

LEWIS RIVER TERRESTRIAL COORDINATION COMMITTEE

Facilitator: KENDEL EMMERSON
503-813-6040; CELL 503-720-9157

Location: Online Teams Meeting

Date: Wednesday November 8, 2023

Time: 9:00 AM –12:00 PM

Agenda Items

9:00 a.m.	Welcome, <ul style="list-style-type: none">➤ Review and Accept Agenda➤ Review and Accept 9/13/2023 Meeting Notes
9:10 a.m.	Public Comment Period
9:15 a.m.	Saddle Dam Trail Expansion
10:15 a.m.	PacifiCorp Drone Best Management Practices
10:30 am	Riparian Buffers and Timber Harvest Areas
11:00 a.m.	Moss Cave Land Acquisition Update
11:15 a.m.	WSDOT ROW Acquisition
11:30 a.m.	Project Updates <ul style="list-style-type: none">➤ Western White Pine Blister Rust in SW Washington➤ ANE Forest auction➤ Schedule 2024 Meetings
11:45 a.m.	Next Meeting's Agenda Note: all meeting notes and the meeting schedule can be located at: https://www.pacificorp.com/energy/hydro/lewis-river/acc-tcc.html
12:00 p.m.	Meeting Adjourn



Microsoft Teams meeting

Join on your computer, mobile app or room device [Click here to join the meeting](#)

Meeting ID: 246 011 674 732

Passcode: QeCZoX

Or call in (audio only)

[+1 563-275-5003](#) United States, Davenport

Phone Conference ID: 337 646 7#

Meeting Notes
Lewis River License Implementation
Terrestrial Coordination Committee (TCC) Meeting
November 8, 2023
Conference Call

TCC Representatives Present: (7)

Kendel Emmerson, PacifiCorp
 Summer Peterman, PacifiCorp
 Peggy Miller, WDFW
 Eric Holman, WDFW
 Adam Rich, USFS
 Erik White, Cowlitz Tribe
 Bill Richardson, RMEF

Guests: (2)

Jessica Kimmick, PacifiCorp
 Molly Van Dam, Anchor QEA (notetaker for PacifiCorp)

Calendar:

November 8, 2023	TCC Meeting	Teams Call
------------------	-------------	------------

Assignments for November 8, 2023	Status
Emmerson and Peterman: Research opportunities for a potential mitigation land acquisition to account for the Saddle Dam trail expansion.	In Progress

Assignments for September 13, 2023	Status
Emmerson: Research feasibility of fireweed seeds versus plugs and where to source fireweed seeds/plugs.	In Progress
Emmerson: Discuss implementing a no net gain policy on trails with the recreation department.	In Progress

Assignments for August 9, 2023	Status
Emmerson: Discuss Cougar Creek logging possibilities if logging were to become approved there, with Joe Berry.	In Progress

Assignments for January 13, 2021	Status
Emmerson: Provide a list of past timber harvest areas that have been within the Wildlife Habitat Management Plan buffer, associated TCC meeting notes, and reference to the WHMP language.	In Progress

Kendel Emmerson (PacifiCorp) called the meeting to order at 9:04 am. All attendees were acknowledged. Emmerson reviewed the September 13, 2023, meeting notes.

Regarding the Cougar Creek conservation covenant, Peggy Miller (WDFW) asked whether a No Effect memorandum would be sent to U.S. Fish and Wildlife Service (USFWS) from PacifiCorp or USFWS would send the memorandum to PacificCorp to be completed. Emmerson replied that

PacifiCorp will send the memorandum to USFWS after deciding which areas PacifiCorp would like to harvest. All harvest areas completed this year were outside of covenant lands.

Emmerson said that the TCC is waiting for the Aquatic Coordination Committee (ACC) to lead the ground rules modification discussion that was brought up in the September meeting. Miller responded that that is on the agenda for tomorrow's ACC meeting and that most of Washington Department of Fish and Wildlife's (WDFW's) suggested edits are only pertinent to the ACC, so she does not believe there will be any real impacts to the TCC. The ACC may or may not approve the changes tomorrow, so this is likely a topic of discussion for the December meeting as well.

