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17 Pend Oreille Subbasin Inventory of Existing Programs – Terrestrial

17.1 Current Management Directions

State and Federal agencies and Tribal governments that have management authority over wildlife resources in the Pend Oreille Subbasin include the U.S. Fish and Wildlife Service (USFWS), U.S. Forest Service (USFS), Idaho Fish and Game (IDFG), Washington Department of Fish and Wildlife (WDFW), the Kalispel Tribe (KT), the Kootenai Tribe of Idaho, and the Coeur d'Alene Tribe. Other state and federal agencies, including, but not limited to, the U.S. Army Corps of Engineers (USACE), Environmental Protection Agency (EPA), the Natural Resources Conservation Service (NRCS), Idaho Department of Environmental Quality (IDEQ) and Washington Department of Ecology (WDOE) are involved in programs that affect the land or water that provide habitat for fish and wildlife. A complete list of state, federal, and Tribal entities that are involved in management of fish and wildlife or their habitats is included in section 2.4.1, along with a description of the agency's management direction.

Section 11.3E.1 of the Council 1995 Program directed the states and Tribes to form long-term agreements within three years following the adoption of the program for all wildlife mitigation. In response, IDFG, KT, Coeur d'Alene Tribe, Kootenai Tribe of Idaho, USFWS, USACE, NRCS, and USFS formalized the Work Group and signed an agreement. The *Albeni Falls Interagency Work Group Operating Guidelines and Guiding Principles for Mitigation Implementation* (1998) guides the implementation of wildlife mitigation projects. The impetus for the agreement was provided not only by the members' desire to meet the Program directive, but more importantly, the members wanted to implement the Program at a local level by providing the mechanism for non-profit organizations, watershed groups, and other members of the public to propose projects directly to the fish and wildlife managers.

17.1.1 Local Government

Bonner County Soil and Water Conservation District (SWCD) and NRCS

The Bonner County SWCD updates a 5-Year Resource Conservation Plan every year. The five priorities that are being addressed at this time are:

1. Water Quality. Goal – Meet rules, regulations of section 319 of Water Quality Act, the 1986 Safe Drinking Water Act and amendments of the 1972 Clean Water Act, Antidegradation Section.
2. Timber and Woodlands. Goal – Strengthen forestry resources in the district.
3. Fish, Wildlife and Recreation. Goal – Improve fish and wildlife habitat and increase native trout populations from a locally based, voluntary and cost-effective approach.

4. District Operations/Information and Education. Goal – Have an effective, proactive Board of Supervisors and create public awareness of conservation concerns and practices.
5. Pasture and Hayland. Goal – Find alternative crops with better economic returns and improve yield of existing crops and pastures.

NRCS's mission statement is to provide leadership in a partnership effort to help people conserve, maintain, and improve our natural resources and environment. A major thrust of NRCS at this time is to help write Total Maximum Daily Loads (TMDLs).

Conservation districts, the Idaho Soil Conservation Commission, and the NRCS have forged a unique local, state and federal partnership to help people get conservation on the land. They are bound together by mutual conservation objectives, legislation and formal agreements with the Secretary of Agriculture and the State. Employees usually share the same office and phone number at the local level.

Bonner and Kootenai counties in Idaho have adopted comprehensive plans to guide growth and development on county administered lands. Bonner County's plan has been under revision for the past three years. Kootenai County adopted a site disturbance ordinance in 1999 that was designed to protect water quality.

The Cocolalla Lake Association and Bonner County SWCD developed a plan for improving water quality in the Cocolalla Creek watershed, which is a tributary of the Pend Oreille River.

17.2 Existing and Imminent Protections

Refer to Section 2.4 for a description of the natural resources management agencies and organizations and their primary authorities at the federal, state, and regional levels. Many State and Federal laws and regulations protect natural resources within the IMP. Tribal governments and local governments also have regulations that protect specific areas or locations within the IMP. The following section summarizes the existing and imminent protections for federal and state threatened and endangered wildlife species known or potentially occurring in the Pend Oreille Subbasin.

17.2.1 Endangered Species Act

Bald Eagle

Bald eagles are currently listed as threatened under the federal Endangered Species Act. This provides protection from "take" (i.e., harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect...). Bald eagles were proposed for removal from the endangered species list in 1999. That action has not been taken, in part because one prerequisite for delisting, a nationwide monitoring plan, has not yet been met. If a development project occurs on federal land or involves federal funding (i.e., nexus), an endangered species consultation may be required by the USFWS.

