

FINAL Meeting Notes
Lewis River License Implementation
Terrestrial Coordination Committee (TCC) Meeting
January 9, 2006
Ariel, WA

TCC Participants Present: (12)

Brock Applegate, WDFW
Eric Holman, WDFW
Mike Iyall, Cowlitz Indian Tribe
LouEllyn Jones, USFW (via teleconference)
Curt Leigh, WDFW (via teleconference)
Diana MacDonald, Cowlitz PUD (via teleconference)
Kimberly McCune, PacifiCorp
Colleen McShane, EDAW, Inc.
Bob Nelson, Rocky Mountain Elk Foundation
Kirk Naylor, PacifiCorp
Todd Olson, PacifiCorp
Mitch Wainwright, US Forest Service

Calendar:

January 12, 2006	ACC Meeting	Merwin
February 9, 2006	ACC Meeting	Merwin
February 10, 2006	TCC Meeting	Lacey, WA

Assignments from January 9th Meeting:		
Applegate: Provide PHS Spotted Owl circles to Kirk Naylor		Pending
Naylor & McShane: Fix all acreages including those in Section 1.3		Pending
Jones: Send McShane a link to additional text relating to Section 4.2.3 Raptor Sites on WHMP Lands.		Complete – 1/11/06
McShane: Add language in section 2.3.3 Annual Plans relating to Unit Management Plans and present to the TCC for review and approval.		Complete – 1/11/06
McShane: Add additional “budget” language in section 2.3.2 Annual Reports section present to the TCC for review and approval.		Complete – 1/11/06
McShane: Add additional HCP summary text and Bald Eagle text, if delisted, in Section 4.2.1 and present to the TCC for review and approval at the next meeting on 2/10/06.		Complete – 1/11/06

Parking lot items from January 9th Meeting:		
Footnote: Mass wasting		
Naylor: Section 4.2.4 – Further mapping activity and check effects of new objective for raptors		Pending
Spotted owl – Modifications needed to Section 4.2.4 Objectives h & i		Complete – 1/11/06

Assignments from December 12th Meeting:	
McShane: Create Exhibit D relating to Section 4.1.4 and make sure English Ivy is incorporated into the document as an invasive species.	Complete – 1/11/06
McShane: Build in another paragraph regarding raptors in the region in Section 4.2.4, Objective h for TCC review and approval.	Complete – 12/28/05
Wainwright: Send USFW guidelines regarding noise related disturbance and raptor nests to McShane.	Complete – 12/13/05
Applegate: Bring in a map, if possible, which illustrates the special management area relating to Section 4.2.4.	Complete – 1/9/06

Opening, Review of Agenda, Finalize Meeting Notes

Colleen McShane (EDAW) called the meeting to order at 9:15am. McShane reviewed the Agenda with the TCC and asked if any changes or additional Agenda items. McShane requested the TCC if they have any changes to the Draft 12/2/05 Meeting Notes. The TCC approved the 12/2/05 Meeting Notes with one minor change to a meeting date on the last page. The Meeting date will now read January 9, 2006.

McShane requested the TCC if they have any changes to the Draft 12/12/05 Meeting Notes. The meeting notes are deemed approved after final clarification of the following modified text from Curt Leigh (WDFW):

Cowlitz Distribution Line Discussion – Section 3.7.2 (ROW Habitats in the Region)

Curt Leigh (WDFW) wanted to know why a PacifiCorp transmission line corridor that happens to share that corridor with a Cowlitz PUD distribution line was excluded from the WHMP simply because it shared a corridor with Cowlitz PUD’s distribution lines. Gritten-MacDonald communicated that Cowlitz PUD has responsibility for public safety and reliability, but the distributions lines are not subject to the WHMP requirement.

In discussion of this edit, PacifiCorp (Olson) made it clear that this was not the case; any PacifiCorp Project related land within a company transmission ROW would be included in lands to be managed through the WHMP.

