

RESOLUTION NO. 248

WHEREAS, The Site Certification Agreement for the Washington Public Power Supply System Nuclear Projects Nos. 3 and 5 includes the following conditions covering the protection, replacement and/or compensation of wildlife, fish or other aquatic life, ecosystem, recreational opportunities or vegetation:

Condition IV.D.1 - "Supply System agrees to provide replacement and/or compensation, as established by the Council, for any wildlife, fish, or other aquatic life or ecosystem damage or loss caused by construction or operation of the project;"

Condition IV.D.2 - "Supply System shall provide such additional measures for protection of wildlife, fish, and other aquatic life and the ecology of area deemed necessary by the Council to minimize adverse impact from construction or operation of the project;"

Condition VI.A.2 - "Supply System agrees to provide replacement of recreational opportunities found by the Council to be adversely affected by project activity. Affected areas may include, but are not limited to, land owned or controlled by Supply System immediately outside the project security area and detached parcels associated with project facilities or routes. Supply System may impose reasonable health, safety, and security regulations on use of recreational areas;"

Condition III.C.3 - "In the event of damage to or removal of vegetation resulting from construction by Supply System, Supply System agrees to return the area affected to original topsoil condition and to restore indigenous plant species;

Condition III.I - "Supply System agrees upon completion of construction to dispose of all temporary structures not required for future use. It also agrees to dispose of used timber, brush, refuse or flammable material resulting from the clearing of lands or from the construction of the project in a manner agreed to by the Council; and

WHEREAS, During the 1980-1983 period a Revegetation Task Force consisting of state agency resource personnel was created to assist the Supply System to develop a revegetation and landscaping recovery plan to determine the most promising sites for habitat enhancement and reclamation; and

WHEREAS, The Supply System by letter G03-83-554 dated July 15, 1983 informed the Council of the project slowdown and indicated under the delay contingency plan that game mitigation/revegetation plan development activities were being deferred until restart; and

WHEREAS, The Washington Department of Game, now identified as Department of Wildlife, developed a draft WNP-3/5 Management/Mitigation Plan, dated August 16, 1986, that outlined a two part plan for mitigating impacts during the construction delay and upon restart; and

WHEREAS, The Supply System by letter G03-87-263 dated August 27, 1987 transmitted the WNP-3 Land Management Plan to the Council which addressed the disposition and maintenance of land parcels associated with the WNP-3 facility and identified the need for compliance with EFSEC commitments for forested lands, grasslands, erosion control, and game mitigation/recreation; and

WHEREAS, The Supply System by letter G03-89-095/G05-89-016 dated June 15, 1989 requested a meeting with the Certificate Compliance Committee to review the proposed timber management program and requested concurrence that submitting a Forest Practices Application was the appropriate mechanism for regulatory review; and

WHEREAS, A special Certificate Compliance Committee meeting was held at the Satsop Site on July 13, 1989 with representatives of the Council, Supply System, Washington Department of Wildlife, Department of Natural Resources, and the Supply System's consultant Washington Timberland Management, Inc., to become familiar with the timber management proposal and wildlife/harvesting considerations; and to tour the proposed harvest units; and

WHEREAS, Staff from the Supply System and the Washington Department of Wildlife, with participation of staff from the Department of Natural Resources, Washington Timberland Management and EFSEC met on July 18, 1989 to work on an agreement for wildlife mitigation and timber management for the Satsop site;

WHEREAS, By letter G03-89-122 dated July 27, 1989 the Supply System transmitted to EFSEC a Forest Practices Application for the proposed selective harvest of timber from Timber Management Units 7, 10, 13 and 16; with a copy to the Department of Natural Resources as agreed to during the July 18, 1989 meeting; and

WHEREAS, By letter G03-89-139 dated August 18, 1989 the Supply System submitted the interim agreement reached by the Supply System and Washington Department of Wildlife on WNP-3/5 wildlife mitigation and timber management; and

WHEREAS, The Certificate Compliance Committee met with both parties to review the interim agreement and the Forest Practices Application and found that the proposed actions are adequate and reasonable to meet the state's wildlife and forestry interests at this time;

NOW, THEREFORE, BE IT RESOLVED, That the Energy Facility Site Evaluation Council hereby adopts the attached Interim Agreement on Wildlife Mitigation and Timber Management dated August 18, 1989 between the Washington Department of Wildlife and the Supply System. It is understood that the parties will adhere to the provisions therein and following conditions:

