

# LEWIS RIVER TERRESTRIAL COORDINATION COMMITTEE

Facilitator: KENDEL EMMERSON  
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Location: TEAMS MEETING ONLY

Date: December 8 , 2021

Time: 9:00 AM –10:30 AM

## Agenda Items

- 9:00 a.m. Welcome
- Review Agenda, 10/13/21 Meeting Notes
  - Review and Accept Agenda and 10/13/2021 Meeting Notes
- 9:10 a.m. Public Comment Period
- 9:15 a.m. Moss Cave Conservation Easement and potential land acquisition
- 9:45 a.m. Updated PacifiCorp projects that may requiring mitigation.
- 10:00 a.m. Study/Work Product Updates
- Camper’s Hideaway
  - Woodland Park Boundary
- 10:15 a.m. Next Meeting’s Agenda
- Public Comment Opportunity
- Note: all meeting notes and the meeting schedule can be located at:  
<https://www.pacificorp.com/energy/hydro/lewis-river/acc-tcc.html>
- 10:30 a.m. Meeting Adjourn

## Microsoft Teams meeting

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**DRAFT Meeting Notes**  
**Lewis River License Implementation**  
**Terrestrial Coordination Committee (TCC) Meeting**  
**December 8, 2021**  
**Conference Call Only**

**TCC Representatives Present: (8)**

Kendel Emmerson, PacifiCorp  
 Summer Peterman, PacifiCorp  
 Erik White, Cowlitz Indian Tribe  
 Peggy Miller, WDFW  
 Amanda Froberg, Cowlitz PUD  
 Eric Holman, WDFW  
 Bill Richardson, RMEF  
 Conner England, USFS

**Guests: (1)**

Sarah Montgomery, Anchor QEA (note-taker for PacifiCorp)

**Calendar:**

|                  |             |                 |
|------------------|-------------|-----------------|
| December 8, 2021 | TCC Meeting | TEAMS Call Only |
|------------------|-------------|-----------------|

| <b>Assignments for December 8, 2021</b>  | <b>Status</b>      |
|--|--------------------|
| Emmerson: Discuss potential WHMP disturbance impacts with permitting staff for the Cougar Creek highway project. | <b>In progress</b> |

| <b>Assignments for January 13, 2021</b>  | <b>Status</b>      |
|--|--------------------|
| Emmerson: Provide a list of past timber harvest areas that have been within the WHMP buffer, associated TCC meeting notes, and reference to the WHMP language. | <b>In progress</b> |

| <b>Parking Lot Items</b>  | <b>Status</b>      |
|---|--------------------|
| Emmerson: Contact PacifiCorp's properties department to discuss further TNC detail and report to the TCC at the next meeting. | <b>In progress</b> |

Kendel Emmerson (PacifiCorp) called the meeting to order at 9:04 am. No additions to the agenda were requested. Emmerson reviewed the meeting notes from October 13, 2021. The meeting notes were approved at 9:06 am with no changes.

**Public Comment Period**

None

**Moss Cave Conservation Easement and potential land acquisition**

Kendel said she reviewed accounts for the Swift and Lewis River Land funds and found an error from 2017 during the fruit grower's acquisition, where a third party was paid \$164,000 out of the fund. PacifiCorp's accountants are verifying this error. When it is reimbursed back into the

acquisition fund, plus interest, there will be approximately \$189,000 available. Kendel said the acquisition was funded with both Swift and Lewis River funds, so the funds can be reimbursed to either account. She proposed that the funds be reimbursed to the Lewis River account because there is more flexibility in how the funds can be used for both acquisition and within the Lewis River basin. Peggy Miller agreed and asked if the remaining \$30,000 in the Swift fund could also be transferred to the Lewis River fund. Kendel replied the \$30,000 are remaining from a previous acquisition and probably cannot be transferred. Eric Holman agreed with the approach as well. He said he understands why there are two different funds, but the Lewis River fund has more flexibility. Bill Richardson also agreed with the approach. Erik White joined the meeting and also agreed with the approach.

Kendel called for a vote on the item: does the TCC agree to put reimbursed funds into the Lewis River account?

TCC representatives present agreed as follows: Peggy Miller and Eric Holman (WDFW) voted yes, Bill Richardson (RMEF) voted yes, Erik White (Cowlitz Indian Tribe) voted yes, Amanda Froberg (Cowlitz PUD) voted yes, and Conner England (USFS) voted yes.

Kendel said she will confirm with the TCC once the accountants finalize the transfer.

