

**Lewis River Hydroelectric Projects Settlement Agreement
Terrestrial Coordination Committee (TCC)
Meeting Agenda**

Date & Time: Wednesday, October 12, 2011
9:00 a.m. – 3:30 p.m.

Place: Port of Woodland
115 Davidson Ave.
Woodland, WA 98674

Contacts: Kirk Naylor: (503) 813-6619; cell (503) 866-8750
Port of Woodland Front Desk: (360) 225-6555

Time	Discussion Item
9:00 a.m.	Welcome <ul style="list-style-type: none">➤ Preview Agenda➤ Review, comment and adopt notes of 9/14/11 meeting
9:15 a.m.	➤ Lands Update
9:30 a.m.	➤ Elk / Equestrian Study
10:00 a.m.	➤ Property Encroachments
10:15 a.m.	➤ Update on Forestry Projects (Unit 28 / Unit 33)
10:30 a.m.	➤ BPA Discussion
11:30 a.m.	<ul style="list-style-type: none">➤ Next Meeting's Agenda➤ Public Comment Opportunity➤ Note: all meeting notes and the meeting schedule can be located at: http://www.pacificorp.com/es/hydro/hl/lr.html#
11:45	<ul style="list-style-type: none">➤ Optional trip to UNIT 28 – (forestry site)<ul style="list-style-type: none">○ If anyone wants to see the completed logging project on Cowlitz Tribe and PacifiCorp property.○ Please RSVP via email to Sabrina Hickerson if planning to attend!
3:30 p.m.	<i>Adjourn</i>

To attend a Voice Conference:

Call 503-813-5600 (toll free #800-503-3360), follow the instructions provided and enter Meeting ID: **661919** and password: **661919** when prompted.

Meeting Notes
Lewis River License Implementation
Terrestrial Coordination Committee (TCC) Meeting
October 12, 2011
MEETING AT Port of Woodland

TCC Participants Present: (8)

Bob Nelson, RMEF
Bill Richardson, RMEF
Eric Holman, WDFW
Peggy Miller, WDFW
Nathan Reynolds, Cowlitz Indian Tribe
Kirk Naylor, PacifiCorp Energy
Sabrina Hickerson, PacifiCorp Energy
Kendel Emmerson, PacifiCorp Energy

Calendar:

November 9, 2011	TCC Meeting at Merwin HCC	HCC
December 14, 2011	TCC Meeting at Merwin HCC	HCC

Assignments from January 13, 2010 Meeting:	Status
Naylor: Create a land acquisition spreadsheet to include type designations for the TCC review and approval as necessary.	Pending

Parking lot items from February 10, 2006 Meeting:	Status
Conservation Agreement – what is wanted?	Ongoing – 4/28/06

Parking lot items from April 13, 2011 Meeting	Status
Naylor: Provide TCC with Riparian Management Plan for review.	Pending
Discuss revising the Annual Plan and Report to meet TCC and FERC needs while reducing overall cost to write and produce – <i>To discuss at September / October meetings.</i>	Complete

Assignments from October 12, 2011 Meeting:	Status
Naylor and Richardson will inquire as to the cost of acquiring the mineral rights in conjunction with the land purchase and report back to the TCC	In Progress
Emmerson: Provide an update on the elk/equestrian study in January.	In Progress

Review of Agenda and Finalize Meeting Notes

Kirk Naylor (PacifiCorp Energy) called the meeting called to order 9:11 a.m.

Agenda reviewed at 9:12 a.m.

Eric Holman (WDFW) requested information regarding the acclimation ponds being put in at the Muddy, Curly and Crab Creek locations. Information came to WDFW through FS as this is in the NEPA scoping stage. He recalls discussion being held with the TCC regarding one of the locations, but not the other two, and he has concerns about disturbing elk in the area. Because the ponds are in the flat valley bottoms, in the flood plains of the creeks, he knows that elk go into those areas, and when people are there to maintain and check on the ponds, they could be disturbing the elk. He was especially concerned about the potential of plowing the roads to gain access to the ponds in the early spring.