The September meeting also discussed the Moss Cave land acquisition where the TCC had discussed and agreed on updating the appraisal that had been completed, which will be discussed further today. Following up on the discussion of the timber harvest seed mixes, Adam Rich (USFS) had provided resources on affordable seed sources that U.S. Forest Service (USFS) is using, which could be good information to use in 2024 because all relevant sites have already been seeded this year. In September, Summer Peterman (PacifiCorp) shared trail camera results from Saddle Dam trails. Emmerson did not post images from the cameras online because they had people in them, so if anyone is interested in seeing trail camera photographs again, they should reach out to Emmerson directly. Regarding the exclosures that had been discussed in the September field tour, it was ultimately decided that they will retain the exclosure in Unit 36 but not enact any exclosures in Unit 34.

The TCC approved the September 13, 2023, meeting notes at 9:14 am.

Public Comment Period

None.

Saddle Dam Trail Expansion

Jessica Kimmick with the PacifiCorp Recreation Department joined the meeting to present the proposed trail layout plan for the Saddle Dam trail project. She last met with the TCC in October 2022, and since then, the conceptual trail plan has been filed with the Federal Energy Regulatory Commission (FERC) to seek approval to move forward with planning trail layout, permitting, and the construction of new trails and decommissioning of unauthorized trails, based on the conceptual trail plan in coming years. FERC approved this plan in March 2023. Kimmick said that they then began conducting property boundary survey work of Management Unit (MU) 10 and that there will be a general location map made because that is a requirement of any recreation features that are a part of the hydroelectric project. Miller asked whether MU 10 is already within the FERC project boundary, or it needed to be added, because she did not believe Wildlife Habitat Management Plan (WHMP) lands were within FERC project boundaries. Kimmick said she believed it was in the project boundary but had yet to be properly surveyed. Emmerson said that a lot of newer land acquisitions have not had Exhibit G approved and submitted by FERC, and what was owned by WHMP in 2008 is Exhibit G, and that those parcels are being updated. PacifiCorp considers all WHMP lands to be within the FERC boundary, regardless of if they are in the current Exhibit G and apply all license obligations and settlement agreements. For example, cultural resource reviews are completed for all ground disturbance.

In July 2023, a contract was issued with Creative Trail Design, LLC, in Corvallis, Oregon, to begin the initial design work. Kimmick began to present the preliminary survey and terrain work and

showed a preliminary design map showing what was feasible for the unit based on the original conceptual plan. Segment 1 is a quarter-mile reroute of a piece of the existing Frasier Creek Trail that is very wet and relatively steep, and it was determined to not be entirely suitable for continued use. Segment 2 is designated as a connector segment that is about 0.31 mile and is meant to be a connection to form a short hiking loop close to the trailhead. Segment 3 was designed to be 1.13 miles and would extend from the existing trail at the entrance to the system up to the end of 1033 Road just south of Frasier Pond. This would allow for a more sustainable route to the pond and the decommissioning of other trails, which are extremely steep and will continue to erode. Segment 4 would be 0.46 mile, and Segment 5 would be 0.5 mile, and both are intended to bring trail use west to 1045 Road and north to 1040 Road near Frasier Pond. The idea behind this is that if the purpose of user-built trespass trails is both met and the new trails are placed in locations that are preferred by PacifiCorp, then the removal of the trespass trails will be more effective. The new segments were proposed to be closer to the existing road system to condense human impact and place them in an area where wildlife may be more accustomed seeing humans. Segment 6 is proposed to be 1.11 miles and is intended to create trail access from the north end of the unit. Segment 7 is proposed to be 1.2 miles and would use already existing trail and existing abandoned road grade. Segment 8 is proposed to be 0.82 mile and it would bring trail usage northward from the road system up to Frasier Pond and add distance from the trail system to compensate for what is being decommissioned. Overall, the total proposed new mileage is 5.13 miles, the existing trail/road grade that would be incorporated into the system is 1.25 miles, and the proposed total trail system would be 6.38 miles. The total proposed decommissioned trail miles on PacifiCorp property equals 3.48 miles, the decommissioned road grade miles on PacifiCorp property equals 0.41 mile, and trail miles made inaccessible on Washington State Department of Natural Resources (DNR) land would equal 1.23 miles, so the total mileage of decommissioned and inaccessible trails would be 5.12 miles. Kimmick said that this is the result of the preliminary study, and she wanted to show what the landscape would look like with the newly built and decommissioned trails. Kimmick said that she would like to move forward with the design process after the approval of the TCC, so they can begin to secure permits, conduct in-depth terrain surveys, and compile a technical memorandum on environmental considerations. Kimmick opened the floor for discussion.

