



Resource Advisory Committee (RAC) Meeting Minutes
Coos Bay BLM Resource Advisory Committee Meeting
DRAFT - March 13, 2006

Members Present

Category 1:

Amy Peters - Absent
Timm Slater
Fred Arnold
Mike Smith
Sharon Waterman
Mark Villers - Alt
Ron Robinson - Alt-Absent

Category 2:

Chair Griffith - Chair
Penny Lind
Helen Franklin
Bob Kinyon
Gordon Ross
Janice Green-Alt-Absent
Adela New-Alt-Absent

Category 3:

Janice Tetreault
Ralph Brown
Bill Town
Fred Green - Absent
George Smith
Gary DeSalvatore-Alt-Absent
Sally Town

Coos Bay BLM Employees Present

- Mark Johnson - DFO
- Glenn Harkleroad – District Restoration Coordinator
- Megan Slothower – District Public Affairs Officer
- Elaine Raper – Umpqua Field Manager
- Dale Stewart – Myrtlewood Soil Scientist
- Amy Hoeffs – Umpqua Fisheries Biologist
- Earl Burke – District Fire Management Officer

Public Present

- Jennifer Hampel – Coquille Watershed Association

Minutes

Call to Order

Chair Griffith called the meeting to order at 9:05 a.m. The RAC, BLM employees and public present continued with self-introductions and Chair Griffith went over house keeping items.

BLM Report

Mark Johnson introduced himself as new interim DFO and explained what is going on with the Coos Bay District Manager position. The District Manager position will likely be filled permanently by July or early August.

Project nominations need to be to Glenn Harkleroad by March 31, and he will get project binders to RAC members by June 1 for review.

George Smith requested discussion on sell off of public lands and future of the RAC. Mark Johnson responded that there really isn't anything new right now and BLM has no firm proposal for identifying lands. It is a non-issue in Coos Bay until 2008-2009. Forest Service is the big driver behind the legislation.

Chair adjusted the chairs. Go John!

Review Minutes

George Smith moved meeting minutes approved.

Bill Town seconded.

Minutes approved.

Project Accomplishments

Glenn Harkleroad presented introduction – budget status sheets, copies of annual reports for assistance agreements.

John Griffith - Asked about U of O Destinations van with students pulling scotch broom on the North Spit. He believed it be an OYCC project. They were using the van to pull out the broom. Is the project RAC funded?

Glenn Harkleroad - Yes, it is a RAC funded project. It is the OYCC Line in the Sand project funded in both Douglas and Curry county.

John Griffith - Remarked it looks like a pretty futile project. It would be better to provide the workers with a weed jack or herbicide.

Glenn Harkleroad – Offered to look into agreement and get Bob Golden to speak to the RAC on the project.

Janice Tetreault - Mentioned the broom could be used for bio-fuels.

Bob Golden arrived and spoke to the RAC. He said the crew is not supposed to be using the truck to pull the broom out of the ground.

Penny Lind – Pointed out the need to keep in mind health risks of herbicides for youth. Need to keep in mind the opportunities the project affords youth. She mentioned it would be interesting to see how these projects are implemented on the ground.

Helen Franklin - Requested that BLM follow-up on weed pulling methodology on the project.

Bob Golden and Glenn Harkleroad will follow-up with OYCC.

Budget

Glenn Harkleroad- Presented budget sheets and briefing sheet on Denver \$27,000 budget overrun.

Penny Lind - complimented the format of the budget sheets. She asked question about N. Sisters /Bum Creek project and notes about the project on budget sheet.

Glenn Harkleroad read that the N. Sisters/Bum Creek has a note that says 'finalize correct balance.' Glenn thinks there will be some savings and is waiting for the project to finish. Budget sheets have reminder notes to Glenn on them as well.

Mike Smith- Is funding for Coos County a problem this year?

Glenn Harkleroad - Title II and III determinations have not be made yet.

George Smith- Asked how are overhead costs going.

Glenn Harkleroad – The BLM usually has savings each year on overhead costs. Some money is returned each year and Glenn will have figure for this year calculated by next meeting.

George Smith – Asked if surplus from overhead and FY 06 projects could cover the Denver overrun.

Glenn Harkleroad – Mentioned the RAC may be able to wait until August to see what the funding situation for carryover looks like.

George Smith – Likes the option of waiting to see how the project funding ends up and if we need more money the rest could be taken out of overhead, rather than project dollars. Will need to address the project overhead again in August. Overhead money is sitting in the federal treasury.

Timm Slater requested discussion on field trip.

