa) might be good choices in areas where they won’t get saturated. However, some of these may do better in a more mature vegetation setting, as they grow best in partial shade. Try to select tree and shrub species that are naturally occurring at nearby sites with similar conditions. Also, leave the existing large wood debris in place in and around the wetland, as they are habitat features for amphibians and small mammals.

At the March 10th TCC meeting, we discussed the need to protect new plantings from damage by elk, such as browsing and trampling. While an entire enclosure with 8 ft high, woven wire fencing for 2-3 years after planting is preferred, this option may be too costly. A less expensive
Attachment A

Relevant References


I have reviewed the draft 2010 annual operating plan of the Wildlife Habitat Management Plan. In light of the discussion we had at the TCC meeting on 3/10/10 regarding thinning on the Devil's Backbone Management Unit, I checked to see what the Management Objectives and Management Goals are for DBMU-3 and DBMU-3. For both sites, the long-term goal is to promote old-growth forest while maintaining a mix of forage and hiding cover for elk. In light of these goals, I don't think creating snag patches of up to .25 ac. is the best way to achieve these goals. It's doubtful that much forage would be created, because the snags themselves would still create shade, and when the snags start to fall they may create barriers to elk movement.

A variable density thinning, similar to what the Forest Service is doing on lands a little farther up the watershed would be a much better way to go. Based on the age of the stand in DBMU-2 and DBMU-3, the trees should probably be thinned in the next 10 - 15 years to get the maximum benefit, so there is time to try to work out an agreement to get the road fixed. There may be some creative solution to the problem of getting the logs out that won't break your budget.

I have no other comments to the annual plan.

Mitch Wainwright
Wildlife Biologist
Mount St. Helens NVM
Mount Adams RD
(360) 449-7857