Eric Holman (WDFW) thanked Kimmick for presenting. He said that he still sees a lot of recreation use on lands that were bought for wildlife habitat per the settlement agreement. He agrees that recreation is complementary, and he understands why the new trails were designed as presented, but he does see an embedded loss of habitat value, and habitat value was the intended purpose of the land. He thinks that they can find a way forward but is curious about potential mitigation prospects. He also wanted to state that he does not think it is appropriate to include the number of miles on DNR lands that will be made inaccessible from PacifiCorp lands because those trails are outside of PacifiCorp authority. Bill Richardson (RMEF) agreed with Holman that the presented map makes the land look like property intended for recreation rather than wildlife.

Kimmick said she appreciated the feedback and that she does expect modification to the preliminary design after today's meeting. She said that she recognizes that land within the Lewis River area is a finite resource and that the settlement agreement has requirements for interests that can compete, such as habitat and recreation. The preliminary design shows what is feasible in terms of construction, but if the TCC does not deem it feasible for habitat, she wants to

make those modifications, and she acknowledges that the land is only owned because of habitat. She agreed to take the DNR trails made inaccessible out of the equation.

Miller asked whether the Lewis River Recreation Committee (LRC) is asking to replace the abandoned IP road with the Saddle Dam Trails. Kimmick said that the LRC is advisory in nature, not an oversight committee as the TCC is. The federal license dictates that there must be recreational opportunities, and the IP road trail was named as that opportunity. FERC agreed that the Saddle Dam conceptual trail plan is a good alternative for the IP road trail requirement that meets the intent of the license.

Miller said that when it was proposed for the Eagle Cliff Trail to be abandoned, the LRC asked for some land around Swift Forest Camp to be evaluated and asked whether this was the same situation. Kimmick responded that the Eagle Cliff Trail concept was abandoned because of adjacent bull trout habitat and that there were no feasible alternatives in that area. The LRC asked for an evaluation of the potential of a trail near Swift Forest Camp; however, that would have ultimately required collaboration with USFS and/or private property owners, and neither entity agreed to be on board with the plan. Miller responded that she wanted to take into consideration the views of the LRC, and though she wants to do what is best for the wildlife, she also wants to be respectful of their thoughts. Kimmick said that when the conceptual plan was brought to the LRC in 2020, they approved the plan, but they also were looking at it through the lens of what would be a good alternative to the IP road, not through the lens of wildlife habitat.

Erik White (Cowlitz Tribe) said that he was not on the TCC when this land was acquired and that based on the map of current usage, there is already enough activity to prevent wildlife from effectively using the area. Emmerson said that the land was purchased from Longview Fiber in 2010, and that most of the trails were already in place from all-terrain vehicle users, hikers, and equestrians. Some trails were moved by PacifiCorp from their original locations, but not much has changed. She noted that if nothing is done, the trail users will not disappear. Will a change in trails bring in higher usage, or will people continue to use the trails at the same rate?

Richardson said that it was a costly effort to the mitigation funds to acquire this property and asked what the chances for mitigation would be if the trail system is installed as planned.

Holman said that there are trails near the Saddle Dam Farm where recreation is already being provided to multiple user groups, as well, and that potentially, trails could be removed from the north around the ponds and wetlands, but existing trails around the farm could be consolidated, and PacifiCorp could take credit for providing that recreation opportunity. Kimmick asked for elaboration on the concept of taking credit, and Holman responded that the trail users could be informed that there was a settlement agreement that allowed for them to be there. Kimmick responded that she understands, and that the system near the farm has significant levels of use and value to those users, and it can be formalized with FERC that this trail system is part of the recreation opportunity in the area.