1. The Supply System and its contractors will harvest timber on units 7, 10, 13, and 16 in accordance with the conditions listed below in the Council's timber harvest approval for the those four management units;
2. Timber harvesting beyond units 7, 10, 13, and 16 will only be considered following Council approval of a Wildlife Mitigation Plan for the WNP-3/5 Site;
3. A final draft of the Wildlife Mitigation Plan will be completed and forwarded to the Council on or before June 30, 1990; the Council will consider the plan in a timely manner;
4. The Supply System will begin Wildlife Mitigation Plans in conjunction with the Timber Management Program, scheduled for initiation in Fiscal Year 1990 (July 1, 1989 to June 30, 1990);
5. The Supply System will provide the funding necessary to meet the mitigation commitments specified in the agreement;
6. The Supply System will schedule the survey of the Skarperud parcel for completion on or about September 30, 1989;
7. No activity detrimental to wildlife will be pursued in the set aside areas identified in Article 6 of the agreement; and
8. The Council has addressed Wildlife's July 18, 1989 comments in the timber harvest approval issued for units 7, 10, 13, and 16.

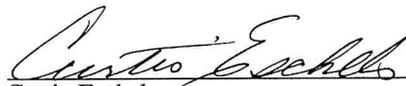
BE IT FURTHER RESOLVED, That the Council hereby approves the timber harvest proposed by the Supply System in its Forest Practices Application dated July 27, 1989 subject to the following conditions:

1. The Supply System is authorized to selectively harvest timber from Timber Management Units 7, 10, 13, and 16 at the WNP-3/5 site;
2. Harvesting practices, consistent with the Forest Practices rules and regulations and as determined by the Department of Natural Resources and other resource agencies and those specified in the Forest Practices Application, will be met by the Supply System and its contractors. Notwithstanding the above, the Council applies the following conditions to the timber harvest:
 - a. The skid trails used for the timber harvest are to be kept off slopes greater than 30% (WAC 222-30-070(8));
 - b. The skid trails are to be water barred every 10 feet of elevation change to prevent soil erosion (WAC 222-30-070(7));

3. The following timber management objectives will be met by the Supply System and its contractors in the four units scheduled for harvesting in the late summer or fall of 1989:
 - a. For Unit 7: Remove 30 percent of the representative stand by species and size. Department of Wildlife will work with Washington Timber Management (Supply System contractor) to mark trees for harvest. Leave or develop at least two snags per acre along edges and/or in buffer areas. Rehabilitate alder to douglas fir as suggested in the timber management plan. Not to be reentered for eight years;
 - b. For Unit 10: Remove 30 percent of the representative stand by species and size. Wildlife staff will work with Washington Timber Management to mark trees for harvest. Leave some small slash piles and develop some bunching tops;
 - c. For Unit 13: Rehabilitate alder and conduct selective cutting as proposed in timber management plan. In alder removal area, look for opportunities to leave dying or dead trees over 15 inches DBH. Develop at least two snags per acre in each unit. Start pilot rehabilitation program for meteorological field;
 - d. For Unit 16: As proposed in timber management plan except leave or create two snags per acre with created snags to be at least 22 inches DBH. Not to be reentered for eight to ten years;
 - e. Examine possibility of using static skylines to do selective logging in areas where slope, terrain and/or soil need protection;
 - f. For snag recruitment, blowing of tops is preferable to girdling. It is desirable to have snags in riparian areas to avoid future disruption; and
4. The Supply System will report to the Council on all harvesting activities. Monitoring trips to the site may be necessary; such visits will be coordinated with the site environmental engineer.

Dated this 28th day of August 1989.

WASHINGTON STATE ENERGY FACILITY
SITE EVALUATION COUNCIL

By 
Curtis Eschels
Chairman

Attest:

By 
William L. Fitch
Executive Secretary

ATTACHMENT: Interim Agreement on Wildlife Mitigation and Timber Management
Between the State of Washington, Department of Wildlife and the
Washington Public Power Supply System

INTERIM AGREEMENT ON WILDLIFE MITIGATION AND TIMBER MANAGEMENT
BETWEEN THE STATE OF WASHINGTON, DEPARTMENT OF WILDLIFE
AND THE WASHINGTON PUBLIC POWER SUPPLY SYSTEM

Introduction

On October 27, 1976 the State of Washington, Energy Facility Site Evaluation Council (EFSEC) issued a Site Certification Agreement to the Washington Public Power Supply System (Supply System) for two nuclear power plants located at Satsop, Washington, known as WNP-3 and WNP-5. This Site Certification Agreement was amended on March 18, 1982 (as amended, the "Site Certification Agreement"). The Site Certification Agreement requires the Supply System to provide replacement and/or compensation, as those terms are defined by EFSEC, for any wildlife, other aquatic life, or ecosystem damage or loss caused by construction or operation of WNP-3 and WNP-5. The Site Certification Agreement also requires the Supply System to provide for the protection of wildlife, fish, other aquatic life, and the ecology of areas designated by EFSEC in order to minimize adverse impact from construction or operation of WNP-3 and WNP-5.

