

**FINAL Meeting Notes**  
**Lewis River License Implementation**  
**Terrestrial Coordination Committee (TCC) Meeting**  
**March 9, 2005**  
**Ariel, Washington**

**TCC Participants Present: (12)**

Brock Applegate, WDFW  
 Monte Garrett, PacifiCorp  
 Diana Gritten-MacDonald, PUD No. 1 of Cowlitz County  
 Mike Iyall, Cowlitz Indian Tribe  
 Curt Leigh, WDFW  
 Kimberly McCune, PacifiCorp  
 Colleen McShane, EDAW, Inc.  
 Kirk Naylor, PacifiCorp  
 Bob Nelson, Rocky Mountain Elk Foundation, Inc.  
 Todd Olson, PacifiCorp  
 Eugene Stagner, US Fish and Wildlife  
 Mitch Wainwright, USDA Forest Service

**Calendar:**

March 11, 2005	Secondary use area subcommittee meeting	Merwin, WA
March 15, 2005	FERC Tour	Merwin, WA
April 13, 2005	TCC Meeting	Merwin, WA
April 22, 2005	Field trip for WHMP Standards & Guidelines	Merwin, WA

<b>Assignments from March 9th Meeting:</b>	<b>Status:</b>
McCune: Distribute revised 2/18/05 meeting notes to TCC and interested parties.	<b>Complete</b>
Garrett: Revise Ground Rules per discussion at March meeting; work with Olson to prepare a single ACC/TCC Ground Rules document.	<b>Complete</b>
McCune: Format all meeting notes in the future in a format largely similar to that used for Lewis River re-licensing meetings (see Consultation Records).	<b>Complete</b>
McCune: Create official list of all ACC & TCC designated representatives and email to participants.	<b>Complete</b>
Garrett: Contact Eychaner for participation on recreation sites sub-committee.	<b>Not participant, but copy him on activities</b>

<b>Assignments from Feb 18 Meeting:</b>	<b>Status</b>
McCune: Obtain copy of confidentiality agreement to confirm and present to the TCC at next months meeting	<b>Complete</b>
McCune: Email complete version of Ground Rules to all TCC attendees on Monday, February 21, 2005	<b>Complete</b>

TCC: Attendees to provide Ground Rules comments by March 4, 2005	<b>Complete</b>
TCC: Standards & Guidelines document to be created in preparation for development of the WHMP.	<b>In progress</b>
Garrett: Propose date(s) to subgroup via email to discuss and identify secondary use lands.	<b>Complete</b>
Garrett: Propose a selection of dates for a field visit via email to the TCC to discuss Merwin Wildlife Management Program and generate ideas for Standards & Guidelines for Lewis River WHMP	<b>Scheduled for April 22, 2005</b>

### **Opening and Review of Agenda**

Monte Garrett (PacifiCorp) introduced Colleen McShane (EDAW) and each attendee quickly identified themselves. McShane provided a quick overview of the agenda for the day. Garrett asked for any changes to the agenda. No changes from the group.

Garrett reviewed the 2/18/05 meeting notes and discussed the process of reviewing notes with the TCC.

TCC attendees approved final meeting notes, and Kim McCune (PacifiCorp) will distribute revised meeting notes to TCC and interested parties.

### **Ground Rules**

Garrett reviewed the Ground Rules with all attendees. Todd Olson (PacifiCorp) said we are going through the Ground Rules for open discussion, but did not have to come to a conclusion or acceptance of the Ground Rules today. Olson further clarified that PacifiCorp's intent is to always refer back to the Settlement Agreement and License (once distributed by FERC) to guide us. Olson directed the group to review Comments, Decision, and Recommendations on pg. 2(b). Olson indicated that (b) reflects exactly what is written in the Settlement Agreement. The goal is to find balance but not alter the intent of the Settlement Agreement.

Garrett said the intent of the Settlement Agreement is to reach consensus, but the lack of consensus will not prevent us from moving forward. The purpose of paragraph (b) is to outline the process of notifying FERC when we do not reach agreement. Curt Leigh (WDFW) agreed with Garrett but was not sure (b) reflects what Garrett said. Leigh wants PacifiCorp to include comments from other parties and how comments are addressed when reporting to FERC.

Olson explained that some confusion exists between Consultation (big C) and Consultation (little c). Consultation (big C) is correspondence and review on documents or processes as required in the Settlement Agreement. The manner in which comments during Consultation are addressed will be included in filings with FERC.

Gene Stagner (US Fish & Wildlife) said if we have disagreements he personally hoped we could discuss it rather than immediately go to ADR. He prefers the TCC have flexibility on these issues.

