

WEST BRANCH LITTLE SPOKANE RIVER WATERSHED COMMITTEE

Meeting Summary

April 28, 2008

Riverside Fire Station, 3818 E. Deer Park – Milan Rd., Riverside, WA

FINAL

Bryony Stasney (facilitator) opened the meeting at 6:00 p.m.

Attendees Present: Bill Harmon (alternate for Mary Harmon, Mike Carney and Burt Covert), Greg Sweeney, Brian Farmer, Darrell Johnson, Mary Sterling (alternate for Kathleen Werr), Jill Short (alternate for Jim Wood and Max Smith), Luke Short (alternate for Pat Wood), Tom Wimpy, Linda Cannon (alternate for Karen Averitt), Mike Lithgow, Pam Zarko, Dick Anderson (alternate for Howard Rowley and Bev Rowley), Lynne Anderson (alternate for Josh Roath and Sandy Roath), Tammy Kirk, Gil McGee, Andrew Huddleston, Dale Smith, Debbie Kanyer, Sheila Pearman (Sacheen Lake Sewer District), Ron Schmidt (Sacheen Lake Sewer District), Robert Anderson (Washington Department of Natural Resources, Colville).

Introductions: Everyone introduced themselves. Bryony asked everyone to sign-in to the meeting and to check and edit the information on the sign-in sheet. Bryony introduced herself as the Committee's facilitator. Bryony's contact information is: Bryony Stasney, bstasney@golder.com, 208-676-9933 (office) and 208-755-1010 (cell).

Public Comment:

- Andrew Huddleston reported that the West Branch LSR Committee can put together 3 to 4 baskets for the lake associations with environmentally friendly products. The purpose of these baskets would be for the lake associations to show their members options for environmentally friendly household and garden products (e.g., products without phosphorus). Brian Farmer provided materials for the baskets on behalf of Ecology.
- Bryony notified the Committee that she submitted the grant application for Coordinated Resource Management (CFM) direct assistance funding on Friday April 25. The application included request for \$2,500 to help with Committee facilitation and \$2,500 to support site visits by the Pend Oreille Conservation District and others to potential shoreline stabilization / restoration sites. Bryony provided copies of the application to the Committee. Andy and Mike noted that there are criteria included in the Box Canyon streambank restoration guidelines that could be adapted for this project.
- Bryony informed the Committee that CRM will have another grant application opportunity in June 2008. Bryony suggested that the Committee discuss this at the May meeting.
- Mike Lithgow noted that there will be a free bank stabilization workshop at the Kalispel Tribe wellness center in Usk on May 10, starting at 10 am.

March 24, 2008 Meeting Summary Review

The following corrections were discussed and agreed to by the Committee. The final meeting summary will be posted on the web site at <http://www.spokanecounty.org/wgmp/projects/ASP/WestBranch.asp>.

- Page 1: Sheila Pearman (Sacheen Lake Sewer District) noted that her name is spelt incorrectly.
- Page 1: Darrell Johnson noted that his name is spelt incorrectly.
- Page 3: the Committee discussed that work on the existing beaver tubes to add the deceiver cage and leveler tube would be covered under the existing HPA and that an as-built of any work done must be submitted to Jeff Lawlor for WDFW's HPA files.
- Page 3: the last point in the list was revised to read: "The Committee confirmed that the grand dam (a.k.a. the monster dam) does not impact the Sacheen Lake level (per the 1989 WDFW and 2006 Pend Oreille County surveys)."
- Page 4: under Beaver Deceivers and Levelers, Scope, the second sentence was revised to read: "Installation of deceivers will occur on upstream side of the dams and additional flexible tubing (with drilled holes) may be added to the existing tubes on upstream and downstream side of the dams."
- Page 5: Jill noted that she recollected that the cost for materials and labor for the deceiver and leveler installation would be \$1,000 and not \$1,500. Bryony said that the Committee will be refining these costs at today's meeting. The Committee discussed that monitoring for the project would involve checking the deceivers and levelers on a regular basis, monitoring flows at the fish barrier dam and monitoring the Sacheen Lake level at the staff gage. The Committee noted that the Spokane County Conservation District does not gage regularly at the fish barrier dam. The Committee agreed to leave costing as written in the March 2008 meeting summary and to update the costs at today's meeting.