Bald eagles are classified as threatened in Washington and endangered in Idaho.

In 1984, Chapter 77.12.655 RCW was adopted by the Washington State Legislature, requiring the establishment of rules defining buffer zones around bald eagle nests and roost sites. The law states that the rules shall take into account the need for variation of the extent of the buffer zone on a case by case basis.

In 1986, the Bald Eagle Protection Rules (WAC 232-12-292) were adopted by the Washington Wildlife Commission. The rules require permitting agencies (i.e., Department of Natural Resources, counties, cities) to review the database of bald eagle nest and communal roost locations prior to issuing permits for timber harvest, clearing land, residential development, etc. If the activity is within ½ mile of an eagle nest, the permitting agency notifies WDFW, who works with the applicant to develop a Bald Eagle Management Plan (see WAC 232-12-292 (4.4)).

Deliberate harassment of eagles is prohibited by state and federal law (Chapter 77.15.130 RCW; Bald Eagle Protection Act; Endangered Species Act; and, Migratory Bird Treaty Act).

Canada Lynx

The lynx was listed as a state threatened species in Washington in 1993 and was listed as a federally threatened species under ESA in April 2000. Lynx is not given special management status in Idaho.

Legal take of lynx in Washington ceased in 1991 and consequent designation as a threatened species presently provides complete protection from hunting or trapping at both the state (Chapter 77.16.120 RCW) and federal level.

Over 90 percent of lynx habitat in Washington is managed under federal jurisdiction. Habitat is present in six Lynx Management Zones (LMZ) in Washington. The Little Pend Oreille LMZ includes the Calispell Mountain Range and consists of ten lynx analysis units (LAUs), seven of which are located within the Pend Oreille River Subbasin. The Salmo-Priest LMZ includes the Selkirk Mountain Range and the Lower Pend Oreille and Priest River areas.

In 2000, the U.S. Forest Service signed an agreement with the USFWS to manage habitat specifically for lynx in order to minimize the impact of federal actions. Most state and private land in the northeastern Washington LMZs are covered under Lynx Management Plans that theoretically provide for maintaining suitable habitat through time. Forest practice regulations in Washington allow landowners to prepare special wildlife management plans in lieu of being subject to critical habitat rule (WAC 222-16-080). The three major non-federal landowners in Washington have WDFW approved plans in place. Each lynx management plan includes a process for monitoring the plan's effectiveness and annual or biennial reporting (Stinson 2001).

Fisher

The fisher will become a candidate for federal listing under the ESA in the near future (USFWS 2004). Fisher is a state endangered species in Washington; it is not given special management designation in Idaho.

In Washington, fisher is managed based on the findings of the WDFW status report (Lewis and Stinson 1998). Protection of fisher in Washington from hunting, possession, or control is provided under Chapter 77.16.120 RCW. Washington further charges those convicted of illegal take of state endangered species with a \$2,000 reimbursement for each animal taken or possessed (Chapter 77.21.070 RCW).

Gray Wolf

The gray wolf is listed as a federally threatened species under the ESA. Both Idaho and Washington classify the species as endangered.

In Washington, protection of gray wolf from hunting, possession, or control is provided under Chapter 77.16.120 RCW. Washington further charges those convicted of illegal take of state endangered species with a \$2,000 reimbursement for each animal taken or possessed (Chapter 77.21.070 RCW).

Grizzly Bear

The grizzly bear listed as a threatened species under ESA, as a threatened species in the State of Idaho, and as an endangered species in the state of Washington. Most of the Pend Oreille Subbasin is within the Selkirk Grizzly Bear Recovery Zone. Protection of grizzly bear in Washington from hunting, possession, or control is provided under Chapter 77.16.120 RCW. Washington further charges those convicted of illegal take of state endangered species with a \$2,000 reimbursement for each animal taken or possessed (Chapter 77.21.070 RCW).