Adam Rich asked whether the type of usage was restricted in any way and added that mountain bikes are the most disturbing entity in terms of erosion and surprise to wildlife. He said that perhaps existing trails could be improved with higher trail standards to prevent erosion. Kimmick said that these trails are currently unmanaged, and this is a known equestrian area, so she does not

believe there is much, if any, mountain-bike use. She has reviewed several reports that Summer Peterman had provided on how recreation affects wildlife, and it seems as though equestrians have less impact on wildlife than bikers, hikers, and trail runners. Rich recommended being proactive and prohibiting the use of mountain bikes before it becomes established, which could help with concerns about wildlife disturbance. Kimmick asked whether the TCC would prefer to see dogs restricted on the trails, because she knows that dogs can be stressful to wildlife, particularly ungulates. Peterman said that a dog restriction would be unenforceable, and she does not see a benefit to it. She said most of the equestrians also have dogs with them, and a high percentage of the current recreational use includes dogs. Emmerson said they could maybe establish a leash requirement, but she agreed that it would be difficult to manage and enforce. Holman agreed that a dog restriction would not be realistic, though perhaps some seasonal restrictions or a set of guidelines on what is allowable could be helpful. Emmerson said there has never been any trail management, so there is not currently a set of guidelines. She said a timing consideration could be considered during calving season to ensure that horses and other users arrive in the area after elk have left their beds. Peterman noted that most elk usage of the area is during the winter, when trail usage is low anyway. Peterman said that she can provide a summary of the most common times that people were recreating on the property and that most of it occurred after 9:00 a.m.

Kimmick said that if trails were to be developed in MU 10 as proposed, the TCC would have the ability to determine trail management and how the public would use those trails, in regard to timing restrictions, seasonal closures, and dog restrictions on certain parts of the trail. That could be added under the recreation management guidelines rather than WHMP public use management. Emmerson agreed that when Saddle Dam was closed for remediation, public users ignored the signage, and Peterman agreed that users were adamant about public access.

Holman asked whether the trails in MU 10 are valuable enough to PacifiCorp that they would buy another piece of property to manage for habitat elsewhere. This unit can continue to provide what habitat it can, but it can be built out for other values, and the WHMP can have another land parcel elsewhere that is more remote. Emmerson replied that she does not know if it would be possible, as they are not finding a lot of opportunities to do so. It would be more likely that lands could be found for further wildlife mitigation rather than land for recreation elsewhere. PacifiCorp purchased this land originally to prevent the threat of development. There is a current loss of wildlife habitat, but it still functions as a refuge to the wildlife that is there. Emmerson said they need to decide whether Kimmick can proceed with this design and that if it is approved, how should it be mitigated.

Kimmick asked whether it would be a go with contingencies added. She is very open to what the TCC is discussing, and she agrees that the land was purchased for wildlife habitat, but PacifiCorp is stuck between a rock and a hard place with the IP road and the federal license.

White said that he would appreciate seeing this managed from a multiuse perspective and that as wildlife value is diminished, it would still remain as a portion of how the property is managed. He also approves of purchasing remote land elsewhere with more value to wildlife. Richardson asked whether there was a chance of mitigation for what is essentially a change in direction and management. Emmerson said that they can come up with an idea of whether purchasing other property would be a viable strategy by the December meeting. Peterman noted that the long-term management of the trails should be considered, and that if they are on wildlife lands, it needs to be

determined who is responsible monetarily for the trails. Holman agreed and said that it needs to be decided whether this land will remain in the WHMP, or wildlife would convert to a secondary use, such as at Cresap Campground. He also said that there should be no additional development, such as the addition of bike trails or baseball fields, in order to keep the land as wild as possible while still recognizing that recreational usage will be present.

White said that he believes that it may be more beneficial to formally manage the property for both wildlife and recreational usage now so that other wildlife properties do not also start having recreational usage. Richardson agreed. Miller asked whether there is still a mitigation option of buying a piece of land with similar wildlife values and does the secondary usage for wildlife still get managed through WHMP if the primary usage is no longer for wildlife.

Emmerson said that this can be documented and that the settlement agreement called out secondary areas. However, if this piece of property becomes secondary for wildlife, then 10.8.5 mitigation funds no longer apply, and she said that a new exclusionary category needs to be created in this case so that they would still retain WHMP funds. Emmerson and Peterman will look for opportunities to purchase other mitigation land, potentially upriver.

Kimmick said that she will wait to move forward with the new trail system until the TCC's concerns are met. She said that she appreciated the discussion and is looking forward to continuing working with the TCC.

PacifiCorp Drone Best Management Practices

Summer Peterman is now the drone coordinator for PacifiCorp Renewable Resources, and she presented on a PDF she had created to memorialize PacifiCorp drone policies. She said that the wind and transmission sections of the company use drones fairly frequently, but there has been no specific training or guidance on drones and wildlife, so she would like the input of the TCC regarding what she has pulled together for wildlife lands.