Presentation by Robert Anderson (Washington State Department of Natural Resources, Colville) on Forest Practices Regulations

Bob said that the purpose of his presentation is to give the Committee a better understanding of what DNR does and does not do as a regulator of forest land in Washington State. The presentation includes information on: who DNR regulates; what DNR regulates; what forest land is; partnerships; and, priorities for DNR when assessing forest practices on the ground.

Bob provided two handouts: 1) Forest Practices Illustrated – a simplified guide to Forest Practices Rules in Washington State (2007); and, 2) A Guide to Forest Roads. The handout - A Guide to Forest Roads – has examples of best management practices that are tied to Washington State rules and regulations. The book - Forest Practices Illustrated – is an educational and informative supplement to the Washington State Forest Practice Rules. Bob suggested that the Committee members read the blue (Forest Roads) and red (Timber Harvest) sections of Forest Practices Illustrated.

DNR do not cover agricultural practices. Ecology and Department of agriculture address agricultural land. DNR does not regulate federal lands (e.g. lands owned by USFS, Bureau of Indian Affairs, Bureau of Land Management). County planning departments address issues associated with development. If there are multiple lots around a lake, DNR does not regulate. DNR considers this land use as incompatible with forestry. In this situation, the County and Ecology and maybe WDFW are the regulating agencies. If land use is changed from forest, the applicant must submit a forest practice application for conversion. Land conversion is then addressed through SEPA by Pend Oreille County planning in conjunction with DNR. Once the land is converted to a use that is incompatible with forestry, DNR is no longer the regulator.

DNR does not regulate County or State roads. Due to the historic development of roads from trails, older roads tend to be located along streams. New roads today would not be built in the same way.

DNR does regulate any forest practice on state, county and private land. This includes timber harvest and road building / maintenance. DNR permits forest practices based on the risk of the activity to water quality, wildlife and fish. Water and wetlands are particularly important to DNR. DNR requires a 100 foot buffer from full pool (horizontal distance into the upland) and, if there is a wetland, then a wetland management zone is also included. If DNR receives a forest practice application for land that does not have water or wetlands, DNR will check for archaeological sites, unstable slopes and state/county capital improvements that may be impacted. If none of these exist, DNR will consider this a low risk application. DNR focuses its efforts on high risk applications.

Under Forest and Fish (passed in 2001), there are riparian management zones to water and wetland management zones to wetlands. Activities associated with timber harvest, road construction and road maintenance in these zones are governed by the Forest and Fish legislation. Landowners that harvest greater than 2 million board feet per year are required to schedule an assessment and address fish passage barriers before 2015. For example, Forest Capital has done a lot of work in the drainage above Horseshoe Lake and has opened up about one mile of habitat to fish. Also, these large landowners must identify and address sediment points (i.e., points that deliver sediment to streams from roads).

Addressing fish passage is expensive. The non-industrial private land owner can work within the Family Forest Fish Passage Program to obtain cost share to address fish passage barriers that were installed under an HPA in the past. In our region, DNR plans to conduct 17 of these projects this year. The average cost for a fish barrier replacement is \$60,000. The pipe alone for the Williams Road culvert replacement cost \$40,000.

In western Washington, 75% of the Forest Practice Applications are submitted by industrial land owners. In eastern Washington, 75% of the Forest Practice Applications are submitted by non-industrial land owners. This is approximately 900 to 1,000

applications per year. DNR therefore does a lot of outreach and education with private landowners in eastern Washington.