Glenn Harkleroad provided recap of field trip that occurred at New River. Dana Hicks gave update on data source monitoring project webpage. The group then went to Rick McKenzie's land and looked a large wood project. The project involved putting wood in the New River estuary to enhance salmon, etc. The project is functioning well and landowner is happy. The group also went and viewed the Bethel Creek project. Rick McKenzie Created a new sinuous stream channel on his property. Storm flows this winter brought in new gravel. Project looks good and Coho are already using the stream. The Bethel creek funding approved in the last round will be used for additional pool creation and placing more large wood in the channel. This viewed as a really good win/win project.

The RAC spent several minutes discussing the projects seen on the field trip and how the stream channels and New River have improved significantly because of the projects. All field trip attendants agreed it was a great opportunity to see successful projects.

Timm Slater- Bethel creek project was a highlight of what the projects are meant to accomplish. Reiterated project goals and good accomplishments.

Helen Franklin – Asked what helped alleviate flooding in New River channel.

Timm Slater – Explained that an old culvert was not functioning well. New channel larger and draining water more effectively than the old ditch systems that had been in place.

Bill Town- Explained that the old channel had a mud bottom and the new channel has a lot of new gravel. Highly recommends being able to go on field trips because they are very educational.

Mark Villers – Mentioned that the stream channel also connects to New River in a different place. The channel has a good outlet point now.

Sharon Waterman – Asked how fore dune breach at New River affected the river.

Glenn Harkleroad – Everyone seems happy with breaching and its outcomes. Some concern over sand movement off shore. A couple of ranchers want to do breaching on their private lands for funding in next RAC money round. The breaching is creating a lot of good salmon habitat.

Bob Kinyon – Big Creek habitat improvement project is also going extremely well. Lots of improvement in stream structure and should be good salmon habitat in the next several years.

Helen Franklin – Requested that BLM post premier RAC projects on its website so the public can see all the good projects and RAC is accomplishing. Requested we get stories out there through papers.

Glenn Harkleroad – Said he and public affairs will work more closely to try and get good stories to the paper when they are happening on the ground.

Schedule Next Meeting

Discussion on when to hold next RAC meeting.

August 3rd primary date and August 10th secondary date for project recommendation meeting.

Discussion on what will happen if P.L. 106-393 is not reauthorized.

Glenn has to have all of the project money obligated by Sept. 30, 2007. RAC's last opportunity to recommend projects is August 2006. Recommendation that at the August meeting RAC authorize some contingency projects for money returned after the August meeting. Also

recommended developing open-ended projects that could be funded after charter expires. There will not be opportunity after September 30th to go back to the RAC for recommendations.

The RAC members should communicate between now and the August RAC meeting on how the RAC would like excess money appropriated after charter expires.

Bob Kinyon- Asked the RAC to consider identifying contingency projects and rank them in priority order. Also use a road project that extra money could be dumped into at the last minute.

Gordon Ross- Expressed support for using project savings on road improvement projects.

John Griffith – Mentioned the RAC will need to leave enough money to cover overhead costs in out years.

Glenn Harkleroad – Explained that that would be hard to do because overhead is not a contract or task order. There's really no mechanism for BLM to hold over the money.

John Griffith - Expressed interest in providing some funding to BLM to cover overhead costs, but not sure how best to go about it.

Glenn Harkleroad - Expressed that even if reauthorized, there will be less money each year. Less money for overhead, but same workload.

George Smith- Asked about Sierra Institute report. Were people more comfortable with final report compared to the draft? Is there something going on with WO with the report?

Glenn Harkleroad – Local BLM has discussions with the Sierra Institute and the WO contacts about the report. Bottom line was that the contractor said it was their own professional view and it was what was going to be published as they saw fit.

George Smith - There were a lot of inaccurate/slanderous statements in the report.

Helen Franklin - Less willing to participate in a review of this nature in the future because of the inaccuracies of the report.

George Smith -Worried about some of the statements made in the report that said RAC wasn't appropriating funds with the intent of the law.

Sharon Waterman- Explained that she looked at factual errors. How can report have validity if factual information is incorrect? Worried about where they got their information from.

Glenn Harkleroad – Explains that what got handed out to the RAC is a summary of the final national report. People can go to www.sierrainstitute.us to view full report and case studies.

Penny Lind -Will executive summary be used to determine reauthorization?

John Griffith – Explains that the whole report will go to Congress.

Glenn Harkleroad – Clarifies that the report recommends reauthorizing the Law.

Mike Smith - Thinks people will read the report as Coos County got it right and the RAC didn't get lost in bureaucracies.

Helen Franklin – Expressed her disappointment that the report portrayed the RAC as divisive.

* 3/5/06 - Chair Griffith asked that the following clarification be made to the minutes:
Jan Tetreault – said that she thought the report was accurate and that it was fine.

* 3/5/06 - Jan Tetreault clarified that she thought that the report accurately captured her comments and that she did not know what other had told the sierra institute so she could not comment upon that.