The purpose of the created guidelines is to give an overview of wildlife protection, and laws and best practices surrounding the use of unmanned aircraft systems (UAS). The presented document gave an overview of the Migratory Bird Treaty Act, the Bald and Golden Eagle Protection Act, the Airborne Hunting Act, best practices when operating drones, and safety and compliance guidance (including the general dates of raptor nesting season and elk calf rearing season). Peterman listed all references used and provided contact information, then asked the TCC for comments.

Peggy Miller asked how users would know what a sensitive area for wildlife is, where these areas would be found, and whether there would be other training to fill in that information. Peterman responded that the idea behind this document was to remain general so that PacifiCorp locations in other states could also use the guidelines, but she agreed to adding in language stating that it is the user's responsibility to know where those locations are and that users can check with their compliance coordinator.

Eric Holman agreed that for a document meant to be used in multiple states, it is good to cite federal regulations, but he added that Washington has more specific guidance on harassment and additional protected wildlife beyond what is federally listed. He said that it would be beneficial to note in the document that there could be additional state regulations regarding drones and to

specifically say that drone users are not allowed to disturb wildlife with the use of aircraft, including UAS. He added that WDFW has guidelines regarding the use of UAS within their big game hunting pamphlet. He then said that pamphlet does not mention animals that are not hunted, such as raptors or painted turtles, and how they can be protected from UAS, and that can be problematic.

Kendel Emmerson mentioned that Adam Rich distributed the guidelines on UAS that USFS uses, and Peterman thanked Rich for the references and agreed with Holman that she will define “harassment” in her guidelines and will look through the WDFW big game pamphlet as another reference.

Peterman then asked, though PacifiCorp has no plans to stop using helicopters in their raptor surveys, what the TCC’s stance would be on using drones to confirm raptor nesting behavior. Miller stated that the only use she could think of is if there is an impending timber harvest and PacifiCorp wants to check active usage of the nest, and she asked whether this would be on a case-by-case basis. Peterman agreed that that was the scenario she was thinking of and that this could mostly be used on an emergency basis to confirm that raptors had left their nest so that a timber harvest or other potentially disturbing activity could begin. Emmerson added that they had a perfect example of that at Merwin Dam, where eagles were acting like they were defending their territory, but there was nothing detectable in the nest, and ultimately, it was inconclusive whether the nest had been abandoned for the season. She said that in that situation, use of an UAS would have been helpful. Peterman said that whenever incidents like that arise, it can be brought to the TCC, but she wanted to clarify that this was open for discussion as an option to use. Holman agreed that as technology advances, it becomes another tool to use, and that an UAS would be less disturbing to birds than a helicopter, or even people on the ground. He would like to have these discussions brought to the TCC on a case-by-case basis but believes that UAS will become a more commonly used tool.

Riparian Buffers and Timber Harvest Areas

Kendel Emmerson began to present a map of each unit showing where GIS-located riparian buffers overlapped with timber harvest areas. She noted that there were many small locations with overlaps shown—though Joe Berry (Chilton Logging) goes down to each stream with a rangefinder and flags the buffer, so she is confident that his measurements are correct—and that they believe many streams are mislocated in the GIS data. She continued to show each unit’s map and noted where there were mapping errors that indicated a minor incursion into the riparian buffers and where she knows that they made a conscious decision to thin within the riparian buffer in order to follow the original clearcut line. She noted a specific location in Unit 10 where she knows that on any given day, those streams can appear to be in a different location because the hydrology of the adjacent wetland can vary, so any incursions are likely to be mapping errors. She then noted another location in Unit 14 where there was a large cliff that Berry could not access as well as in other locations, so it was likely another mapping error. She continued to note deliberate incursions in other units where the harvest followed along original clearcut lines and along topographic breaks. In Unit 27, she noted that there was a lot of time spent on the ground to find accurate buffer boundaries, so the mapping is surprising, and it seems likely that GIS does not have the correct data on the stream locations.

Emmerson said that she is confident on the incursions where it had been a conscious decision to thin trees within the boundary and the incursions that followed commercial thins and clearcut boundaries, but that the mapping errors add up to a lot of land, and she wanted to discuss how to present those data and ask what the threshold should be for investigating whether mapping errors were truly errors. She said that some of these locations can be further investigated, but that others cannot have a definite answer, and that moving forward they will make a concerted effort to look at these mapped boundaries post-timber harvests in order to reconcile the data and correct any errors and make notes within the GIS data.