There are bulltrout streams in northeast Washington that are protected in the same way as a salmonid stream. For bulltrout streams there is a requirement for 100 % shade within 75 feet of the bankfull width. The Little Spokane River and the Colville River are not bulltrout streams. The Pend Oreille River and the Kettle River and tributaries are bulltrout streams.

DNR completed a draft West Branch Little Spokane River watershed analysis (down as far as Horseshoe) in the mid 1990s. Ecology (Jean Parodi) will have a copy of this document.

DNR is partnered with WDFW in the HPA process so a Forest Practice Application that includes water and wetlands will also result in an HPA. For activities that are not on forest land, the applicant must complete a JARPA to receive an HPA.

Q: Does DNR regulate aquatic lands?

A: Dave Harsh is the DNR aquatic lands staff member locally. Navigable rivers and lakes (waterbodies used currently and in the past for commerce) are owned by the state and managed by DNR. Activities on these water bodies may require a DNR permit or lease.

Q: Can roads / skid trails be built 30 feet from wetlands?

A: New roads can cross wetlands and waterbodies but cannot be stream adjacent parallel. This is important to DNR because roads near and across water ways and wetlands can impact water quality. For a fish bearing stream, the 30 foot zone is a no harvest and no entry zone and can only be entered to cross perpendicular to the stream. The new regulations for buffers were set in 2001. These rules are illustrated in the handouts. If a landowner follows regulations and develops a Habitat Conservation Plan (HCP), the landowner is protected from fish take. Adaptive management is also in place to change the rules if needed.

Q: Does the DNR regulate the fish barrier dam at Harworth?

A: No. This would be regulated by Ecology and WDFW.

Q: How are natural impoundments addressed under the fish passage goals?

A: Beaver dams are temporary through time. Beaver dams are not fish barriers. Examples of natural fish barriers are waterfalls. WDFW would address beaver dams.

Q: Does an applicant have to conduct a study to support downgrading a stream from an "F" (i.e., fish bearing) stream?

A: Yes, the onus is on the applicant to pay for a protocol survey to downgrade the stream by proving lack of fish.

Q: Are there some instances when a Forest Practice Application is not required?

A: There are a couple of exemptions. If you own less than 2 acres and there is no water and no wetlands, you can harvest under a Class 1 Forest Practice that does not require a permit. Also, harvesting on a golf course and within 75 feet of a structure does not require a permit. However, the County may regulate these activities.

Q: Do you need a Forest Practice Application to take care of hazard trees around lakes?

A: DNR does not regulate removal of trees that may fall on a residential structure. I suggest that you contact the County to confirm shoreline issues / permit requirements (if any).

Q: Are you involved in the Pend Oreille County timber harvest (200 – 300 thousand board feet) in the Beaver Creek area?

A: Yes. Steve Gibson (consultant on behalf of Pend Oreille County) is putting together a long-term application (an FPA for 3 to 15 years). You can review the application by contacting the County or DNR (Jill Jones at the DNR Colville office 509-684-7474).

Q: About seven years ago, we had two different experiences with neighboring land owners: one a timber company and the other a land development company. They both completed FPA and checked no water and no wetlands. These neighbors were both given permits even though they had water and wetlands on the property. Are there provisions in the new regulations that can stop this from happening?

A: DNR is getting more technically sophisticated and is using mapping and GPS. DNR typically does catch these landowners. However, under the new rules, the landowner is required to protect water and wetlands.

Q: Have there been improvements as a result of the 2001 rules?

A: Yes. There is now a certification for wood products (SFI certificates) that includes standards that meet the forest practice rules and provides financial incentives for landowners to protect the environment during timber harvest. For example, Home Depot sells SFI certified products. DNR also does certification for contractors and assists with stewardship plans. Education is also very important. DNR will impose penalties.

Q: Can you talk about burning?

A: I am not a fire regulator. Matt Castle (DNR Deer Park) could provide information on this to your group.

Q: Does DNR regulate burning as a component of an FPA?

