#### **FINAL Meeting Notes**

# Lewis River License Implementation Terrestrial Coordination Committee (TCC) Meeting July 11, 2007 Ariel, WA

**TCC Participants Present: (10)** 

Brock Applegate, WDFW
Ray Croswell, RMEF
Kendel Emmerson, PacifiCorp Energy
Eric Holman, WDFW
Mike Iyall, Cowlitz Indian Tribe
Curt Leigh, WDFW (via teleconference)
Kimberly McCune, PacifiCorp Energy
Kirk Naylor, PacifiCorp Energy
Bob Nelson, RMEF

Mike Hayden, Cougar Area Trail Seekers (CATS)

#### Calendar:

August 8, 2007	TCC Meeting	Woodland City Hall
August 9, 2007	ACC Meeting	Woodland City Hall

Assignments from July 11th Meeting:	
Naylor/McCune: Draft 2-4 concepts relating to the CATS proposal for ATV	Complete - 8/8/07
use on PacifiCorp lands and distribute to TCC for review and discussion.	
Emmerson/McCune: Upon completion of Goshawk Survey Training notes	Complete - 7/27/07
comments and approval of notes, provide a copy of the final notes to the	
TCC.	
Applegate: Email Steve Desimone (WDFW) and ask him what he considers	Complete - 7/16/07
to be the definition of an experienced goshawk surveyor.	
Naylor/McCune: Research what the Lewis River Settlement Agreement (SA)	Complete 8/1/07
and TCC guidelines say specifically about motorized vehicle use on	
PacifiCorp lands.	
Emmerson: Research definition of goshawk trainers' qualifications and	Complete - 7/16/07
provide information to TCC.	

Assignments from June 13th Meeting:	
McCune: Make copies of the Piute County DVD for WDFW and PacifiCorp	Complete – 6/21/07
and mail the DVD back to Mike Hayden (CATS).	
McCune: Request CATS provide written documentation of land owner	Complete – 6/25/07
approval of ATV use.	
Emmerson: Request a set of original data sheets from EDAW and copy	Complete – 7/16/07
WDFW relating to the Mink HSI and SI values.	

Emmerson: Revise the Mink memorandum to include clarification of	Complete - 7/3/07	
tributary riparian.		
McCune/Emmerson: Provide details to the TCC for 6/25 & 6/26 Goshawk	Complete – 6/15/07	
survey.		
USFWS: Review BiOp and confirm if construction related to timber	Complete - 6/15/07	
management activities are covered by the ITP (incidental take permit).	(see Attachment C)	
McCune: Email the USFWS BiOp to Romanski	Complete – 6/14/07	

Parking lot items from February 10 <sup>th</sup> Meeting:	
PacifiCorp Wildlife Habitat Management Plan (WHMP) Budget (annual)	
Conservation Agreement – what is wanted?	Ongoing – 4/28/06

#### Review of Agenda, Finalize Meeting Notes

Kirk Naylor (PacifiCorp Energy) called the meeting to order at 9:20am. Naylor conducted a review of the agenda for the day and requested if the TCC had any additions to the agenda. No changes to the agenda were requested.

Naylor informed the TCC attendees that due to a conflict with the use of the conference room at the Merwin Hydro Facility, the August 8, 2007 meeting would take place at the Woodland City Hall, 2<sup>nd</sup> floor.

Naylor reviewed the TCC Draft 6/13/07 meeting notes with the TCC attendees, updated the assignment portion and asked for any comments and/or changes. The following changes were requested and approved at 10:00am:

Modify the first sentence in the first paragraph of the WHMP Updates on page 5 to read as follows:

Naylor reviewed a map with the TCC attendees, which illustrated proposed road development for Units 1 through 3 and suitable Northern Spotted Owl (NSO) habitat in Unit 26.

Modify the third sentence in the first paragraph of the WHMP Updates on page 5 to read as follows:

However, the area identified as mid-successional habitat does not meet those criteria based on three plots used to determine average stand diameter.

