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## **BAKER RIVER PROJECT RELICENSE**

### **Solution Team**

November 26, 2002

9:00 a.m. – 3:00 p.m.

US Forest Service Office  
21905 64th Avenue West  
Mountlake Terrace, WA 98043

### **AGENDA**

1. Introductions
2. Settlement Process Update
  - PMEs for each Working Group
  - How to handle approach to Adaptive Management
3. PDEA Update
4. Action Items
5. What's Hot in Working Groups?
6. Prep for FERC Conference call
7. FERC Conference Call
8. Schedules/Studies Indices/Timelines
9. HYDROPs Model Update
10. Other?
11. Set December 17th Agenda
12. Evaluate meeting



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Mountlake Terrace, WA

***Mission: By April 30, 2004, the Baker Solution Team will draft a settlement agreement for relicensing of the Baker River Project that best meets the interests of the signatories.***

### **FINAL MEETING NOTES**

Note: Call Connie at 425-462-3556 if unable to attend the meeting so she can plan for lunches. Call Lyn's cell phone 425-890-3613 if something comes up at the last minute (on the way to the meeting).

**Team Leader:** Connie Freeland (Puget Sound Energy) 425-462-3556, [connie.freeland@pse.com](mailto:connie.freeland@pse.com)

**Members Present:** Steve Hocking and Keith Brooks (by phone from FERC), Arn Thoreen (Skagit Fisheries Enhancement Group), Pam Klatt and Rob Mohn (the Louis Berger Group), Jerry Louthain (Economic and Engineering Services, for Anacortes, Skagit P.U.D. and Town of Concrete), Steve Fransen (NMFS), Gene Stagner (USFWS by phone), Ken Brettmann (U.S. Army Corps of Engineers), Bill Reinard (Wildcat Steelhead Club), Bob Helton (Citizen), Bob Nelson (Rocky Mt. Elk Foundation), Stan Walsh (Skagit System Cooperative), Rod Sakrison (WA DOE), Jon Vanderheyden (U.S. Forest Service), Lloyd Pernela, Ed Schild, Cary Feldmann, Kris Olin and Connie Freeland (PSE), Patrick Goldsworthy (North Cascades Conservation Council), Len Barson (The Nature Conservancy), Dave Brookings (Skagit County Public Works), Steve Jennison (WA Dept. of Natural Resources), Dee Endelman and Bruce Freet (Agreement Dynamics), Lyn Wiltse, Facilitator and Mary Jean Bullock, Note-Taker (PDSA Consulting, Inc.).

### **FUTURE MEETING DATES**

December 17, at USFS Office in Mountlake Terrace.

Note: Starting in 2003, the Solution Team will be meeting on the fourth Tuesday of each month.

***Exception: The January meeting date will be the 3<sup>rd</sup> Tuesday: January 21, 2003.***

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## 2003 Solution Team Meeting Schedule

January 21, February 25, March 25, April 22, May 20\*, June 24, July 22, August 26, September 23, October 28, November 25, December 16\*. [\* 3<sup>rd</sup> Tuesday because of holidays.]

### **AGENDA:**

**November 26, 2002 at USFS Office Building in Mountlake Terrace**

**9:00 a.m. – 3:00 p.m.**

1. Introductions
2. Settlement Process Update
  - PMEs for each Working Group
  - How to handle approach to Adaptive Management
  - Comments on Framework for Agreement
3. PDEA Update
4. Action Items
5. What's Hot in Working Groups?
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### **NEW ACTION ITEMS**

- Bruce: Use PME format for elements of adaptive management for us to review at our December 17 meeting.
- Arn: Ask Sue Madsen re: earliest date available for summary of instream flow data.
- Kris: Talk to Kristen re: posting Study Index updates and Relicensing Schedule to the website. Also, attach to these notes directions to find these items on the website. [Currently, the pathway to view the full schedule, the full study request index and the full study index under "Baker River Relicensing" is: "Working Groups/Baker Solution Team/Schedule Timeline" and "Working Groups/Baker Solution Team/Studies." In the future, we will be revising the Baker River Relicensing menu to add bullets under "Baker River Project Information" for "Schedule Timelines" and "Studies."]
- Kris: Attach "Kris's Concerns" to schedule for December 17 meeting.
- Pam: Bring example of ALP license application to December 17 meeting.
- Connie: Talk with Working Group Team Leaders about each working group listing any conditions related to PMEs that would vary depending on the term of the license.

### **PDEA UPDATE**

Members of the Louis Berger Group, who will be preparing the PDEA, met with PSE team leaders on November 22 to identify general resource information (other than what is being generated by studies) that needs to be pulled together for the NEPA analysis. The first draft PDEA will describe the affected environment and the no action alternative. [See discussion of FERC Conference Call.]