Naylor recommended that Holman attend tomorrow's ACC meeting to discuss. Peggy Miller (WDFW) said she was going to attend the ACC meeting and she could bring these issues to the table at that time. Bill Richardson (RMEF) echoed and supported WDFW in expressing these concerns.

Kendel noted that the ponds are on Forest Service land, not WHMP land. Additionally, the footprint of the ponds is not very large, and there is not really an issue with trees being removed to install or maintain the ponds. The issue is potential elk disturbance.

Sabrina Hickerson (PacifiCorp Energy) requested that an item be added to the agenda to discuss the ACC/TCC Annual Report. Additionally, she announced that this would be her last meeting with the TCC as she was moving to another position within PacifiCorp. Until a replacement is hired to fill the of project coordinator, correspondence regarding the Lewis River could go through Kirk Naylor or Kendel Emmerson (PacifiCorp Energy).

The agenda was approved at 9:26 a.m.

The meeting notes were also reviewed and accepted with no changes at 9:31 a.m.

Lands Update

Richardson reported on the current land transaction. He advised that they are halfway through the appraisal. Also, the Phase One Environmental Report is nearing completion. Everything looks good so far. There is a hydraulic shovel on one unit, and they are working with land owner to have that removed. Additionally, some oil was found from a blown hydraulic line, but it was not enough to give cause for concern or to register as an environmental condition.

The surveyor is working and the title review is nearly complete. The only outstanding item is some exceptions on the title report related to property taxes which is pretty standard. There are also a myriad of easements to deal with.

Holman asked about the kinds of easements. Richardson advised they are mostly conditions of road use between adjoining landowners, with individuals responsible for maintaining the roads based on their use (no specific maintenance standards or road closure agreements). They are historical easements that have been passed down from one property owner to another. The one item of note is the snowmobile trails on a portion of the land that appears to have developed in relation to the adjacent Forest Service road. There is language that states "No public access to section one," which implies that the Forest Service could access the road but not offer recreational

use on it. Otherwise, that would be a slippery slope to allowing all kinds of access to the land which would not be in line with the WHMP goals.

Miller asked about mineral rights and Richardson advised that the prior land owner retained these rights when they sold the land to the current owner. However, it would be worth looking into the cost associated with acquiring the mineral rights. There have been instances where they have been donated to RMEF, and others where they have cost \$100/acre. Naylor and Richardson will inquire as to the cost of acquiring the mineral rights in conjunction with the land purchase and report back to the TCC.

The target end date for the appraisal and surveys is the end of October or the first of November. At that point, all associated parties will have an opportunity to review, comment and provide recommendations back to the appraiser. The appraiser will then turn around with the final appraisal approximately one week to ten days later.

The discussions with the land owner have been to make an offer and conclude the transaction by the end of November. However, it is possible that the appraisal will come back higher than the funds available for the purchase. The TCC needs to be prepared to make some decisions regarding what might be acquired outright and what could be put on contract for purchase at a later date. The seller seems amiable to this type of arrangement.

Elk-Equestrian Study

Emmerson prepared and distributed a memo to the TCC (see Attachment A) for review. The group reviewed the map and the memo.

Naylor expressed concern about being able to get into the area, setting up the blind, and getting into the blind without disturbing the elk; especially if the blind will have to be removed and re-established each time. Emmerson noted this concern and advised that it will need to be tested through implementation.

Emmerson observed that there is no real consistent game trail, but there is known bedding in Field Two. When in Fields One and Two, the herd flushes north; and when in Field Four they flush to the south.

Richardson requested that Emmerson coordinate with Ray Crosswell (RMEF) to plan camera placement. The team discussed the benefits and limitations of camera usage. The group agreed that the best methodology to determine equestrian and elk interaction will be to ride with the equestrians. Naylor stated that the purpose of the cameras should be to document recreation use – not elk response.

The months of December and January will establish the baseline data through some trial and error. March and April will see more recreation and by then the data will be available to more accurately predict where the elk will be and when.