Agenda

McShane communicated that the purpose of the meeting is to continue the review of the draft WHMP Standards and Guidelines document, beginning with Chapter 4, Section 4.3.4 Public Access Goals & Objectives, and address comments from Jim Eychaner (IAC) as written below:

From: Eychaner, Jim [<mailto:JimE@IAC.WA.GOV>]
Sent: Friday, December 23, 2005 8:47 AM
To: McCune, Kimberly
Subject: RE: TCC Draft Meeting Notes 12/12/05

Question: Is there any difference between the following paragraphs and the language of the actual settlement agreement?

4.3.4 Public Access Management Goal and Objectives

Modify the Goal to read as follows:

Minimize disturbance to wildlife and protect their habitats while managing access for non-motorized recreation, which includes legal hunting and fishing, and activities associated with implementation of the WHMP.

Objective a and b are approved without changes.

Modify Objective c to read as follows:

As part of the WHMP, develop criteria to protect habitat and determine the continued use or closure of dispersed recreation sites; monitor that use, identify resource concerns, and determine appropriate actions. Site pioneering and site creep should be monitored on a schedule consistent with the RRMP over the life of the licenses.

Olson reviewed Eychaner's email with the TCC and handed out Settlement Agreement (SA) language that addresses public access (see Attachment 1). Olson suggested adding text into 4.3.4 of the WHMP Standards and Guidelines document from the SA, Section 1.2 to address Eychaner's concerns. After discussion however, the TCC elected to not put any specific language in section 4.3.4, rather it was understood that language in 2.4 with modification would address Eychaner's concerns. The related 2.4 language is: *The Licensees and TCC will be responsible for ensuring that the WHMPs and any projects implemented under the WHMPs are consistent with, or complementary to Settlement Agreement articles, and other plans developed under the SA, as well as federal and state regulations.* See notes related to 2.4 language later in this document.

WHMP Discussion

4.2.1 Raptor Site Management – Background Information

McShane suggested the TCC take five minutes to review the following new text she inserted in Section 4.2.1:

Raptors, or birds of prey, include eagles, hawks, falcons, kites, and owls. As top predators, raptors are frequently considered emblematic of ecosystem function. A number of raptor species are federally or state listed as threatened or endangered, while others are considered at risk because of habitat loss, toxic chemicals, or reduced prey. The Migratory Bird Treaty Act protects all raptors and their active nests; the Bald Eagle Protection Act provides additional federal protection to bald and golden eagles.

The bald eagle and northern spotted owl are the only federally listed raptors in Washington that are protected under the Endangered Species Act (ESA). Both of these species are federally and state listed as threatened. The Pacific Bald Eagle Recovery Plan (USDI-FWS 1986) provides guidelines for minimizing disturbance to bald eagles. In general, logging, construction, habitat

improvements, and other activities are discouraged within 1,320 ft (400 m) of nest and roost sites or 2,640 ft (800 m) of these sites when eagles have line-of-sight vision. The critical nesting period is defined as January 1-August 31, although this can vary by location; the key winter period for protection of feeding and roost sites is approximately November 15-March 31 (USDI-FWS 1986). The bald eagle has been proposed for delisting and may not be protected under ESA over the life of the licenses; protection of this species would, however, be expected to continue under the Bald Eagle Protection Act and state regulations.

The Spotted Owl Recovery Plan is still in draft form and much has changed since this document was prepared in 1992 (Lujan et al. 1992). In cooperation with the USDI-FWS, the USDA-FS recently established "limited operating periods" (LOPs) to minimize impacts to spotted owls during implementation of various projects on the GPNF (Harke 2003). These LOPs include the following:

- Removal of suitable northern spotted owl nesting, roosting, and foraging habitat is prohibited from March 1-August 31 for planned activities that would:
 - Occur in unsurveyed suitable spotted owl habitat.
 - Remove nesting or foraging habitat located within 500 acres and 2,663 acres within 0.7-mile and 1.82-mile radius, respectively, of an active northern spotted owl home range.
 - Occur within the 70-acre core of the best nesting, roosting, and foraging habitat surrounding an active northern spotted owl nest.
- Removal of foraging habitat only may be prohibited from March 1-June 30 to avoid disturbing owls using the stand early in the nesting season.
- Disturbance from noise and smoke is prohibited from March 1-June 30 within specified distances of unsurveyed nesting habitat and active spotted owl 100-acre core areas. Specified distances vary by disturbance type and include the following:
 - Blasts > 2 lbs: 1 mile
 - Blast ≤ 2 lbs: 120 yards
 - Impact pile drivers: 60 yards
 - Helicopters or single-engine airplanes: 120 yards
 - Heavy equipment: 35 yards
 - Chainsaws: 65 yards

The DNR provides protection for spotted owls on non-federal timber lands under Forest Practice Rules adopted in 1996, which established 10 landscape areas, known as Spotted Owl Special Emphasis Areas (SOSEAs) throughout the range of this species in Washington. Proposed harvest activities in SOSEAs receive environmental review with the intent of providing a high degree of protection for spotted owls (Pierce et al. 2005). Consequently, the level of protection provided by Forest Practice Rules varies depending whether habitat is within an owl management circle located inside or outside a SOSEA, and whether or not lands are covered by the State Trust Lands Habitat Conservation Plan (STL HCP) (DNR 1997).

In general, the rules for private timberlands and DNR lands not covered by the HCP are focused on protecting habitat within and around management circles known to be occupied by one or two territorial spotted owls (site status 1-3; Table 4-4).

- *For SOSEAs in the Cascades, a total of 2,605 acres of suitable habitat within 1.8 miles of a status 1-3 management circle, including all suitable habitat within 0.7-mile of the center, is assumed to necessary to maintain the viability of the owls associated with the circle.*
- *Outside SOSEAs, at least 70 acres of the highest quality habitat around the site center are to be maintained during the nesting season (March 1-August 31) (Pierce et al. 2005, DNR 1997).*

Table 4-4. *Definitions of spotted owl site status*

Status	Definition
1	<i>Pair location. This determination is based on the detection of a pair of owls, a single adult with young, or young owls identifiable as Spotted Owls</i>
2	<i>Two birds, pair status unknown. This determination is made when two birds of the opposite sex are detected, but it is unknown whether the birds are paired.</i>
3	<i>Resident single. This determination reflects sites with three or more detections (without detections of the opposite sex) in the same general area, an indication of territorial behavior.</i>
4	<i>Status unknown. This determination reflects sites with less than three detections, such that territorial status can't be assigned.</i>
5	<i>Unoccupied.</i>
Source: <i>Pierce et al. 2005 (as adapted from the USFWS 1991, 1992)</i>	

The Forest and Fish Report to the DNR and Governor's Salmon Recovery Board further recommends that construction, operation of heavy equipment, and blasting be prohibited within 0.25 mile of a spotted owl site center during the nesting season unless it is demonstrated that owls are not actively nesting or a protection plan is in place (USDI-FWS and NMFS 1999).

For DNR forestlands in the five west-side planning units covered by the STL HCP, the goal for spotted owls is to maintain at least 50 percent of nesting, roosting, and foraging (NFR) habitat and 50 percent of the dispersal habitat on a landscape scale. Management can occur provided that lands designated as providing target levels of NFR habitat are maintain or can be attained over time (DNR 1997). Nesting habitat is to be provided in at least two 300-acre patches per 5,000 acres of designated NRF habitat. High-quality spotted owl nesting habitat is defined per 300-acre patch as having the following average conditions:

- *At least 31 trees/acre \geq to 21 in. dbh, with at least 15 of the 31 trees \geq 31 in. dbh;*
- *At least 3 of the 31 trees/ac with broken tops;*
- *At least 12 snags/acre $>$ 21 in. dbh;*
- *A minimum of 70 percent canopy cover; and*
- *A minimum of 5 percent ground cover of large woody debris.*