The current population of grizzly bears within the Selkirk Recovery Zone is deemed to be below a level necessary for long-term viability (Wielgus et al. 1994, Wakkinen, pers. comm. 2001, as cited in Base 2003). Human caused mortality, especially of females, by illegal shooting or killing bears in self-defense is apparently the limiting factor in the recovery of the Selkirk Grizzly Bear population (McLellan et al. 1999; Knick and Kasworm 1989, as cited in Base 2003). To address this problem and help restore a viable population of grizzly bears into the Selkirk Mountains Ecosystem, the Interagency Grizzly Bear Committee (IGBC) recommends the following actions:

- (a) develop and implement strategies to prevent human caused mortalities of grizzlies;
- (b) develop a strategic conservation plan which includes provisions for grizzly bear population monitoring as well as provisions for informing & educating the public on the needs of grizzly bears. This plan must insure that increasing demands for human recreational usage within the Selkirk Zone are compatible with grizzly bear recovery; and
- (c) improve community relations and garnish local support for grizzly bear recovery efforts. WDFW has made significant efforts toward accomplishing these actions

as recommended by the IGBC. WDFW has devoted substantial staff time to make contact with recreational users, especially during hunting seasons, to distribute information and education materials, and to generally monitor human activities within and surrounding the Washington portion of the Selkirk Mountains Recovery Zone.

Since 1989, the Colville National Forest has gated over 300 miles of road or 42 percent of the existing road network within the Sullivan Lake Ranger District. In addition 132 miles of road within the Sullivan Lake Ranger District have been permanently blocked and are in the process of forest reclamation. Most of the eliminated roadways along with year-round restricted roadways are within the Selkirk Grizzly Bear Recovery Zone (Borysewicz 2001).

Woodland Caribou

The woodland caribou is listed as endangered by the federal government and states of Idaho and Washington. Portions of the Pend Oreille Subbasin are within a federally designated woodland caribou recovery zone that extends through British Columbia, Washington, and Idaho. Caribou habitat has been delineated on federal, state, and private lands within the Selkirk ecosystem. In Washington, the majority of caribou habitat is managed by the U.S. Forest Service where vegetation management guidelines have been developed for protection or management of these allocated lands (USFWS 1994).

Protection of woodland caribou in Washington from hunting, possession, or control is provided under Chapter 77.16.120 RCW. Washington further charges those convicted of illegal take of a woodland caribou with a \$5,000 reimbursement for each animal taken or possessed (Chapter 77.21.070 RCW).

American White Pelican

The American white pelican is listed as an endangered species in Washington; it is not given special management status in Idaho. Protection of American white pelican in Washington from hunting, possession, or control is provided under Chapter 77.16.120 RCW. Washington further charges those convicted of illegal take of an American white pelican with a \$2,000 reimbursement for each animal taken or possessed (Chapter 77.21.070 RCW).

Northern Leopard Frog

The northern leopard frog is classified as an endangered species in Washington; it is not provided special management status in Idaho. Protection of northern leopard frog in Washington from hunting, possession, or control is provided under Chapter 77.16.120 RCW. Washington further charges those convicted of illegal take of northern leopard frog with a \$2,000 reimbursement for each animal taken or possessed (Chapter 77.21.070 RCW).

Peregrine Falcon

Peregrine falcon is classified as an endangered species in Idaho.

Refer to the Pend Oreille Subbasin Terrestrial Resources Assessment, Section 16, for description of the occurrence and status of federal and state threatened and endangered species in the Subbasin.

17.3 Inventory of Recent Restoration and Conservation Projects

Below is a summary of some BPA and non-BPA funded projects identified within the Subbasin. Projects that are relevant to both terrestrial and aquatic resources may be presented in the aquatic inventory section for this Subbasin (see Section 23). Refer to Section 2.4, Inventory of Projects in the IMP, for description of projects involving more than one subbasin. Major Grand Coulee Dam wildlife mitigation projects are located and managed in more than one subbasin. Refer to Appendix H for a more comprehensive list of the BPA and non-BPA funded projects conducted in this Subbasin and the entire IMP.