Miller observed that based on this study it will be possible to time the recreation usage to minimize elk disturbance. Emmerson pointed out that management of the area has already been tailored based on observations made thus far.

Nathan Reynolds (Cowlitz Indian Tribe) suggested using tree stands but Emmerson advised that the liability and risk involved were unacceptable.

The TCC approved the study period and understood that the placement of the blinds would be based on trial and error. The study would alternate between dusk and dawn. Emmerson will provide an update on the elk/equestrian study in January.

Naylor suggested that the equestrians be enlisted to provide observations before and during the study. Reynolds agreed and suggested providing them with a concise form (multiple-choice) and map to encourage consistent response data. Emmerson suggested posting a drop-box for the surveys. The group suggested enlisting volunteer, but Emmerson stated she would prefer to have a well-defined plan and better understanding of the consistency and duration of elk use before coordinating volunteers.

Reynolds suggested hiring an intern or a grad-student to work on this study as a field project. He felt that engaging the academic community would be helpful. However, there were concerns about liability and feasibility and ability to effectively implement by December 2011.

Property Encroachments (Confidential)

Forestry Update

Naylor sent out the proposed grass/legume seed mix to the TCC and discussed it at the last meeting. He went forward based on these discussions and the mix has already been purchased and planted in Unit 33. The intention was to lay down about 17 lbs/acre, but the contractor was a little conservative and probably laid about 12 – 14 lbs/acre. This is acceptable, however, because it means there will be less competition and plenty of room for the shrub component which is what the TCC really wanted to encourage anyways. The remainder was spread by the Swift warehouse (in the meadow), by the Swift Canal upper release road, and a few other areas.

Naylor is interested to see how the seed mix turns out because this was planted within two days of the legumes being inoculated. In the past, the seed mix was not planted as quickly and the legumes did not sprout as well. Naylor believes the delay may have prevented proper germination and thus negatively impacted the growth. However, another factor could have been the early freezes in previous years.

The last item on the agenda will be to go out to Units 28 and 33 to view the work and there will be further discussion on the management of those areas at that time. Reynolds advised that he has already been out to Unit 28 and what he saw looked really good. The canopy has really been opened up as a result of the harvesting and it looked like optimal habitat. He would not have recommended taking out any more trees.

BPA Discussion (Confidential)

Annual Report Streamlining

The group agreed that what is wanted is less text in this year's annual report, and more charts/tables for ease of review. High-level summaries were preferred, with additional information available upon request.

Opening Cresap Bay Early

Based on the TCC's previous approval for extending the opening of the boat launch at Cresap Bay Recreation Area, David Moore moved forward as discussed at the last meeting and fertilized the grass areas in the park and had the invasive weeds at the septic drain field sprayed. The drain field will be further evaluated for mowing in spring.

Speeylei Bay Day Use Area

Naylor described that the public restroom septic drain field will need to be replaced as part of the upgrades in 2013. The current drain field doesn't operate properly because of the seeps in the hillside. The drain field is currently located on the same hillside that will be logged next year above the parking area. The options being discussed require that the effluent be pumped uphill into part of the WHMP area and requires approximately two acres of drain field. Naylor indicated that this could provide an opportunity to develop a permanent forage area in the vicinity. The current options being considered are:

1. Clear approximately 2 acres from a 15-year-old harvest area and dedicate to permanent forage,
2. Clear 2 acres of a previously unmanaged timber site south of the existing Speeylei Orchard and dedicate to permanent forage, or
3. Distribute the drain lines between the existing orchard trees in the Speeylei Orchard.

Naylor is recommending to the TCC and engineers to consider the orchard site as it doesn't require additional clearing on WHMP dedicated lands. It must be determined if this provides adequate area and that the orchard trees would not be damaged as a result.