Sub-mature habitat for spotted owls is defined as:

- *Forest communities dominated by conifer, or at least 30 percent confers in mixed conifer/hardwood forests;*
- *A minimum of 70 percent canopy cover;*
- *Tree density between 115 and 280 trees > 4 in. dbh;*
- *Dominant and co-dominant trees at >=85 ft tall; and*
- *At least 3 snags or cavity trees/acre >=20 in. dbh*

The TCC approved the text and agreed that Colleen will add additional HCP summary text and Bald Eagle text, if delisted and present to the TCC for review and approval at the next meeting on 2/10/06.

4.2.3 Raptor Sites on WHMP Lands

LouEllyn Jones (USFW) will send McShane a link to additional text relating to Section 4.2.3 Raptor Sites on WHMP Lands.

4.2.4 Raptor Site Management Goal and Objectives

The TCC agreed to modify Objective g as follows:

In accordance with USFWS standards, limit WHMP activities that may generate noise-related disturbance near spotted owl nest sites.

McShane, Brock Applegate (WDFW) and Eric Holman (WDFW) will craft Spotted Owl language over the lunch break and present to the TCC in the afternoon for approval.

4.5 Monitoring

The TCC approved Objective d as written below:

Consistent with the SA, modify specific goals and objectives included in this standards and guidelines document if monitoring and best available science indicates that change is warranted.

The TCC approved all Chapter 4 edits.

Break <10:40am>

Reconvene <10:55am>

WHMP Discussion (cont'd)

1.2 Purpose and Intent of the WHMPs and Standards and Guidelines

Modify the second bullet on page 2 to read as follows:

Objectives for each goal that define habitat management actions, schedule, and/or desired outcomes within a specific time period.

1.4 Summary of Existing Wildlife Management Efforts

Modify the last two sentences of the first paragraph to read as follows:

The management plan for the MWHMA was developed by the WDFW (then known as the Washington Department of Game) in 1982 and has been implemented by PacifiCorp since 1984. After an initial 5-year development period, PacifiCorp prepared the SOP to guide annual management activities in the MWHMA. The initial SOP was prepared in 1990 and updated in 1998 (PacifiCorp 1990 and 1998) in cooperation with WDFW.

Modify the last two sentences of the second paragraph to read as follows:

The MWHMA will continue to be managed under the SOP (PacifiCorp 1998) until no later than (6) six months after FERCs issuance of the license order when PacifiCorp's WHMP is ready to be implemented. The WHMPs will incorporate lessons learned during the development and implementation of the Merwin management plan and SOP, as well as relevant literature and other information sources.

1.5 Summary of Terrestrial Resource Relicensing Studies

Modify the last sentence of the last paragraph to read as follows:

If the original HEP projections have not been met, the licenses will modify their respective WHMPs as needed, subject to the review and approval of the TCC.

2.0 TCC Roles and Responsibilities and WHMP Coordination

Modify the last sentence of the first paragraph to read as follows:

It also describes how implementation of the WHMPs will be coordinated with other plans developed under the SA, and federal and state regulation, and the Project FERC licenses.

2.3.2 Annual Reports

Modify the first paragraph by adding the following text as the first sentence:

The annual report should include a detailed budget report to enable the TCC to evaluate the cost effectiveness of the past years activities.

McShane will add language in this section relating to Unit Management Plans and present to the TCC for review and approval.

2.3.3 Unit Management Plans

McShane to add additional budget language to this section and present to the TCC for review and approval.

2.4 COMPLIANCE WITH FEDERAL AND STATE REGULATIONS AND COORDINATION WITH OTHER PLANS

Modify this section to read as follows:

The Licensees and TCC will be responsible for ensuring that the WHMPs and any projects implemented under the WHMPs are consistent with, or complementary to SA Articles, other plans developed under the SA, and all federal and state regulations. As stated in SA Section 1.3:

Nothing in this SA shall be construed to limit any government agency with jurisdiction directly related to the Projects from complying with its obligations under applicable laws and regulations or from considering and responding to public comments received in any required environmental review or regulatory process related to the Projects, in accordance with this SA. This SA shall not be interpreted to predetermine the outcome of any environmental review or appeal process.