Public Comments

No public comments.

Swayne Creek / Lost Creek Culvert

Glenn Harkleroad – Mentioned that briefing sheet on the situation is in the informational packet. Glenn then gave an overview of the situation surrounding the Swayne Creek and Lost Creek culverts.

Penny Lind – Requested more information about Lost Creek project.

Glenn Harkleroad – Said the Lost Creek culvert replacement provided as good of a benefit to federal lands as the Swayne Creek project. The impact and benefit on ground of the projects are similar.

Jennifer Hampel - Gave description of location of Swayne and Lost Creek culverts and gave description of what happened with the Lost Creek and Swayne Creek culvert situation. Explained that landowner did not cooperate on establishing temporary right-of-way on his property to install culvert. Culvert installed at Lost Creek rather than Swayne Creek as originally proposed to the RAC.

Helen Franklin - Thought she remembered Lost Creek having been brought up in previous RAC funding, but Glenn mentioned it has not been brought up in the past. (Different Lost Creek)

John Griffith – Asked Glenn or Mark to explain any concerns to the BLM on the culvert switch.

Glenn Harkleroad – BLM not deeply concerned that Swayne didn't get done because the culvert in Lost Creek provides similar benefits. The responsibility for violating the NEPA and ESA laws

largely lies with the watershed association. BLM will not do the NEPA or the ESA consultation retroactively.

Timm Slater - What is the process so this doesn't happen in the future? Mentioned he doesn't want people taking free license to do projects that don't make sense in the future. We need a process to tell people what we really want them to do when a situation like this arises again.

Jan Tetreault – Wouldn't we have to vote on this as a money issue? She mentions she would feel more comfortable voting on this issue at the August project meeting.

Glenn Harkleroad - Could deal with it at this meeting by voting on the issue in thirds. Glenn detailed some options for the RAC on this project. One option was the unapproved the Swayne Creek project and approve the Lost Creek project. Any other solution would require the watershed association to come back to the RAC with money.

Penny Lind – Mentions she has concerns about what to do in the future.

Mike Smith - We shouldn't set a precedent to let people do whatever they want with grant money.

George Smith – Mention he had confusion about the process and timeline on discussions between Glenn and Jennifer.

Glenn Harkleroad – When Jennifer contacted him about changing the location of the culvert placement, the culvert was already in the ground at Lost Creek.

Helen Franklin - Is there a possibility of NEPA repercussions on the project?

Glenn Harkleroad – Explains that if someone wanted to take the watershed association to task on not following the appropriate laws, that could occur. If the project had occurred under a contract rather than a task order, the BLM would have had to deal with the procurement law issues. Because the project was under a task order, the BLM had the option to not pursue any legal action, and chose not to. There is no use in the BLM addressing the NEPA and ESA consultation at this point.

George Smith - Would support authorization of the switch, but would like a supplemental project proposal on the Lost Creek project describing the equivalent benefits.

Glenn Harkleroad – Mentions he has the Lost Creek project proposal on file and thought he had sent it to the RAC. (It had been sent out to the RAC previously.)

Ralph Brown - Should the watershed association have known better because the process of needing to move a project is outlined in the agreement?

Glenn Harkleroad - RAC has in the past said that if project can't go through, the money has to go back to the RAC. Funding recipients are made aware of this.

Jennifer Hampel - Admitted mistake in switching the projects without the RAC's approval.

Ralph Brown - Need to make sure in future that process for switching project is made abundantly clear.

Bill Town – Made motion to document what took place and move on with the meeting.

Bob Kinyon – Seconded motion.

Mike Smith - Feels it is a bad precedence to set.

John Griffith – Asks Bill to clarify motion.

Bill Town – Reiterates motion to document what took place and have the Swayne Creek project unapproved and approve the Lost Creek project.

Helen Franklin - Written agreements are essential, especially from landowners involved in the projects. Agreements or the question of whether or not the project proponents have written agreements should be included in future project proposals. One landowner shouldn't be able to kill a project.

Glenn Harkleroad – We usually get a land use agreement in place before proceeding.

Jennifer Hampel – Explained that they had an agreement with the county as landowner, but it was up to the watershed association to negotiate with this specific landowner on the right-of-way.

Helen Franklin – Reiterated that a written agreement should be in place with any landowner involved in the project.

Penny Lind - Not sure unauthorizing Swayne Creek would be prudent. It is a project everyone wants to go through with. Are there other monies involved in the project other than the \$22,000 spent for the culvert?

Glenn Harkleroad – Full \$30,000 spent by Coquille Watershed Association and the RAC has incurred no additional expenses.

John Griffith - Where is other \$8,000?

Jennifer Hampel - \$5,000 spent on engineering for Swayne Creek, small amount on project management, and watershed administration.