Kendel said the purpose of this agenda topic is to discuss the Moss Cave Conservation Easement and potential land acquisition. She said the TCC has previously discussed the proposed acquisition and potential easement put together by The Nature Conservancy (TNC) and WDFW. TNC provided the draft easement for PacifiCorp to review, and Kendel said one major obstacle was encountered during legal review. She said PacifiCorp currently transmits electricity under an easement through the Moss Cave property. Kendel said if PacifiCorp were to purchase the two parcels with the proposed conservation easement with WDFW for the parcels, the easement to transmit electricity would be void because PacifiCorp could not be both the grantor and grantee of an easement. She said this is disappointing but a strange issue to come across where PacifiCorp is considering buying property where they have a transmission easement in place. She reviewed the options she has discussed with TNC:

One option is for WDFW to acquire the land and PacifiCorp to continue having the easement. She said one obstacle is that WDFW may not be in a position to purchase these parcels and it may not fit into their agency's priorities.

Another option is that TNC agrees to a smaller conservation easement for only the area around the bat cave. This is not what they initially requested—easements to both parcels in perpetuity—but may be something that can be agreed to. Given the comments already received from legal review regarding the importance of the ability to transmit electricity in that area, she said she does not see this as a particularly favorable option for either PacifiCorp or TNC.

Peggy asked whether the conservation easement could be adjusted to compromise what is currently existing and what is proposed by TNC. Kendel said because PacifiCorp already has the easement to transmit electricity, as long as there is no loss to that easement (no loss to flexibility for use) then PacifiCorp may be able to agree to an adjusted conservation easement... Kendel said adjusting the

conservation easement to give PacifiCorp more flexibility in use would be favorable to PacifiCorp, but she is not sure TNC can allow that in a parcel sale.

Bill asked if a subordination agreement could be written that allows the current transmission line and management area to continue, with the conservation easements applying to the rest of the property. Kendel said she will check with staff whether that might be sufficient protection.

She said another issue was public access. The bat cave has been damaged several times, and ideally, the public would be shut out of the area to prevent vandalism. However, the WHMP does not allow shutting out the public. She added that while PacifiCorp is currently focused on transmission, the current transmission easement is designed to allow flexibility for future energy-related uses including potential new structures, facilities, or buildings and that flexibility would need to continue. Kendel said during her upcoming meeting with the TNC and WDFW, she will get into more of these details about changes needed to the agreement. If TNC cannot agree to the needed changes, maybe they will discuss potential acquisition with WDFW. Bill noted that the conditions of the current easement would continue even if the property were sold to WDFW or another party.

Kendel asked the TCC if they are still thinking that this property is a high priority to acquire. Eric H. said the bat caves are rare on the landscape and of conservation concern. He said who owns the parcels is not as important as them being conserved from development, for example. He said he would think that WDFW would not be interested in owning because they are disjunct from other management lands and suggested that it is a better fit for PacifiCorp or USFS. He said it seems straightforward at the moment for the TNC to maintain ownership, but maybe USFS would be an option. Bill noted that USFS does not accept encumbered ground in acquisitions, so he does not see a scenario where USFS would acquire the parcels with an active transmission line easement.

Erik W. noted that previous Cowlitz Tribe staff started these discussions thinking that the tribe could potentially acquire the parcels; however, it became too complicated. He agreed with Eric H.'s assessment—it makes sense for TNC to keep the parcels. Peggy agreed with Erik W. and others and said she would also like to know TNC's plans. It would be concerning if TNC were considering selling to a landowner that would develop the parcels. Kendel said the road easements and geography/geology would make it very hard to develop. Overall, the TCC concluded that conserving the bat cave is a high priority, so if TNC were motivated to sell the parcel to a group that might develop the parcels, the TCC would make it a higher priority to try to acquire using Swift funds. Kendel will update the TCC with any progress on this topic.