No recommendation from the TCC at this time until suitability of the sites is further established. WDFW also commented that they don't want to see additional recreational induced development occur on these WHMP lands above the Speeylei Day Use Area. WDFW cited that The Settlement Agreement (11.2.3.11) states: by the twelfth anniversary of the Issuance of the New License PacifiCorp shall evaluate the feasibility of providing additional parking under the nearby Project transmission lines with trail access to the boat launch. There is concern that the additive effect of recreational improvements in this area is potentially compromising WHMP objectives. How much additional access would development and maintenance of a septic drain field have on disturbing wildlife habitat? This will be further discussed at the next TCC meeting.

Next Meeting's Agenda

- Review of 10/12/11 Meeting Notes

- Updates on land transactions
- BPA Discussion
- Speelyai Day Use Area

Public Comment Opportunity

No public comment was provided.

Next Scheduled Meetings

November 9, 2011	December 14, 2011
Merwin Hydro Control Center	Merwin Hydro Control Center
Ariel, WA	Ariel, WA
9:00am – 3:00pm	9:00am – 3:00pm

Attachments:

- Attachment A: Elk-Equestrian Proposed Study Memo

MEMORANDUM

DATE: October 10, 2011

TO: Terrestrial Coordination Committee

FROM: Kendel Emmerson

SUBJECT: Proposed Strategy to Evaluate the Potential Impacts of Winter Season Equestrian Use on Elk in Saddle Dam Farm

The primary purpose of Wildlife Habitat Management Plan (WHMP) lands is to benefit a broad range of wildlife, fish, and native plant species, by protecting, mitigating, and enhancing wildlife habitat. Elk have been identified as one of the priority species to manage for on WHMP lands and the Saddle Dam Farm is managed as an important foraging habitat area for elk. Elk and elk use sign (e.g. pellets, browse, and beds) are regularly observed and indicate that elk occupy the Saddle Dam Farm year round. However the number of elk and the frequency and duration of elk use is unknown.

WHMP lands are open to the public for non-motorized access and access can be managed as necessary to maintain or improve habitat quality. The Saddle Dam Farm is part of the Saddle Dam – Speelyai Canal trail, which is a popular trail that is used for horseback riding, hunting, hiking, dog walking, and mountain biking. The trail, which is denoted as solid red line on the attached map, either passes through the farm along the 1000 road or the road that crosses over Saddle Dam. The red dash line denotes a former trail that is not currently being used, but may be reestablished if necessary.

During relicensing it was determined that there may be a potential conflict between equestrian recreation and winter elk use in the Saddle Dam Farm. As a result, Section 11.2.2.5 d of the Settlement Agreement was developed and reads as follows:

11.2.2.5 Yale Trails. By the fifth anniversary of Issuance of the New License for the Yale Project, PacifiCorp shall complete the following capital improvements at Yale Lake:

- d. PacifiCorp and WDFW shall work cooperatively to develop a mutually agreeable strategy to evaluate the potential impacts of equestrian use on elk during the elk wintering season at Saddle Dam Farm and to minimize any impacts through signage and education, vegetation buffers, or relocating trails. If these methods are not feasible or successful and if equestrian use warrants, PacifiCorp

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shall, at the direction of WDFW, seasonally close the trail(s) via appropriate signage and gates.

A proposed study has been developed to meet this obligation and to achieve the following objectives for Saddle Dam Farm:

- Increase knowledge of the elk use to include average number, frequency, duration, and preferred areas during the winter season.
- Determine the frequency, type, and timing of winter recreation
- Increase knowledge of elk's response to various recreational activities
- Determine what, if any, management actions should be implemented to eliminate or minimize disturbance to elk

The study will be conducted between December 16, 2011 and April 15, 2012 to include most of the winter season and early spring, which is a time that elk are sensitive to disturbance. The start date was selected to avoid studying the elk during the hunting season.

There are four known primary access points that recreationists enter Saddle Dam Farm area, which are denoted as orange stars on the attached map. Trail cameras will be placed in these locations for the duration of the study to record the frequency, timing, and type of recreational use that occurs in the Saddle Dam Farm.