17.3.1 BPA Funded Project

Pend Oreille Wetlands Wildlife Mitigation Project

The Pend Oreille Wetlands Wildlife Mitigation Project was proposed as partial mitigation for wildlife losses associated with the construction of Albeni Falls Dam. A total of approximately 600 acres of floodplain property was purchased by BPA (436 acres in 1992 and 164 acres in 1997) and is being managed by the KT to benefit wildlife habitats and associated species. Seven habitat types exist on the project including forested wetland, scrub-shrub wetland, emergent wetland, wet meadow or floodplain grassland, open water, upland forest, and riparian deciduous forest. The HEP is used to monitor and evaluate habitat, and is an accounting tool used to credit for wildlife mitigation. Restoration and enhancement activities include riparian reforestation, bio-engineered bank stabilization, hardwood stand enhancement, water control structures/water level management, prescribed burning, native vegetation enhancement, coniferous stand improvements, pasture management, nesting island construction, and general operations and maintenance activities that include monitoring and evaluation. In addition to the target species, species/guilds and populations that benefit from the project include: reptilian and amphibian guilds, native and nonnative resident fish populations, black bear, neotropical migratory birds, and small mammal populations. Specific activities associated with this project include:

- Cottonwood restoration techniques, vegetation plots funded as part of the Pend Oreille Wetlands Project.
- Acquisition and enhancement of 3,707 acres (1,500 ha) (Pend Oreille Wetlands Project).
- Acquisition and enhancement of 7,722 acres (3,125 ha) (Albeni Falls Wildlife Mitigation Project).

17.3.2 Non-BPA Funded Projects

- Reed canarygrass management project (cooperative project with Washington State University and the KT).
- Cougar predation study to determine impacts on caribou.

- LeClerc Creek Wildlife Area. Comprised of four disjunct parcels owned by WDFW (1,532 total ha). These areas are managed primarily for big game, waterfowl, and raptors.
- Caribou relocation project in cooperation with WDFW, IDFG, USFS, and British Columbia
- Implementation of wildlife habitat compensation for Box Canyon Dam. \$2.5 million to acquire and enhance/restore 403 Average Annual Habitat Units (AAHUs).
- Lynx surveys
- Monitoring elk re-located from Hanford, Washington.
- Grizzly bear surveys
- Bald eagle surveys
- Osprey surveys
- Great blue heron surveys
- Bighorn sheep capture and disease control monitoring
- Mountain goat surveys
- Goshawk surveys/inventories
- Deer/elk harvest surveys
- Trapper harvest surveys
- Fisher distribution research
- Winter furbearer surveys (fisher, lynx, and wolverine)
- Waterfowl surveys (includes ducks, geese, and swans)

17.4 Strategies Currently Being Implemented Through Existing Projects

17.4.1 Limiting Factors and Strategies

Refer to Figure 15.1 of the Aquatic Inventory section for a graph displaying the percent of all fish and wildlife mitigation projects in the Subbasin that respond to specific limiting factors. Wildlife mitigation projects in the Subbasin respond primarily to the limiting factors of habitat quantity and quality through land acquisition, protection, restoration, and enhancement activities. In addition, lack of information is addressed by projects involving research and data collection, including mule deer studies, bat surveys, and a cougar predation study. Relocation of caribou is being undertaken as part of recovery efforts for the species; elk have also been relocated into the Subbasin. Monitoring of disease is part of the bighorn sheep study.

Figure 15.2 of the Aquatic Inventory section shows the types of management strategies used in the fish and wildlife mitigation projects in the Subbasin. Wildlife mitigation projects in the Subbasin rely heavily on habitat acquisition and habitat improvement/restoration strategies. Other strategies widely used in the Subbasin include watershed planning/recovery planning, RM&E, population management, and education.

17.4.2 Gaps Between Actions Taken and Actions Needed

The primary terrestrial resources mitigation need in the Subbasin, with respect to the FCRPS, is completion of the construction loss mitigation for the Albeni Falls Project.

The construction loss assessment was completed in 1988 (Martin et al. 1988); acquisition of mitigation parcels through the Albeni Falls Interagency Work Group began in earnest in 1992. As of the 2002 Albeni Falls Wildlife Mitigation Project Annual Report (Terra-Burns 2002), a total of 5,248 acres had been acquired on a total of 18 parcels. Currently, the mitigation for the construction wildlife losses in terms of HUs is about 17 percent complete (refer to Section 16). Acquisition of HUs for the federally threatened bald eagle is less than 10 percent complete for breeding and wintering HUs. Additional funding for habitat acquisitions, enhancement and/or restoration measures, and maintenance funding will be necessary to meet the existing construction loss mitigation obligation.