Peggy Miller said that her intent in originally asking the question of how many timber harvest areas were inside riparian buffers had been to determine how many times there had been a conscious decision made to thin within the buffer. These data show that there were more instances than she had thought, and they also show precedence that it has been done, so on a case-by-case basis, she is more comfortable considering proposals to thin within riparian buffer areas. Miller does not think that seasonal stream changes and errors are as important as noting the locations where conscious decisions were made, though if the numbers begin to affect annual reporting, then Emmerson may want to make a decision on how to use those data.

Emmerson said that this was a good exercise and that it shows that there needs to be fine-tuning done on the data because she does not think GIS is using accurate stream data.

Bill Richardson said that mapped stream layers are a known source of error amongst various agencies and entities, so he is not too concerned about the mapping errors. He noted that there have not been many conscious decisions to enter the buffers, but he agrees that there are exceptions to be made in order to improve forest health overall, and he also agrees the reasoning for doing so should be documented somewhere.

Eric Holman noted that this had also been discussed during the development of the WHMP in 2008 and that he believed the flexibility to enter riparian buffers when needed can make things better, and he liked Emmerson's presentation to see how that has been used over the years. He does agree that it would be worth making the notes within the data layers to memorialize these decisions so that future members understand the choices made. He also noted that the riparian buffers they use are larger than what is required by state forest practice laws, and they are on the upper end of what the science directed to be appropriate.

Emmerson said they may decide to notate the data to distinguish between the mapping errors, the conscious decisions to incur within the buffers, and the incursions that were not completed by PacifiCorp. She said she will follow up on this during the December TCC meeting.

Moss Cave Land Acquisition Update

Kendel Emmerson said that they received the updated appraisal estimate from Sam Romanaggi, After some adjustment in the estimate, it was decided to contract with Romanaggi for the update. The appraisal came out to be \$10,500, and the share agreement between The Nature Conservancy (TNC) and PacifiCorp was recently signed. Romanaggi got that contract yesterday. This process should be finished in January 2024, hopefully have sale close date around August. Eric Holman asked whether there had been any conversations surrounding these details with TNC or specifically

Isaac Hansen. Emmerson replied that they meet with Hansen once a month, and Tom Woodruff is still engaged within the process, as well.

WSDOT ROW Acquisition

Kendel Emmerson reminded the TCC of an event in 2017 where a large landslide on SR 503 near Speelyai Bay required emergency repair by Washington State Department of Transportation (WSDOT). At the time, WSDOT was not aware of all the details required on how to complete the project. They ended up drilling a rod into the rock on the side of the road in order to hold it in place, and they discovered later that that rod had gone under the PacifiCorp property line. She stated that nothing about the rock they own had changed other than a rod being underneath it. Per state requirements, WSDOT needs to purchase that land so that they fully own the rod that had been drilled in, which amounts to about 175 square feet of the interior of this rock. After analysis done by WSDOT, they will pay \$1,500 for the sale of the parcel of rock, and that money will be placed in WHMP mitigation funds. Emmerson asked for approval from the TCC to have that land transferred into WSDOT ownership. Peggy Miller asked whether there is any oak habitat on top of the rock in question, and Emmerson replied that there is oak habitat to the west, but the parcel that WSDOT is buying is only rock, with no vegetation on top of it. **The TCC approved the Speelyai Rockslide Acquisition sale of 175 square feet of rock for \$1,500 received from WSDOT.**

Project Updates

Western White Pine Blister Rust in Southwest Washington

PacifiCorp has planted western white pines in several locations (including Merwin and the high country) to increase diversity and because it was a readily available species that was theoretically resistant to blister rust. When Joe Berry was working on his fall surveys, he discovered blister rust on the western white pines. The seedlings came from DNR, and they told Berry that western white pine is resistant to the blister rust everywhere in the state except for southwest Washington. PacifiCorp will not be planting this species of tree moving forward, and will replace it with ponderosa pine, which is not a species that is as readily available, but it will likely have better resistance to disease. PacifiCorp will change the commercial thinning prescription to remove western white pine from the count, because Berry said that if they are not already dead, they will eventually be dead. The DB Cooper timber unit will be replanted with ponderosa pines next year, with the knowledge that all western white pines planted there will likely be lost in the future.