A: Yes. For example, you cannot burn a slash pile in a riparian management zone.

Q: There is a plan to log the side of the mountain in Section 36. The area will be visible from Sacheen Lake. Can we complain to you about this?

A: The DNR does not regulate ugly. You can talk to Andrew Steinbeck (the DNR Administrator). You could also comment on this through the SEPA process.

Q: How does DNR address ORV?

A: DNR requires standards for spark arrestors to minimize the potential for sparking. DNR's biggest concern is recreational use that damages roads and causes sediment delivery to streams (e.g., from road use in the spring when the roads are wet and soft).

Dick Anderson noted that he submitted a Forest Practice Application to harvest timber on his land. Dick said that he was very impressed with the DNR staff person (Mark LeClair) that came out to evaluate his application. Mark told Dick that he could not do what he wanted to do. Mark explained that the land was very steep and close to the lake and helped Dick to understand the issues.

Bob encouraged the Committee to call DNR with any questions related to forest land.

Project Priorities for 2008:

Bryony worked with those present to develop preliminary scopes for the priority projects, including:

- Beaver deceivers and levelers; and
- Listing of potential sites for bank stabilization and revegetation demonstration.

Bryony said that her goal is to submit an application to CTED for funding for the beaver deceiver and leveler project over the next month.

Beaver Deceivers and Levelers

Scope – Installation of deceivers and additional tubing at existing tubes through dam nos. 1, 2 and 3. Installation of deceivers will occur on upstream side of the dams and additional flexible tubing (with drilled holes) may be added to the existing tubes on upstream and downstream side of the dams. Monitoring and maintenance will occur after the installations and modifications made to the installations as needed. The Committee agreed to use an interim elevation of 8.3 as the target water level elevation for Sacheen Lake for this project. The following steps summarize the scope:

1. Initial site visit by Pend Oreille County, POCD, downstream landowners and Sacheen Lake Sewer District.
2. Establishment of survey benchmarks at dam nos. 1, 2 and 3 by Pend Oreille County staff.
3. Confirm design and materials for installations.
4. Submit drawings and description of proposed changes to existing tubes to Jeff Lawlor (WDFW).
5. Install deceivers and additional flexible piping first at dam no. 3, then at dam no. 2, then at dam no. 1 (i.e., complete installations in an upstream direction).
6. Submit as-built sketches for each installation to WDFW for the HPA files.
7. Monitor Sacheen lake level at the lake level gage and streamflow at the barrier dam prior to the installations and daily for first week following the installations and then weekly.
8. Conduct site visit to inspect the installations daily for first week following the installations and then weekly. Conduct maintenance activities as needed.

Design – Design concept will follow drawing of a flexible leveler as developed by Snohomish County Public Works and available on the Beavers, Wetlands and Wildlife web site at: http://www.co.snohomish.wa.us/documents/Departments/Public_Works/SurfaceWaterManagement/Flexleveler.pdf. Inlet pipe will be surveyed to be no lower than elevation 8.3 (as read at the Sacheen Lake level gage).

Cost Estimate – The Committee continued working on preliminary costs estimates:

- About \$1,000 for labor and materials per installation (for total of about \$3,000 for the three dams).
- About \$30/hr for removal of beaver start-up dams and mitigation monitoring labor for three years (June 2008 through June 2011).
 - April thr' November (35 weeks): 2 people, 2 days/wk, 6 hrs per day (24 hrs per week) = 840 hrs per year = **2,520 hrs over 3 years = \$75,600**
 - December thr' March (17 weeks): 2 people, 1 day, 6 hrs per day (12 hrs per week) = 204 hrs per year = **612 hrs over 3 years = \$18,360**
- Use fee for tubes on Darrell and Mary's property that will be associated with the access agreement. Land use fees are estimated at \$8,000 per year for four landowners. **Confirm with Sacheen Sewer District use fee agreed to and if use fee requested by other landowners and total cost of use fee.**
- Sacheen Lake Sewer District to consider covering costs for maintenance as needed.
- Pend Oreille County to consider covering costs for survey work as needed.
- Technical assistance as needed from Ecology, WDFW and Pend Oreille Conservation District.