Modify the sixth sentence in the first paragraph of the WHMP Updates on page 5 to read as follows:

However, the area would meet the young marginal definition of NSO suitable habitat based on Forest Practices Act.

After the last sentence in the first paragraph of the WHMP Updates on Page 6 add the sentence:

The logger will keep as many snags standing as possible.

In addition, Attachment C will be included in these meeting notes evidencing the completion of the assignment below:

Assignments from June 13th Meeting:		
USFWS: Review BiOp and confirm if construction related to timber	Complete – 6/15/07	
management activities are covered by the ITP (incidental take permit).	(see Attachment C)	

#### Cougar Area Trail Seekers (CATS) Proposal Update

Mike Hayden (CATS) provided a handout (Attachment A) for TCC attendee review, which outlined their activities thus far relating to obtaining permissions for ATV use on certain lands and/or defining current allowed use on DNR lands.

Hayden further explained that DNR does not issue written permission to allow ATV use in a particular area. However, DNR will issue written documentation when they choose to close a road to motorized vehicle use.

Naylor confirmed that ATV use along PacifiCorp's transmission lines has never been allowed, although PacifiCorp is aware that ATV activity is being conducted.

Naylor informed Hayden and the TCC attendees that many groups must come together (i.e. recreation, aquatic, terrestrial, shoreline management) to put CATS request in context prior to considering any amendment of PacifiCorp's policy regarding ATV use on their lands.

On behalf of CATS Hayden requested consideration by the TCC to allow ATV use in designated areas, such that which is outlined in Attachment A.

Eric Holman (WDFW) suggested that CATS consider purchasing their own land for ATV use as PacifiCorp lands are committed to wildlife mitigation, which is like oil and water relating to ATV use.

Following Mr. Hayden's departure, Naylor showed maps created by PacifiCorp's GIS department which illustrated CATS proposed use areas and the transmission line roads and the access needed by the ATV group to cross to DNR lands. These maps also identified a spotted owl circle, two fish bearing streams and a number of other stream crossings associated with CATS proposal for ATV use.

In addition, Naylor communicated that the roads are currently unimproved roads used for access to transmission lines; however, PacifiCorp intends to improve roads and add gates in the future as PacifiCorp proceeds into implementation of the Lewis River license.

The TCC attendees expressed concern about elk disbursement as elk are typically sited along the transmission lines. Concern was also expressed about pressure on existing or dispersed camping and having the facilities to accommodate the need of introducing permitted ATV use. TCC attendees also noted that there is a number of specific wildlife resource concerns such as raptor

nests in the area, although currently unoccupied, northern spotted own habitat, heritage data points for amphibians, disturbance to nesting species by noise, fire closures, conflict with hunters and bowman, and can this activity be policed if it expands to unauthorized gated road closure areas.

Naylor indicted that he would research what the Lewis River Settlement Agreement (SA) and TCC guidelines say specifically about motorized vehicle use.

The attendees noted that before the TCC can grant any authorized access for ATV use, limited or otherwise, confirmation is needed to see if this is in violation of the SA. The TCC may wish to propose provisions such as a "club run", permit fees, permission only, and required seasonal approval. Although, there is considerable concern relating to safety issues along transmissions lines, fire issues and legal access for non-PacifiCorp lands. Discussion took place regarding reviewing the overall impact of granting ATV use on PacifiCorp lands, the consideration on a trial basis provided that if this trial basis indicates this use is contrary to wildlife mitigation goals that we would terminate the use.

Naylor indicated that PacifiCorp draft 2-4 concepts relating to the CATS proposal for ATV use on PacifiCorp lands and distribute to TCC for review and discussion. Naylor also noted that the primary mandate of the TCC at this time is the review and completion of the Wildlife Management Habitat Plan (WHMP), which PacifiCorp is currently writing and the TCC mandate of wildlife mitigation. These activities will take priority over review of the ATV use proposals.