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Rob Mohn explained that in order to meet the September 30 deadline for a complete PDEA and draft license application to be officially noticed by FERC and ready for public comments, the Louis Berger Group has set June 1 as a freeze date for incoming information. This means that by June 1, they will also need a proposed action to analyze. While reaching settlement on a proposed action is our goal, if this doesn't occur by June 1, the Louis Berger Group will need well-defined proposed alternatives for the NEPA analysis (2 or 3 alternatives would be most desirable).

It was discussed that more alternatives may be necessary given the lack of analysis tools and study results. We need to be sure our alternatives encompass a broad range so everything that ends up in a Settlement Agreement has been examined in the PDEA. Pam Klatt explained that in other cases where settlement has not yet been reached in time for the NEPA analysis, the licensee has submitted a proposal that serves as a baseline. Using major issues from that baseline, other participants in the process have developed alternatives with different actions and impacts to be considered in the NEPA analysis (e.g., trap and haul vs. fish ladder).

NOTE: Some PME's may not be related to the Project and these would become part of the Settlement Agreement, but would, by definition, be excluded from the NEPA analysis.

#### **PME UPDATE**

Dee reported that, since our last meeting, most Working Groups have narrowed their brainstormed list of potential PME's. The Recreation Working Group has identified 8 PME's, the Terrestrial Working Group has identified 14 PME's, and Aquatics has come up with 20 topics under 5 PME's.

#### **Recreation:**

1. Improve recreational safety and resource protection (includes water-based issues and land-based issues).
2. Improve and manage dispersed recreation site.
3. Implement adaptive management.
4. Develop and implement a scenery and aesthetics management plan.
5. Construct, operate and maintain trails and trailheads.
6. Provide and maintain public road access.
7. Construct, operate and maintain information, interpretive and educational services and facilities.
8. Construct, operate and maintain developed recreational facilities.

#### **Terrestrial:**

1. Manage lands within the existing Project boundary to benefit wildlife.
2. Manage lands outside the existing Project boundary to benefit wildlife.
3. Provide technical and/or financial support to landowners interested in enhancing their lands for wildlife.
4. Contribute funding to ongoing wildlife habitat acquisition and/or management programs.
5. Contribute funding to plant and wildlife research.
6. Develop and implement a noxious weed management plan.
7. Develop and implement a management plan for plants of special status.
8. Support efforts to relocate wildlife in the Baker River basin.

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9. Conduct public education directed at reducing recreational and other human-induced impacts to plants and animals.
  10. Manage aquatic and riparian habitats downstream of the Baker River Project to enhance habitat value.
  11. Create and fund a Terrestrial Resource Management Group to oversee implementation of terrestrial PME measures.
  12. Develop and implement plans to control undesirable wildlife in the Baker River basin.
  13. Protect the existing wilderness values of the Baker River basin.
  14. Re-establish and maintain historic levels and distributions of adult salmonid biomass in the Baker River and its tributary streams.

#### **Aquatics:**

1. Aquatic Species Management Plan
  - Baker River Coordinating Committee
  - Habitat Enhancement, Restoration and Conservation Fund
  - Fish propagation and enhancement programs and facilities
  - Non-native or invasive aquatic animal species
2. Fish Passage Management Implementation Plan
  - Upstream passage continuity for migratory fish species (anadromous and adfluvial, fluvial, resident)
  - Downstream passage continuity for migratory salmonid species (anadromous, adfluvial, resident)
3. Flow Management Plan for Fish and Other Aquatic Species
  - Continuous instream flow
  - Ramping
  - Amplitude
  - Frequency
  - Contingencies and emergencies related to flow management
  - Water quality
4. Physical Habitat Management
  - Fluvial geomorphic processes
  - Large woody debris
  - Water quality enhancement
  - Riparian modification, conservation or restoration
  - Instream channel modification (in-basin or out of basin)
  - Invasive/noxious aquatic & riparian plants
5. Reservoir Level Management & Operations Plan
  - Reservoir stage management
  - Reservoir water quality

In most cases, the Working Groups have elected to use technical consultants to draft initial PMEs. Preliminary drafts should be ready for Working Group review at their December meetings. The Cultural & Historical Resources Working Group will meet at Baker Lodge on December 9 for a half-day workshop to develop PMEs. The Economics Working Group will begin to draft PMEs in December.

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PME workshops for all resource Working Groups will take place in February 2003, with a cross-resource workshop in March (probably 2 days) to identify opportunities to synergize and resolve conflicts among the PMEs.