EFSEC, in order to determine how the Supply System could best comply with the Site Certification Agreement held meetings during the period of 1980-1983. From these meetings the Supply System issued a draft wildlife mitigation plan in 1983. Because of a construction delay, preparation of a final wildlife mitigation plan was deferred until restart of construction. A final wildlife mitigation plan was never developed.

In 1986, the State of Washington, Department of Wildlife (Wildlife) developed its own draft wildlife mitigation plan. Wildlife has never issued a final wildlife mitigation plan.

In January 1987, the Supply System issued a Land Management Plan which identified areas that were to be used for wildlife mitigation and areas that were to be used for Timber management. In 1989, the Supply System developed a Timber Management Program and requested that EFSEC determine the appropriate mechanism for regulatory review.

As a result of that request, the Supply System and Wildlife met on July 18, 1989 and developed an interim agreement for wildlife mitigation and timber management for the properties owned by the Supply System and four investor owned utilities at Satsop.

Agreement

The Supply System and Wildlife agree as follows:

1. The Supply System shall draft a complete Wildlife Mitigation Plan based upon the draft wildlife mitigation

plan developed by Wildlife in 1986, as discussed above. The Wildlife Mitigation Plan will retain the two-phase approach contained in Wildlife's 1986 draft wildlife mitigation plan; applying that approach to present circumstances at Satsop Properties while attempting to allow flexibility for future changes. The Wildlife Mitigation Plan will be completed and must be agreed to by the Supply System and Wildlife by June 30, 1990. ~~The Supply System will not submit the Wildlife Mitigation Plan to EFSEC without the agreement of Wildlife.~~

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2. The Supply System may harvest timber in Unit 7, 10, 13, and 16 as identified in the Timber Management Program during the preparation of the Wildlife Mitigation Plan described in paragraph 1. The Supply System will not harvest timber in any other units identified in the Timber Management Program prior to EFSEC approval of the final ~~final~~ Wildlife Mitigation Plan.
3. The Supply System will use its best efforts, in cooperation with Wildlife, to coordinate the Timber Management Program with the Wildlife Mitigation Plan. The Timber Management Program and the Wildlife Mitigation Plan shall have equal status within the Land Management Plan; which will be amended to reflect that equality.
4. The Supply System will incorporate some wildlife enhancement practices to mitigate the effects on Wildlife of construction of WNP-3 and WNP-5 as part of the Timber Management Program. Active wildlife mitigation will begin during phase 1 (Fiscal Year 1990), when revenues have been received from the timber harvest on Unit 7, 10, 13, and 16 pursuant to paragraph 2. When WNP-3 funding allows, which must be no later than the commencement of Phase II of the Wildlife Mitigation Plan prepared pursuant to paragraph 1, Habitat Evaluation Procedures (HEP), as developed by the United States Fish and Wildlife Service, or the equivalent of HEP, will be used to determine the impacts from construction and planned operation of WNP-3. Credits for completed mitigation activity and preservation will also be determined. From the evaluation process, habitat units will be determined and final additional mitigation actions, if necessary, will be determined. After these mitigation actions have been completed in accordance with the Wildlife Mitigation Plan and this paragraph, mitigation will be complete.
5. The Skarperud parcel, identified in the Land Management Plan as parcel 18, will be surveyed by the Supply System's consultant, Washington Timberland Management Inc., and divided into management units. The tentative schedule for completion of this activity is September 30, 1989.

6. The Supply System will set-aside the following areas for use in wildlife mitigation activities: Purgatory Creek basin from P-1 pond to the Chehalis River, Hyatt Creek Basin (NSSS Haul Road), barge unloading facility parcels BUF-1, BUF-2, and BUF-3, equalization and settling ponds, meteorological tower field, all identified in the Land Management Plan. Details of how to use these areas will be presented in Phase I and Phase II planning of the Wildlife Mitigation Plan.
7. The potable well field parcel identified in the Land Management Plan, will be reviewed for use as mitigation for the central site area as well as the Army Corps of Engineers 404 permits for WNP-3. Supply System and Wildlife will look at the possibility of voiding the existing lease on the potable well field parcel, and the Supply System assuming active management of the potable well field parcel to gain additional mitigation benefits.
8. The Supply System will modify the first year Timber Management Program in accordance with Wildlife's comments given at the July 18, 1989 meeting. The comments will become part of the Forest Practices permit issued by EFSEC. Generally, the amount of timber harvested will be limited, there will be a minimum time period specified for additional harvesting in each unit, and requirements will be given on snag development and wildlife mitigation in alder rehabilitation areas.

Concurrences: WASHINGTON PUBLIC POWER SUPPLY SYSTEM

Charles Butros
by C. M. Butros, WNP-3/5 Site Manager

8/18/89
Date

WASHINGTON DEPARTMENT OF WILDLIFE

Chris Dowdahl
by _____

Aug 17, 1989
Date