Naylor further noted that PacifiCorp does not have consistent ownership in lands relating to either of the CATS proposals 1 or 2, thus PacifiCorp cannot permit use on areas/easements we don't own.

<Break 11:00am> <Reconvene 11:10am>

#### **Lands Update Discussion**

Ray Croswell (RMEF) provided a detailed update relating to interests in certain lands, however, this discussion is considered confidential and proprietary and not for public viewing.

#### **Relicensing Schedule Update**

Naylor informed the TCC that based on the information received to date PacifiCorp is estimating license issuance for Q4 2007.

#### **Goshawk Survey Update**

Kendel Emmerson (PacifiCorp Energy) communicated to the TCC attendees that goshawk survey training and broadcast calling were conducted on 6/25 and 6/26/07 and the attendees discussed the potential for nesting in mature conifer and deciduous forests, particularly alder trees. Emmerson informed the TCC that she created goshawk survey training draft notes for review and comment. Upon receipt of comments and approval of notes, Emmerson will provide a copy of the final notes to the TCC.

Emmerson also noted that goshawks were not located in the harvest areas. Applegate expressed his desire to follow the two breeding season survey protocol after this year's harvests. Naylor had concerns over WDFW expressing future displeasure with the current harvest areas, due to the lack of a two breeding season survey. Applegate informed the TCC that he felt we had adequately surveyed the harvest areas because of the marginal habitat, the completion of dawn acoustical surveys, and conducting the harvest out of the breeding season. Brock Applegate (WDFW) informed the TCC attendees that the harvest areas are ready to go. Nelson also expressed his desire to complete the alder harvest cuts.

Naylor then strongly recommended that we consider the training before the surveys on June 25 as "experience" for the protocol. If we conducted intensive nest surveys with "experienced" observers, we only need to conduct survey during one breeding season to meet protocol. Applegate expressed concern relating to whether or not training attendees would be considered to be experienced goshawk surveyors for goshawk surveys. He said training doesn't necessarily equate to experience. Applegate will email Steve Desimone (WDFW) and ask him what he considers to be the definition of an experienced goshawk surveyor.

Emmerson will research the definition of goshawk trainer qualifications and provide the information to the TCC.

Naylor communicated that the 2-day survey was considered training. Emmerson also noted that very few small mammals and birds were located during the survey/training, which could contribute to the lack of raptors. However, many TCC members agreed that small mammals and birds might seek cover and make themselves inconspicuous during our constant broadcasting of goshawk calls. The only raptors detected during the training surveys were a pair of barred owls and a pair of previously known osprey that nest on USFS property.

# WHMP Updates - Continued Discussion from June 13, 2007 of WDFW possible concerns on NSO for proposed management in Unit 26

The proposed 2007 timber harvest is in compliance with all the standards and guidelines established by the TCC. PacifiCorp will try to protect as many snags as possible while concentrating on the most productive snags but maintain compliance with Labor and Industries (L&I) safety criteria.

Mike Iyall (Cowlitz Indian Tribe) expressed that there will be no entry without some impact and suggested we address this timber harvest as a learning tool and see where it takes us.

Brock Applegate wanted the notes to reflect that per Naylor, the logger will leave 75% of the snags standing because of the use of a buncher/feller. This was discussed in the field and was omitted from the previous months TCC notes because not all TCC members were present. Considerable discussion was had regarding comments conducted during the field survey and whether or not these should be included as part of the meeting minutes. Because the field trips are sub-groups of the TCC it was discussed that field notes perhaps should be an attachment to the monthly notes. [In this case, separate field notes were prepared and are under review by the participants prior to their distribution to the entire TCC]. The specific comments regarding snags were made during the

training session on goshawks and were meant to provide some reference for participants to understand that not all snags could be retained due to safety issues. Naylor noted in this meeting that the expectation that perhaps as much as 75% of the snags in the harvest areas could be maintained is no longer expected following further discussions with the logger and L&I. The majority of the snags in the area is in a late decay stage and as such is more susceptible to falling. Use of the feller-buncher as a logging machine does enable us to retain more snags but the exact number or percentage cannot be determined in advance.