### **ADAPTIVE MANAGEMENT**

Bruce received no feedback on the Adaptive Management presentation he gave at our October meeting. He is currently working on a PME that contains the elements of adaptive management for our review in December.

### **SETTLEMENT PROCESS UPDATE**

We reviewed the Framework for Agreement that Bruce distributed at our last meeting. It was agreed that the section called: "Intent and Desired Future Conditions" would include a summary of rationale, reference information and specific management actions. By April 2003 we are hoping to have this framework completed as much as possible. This would begin to form an Agreement in Principle. We agreed to include flood control under Section 4.1. It will also be helpful to include a record of decision for items in the Agreement.

Bruce shared a tentative PME schedule between now and October 2003:

Dec. 16-19, 2002	1 <sup>st</sup> draft PMEs complete
Jan. 2003	Refine PMEs and Prepare for Feb workshops Questions
Feb. 2003	Working Group Meetings and Begin Workshops
Mar. 2003	Continue workshops Complete 2 <sup>nd</sup> draft PMEs Meet with Berger Group for PDEA
Apr. 2003	Present 2 <sup>nd</sup> draft PMEs to Baker Solution Team PSE/Berger Group release PDEA for internal, participant review (30-45 days)
June 2003	Complete 3 <sup>rd</sup> draft PMEs
Sept. 2003	PSE/Berger Group release PDEA for public review (90 days) Oct-Dec 2003 FERC issues a request for preliminary terms, conditions and recommendations

### **Suggestions:**

- Use PME titles that can stand alone and tell the desired outcome.
- Start working on PMEs that are "relatively" easy and build on success as you develop other PMEs.
- Divide into smaller Working Groups or teamlets by interest and expertise.

### **Measurable Objectives:**

- Implementation
- Effectiveness

Concern was expressed about the tight timeline for the PDEA and how/when our settlement team will be formed. We will discuss that at our December 17 meeting.

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## **REPORT ON OLD ACTION ITEMS**

- ALL: Considered the option of PSE having the Louis Berger Group prepare the license application in addition to the PDEA. All agreed that they were fine with Louis Berger assisting PSE in drafting the license application in addition to the PDEA.
- ALL: Gave Bruce comments on “A Framework for Agreement” (bjfreet@fidalgo.net or 360-319-5582) by Nov. 15.
- ALL: Considered how to approach adaptive management. We will look at the draft PME that Bruce brings for our review at the December 17 meeting.
- Economics/Operations Working Group: Determined possible terms of license to use for economic analysis.
- Bruce/Dee: Talked with all Working Groups to identify additional technical support for developing PMEs. Saw that Marty’s drafts got shared across the Working Groups (after receiving permission to do so from the Terrestrial Working Group.)
- Connie: Sent out electronic copies of Bruce’s PowerPoint Presentation re: Adaptive Management.
- Bob B.: Posted user manual for the HYDROPS model on website and provided hard copies to participants on request.
- Connie: Emailed information to all re: November 21 or November 22 meeting with Rick Miles/FERC for the U.S. Institute for Environment Conflict Resolution re: our participating in a study of ALP relicensing processes.
- Kris: Met with Rick Miles of FERC November 22 to discuss how we might participate in their study of ALP relicensing processes. He learned that they offer mediation/facilitation services. At the end of the process the Solution Team members will fill out a 20-minute survey report. This will be the extent of our participation.

## **TERM OF LICENSE**

The Working Groups are currently looking at PME scenarios based on a 30-, 40- and 50-year license terms. Ultimately, FERC will decide on the license term.

## **WHAT’S HOT IN THE WORKING GROUPS?**

### **Aquatics**

- Flood control and IPP BA (bald eagle and bull trout)

### **Cultural**

- Timeline is tight
- We have a living APE!
- We are back on track!

### **Recreation**

- Schedule (Timing of PMEs and Studies)

### **Terrestrial**

- Bear Study
- Project-Related Recreation
- PME Schedule

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- Elk Study

### **Economics**

- Flood control

### **FERC CONFERENCE CALL**

We reviewed with Steve and Keith the PDEA schedule set by the Louis Berger Group. In addition to a description of the affected environment, FERC would like to see each of the four alternatives listed in the Process Document in the initial draft PDEA. These include:

- Non Power Operation (flood control /environmental factors/ municipal water supply/etc.)
- Project Removal (dam removal)
- No Action (continuation of current facilities and current operations)
- Proposed Action (or status report)

Flood control: Lloyd reported that the Economics/Operations Working Group was unable to reach consensus about a statement on flood control that Working Groups could use as an assumption for PME discussions. They will attempt to bring us a statement to consider at our December 17 meeting. Ken distributed a letter from the C.O.E to the Economic Working Group expressing the Corp's desire to "formalize the assumption of existing flood control as a basis of further work." Dave reported that Skagit County is considering requesting increased levels of flood control.