### **Updated PacifiCorp projects that may require mitigation**

Kendel shared a table showing PacifiCorp projects that may require mitigation for impacts to WHMP land (Attachment A) and provided the following updates:

- Cresap Campground parking expansion:
  - o There is a planned loss of 0.4 acres, but the project still needs FERC approval.Kendel is also tracking a work timing restriction related to eagle nesting.
- Speelyai parking expansion:
  - o Impacts will be identified at the 30% stage of design.
- Saddle Dam Trail expansion:

- There will be a small permanent loss of WHMP land, and then disturbance impacts from people, along with temporary impacts. How mitigation is determined will be different for this project than the others. Trail locations are currently being reviewed, and a DNR trail use permit/easement is still needed.
- Beaver Bay Campground Renovation
  - The current design avoids impacts to WHMP lands. Kendel is tracking this project to make sure nothing changes.
- Cougar Campground
  - Current plans show impacts within secondary WHMP areas, but the plans are not yet final.
- Yale Saddle Dam Seismic Remediation
  - An update will be provided on this project at the February TCC meeting.
  - The expansion will likely enter WHMP lands for a total of probably less than 5 acres.
  - There are much greater temporary impacts because of roads and vegetation loss.
  - Conner asked what is the difference between WHMP and secondary areas?
    - Kendel explained that secondary areas are where recreation or something other than wildlife is the primary use and no mitigation is required. WHMP lands are where wildlife is the primary use.
  - The borrow pit will not be on WHMP lands in Unit 10 but there will still be impacts like construction, noise, and timing.
- Yale Park Expansion
  - Currently there are no WHMP impacts, but Kendel is tracking the project in case the design changes.
- Woodland Park Boundary Correction
  - Kendel said she corrected the Woodland Park WHMP boundary due to a trespass where WHMP land was cleared to make space for boat parking and septic drain field. In this process, she found other discrepancies in the boundary, such as passing through cabins. She discussed this issue with property staff and reviewed the lease agreement. The WHMP lands have been re-marked and the park footprint is more clear now and provides all uses. She also added space across the road from the older homes for new septic drain fields.
  - In total, this is a loss of 1.9 acres of WHMP lands that were mainly poor quality habitat (dominated by blackberry).
  - Peggy asked where the 1.9 acres is subtracted from and how that process works.
    - Kendel said all of the cabin areas are excluded lands, so there are now 1.9 more acres of excluded lands as a result of the boundary correction. This reduces future use negotiations and trespass issues. She noted that a secondary use area also exists for Woodland Park, which is the water tank, dock storage, and few cabins along Rock Creek.
  - Peggy asked if screening is needed between the exclusion area and the meadow.
    - Kendel said the meadow is a timber harvest area from 2012, and there are blackberries present. She said in addition to the blackberries, there are a lot of noxious weed issues in Woodland Park, like vinca, bamboo, and others. She said this area is a buffer that helps control some of these invasives, but it's not high quality habitat.
  - Eric H. asked how the ownership between the land, the cabins, and the leases work.

- Kendel said PacifiCorp owns the land. Each cabin owner has a lease agreement, and when it is renewed, changes can be made. She noted that the WHMP line was not corrected the last time the leases were renewed.
- As an aside, Kendel also noted that it helps to have closer coordination with the property owners to discuss items like invasive vegetation management. Additionally, she noted that a twister was observed on Lake Merwin with 70 to 90 mph winds. There was some damage from the storm and much clean-up required.
- Eric H. asked if the leases ever stop being renewed. Kendel said in most cases no. Overall, property owners are invested in the area and have been present for many generations. Maintenance is generally not an issue.
- Kendel noted that because the properties are within the FERC boundary, cultural resources permitting applies. For example, cultural resources assessments will need to be completed before septic tanks are installed in any new area. She noted that any digging except for immediately adjacent to the home is generally scrutinized for cultural resources issues. Docks and shoreline use also have to get ACC approval due to fish issues.
- Peggy noted that most FERC licenses have articles discussing land use and permissions. She asked whether this 1.9 acre change will need to be reported to FERC. Kendel confirmed yes, a revised Exhibit G will be provided.

Eric H. thanked Kendel for providing the helpful summary of projects potentially needing mitigation and said WDFW broadly favors a scenario where multiple projects can be rolled up into a meaningful mitigation area. Eric H. also asked whether the Cougar Creek highway project belongs on this list. Kendel said the project appeared to be within the WSDOT right-of-way, so it will not impact WHMP lands unless it extends outside of the right-of-way. However, there could be some disturbance impacts depending on WSDOT accesses the creek. Kendel said she will discuss potential impacts with WSDOT permitting staff and noted that the work window for this area of Cougar Creek is in May and June.

### **Study/Work Product Updates**

#### *Camper's Hideaway*

Kendel said she met with staff at Camper's Hideaway to show them the "Do Not Feed" new sign designs, some with PacifiCorp's logo and some without. Kendel said there is a new manager on site, and one of his duties is deer carcass removal. He is familiar with issues around feeding wildlife and is already planning to order more signs. Eric H. said it is great to have someone there who agrees with the mission statement of the signs and who cares about wildlife protection. Kendel said she and the manager reviewed locations for the signs, but she is not sure if any have been posted yet.