Garrett said we need further discussion at next meeting but that we are almost near completion of Ground Rules.

Diana Gritten-MacDonald said that in re-licensing discussions there were hours of discussions about big and little “C”. Gritten-MacDonald wishes to raise huge caveat and not revise strict consultation requirements, and be very careful that TCC is not doing that in the Ground Rules. She further encouraged that the Ground Rules for ACC & TCC be very similar.

Stagner agreed that ACC & TCC should be very similar. Garrett said he agrees that we need consistency but not necessarily verbatim.

Garrett directed the group’s attention to the section entitled “Meetings” in the Ground Rules document. He said that even though meetings are open to the public, there are meetings that can be scheduled which will be for TCC members only .

Stagner is concerned with the language “able to participate fully”. He does not want participants coming in ten years from now that is not a signatory. Garrett expressed that the need for sub-committee’s and/or closed meetings is important so an outside special interest party does not dominate regular meetings. Garrett said that conversations should be focused among TCC members.

Leigh thinks a designated time should be identified for other persons to have a say, other than just designated representatives.

Mike Iyall (Cowlitz Indian Tribe) suggested we consider adding “if the meeting drifts from the Agenda, a majority vote of designated representatives may move group back to the Agenda”. This keeps hijackers from disrupting the meeting. Their interests may not fit the Agenda.

Gritten-MacDonald asked if interested parties are defined as signatories in the Settlement Agreement. It was determined by the group that interested parties are not defined in the Settlement Agreement. Iyall said that if a non-signatory party wanted something on the TCC agenda, they can ask a TCC member to request it be added.

Stagner liked the idea of having designated time to hear other interested party concerns with the understanding that the purpose is to implement the Settlement Agreement and the License.

Stagner suggested we put “Meetings” subsections together.

Group discussion on all “redline” changes to Ground Rules. All changes will be noted on a revised document and will be emailed to all TCC participants for further review.

Stagner asked if the TCC decided on the need for a facilitator going forward. Garrett said we wanted the freedom and flexibility to bring one in at any time.

Garrett suggested we add language regarding designated proxy in the “Authority” section of the Ground Rules. Also add third paragraph in “Purpose” section that states if any conflict in the Ground Rules both the Settlement Agreement and the new License rules.

Olson explained to the group that a proxy gives authority to a designated person in the absence of a TCC representative. However, the identification of a proxy must be submitted via written document from the TCC representative who will be absent from a decision point.

Garrett indicated that he does not expect the issue of consensus to be an issue in the future. Olson said we will identify well in advance when a decision item is on the Agenda.

Leigh requested PacifiCorp take steps to preserve the integrity of the group. Iyall does not want to see the meeting freeze because someone couldn't make it to the meeting. We could have informal meeting/decision pending comment from absent party.

Olson clarified that Kim McCune (PacifiCorp) could send out to TCC members the documentation that requires a decision and/or the TCC informal decision result. We could provide those who were absent additional time to comment.

Iyall said a quorum shall be when a majority of interested parties designated are present.

Based on the discussion, Garrett to add language to Ground Rules similar to, “in the event of absence of TCC members and/or designated representatives, the decision will be informal until seven (7) days after the meeting. Notification will be given to absentee parties so they may respond to the ACC & TCC coordinators”.

<Break 10:15am>

<Reconvene 11:05am>

### **Ground Rules (cont'd)**

The decision responses will be distributed to the group via email.

McShane asked if there will be a running list of action items. McCune will format all notes in the future similar to that used for Lewis River re-licensing meetings (see Consultation Records).

Olson liked the idea of keeping ACC & TCC Ground Rules very similar. Gritten-MacDonald asked if the Ground Rules can be completed by tomorrow's ACC. Olson said we will do the best we can.

Discussion on redline notes for Ground Rules concluded at 11:20am.

### **Confidentiality Agreement**

The Confidentiality Agreement (CA) that was used by the Settlement Parties during negotiation was distributed. The initial thought was that this CA was still useful and could be used when discussing land acquisition. It was noted that Bob Nelson from Rocky Mountain Elk Foundation

would need to sign. **NOTE: During discussion with the ACC it was felt that the CA was not appropriate or no longer in effect. Members of the ACC recommended that the TCC should draft a new CA to address confidentiality around land acquisition.**

### **Review/refine Work Plan**

Garrett provided the following update of the Work Plan:

- PacifiCorp will be preparing the Wildlife Habitat Management Plan (WHMP) Annual Report for the preceding year and Annual Plan for upcoming year in January to March of each year.
- January 31, 2006 is the deadline to finalize the WHMP.

Garrett asked if any comments on the WHMP process.