Gordon Ross- Was engineering on Lost Creek similar to Swayne Creek.

Jennifer Hampel – Explained that designs were similar and the engineering money wasn't wasted. Said she was willing to distribute budget sheets in future if needed.

John Griffith - What is condition of the Swayne Creek culvert?

Jennifer Hampel- Will need to be replaced in the relatively near future. Juvenile barrier culvert, but not imminent failure. It was not a complete fish passage barrier.

Helen Franklin - Wants to be sure money can be transferred between the projects.

Glenn Harkleroad – By unapproving Swayne Creek, it would free up that money and then the money could be given to the Lost Creek project.

Jan Tetreault - Heard that the only way to accomplish the project was to close the road. For how long?

Jennifer Hampel- Doesn't know the exact length of time, but probably would have been around one week.

Ralph Brown – Expresses alternative to allow modification of original grant application to include culvert replacement on Swayne creek or lost creek.

Bill Town – Withdrew earlier motion.

Bob Kinyon – Seconded Bill's motion withdraw.

Ralph Brown - Made motion to allow modification of the original grant application to include culvert replacement on either Swayne creek or lost creek.

Gordon Ross - Seconded motion.

John Griffith and Mike Smith have a problem with going through with the motion and swapping projects.

Penny Lind – If RAC moves forward with this motion, she would like to have a discussion on how to avoid this in the future

Gordon Ross – Feels that there is no loophole to close.

John Griffith - Sees there was no malicious intent, but need to discuss how to avoid it in the future.

George Smith – Would like to amend earlier motion to include a statement that all task orders issued by BLM should include a statement in bold that says if the project cannot go through, it must come back to the RAC.

Sharon Waterman – Would like to add to the motion that all projects on private land include an agreement between any private landowners and the project proponent.

Ralph Brown - Also feels the county is as responsible as the watershed association because they went forward on a project that didn't have NEPA, etc. done.

Gordon Ross – Explains that he didn't know about the switch until the project was done as well.

Ralph Brown – Mistakes were made. How do we undo it? Can undo what's been done.

John Griffith- Are benefits to fish similar on the Lost Creek culvert?

Jennifer Hampel - Lost creek has better habitat.

John Griffith- Were there permit requirements?

Jennifer Hampel - Assumed all permits were acquired, but doesn't know for sure.

Mike Smith- What has the watershed association done internally to take care of this process error? How will this not happen again?

Jennifer Hampel – Explains she got a reprimand from the watershed association board and she is aware of the issue and will be very careful about the process from now on.

Fred Arnold - Would like to call for the question.

Jan Tetreault – Clarifies that on the application the RAC does ask whether permits have been acquired. Permit also includes landowner agreement. We don't need to re-write regulations. The RAC needs to watch and ask in the future if the permits have been acquired.

Ralph Brown - Motion to modify the original grant application to include culvert replacement on either Swayne Creek or Lost Creek and include in bold wording on the agreements that any modifications to the project must come back to the RAC for a vote.

Gordon Ross- Seconded motion.

Category 3- 4 approve

Category 1- 3 approve

Category 2 – 4 approve

Motion passed.

Penny Lind - Would like RAC to talk about how to prevent this from happening in future.

Helen Franklin- Asks Glenn what is allowable currently on a task order modification.

Glenn Harkleroad – Explained that he basically takes the language from project proposal and puts into task order. Modifications have only included extending a deadline or adding money.

Sharon Waterman - Did we do something that could get the RAC in trouble. Does it fit under what is considered a modification?

Glenn Harkleroad – Admitted the RAC is in uncharted waters. The BLM will not modify the task order because it is already complete. They will modify the approval of the project to meet the RAC's recommendation. The BLM will not accept responsibility for the NEPA, ESA, or other applicable laws.

Mike Smith – Expresses again that he is worried about the RAC setting precedence.

Glenn Harkleroad – Explains he will apply more diligence in monitoring the projects in the future.

John Griffith – Explained there is no real guidance on what to do when a situation like this comes up, but they do need to be handled on a project by project basis.

Mark Villers - Wants to keep in focus that the fish and County are benefiting from the project.

John Griffith – Mentioned that the Swayne Creek culvert still needs repair and it will have to be dealt with in the future.

Elections

Sharon Waterman- Made motion to elect John Griffith chair and Timm Slater vice-chair.

George Smith – Seconded motion and moved that motions be closed.

Gordon Ross – Seconded George's motion.

Motion passed.

Close Out

Next meeting August 3rd primary date and August 10th secondary date for project recommendation meeting.

Adjourn

Meeting adjourned at 11:30 a.m.

NOTE: Received a call from Helen Franklin on 3/16/2006 requesting that BLM document her disappointment with the absence of representative from the County Road Department at the meeting to address the Swayne Creek culvert issue.