Elk use is throughout the farm and there is currently no known point that elk consistently enter or exit the farm; therefore elk use and responses to recreation will need to be recorded by direct observations. There is no single point that the entire farm can be observed from, but two points with a wide field of view that can span the entire farm have been identified and denoted with green triangles on the attached map. An observer will be stationed at each of these points for a minimum 3-hour session to observe elk use and activity within the Saddle Dam Farm. Observers will be concealed by using hunting blinds, camouflage clothing, etc as necessary to avoid being detected by elk. Depending on wind and the location of the elk when the sessions begin alternate points for observers may need to be used and will be determined as needed at the time of the session.

A total of 8 observation sessions will occur between 12/16/11 and 4/15/12. These sessions will occur every two weeks and as follows:

- Session 1 between 12/16/11 and 12/31/11
- Session 2 between 1/1/12 and 1/15/12
- Session 3 between 1/16/12 and 1/31/12
- Session 4 between 2/1/12 and 2/15/12
- Session 5 between 2/16/12 and 2/29/12
- Session 6 between 3/1/12 and 3/15/12
- Session 7 between 3/16/12 and 3/31/12
- Session 8 between 4/1/12 and 4/15/12

Sessions will alternate between starting before sunrise and ending after sunset based upon actual twilight times. Sessions will be conducted during favorable weather conditions, which is to avoid heavy constant rain, snow, or ice, and unusually high winds. To maximize the potential to observe elk/recreation disturbance two sessions will be scheduled on a weekend day, one to occur between 12/16/11 and 2/29/12 and one between 3/1/12 and 4/15/12. General information that will be recorded during the session will include:

- Area of highest elk use
- Observation times
- Number of elk observed
- Weather
- Elk age and sex (Adult male, Adult female, subadult, calf)
- Recreational use to include type, time, access point, route, and number of people and dogs
- Elk response to disturbance

If Sessions 1 through 4 have been completed and there is not adequate observation of elk/recreation interactions to be conclusive and the elk use frequency appears to be predictable and consistent, then PacifiCorp will coordinate with local equestrian groups to schedule equestrian riders to ride on a certain day, time, and route so that an interaction can be observed. In addition, PacifiCorp will contact local equestrian groups to request information from trail users on their time of use, if and when they observe elk, and what behaviors they observed. This information will be anecdotal, but combined with this studies observation for consistency. PacifiCorp will compile information recorded and will provide a summary of observations and management recommendations to the Terrestrial Coordination Committee in June 2012.

References

- Canfield, J. E., L. J. Lyon, J. M. Hillis, and M. J. Thompson. 1999. Ungulates. Pages 6.1-6.25 in G. Joslin and H. Youmans, coordinators. Effects of recreation on Rocky Mountain wildlife: A Review for Montana. Committee on Effects of Recreation on Wildlife, Montana Chapter of The Wildlife Society. 307pp.
- Naylor, L.M, M.J. Wisdom, and R.G Anthony. 2009. Behavioral Response of Elk of North American Elk to Recreational Activity. Journal of Wildlife Management 73 (3): 328-333
- PacifiCorp, Cowlitz PUD, National Marine Fisheries Service, National Park Service, Bureau of Land Management, U.S. Forest Service, U.S. Forest Service, Cowlitz Indian Tribe, Confederated Tribes and Bands of the Yakama Nation, Washington Department of Fish and Wildlife, Washington Interagency Committee for Outdoor Recreation, Cowlitz County, Cowlitz- Skamania Fire District No. 7, North Country Emergency Medical Service, City of Stand, Stand Chamber of Commerce, Lewis River Community Council, Lewis River Citizens At-Large, American Rivers, Fish First, Rocky Mountain Elk Foundation, Trout Unlimited,

and the Native Fish Society. 2004. Settlement Agreement concerning the relicensing of the Lewis River Projects Federal Energy Regulatory Commission Project Nos. 935, 2071, 2111, and 2213, Cowlitz, Clark, and Skamania Counties, Washington. November 30, 2004.

Taylor, A.R. and R.L. Knight. 2003. Wildlife Responses to Recreation and Associated Visitor Perceptions. *Ecological Applications* 13 (4):952-963