In discussing Land Acquisition, Garrett indicated that in the near-term, the emphasis is Yale Valley. There was discussion on using the Land Fund differently from that identified in the SA, (Example – use Yale Land money to purchase Swift area land). However members felt a proposal to not follow the SA, although of good intention in the proper condition, was not to be taken. Any deviation from the SA would likely need an amendment to the SA.

### **Coordination with Recreation Issues**

Olson said that PacifiCorp must write up a Plan that identifies how the company will address dispersed camping around the reservoirs. PacifiCorp is currently limited on recreation resource expertise, but will move forward on this issue to meet deadlines. Olson is planning on getting going on this resource issue quickly.

Leigh suggested that the group provide criteria to PacifiCorp on which recreation sites to continue.

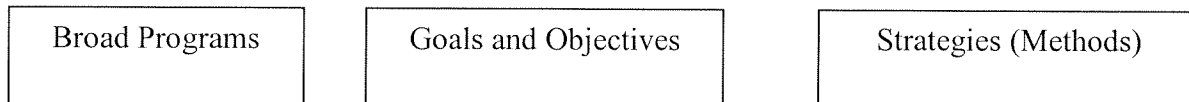
Garrett thought a sub-committee would be an appropriate way to draft a plan and discuss criteria and processes in more detail. Garrett asked who would like to be on this sub-committee.

- Brock Applegate
- John Clapp (tentative)
- Gene Stagner
- Jim Eychaner (tentative)
- PacifiCorp representative

Garrett to contact Eychaner for participation on recreation sites sub-committee.

### **Goals and Objectives**

McShane illustrated outline of Goals & Objectives Process (a general planning process) and made suggestions such as starting with broad objectives and narrow down to strategies.



The objectives should define the desired future condition of lands managed for wildlife habitat. The programs, goals and objectives, and strategies would be organized into a “Standards and Guidelines” document, as required by the SA. This document would provide the outline for the Wildlife Habitat Management Plan, which would provide implementation details and schedule for the strategies associated with each program.

**List of habitats that TCC should define Goals for (partial list)**

- Old growth
- Snags & CWD
- Shrub lands
- Orchard
- Farmland/Meadows
- ROW
- Wetlands

*Example*

*1) Old growth habitat – Promote the development of old growth conifer forest and/or associated habitat components (i.e. snags, down wood, multi-storied canopy).*

Mitch Wainwright (USDA Forest Service) said this was pretty much what he had in mind.

Garrett asked the group if we are just refining the steps in the Settlement Agreement. Garrett also added that this is much like the Merwin program and simply expand on that.

Leigh said it sounds as though we are reformatting the process, so it may be time for Gene Stagner to reintroduce the forty-five pages he created relating to the Settlement Agreement objectives. He also noted that although the Merwin Plan is very good, let’s not be confined by the Merwin Plan.

Stagner said it’s really important to include the ability to change the contents within the process and not lose sight of local plans. The TCC should be able to modify the WHMP in future years.

McShane said we will use the results of the general planning process to create the WHMP.

McShane asked the group if they are ok with the recommended process. Kirk Naylor (PacifiCorp) said that PacifiCorp has done a lot of work already on these subjects via implementing the Merwin Plan. The company has learned a lot which can be used for developing the Lewis WHMP.

McShane asked the group if we still want to use the terminology of Standards & Guidelines. Gritten-MacDonald said that the title of at least one document must be called Standard & Guidelines in accordance with the Settlement Agreement.

<Lunch: 12:05pm>

<Reconvene: 12:40pm>

### Goals and Objectives (cont'd)

McShane requested the TCC review Schedule 10.8 (Wildlife Objectives) from the Settlement Agreement.

The group elected to prepare goals for the following:

*\*may cross over several habitats*

- Old growth habitat
- Shrub lands habitat
- Snags & Course woody debris\*
- Orchards
- Oak tree habitat management\*
- Unique areas (oaks, caves, cliff)
- Riparian zone management
- Access Management (recreational mgmt)\*
- Farmland/Meadows
- ROW (T-line)
- Wetlands
- Forest Management
- Raptors\*
- Weed species prevention & control
- Bull Trout conservation (*may be part of old growth mgmt, but may not have a specific goal*)

The group discussed habitat features which may come up in the future, such as cliff, cave, lava flow, etc. McShane suggested perhaps the addition of a goal called Identify and Protect Unique Habitat Type.

Goals as agreed to by all TCC attendees:

#### **Old Growth Habitat**

Promote the development, maintenance and connectivity of old growth conifer forest and/or associated habitat components (i.e. snags, down wood, multi-storied canopy).