#### Mink Memorandum, Corrections for Mink Habitat Suitability Index Approval

Time did not allow for discussion of this topic. The TCC agreed to add on to the August 8, 2007 agenda. Applegate will email his comments to Emmerson for review and PacifiCorp will submit the draft to the TCC at the August meeting.

#### **Depart for Unit 5 Tour**

Naylor lead the discussion relating to certain interest in a land trade, however, this discussion is considered confidential and proprietary and not for public viewing. Maps were shown to the TCC to orient them to the area they would be visiting. The discussion centered on where the property may be split in order to balance the number of acres between the two trade parcels.

Curt Leigh (WDFW) offered the following clarification to correct the misrepresentation of his comment relating to trade of habitat lands:

I expressed a concern to PacifiCorp that wildlife mitigation lands not be sacrificed to subsidize other objectives, like recreation (i.e. Swift Camp). My recommendation was a request that PacifiCorp provide an accounting of the values of any trade to verify that the full value of any wildlife lands traded (not just their acreage), should be returned to wildlife management status. If a deal is arranged that involves trading existing wildlife habitat lands in order achieve other purposes (i.e. Swift Camp), then the value of the wildlife habitat that is used to obtain those other resource objectives must be returned to wildlife management status through acquisition of suitable replacement wildlife lands (Consistent with section 10.8.5.5 of the Settlement Agreement). As a signatory to the Settlement Agreement, WDFW will want verification that the resource values of the terrestrial mitigation lands are not diminished through land trades.

During the site visit, WDFW also requested that if PacifiCorp intended on keeping parts of the harvest unit that it should include the two oak woodland cover types. Oak Woodlands are a WDFW Priority Habitat.

#### **Next Meeting's Agenda**

- Goshawk Survey Discussion
- Lands Update Discussion
- Wetlands Objective Discussion
- Mink Memorandum, Corrections for Mink Habitat Suitability Index Approval
- WHMP Review of Chapters (?)

Meeting adjourned at 3:30pm.

## **Next Scheduled Meetings**

August 8, 2007	September 12, 2007
Woodland City Hall	Cowlitz PUD
Woodland, WA	Longview, WA
9:00am – 3:00pm	9:00am – 3:00pm

#### **Handouts**

- 1. Agenda
- 2. Draft meeting notes from 6/13/07
- 3. Cougar Area Trail Seekers (CATS) update on ATV use on DNR Managed Lands (Attachment A)

# C.A.T.S.





# Cougar Area Trail Seekers

When Emailing Employees of the DNR about the OHV use on DNR land they sent me to this WAC code. 332-52-030 #4 (Copied below) and WAC 332-36-010 see attachment. As far as permission slips to use a particular road, they don't have them available.

### (4) Vehicles and road use

It is the policy of the department of natural resources to encourage public use of all roads and trails, land and water under its jurisdiction consistent with its trust responsibilities, conservation of soil and water, timber and grass and the natural environment, while maintaining a reasonable balance between the proper needs of conflicting user groups. Therefore, the following rules shall pertain to all lands under the jurisdiction of the department of natural resources and to all access roads across private lands through which the department has obtained the right of public use. Rules and regulations bearing upon recreational access to department managed lands and roads may be waived (in writing) by the department for special situations provided that the events are consistent with the above department policy.

I also found a letter BY Doug Sutherland when they closed the Pilchuk Forest and The North Fork Nooksack River area to ORV s This was in writing as the above law stipulates.

I found nothing that closes the area from the 81 road to use the existing roads heading north from the power line. These are the road/roads we're using now and have in our proposal.