Eric Holman asked whether ponderosa pines are suitable for the southwest Washington climate. Emmerson responded that they are a tree found in diverse habitats that has been used in other units, though they may not tolerate units in higher elevations upriver. However, elk do tend to shred them during rutting season. Holman agreed that ponderosa pines seem to be a good replacement for western white pines, though he said he would like to see more deciduous trees in the planting plans. Kendel Emmerson agreed and said they will also be adding more hardwood trees to the DB Cooper timber unit next year, and they are leaving a meadow area at Eagle Cliff where they will add cottonwood, dogwood, and cascara.

Erik White asked whether there are western white pines in other units that need to be checked and eventually replaced. Emmerson replied that Berry knows where they all are and that moving forward, PacifiCorp is assuming they will all eventually die off.

Bill Richardson said that ponderosa pines are very adaptable, and he approves of using them as a replacement.

ANE Forest Auction

Emmerson said that there is approximately 600 acres of land on the north side of Swift Reservoir that connects to WHMP lands that will be going up for auction soon. She has had calls from various conservation groups that are interested in the property, and she believes she may have met a developer at the gate, so she does not know who will end up bidding on the property. She noted that Swift Reservoir is low right now, so anyone who wants to bid would see what the area looks like this time of year. PacifiCorp owns most of the shoreline along that area, and so any potential moorages created by developers would need shoreline permits.

Holman asked whether it was one parcel of land or multiple parcels of land within the noted 600 acres. Richardson said that it has been divided, but that it is being marketed as either two pieces of land or one large piece of land. Holman noted that there is some obvious habitat connectivity value with that property, and if a conservation group purchases the property, he thinks it would be beneficial to talk to them and see if there could be any collaboration. He also expressed that he knows it is unlikely that PacifiCorp would be able to own some or all of the land, but that would be ideal in his eyes.

Emmerson agreed that it would be beneficial to attempt to collaborate with the purchaser, so she made a note for the December meeting to provide the sale results if possible.

Schedule 2024 Meetings

Emmerson said that TCC meetings have always been the second Wednesday of the month and asked whether any members would rather change that pattern for 2024. Miller agreed that she prefers to plan her schedule around the second Wednesday, and all members agreed to keep the 2024 scheduling as is, with meetings occurring on the second Wednesday of each month.

Final Updates

The agenda for the December meeting will include updates on Saddle Dam trail mitigation possibilities, finalizing PacifiCorp drone guidance, mapped riparian buffers, and the ANE land auction.

Virtual Meeting Adjourned at 11:18 am

Administrative

The December 13, 2023, meeting will occur virtually on Teams.

Agenda items for December 13, 2023

- Review November 8, 2023, meeting notes
- Saddle Dam proposed trails impacts and mitigation.
- Finalize Drone Guidance,
- Riparian Buffer Maps with categories.
- ANE land auction results
- Project updates
-

Next Scheduled Meeting

December 13, 2023

Teams

Attachments:

- Saddle Dam Proposed Trail Power Point Presentation
- Saddle Dam Proposed Trail Map (Available upon request)
- Draft UAS Wildlife Training and Best Management Practices
- Draft Riparian Harvest Buffer Maps (Available upon request)

UAS and Wildlife Training and Best Management Practices



Purposes

1. Overview of wildlife protection and UAE use laws
2. Best practices when using UAEs



Migratory Bird Treaty Act (MBTA)

- It is unlawful to ***pursue***, hunt, ***take***, capture, kill, possess, sell, purchase, barter, import, export, or transport ***any migratory bird***, or any part, nest, or egg or any such bird, ***unless authorized under a permit issued***
- Take is defined in regulations as: ‘***pursue***, hunt, shoot, wound, kill, trap, capture, or collect, or ***attempt to pursue***, hunt, shoot, ***wound, kill***, trap, capture, or collect.’ ”
- ***Misdemeanor offenses*** maximum of \$5000 and or imprisoned for not more than six months for individuals, or \$10,000 fine for an organization.
- ***Felony offenses*** maximum of \$250,000 and/or imprisoned for not more than two years for an individual or \$100,000 for an organization.