Project Boundary: The FERC project boundary is an administrative feature. The question is: What PMEs are related to the Project boundary and necessary? After that question is answered and FERC agrees, the boundary will be adjusted accordingly. (We removed the "Extent of project boundary" from our Parking Lot.)

### **STATUS OF STUDIES IN WORKING GROUPS**

#### **Aquatics:**

- Fish Passage
  - Upstream pretty complete
  - Downstream: Considering 20 or so options
- Instream Flows
  - Week of November 18, got high flow data
  - On November 27, will be getting intermediate flow data.
  - This will complete field work. R-2 estimates the report should be complete April/May
- Non-anadromous study is still being formulated.
- Large woody debris and sediment studies are also underway.
- Water quality nutrients and level/productivity potential is part of the limnology study.

#### **Terrestrial:**

- Meeting on December 6 re: the scope of the Elk Study and the HEP (Habitat Evaluation Procedure) Study.
- December 5: The group will be meeting to look at draft PMEs put together by Marty.
- Noxious Weed Study and Basin Vegetation Mapping is nearly complete. GIS layers for this map are being shared with the Aquatics Working Group for the no-project condition.



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**Recreation:**

- Trails Study is underway.
- Photos are being taken of viewpoints for the Aesthetics Study.

**Economics/Operation:**

- Flood control issue is being discussed.
- Baseline hydrology years have been selected for HYDROPS model.

**Cultural:**

- The archaeology contractor has finished the Lake Shannon survey and is waiting for the ARPA (Archaeological Resources Protection Act) permit so they can do survey work at Baker Lake.
- Historical building inventory is starting next month.
- TCPs (traditional cultural properties): Have brought aboard a contractor to work with the tribes regarding TCPs.

**HYDROPS MODEL UPDATE**

Jon reported that the initial report from Stetson is being circulated internally at the Forest Service. The report will be out soon to PSE. The access issue is probably the biggest concern in the report to date.

**SCHEDULES/TIMELINES**

Kris distributed a schedule of activities that occur after the initial PDEA and license application are submitted. The schedule reflects discussions that occurred at the regulatory meetings held on October 29 (ESA, 4(e) and Section 18), and October 31 (401 & CZMA) and shows FERC issuing the license by January 2006. The current license expires April 2006.

This schedule doesn't yet show all the linkages that exist in the process, so the "critical path" is not yet defined. It will be defined after linkages have been established. PSE will continue to add detail to the schedule and will attach a list of concerns to the next update in December.

**PARKING LOT**

- Members need to describe their roles in terms of decision-making authority in their organizations (this relates to who would be members of the Policy Solution Team).
- Define a process for delayed resolution (based on incomplete studies).
- Adaptive management:
  - How can we take into account future technology, knowledge, conditions, resources, weather (global warming), etc.?
  - How can we balance licensee exposure?
- How to enlist recreational users.
- Define "project induced." (Teamlet?)
- Develop public information protocol.
- Summary Record of Decisions.

**HANDOUTS**

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- A Framework for Agreement, Baker River Hydroelectric Project FERC No. 2150, 10/27/02.
  - Letter to the Economics/Operations Working Group from the Department of the Army, Seattle District, Corps of Engineers re: A request of the Economics/Operations Working Group to formalize the assumption of existing flood control as a basis of further work, 11/13/02.
  - Current (updated) schedule for Baker Relicense Process, 11/26/02.

### **TENTATIVE AGENDA FOR NEXT MEETING**

**December 17, 2002 at USFS Office Building in Mountlake Terrace**

**9:00 a.m. – 3:00 p.m.**

1. Introductions
2. Settlement Process Update
  - PME for each Working Group
  - PME for Adaptive Management
  - Settlement Team Process
3. PDEA and License Application Update
4. Action Items
5. What's Hot in Working Groups?
6. Status of Studies in Working Groups
7. Prep for FERC Conference call
8. FERC Conference Call
9. Schedules/Timelines
10. HYDROPs Model Update
11. Other?
12. Set January 21 Agenda
13. Evaluate meeting

### **MEETING EVALUATION**

#### **Done Well**

- Well attended
- Started with excited facilitator
- Got out early
- Good PDEA discussion
- Settlement discussions
- Happy to have Dave (Skagit County) and Ken (Army Corps of Engineers)

#### **Need to Improve**

- Insufficient preparation for FERC call
- Started with excited facilitator
- FERC call ran over
- Take a break at 10:45
- Missed Gary