The question remains about the power line road/trails that PacifiCorp manages heading west for about two miles. That is the section we have an interest in and are requesting.

We couldn't find any private owners of land in this request. (proposal # 1)

Proposal 2 is on the south side of Yale Lake and is a excellent area for a future park.

Finding private Property owners if any that are from Clark County will take A little more time. But The road (old IP road) is used now for recreational purposes.

At this time we are asking PacifiCorp for what is happening now and continue making the loop .from the Yale lake road (I.P. road) and up to the DNR property.

## ORV Recreation on DNR-Managed Lands Not Whether, But How and Where

by Doug Sutherland, Commissioner of Public Lands

The recreation focus of the Washington State Department of Natural Resources is to allow for public access opportunities on 2.2 million acres of state trust lands, where those activities are compatible with our primary duty to provide financial support for schools and other state institutions, while ensuring long-term protection of the environment. Where recreational activities can coincide with these primary purposes, DNR provides trails, trailhead facilities, and a primitive experience in a natural setting. Across Washington, the 1,100 miles of trails and 13,000 miles of roads offer considerable access for dispersed recreation activities, such as hiking, hunting, trail riding, horseback riding, camping, fishing, bird watching, and sightseeing.

With the help of our partners and volunteers, DNR seeks to provide recreational opportunities that are: designed to protect the resources and the environment while providing a quality experience that is safe for the public, and compatible with trust asset management activities.

Riding Off-Road Vehicles (ORVs) is a popular recreation activity that is enjoyed on state lands. Recently, we made the difficult decision to close DNR-managed land in the Pilchuk Forest to motorized vehicles, and limit vehicular access to street-legal vehicles on DNR-managed land in the North Fork Nooksack River area.

For a number of years, we have worked with ORV groups to educate riders about safety and to design controls on these lands for safe and appropriate riding. We value the working relationships we have with organizations across the state that represent the interests of ORV riders; and their efforts and participation are essential to our Recreation Program.

Unfortunately, we find that the environment cannot support the intensity and concentration of ORV use on the roads and especially on user-built trails in these two popular riding areas. In these times, significant and costly measures are being taken on forest lands to ensure the survival of threatened species, maintenance of clean water, and the health of the forest ecosystems. We cannot afford to risk these valuable investments through unmanaged, off-trail use of these protected areas. In addition, the increasing incidents of serious injury pose an unacceptable risk to public safety, and potentially costly legal liability when accidents do happen.

The action required in these two instances should not be taken as the beginning of the end of ORV recreation on DNR-managed lands. We are committed to providing long-term, sustainable ORV recreation opportunities on state lands, as long as we have the financial resources, user cooperation, and enforcement presence to ensure the lands are properly cared for. DNR offers 400 miles of ORV trails designated exclusively for motorized use, nine developed ORV areas, dispersed multiple-use trails, and numerous roads.

Recreation and public access enjoyed on state lands must be compatible with the first purpose of managing these lands – revenue to support school construction and other public institutions. Activities on the land also must be compatible with good stewardship of the environment and public safety.

Again, our commitment is to stewardship and safety for sustainable riding opportunities. The major component to achieve this objective is for all land managers – public and private – to develop criteria for sustainable ORV recreational access to the lands we manage, and identify areas that are compatible. We are working closely with a legislative task force on ORV issues and we are exploring opportunities with other land managers toward developing a statewide strategy for ORV recreation.

#### WAC 332-36-010

## State land management roads.

Be it resolved . . . .