Bald and Golden Eagle Protection Act

- Prohibits anyone, without a permit, from "taking" bald or golden eagles, including their parts (including feathers), nests, or eggs.
- **Criminal penalties** for persons who "take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any bald eagle ... [or any golden eagle], alive or dead, or any part (including feathers), nest, or egg thereof."
- "take" as "pursue, shoot, shoot at, poison, **wound**, kill, capture, trap, collect, **molest or disturb**." Regulations further define "**disturb**" as "to **agitate or bother** a bald or golden eagle to a degree that causes, or is likely to cause, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior"
- A **violation** can result in a **fine** of \$100,000 (\$200,000 for organizations), imprisonment for one year, or both, for a first offense. **Penalties increase** substantially for additional offenses, and a second violation of this Act is a felony.

Airborne Hunting Act

You can be prosecuted if harassment of an eagle, or other wildlife, occurs while flying a drone. We recommend wildlife observers follow the provisions described in the Airborne Hunting Act.

Except as otherwise authorized, no person shall:

- ***Use an aircraft to harass any wildlife***



Best Practices

- Operate from a safe distance
- Launch the UAS more than 100 meters (328 feet) from wildlife out of sight if possible
- Do not fly over or near wildlife (elk, deer, active raptor nests) as this can create stress that may cause significant harm, and even death
- Avoid threatening approach trajectories and sporadic flight movements. Do not approach animals or birds vertically with the UAS
- If any bird is chasing, diving, harassing the UAS during use, land immediately and contact your local Compliance expert



Safety and Compliance



- Always use a spotter when operating around active wildlife areas or nests
- Use extra care around endangered species or sensitive habitats
- Wildlife response may be unexpected. Seek expert advice if unsure
- Ensure all drone use is in accordance with approved PacifiCorp policies and permits

Important Dates to Remember

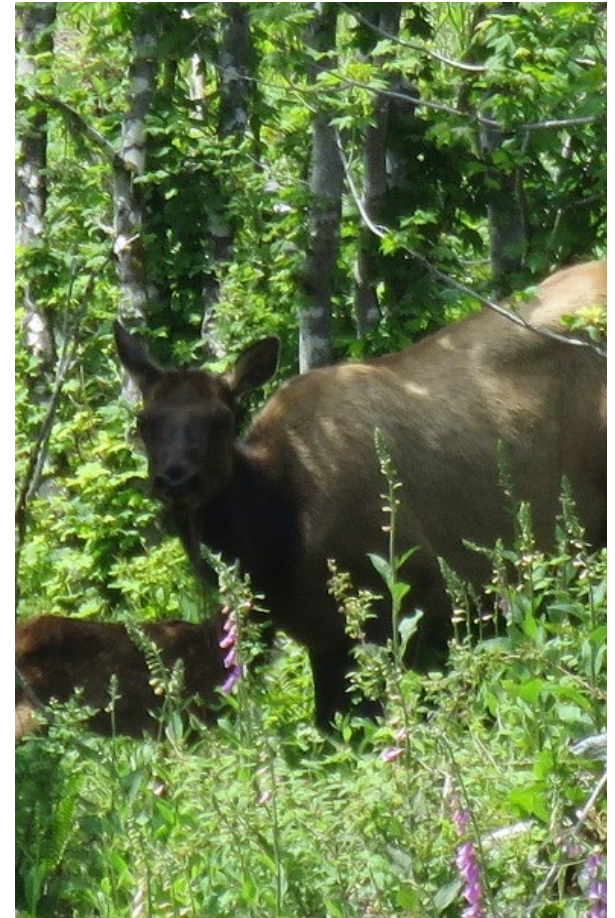


Raptor Nesting Season

January 1—August 31

Elk Calf Rearing Season

May through June



References

- World Wildlife Federation. Drones for Conservation. space-science.wwf.de/drones/ . Nov. 2020.
- USFS. Tips for Responsible Recreational Use of UAS on National Forest Systems Lands. <https://www.fs.usda.gov/managing-land/fire/aviation/uas/responsible-use>
- National Archives. Code of Federal Regulations. Fish and Wildlife Act of 1956. Part 19–Airborne Hunting. [eCFR:: 50 CFR Part 19 -- Airborne Hunting](https://www.ecfr.gov/current/title-50-chapter-19) . Jan 7, 2022.



If you have any issues or concerns about using UAS near wildlife, contact your local compliance expert or Summer Peterman (503) 813-5323