#### *Woodland Park Boundary*

Update provided earlier.

### **Administrative Updates**

Kendel noted that PacifiCorp's Project Coordinator position has not been filled yet.

Kendel asked the TCC if there is a need to meet in January, and none was identified. The TCC agreed to cancel the January meeting.

**Agenda items for February 9, 2021**

- Review December 8, 2021 Meeting Notes
- Yale Saddle Dam Seismic Remediation Update
- Moss Cave Update
- Study/Work Product Updates

**Next Scheduled Meeting**

|                    |
|--------------------|
| February 9, 2021   |
| TEAMS Meeting Only |

**Attachments:**

- December 8, 2021 Meeting Agenda

**Attachment A** – Update: PacifiCorp projects that may require mitigation for impacts to WHMP lands

*Adjourn 10:09 a.m.*

## Proposed PacifiCorp Project with Potential to Impact WHMP Land

| Project  | Potential impacts  | Project Status  | Project Manager         | Next Action  | Comments  |
|--|--|---|-------------------------|--|---|
| Cresap Campgrounds Parking Expansion             | Design uses grass pavers for the parking area expansion. A loss of 0.40 acres of WHMP lands.                                       | Project is delayed due to pending FERC approval on December 16, 2021. | Eric Hansen             | TCC to determine mitigation  | If project occurs outside of September 1 to December 31 work window then bald eagle impacts will need to be determined. NWC Construction contract executed 7/15/2021. Will need to extend contract start date. No permits needed. |
| Speelyai Park Parking Expansion                  | Project will have both temporary and permanent impacts on WHMP lands that are to be determined.                                    | Project location is selected and is still being designed.             | Dave Moore/Brett Horton | Waiting on 30% design  |   |
| Saddle Dam Trail Expansion                       | Project will have both temporary and permanent impacts on WHMP lands that are to be determined.                                    | Project is still being located, scoped and design pending start date  | Dave Moore              | Waiting on location of trail to be confirmed from PPL. River Structures Consulting 30% design contract extended to December 31, 2021. Will need to extend design contract. | Prior tie to Yale IP Road Trail project and SA 11.2.2.2.  |
| Beaver Bay Campground Renovation                 | Most all of Beaver Bay Campground is secondary area, so no impacts to WHMP lands if the project remains within the secondary area. | Project details are still being confirmed and designed.               | Eric Hansen             | Waiting on AECOM 75% design details. Construction bid to follow.   | Reference SA 11.2.2.12. Will need FERC time extension. AECOM visitor use and capacity study due 11/2021.  |
| Cougar Campground Renovation phase 1 and phase 2 | Campground area is mix of WHMP lands and secondary areas. Project may impact to WHMP lands.  | Project details are still being confirmed and designed.               | Eric Hansen             | Waiting on AECOM 75% design for phase 1 and 30% design for phase 2. Construction bid to follow.  | Reference SA 11.2.2.13 phase 1 and phase 2 – SA 11.2.2.14. Will need FERC time extension. AECOM visitor use and capacity study due 11/2021.   |



## Proposed PacifiCorp Project with Potential to Impact WHMP Land

| Project                                     | Potential impacts   | Project Status   | Project Manager | Next Action  | Comments   |
|---|---|--|-----------------|--|--|
| Yale Saddle Dam Seismic Remediation Project | Project will have both temporary and permanent impacts on WHMP lands that are to be determined.     | 60% design expected in January 2022 and will determine total acreage impacts less 5 total acres. | Eric Hansen     | Waiting on AECOM 60% design to determine impacts and will discuss at February TCC meeting. | Construction phase planned to be bid end 2022. Permits by AECOM are pending. PPL non-capacity license amendment pending. |
| Yale Park Expansion                         | 0.83 acres from the design. No WHMP land impacts because project is entirely within excluded lands. | Project is delayed due to pending FERC approval on December 16, 2021.                            | Eric Hansen     | Unless project design has changed then no action.  | NWC Construction contract executed 7/15/2021. Will need to extend contract start date. Grading permit received.          |
| Woodland Park Boundary correction           | Correct boundary resulted in permanent loss to WHMP lands   | Project boundary was increased from 19.02 to 20.90 acres. Total increase of 1.9 acres            | Kendel Emmerson | TCC to determine mitigation  | Project boundary was marked on November 30, 2021.  |