- (1) All roads now existing on lands owned by the state of Washington under the jurisdiction of the department of natural resources, which roads are not presently under the jurisdiction or control of any individual, public or private corporation, the United States, or the state or agency or subdivision thereof other than the department of natural resources, or which roads are not presently the subject of an application to the department of natural resources for a right of way under RCW 79.01.332 or 79.36.290, made prior in time to an application made by the department of natural resources, by an individual, public or private corporation, the United States, or the state or an agency or subdivision thereof other than the department of natural resources, are designated, and included, as a part of state land management roads, under the jurisdiction and control of the department of natural resources.
- (2) All roads now existing or hereinafter constructed on lands owned by the state of Washington under the jurisdiction of the department of natural resources, which roads are presently or hereinafter shall come under the jurisdiction or control of any individual, public or private corporation, the United States, or state or agency or subdivision thereof other than the department of natural resources, and which roads are thereafter conveyed to, abandoned, forfeited, or otherwise returned to the jurisdiction of or received by the department of natural resources, shall be designated and included as a part of state land management roads under the jurisdiction and control of the department of natural resources.
- (3) All roads hereinafter constructed by the department of natural resources, or constructed in conjunction with the sale of timber or other valuable material located on the lands under the jurisdiction of the department of natural resources, shall be designated and included as a part of state land management roads under the jurisdiction and control of the department of natural resources.
- (4) Whenever the department of natural resources finds that the use of any roads which make up a part of the said state land management roads by parties other than the department of natural resources will not unreasonably interfere with the department's needs, the department shall upon request by said parties authorize use of the roads described in subsections (1), (2), and (3) of this resolution. Said land management roads shall be under the jurisdiction and control of the department of natural resources, and any use thereof as hereinbefore authorized, shall be subject to the rules and regulations as prescribed by said agency.
- (5) The department of natural resources is directed to accomplish all requirements necessary to carry out the policy contained in this resolution.

[Resolution 35, filed 10/16/62.]

#### McCune, Kimberly

From: Tim\_Romanski@fws.gov
Sent: Friday, June 15, 2007 11:00 AM

To: Brock Applegate

Cc: HML LRN (Hough, Jim); applebaa@DFW.WA.GOV; biologist@cowlitz.org; Joe Buchanan;

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Susan\_Rosebrough@nps.gov; taalvik@cowlitz.org; Olson, Todd; weinhjmw@DFW.WA.GOV;

woot@cascadenetworks.com

Subject: Re:

Yes, we consult on the settlement agreement.

Tim Romanski

U.S. Fish and Wildlife Service
Western Washington Fish and Wildlife Office
Division of Conservation and Hydropower Planning
510 Desmond Drive SE, Lacey, WA 98503
360.753.5823 (phone) 360.753.9518 (fax)

"Brock Applegate" <applebaa@DFW.WA.GOV>

06/15/2007 10:42

AM

To <Tim\_Romanski@fws.gov>,

<Kimberly.McCune@PacifiCorp.com>

CC

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<joannam@yakama.com>

Subject

Re:

Tim, Thanks Tim for checking on this. Does the ITP (Incidental Take Permit) cover us before the license is issued?

Sincerely, Brock

Brock Applegate
Washington Department of Fish and Wildlife,
Habitat Program, Major Projects,
FERC Relicensing,
600 Capitol Way North,
Mailstop 43143
Olympia, WA 98501-1091

(360) 902-2615, (360) 902-2946 (FAX)

>>> <Tim\_Romanski@fws.gov> 06/15/2007 9:07 AM >>> After reviewing the biological opinion, I am confident that road construction related to timber management activities are covered by the ITP provided work is preformed per "limited operation periods" specified under Raptor Site Management Goals and Objectives.

The ITP anticipates the take of spotted owls associated with the removal of 10 acres of roosting and foraging habitat on Cowlitz PUD lands and 3,283 acres of roosting and foraging on PacificCorps lands. To assure accurate tracking of habitat harvested, acreages of suitable habitat removed as a result of road access should count against the 3,283 acres of habitat harvest allowed under the ITP. I also recommend snag removal be minimized to the extent practicable and any snags felled should left on the ground.

If you have any questions please give me a call.

Tim Romanski
U.S. Fish and Wildlife Service
Western Washington Fish and Wildlife Office
Division of Conservation and Hydropower Planning
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