Should an event or circumstance occur that affects terrestrial resources and is not covered by the WHMPs, the Licensees will work with the TCC to develop an acceptable solution consistent with the WHMPs and SA. That solution will not increase the financial obligations of the licensee as defined by the SA, unless agreed to by the licensees on whose land it occurs.

In addition, wildlife management activities under the WHMPs will be coordinated with other plans developed under the SA, including the Cougar/Panamaker Creek, Swift Creek Arm, and Devil's Backbone Conservation Covenant areas for bull trout, aquatic habitat enhancement plans, Cultural and Historic Resources Management Plan, and Recreation Resource Management Plan (RRMP) (PacifiCorp 2003).

Diana Gritten-MacDonald (Cowlitz PUD) and Leigh request further review before final approval of above modified text in Section 2.4.

Lunch <12:00pm>
Reconvene <1:10pm>

WHMP Discussion – (cont'd)

4.2.4 Raptor Site Management Goal and Objectives

The TCC decided to reserve decision on Objective h until further mapping activity is completed by Kirk Naylor (PacifiCorp) and type of impact. The goal is to provide this data to the TCC by February 10, 2006.

Chapter 3, Objective A

Naylor discussed with the TCC new information on site potential tree vs. fixed distance for buffers and the implications for management in order to achieve clarification of desirable buffer widths.

Leigh would like more input from the ACC relating to buffer requirements and Jones concurred that any changes to Objective a) should be presented to the ACC for feedback relating to the removal of “site potential tree” language.

Objective a) has been modified as follows, which will require TCC approval:

Identify and establish buffers to maintain and protect riparian habitat and functions, using the following guidelines as a minimum when planning forest management activities: (1) 300 ft, or the height of 2 site potential trees, whichever is greater, for perennial fish-bearing streams that potentially support bull trout (Salvelinus confluentus) or anadromous fish; (2) 300 ft for perennial fish bearing streams that support residential fish species only; (3) 150 ft for perennial non-fish bearing streams; and (4) 100 ft for intermittent streams. Buffer widths are measured horizontally from the ordinary high water mark and are applied to both sides of the stream. Buffers will be larger for streams showing evidence of mass wasting or erosion. Reduced buffer widths and other management activities would only be allowed for the purpose of meeting specific wildlife habitat objectives.

Break <2:40pm>

Reconvene <2:50pm>

3.2.4 Wetland Habitat Goal and Objective

The TCC agreed to leave the language in this section as is without changes.

New Topics/Issues

LouEllyn Jones (USFW) – Land Acquisition Update

USFW submitting land acquisition proposal for protection of bull trout on 2/10/06. USFW will be identifying areas most important for acquisition and protection.

Biologist meeting at USFW on 1/17/06 from 9:00am – 2:00pm

Review of Final DRAFT – WHMP Standards and Guidelines Document

PacifiCorp will incorporate all changes thus far and submit to the TCC via email. Upon receipt of Final Draft Standard & Guidelines document, the 30-day review period begins.

Next Meeting’s Agenda

- Review of notes/comments relating to the WHMP Standards and Guidelines document
- Update on Pine Creek proposal
- Review of acreages as provided by McShane and Naylor

Meeting adjourned at 3:30 pm

Next Scheduled Meetings

February 10, 2006

US Fish & Wildlife, 510 Desmond Drive,
SE, Rm. 261
Lacey, WA 98503

March 8, 2006

Location TBD

Handouts

1. Final Meeting Agenda
2. Draft WHMP Goals & Objectives (12-12-05 version for 1-9-06)
3. Draft meeting notes from 12/02/05
4. Draft meeting notes from 1/12/05
5. Attachment 1 – Lewis River SA Articles related to Public Access to Project Lands