Wainwright recommended we skip the goal for snags and CWD at this time as it may be rolled into another habitat.

#### **Shrub lands** (*vine maple & hazel make up 90% per Kirk Naylor*)

Perpetuate and enhance shrub lands to provide habitat for wildlife that use these areas.

#### **Farmland**

Provide and maintain quality forage and browse for wintering deer & elk while also creating and maintaining habitat to encourage use by other wildlife species.

#### **Meadows**

Perpetuate and enhance meadow/grasslands to provide habitat for deer & elk and other species utilizing open habitat.

Group agreed to the suggestion of having McShane draft straw man goals for remaining habitat topics to present to the TCC at the next meeting.

<Break 2:00pm>

<Reconvene 2:10pm>

### **Yale Land Acquisitions Planning**

Olson presented a handout that identified items that could be included in a land acquisition process. It was presented for discussion purposes to get the TCC thinking of how lands would be selected for acquisition. Most of the guiding measures in the document came from research for a similar process regarding the Aquatics Fund. The process and procedures were created from research and review of existing criteria used by the Salmon Enhancement Recovery Funding (SERF) Board and meeting with Jeff Breckel of The Lower Columbia River Fish Recovery Board

The Funding Process & Guidance document is intended for use as a first step for the TCC to review and provide comment. Leigh asked what does the “Priorities” section add to the document. Olson indicated that this was a carry over from the ACC to protect, restore and mitigate. Leigh said this section may not be needed. Olson noted it will be removed.

Bob Nelson (Rocky Mountain Elk Foundation) communicated that it may be more important to buy land that fits the corridor. Olson pointed out that items a, b & c in Section 10.1 of the SA are the primary criteria. In developing the process we could identify secondary criteria sub to a, b and c items. Some of the items listed in the handout could become secondary criteria.

McShane stated, a secondary item could include: do benefits justify the cost?

Stagner said that people are assuming a, b & c all have to be met, when in actuality it may be a, OR b, OR c.

Olson said that all three (a, b & c) are very specific. If we meet any of these we can then develop the criteria/priorities.

Olson will continue to work on the Land Acquisition Process & Guidance. He will use today’s TCC comments and considerations

Discussion continued between Garrett and Leigh about using Yale funds for other opportunities if it presents itself. Garrett asked the group if we want the flexibility. Olson said that this would probably create the need for an amendment to the Settlement Agreement.

Iyall said that basically the TCC should think about the question, “would we consider a trade”, relating to trading of Yale funds to another Project area such as Swift if another great opportunity presented itself.



Garrett's concerns are to keep it nimble and flexible as possible to seize opportunities. Stagner said it would probably take all who signed the Settlement Agreement to agree before we made such a funding trade. Iyall asked would the TCC spend years of money in advance if the right opportunity presented itself. Nelson pointed out that if the opportunity was that good, the TCC would figure it out anyway.

Gritten-MacDonald said the ink is barely dry on the Settlement Agreement and it would not be a good idea to suggest changes to the SA. Leigh said to keep an eye on options anyway.

Wainwright pointed out a parcel owned by The Nature Conservancy (TNC), which is a relatively important lava cave outside the boundary of the Forest Service. Wainwright told the TNC he would bring it up to the TCC. If PacifiCorp didn't buy it the TNC would hang on to it anyway, however, management of the parcel would be more difficult for the TNC due to the fact that they no longer have a representative in this part of the State. Wainwright indicated that they were not looking for a decision right now, but suggested that the TCC think about it and perhaps bring it up at the next meeting. Leigh asked what the TNC would think about retaining ownership but incorporating the parcel as part of the WHMP. Wainwright said the NC may be amenable to this.

### **Next Steps/Site Visit**

Garrett reviewed reasons for site visit scheduled on April 22, 2005 and its intent of generating ideas and information for the WHMP.

### **Agenda Items for April 13, 2005**

- \* **Ground Rules – ACC/TCC integration**
- \* **Secondary Use Area – TCC review and approval of subcommittee work**
- \* **WHMP Goals and Objectives – Facilitator-led discussion**
- \* **Criteria for decision-making on land acquisition**
- \* **New topics/issues**

### **Next Scheduled Meeting**

Thursday, April 13, 2005  
Merwin Hydro Facility  
9:00am – 3:00pm

Meeting adjourned at 3:00pm

### **Handouts**

1. Yale Land Acquisition – Funding Process and Procedure
2. TCC Draft Structure and Ground Rules
3. TCC Meeting Notes for 2/18/05
4. TCC Agenda for 3/9/05

## 5. Lewis River Confidentiality Agreement – Relicensing Negotiations