Implemented By – Sacheen Lake Sewer District (employees and/or contractors). Pend Oreille County to conduct survey work as needed to set benchmarks in the vicinity dam nos. 1, 2 and 3. Technical assistance as needed from Ecology, WDFW and Pend Oreille Conservation District.

Timeframe – June 2008 through June 2011.

Funding – Existing grant for planning / scoping. CTED funds for implementation.

Permitting / Agreements – The existing HPA will cover modifications to the existing pipes. If work involves adding new tubes through the dams or at new dams, a new permit will be required by WDFW. Sacheen Sewer District is currently working with Darrell and Mary on an access agreement for the work. Other landowners that have beaver tubes on their land include Silver City, Dan Reiner and Jim Hance. Darrell and Mary are the only landowners with road access. **Confirm with Committee members if other access agreements are needed.**

Committee Approval – Committee will review, modify and confirm at the May 19, 2008 Committee meeting. Committee could also consider leveler at the Diamond Lake inlet.

Bank Stabilization and Revegetation

The Committee identified the following sites for consideration for bank stabilization and revegetation related to high water elevation and beaver activities:

- Sacheen Lake community access (owned by the Short's and Perry's). Contact: Luke and Jill Short at 7966 Fertile Valley Road.
- Pam Zarko's property at 74 Reeds Landing.
- Bill Storms' property at Sacheen Lake.
- Pat and Jim Woods' property at Sacheen Lake.
- Diamond Lake at the old lodge.

Bryony said that she would confirm via email and phone with the property owners and schedule site visits with Andrew Huddleston prior to the next Committee meeting.

Committee members noted that signs at public launches asking users to consider boat speeds may also be worthwhile. Bryony noted that actions to address boat wake are included in the draft action plan.

Bill Harmon said that bank erosion related to beavers has not been identified as an issue on Eloika Lake.

Public Comment:

- Tammy asked if there is an over population of beaver. Bryony said that this is a question for Jeff Lawlor (WDFW).
- Greg asked Andy to email Bryony a grant status update for Bryony to email the Committee.
- Tom Wimpy attended the start-up meeting for the Pend Oreille County Shoreline Master Program Update. Tom asked the Committee's permission to represent the Committee on the Steering Committee. The Committee agreed and thanked Tom for taking the time to do this.

Membership:

The Pend Oreille Conservation District will call the following members (who have missed three or more consecutive meetings) to see if they are interested in continuing as members of the Committee: Dolores Storms, Jeff Storms, Sally Storms, Rick Noll, Rob Lindsay and Dean Fanara.

Next Meeting (agenda, tasks and announcements):

The next Committee meeting will be at the Riverside Fire Station, 3818 E. Deer Park – Milan Road, Riverside, WA at **6 – 8:30 pm** on Monday May 19, 2008. Bryony will bring coffee for the next meeting. The meeting will include:

- Presentation by Andy Huddleston on bank stabilization.
- Continued work on prioritization of implementation projects.
- Discussion on June 2008 CRM grant application.

Additional ideas for workshops / educational presentations:

- Work Plans and Quality Assurance Project Plans (QAPPs).
- Hydrology of the WB LSR watershed by the Spokane County Conservation District (based on review of the gaging completed to date by the Spokane County Conservation District).
- Ecology / Spokane County Conservation District presentation on WB LSR water quality impairment and TMDLs.
- WDFW on WB LSR wildlife habitats and Corridors (contact Jeff Lawlor / Steve Zender)

Adjourn:

- Bryony adjourned the meeting at 8:35 pm.
- Digital recording files for this meeting will be mailed to the POCD. Digital recording files of this meeting are:
 - WBLSR Committee 042808.wav