
BAKER RIVER PROJECT RELICENSE

Solution Team

March 28, 2001

10:00 a.m. – 3:00 p.m. (including tour)

Puget Sound Energy Office
Concrete, 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

Team Leader: Connie Freeland (Puget Sound Energy) (425) 462-3556, cfreel@puget.com

PRESENT: Stan Walsh (Skagit System Cooperative), Bob Helton (Citizen), Bill Reinard (Wildcat Steelhead Club), Patrick Goldsworthy (North Cascades Conservation Council), Fred Seavey (U.S. Fish & Wildlife), Bruce Freet (National Park Service), Arn Thoreen (Skagit Fisheries Enhancement Group), John Boggs (Concrete Heritage Museum Association), Bob Nelson (Rocky Mountain Elk Foundation), Larry Wasserman (Skagit System Cooperative), Jon Vanderheyden (U.S. Forest Service), Steve Jennison (WA Department of Natural Resources), Paul Schissler (City of Concrete), Chuck Ebel (U.S. Army Corps of Engineers), Brady Green (U.S. Forest Service), Connie Freeland (PSE), Ed Schild (PSE), Lloyd Pernela (PSE), Cary Feldmann (PSE), Lyn Wiltse, facilitator (PDSA Consulting)

Future Meeting Dates, Times and Locations:

April 25, May 23 – 9 a.m. to 3 p.m. at the Forest Service Office (Mountlake Terrace)

Note: If you have trouble with directions or encounter any last minute changes to your plans, call Lyn Wiltse's cell at 425-444-8156. She will have her phone turned on from one hour before the start of the meeting until the start of the meeting.

NEW ACTION ITEMS:

- All: Think about key policy questions we need to consider, e.g., continuing impact models, past values that were lost, etc.
- All: By April 6, get revisions to your organization's list of interests to Connie, so she can get them out to the Working Groups.
- Don: Request American Rivers' interests from Brett Swift.
- Cultural Working Group: Put together a brief description of relevant cultural regulations and authorities to share with this team.
- Fred: Order copies of digest of Federal National Resource laws for members of this team (April meeting).
- Larry: Will bring a copy of a Federal Indian Law book for reference.
- Connie: Contact Skagit and Whatcom counties re: their participation in this process.
- Fred: Invite a solicitor to the meeting to walk the team through the revised documents (Communications Protocol and Process Document). Let PSE know if a solicitor will attend.
- Connie: Email 1) study requests tracking sheet by Working Group and 2) approved preliminary study requests (for 2001 field season) with summary cover sheet for each Working Group to members prior to April meeting.
- Jon: Check on situation at Mountlake Terrace re: meeting there/parking.

REPORT ON OLD ACTION ITEMS

There was a question about the Action item that requested everyone to write a brief paragraph describing their interpretation of FPA and other authorities as they relate to the relicensing process for their organization(s). Fred volunteered to order digests of Federal Natural Resource laws for members of this team. He will distribute copies at our April meeting.

AGENDA

March 28, 2001, Puget Sound Energy Office, Concrete, WA

9:00 to 3:00 (with working lunch provided)

1. Introductions
2. Review/revise minutes/agenda
3. Action Items
4. Update on Process Document and Communications Protocol
5. Review 2001 studies
6. Review interests/expectations
7. Other issues?
8. Set agenda for April 25
9. Evaluate meeting

INTRODUCTIONS

The team welcomed Steve Jennison of the Department of Natural Resources and Chuck Ebel of the U.S. Army Corp of Engineers, who are attending this meeting for the first time. Ed Schild, Director of PSE Energy Production and Storage, was introduced. Ed hopes to be able to attend more often and expressed an appreciation for everyone's time and effort.

Ed wants to make himself available to all members and invited calls to come to him at the following:

Ed Schild: 425-462-3022 (office) eschil@puget.com (email)
 425-803-6889 (home) 425-466-3452 (cell)

GENERAL FEEDBACK

Arn suggested that PSE be proactive in sharing relicensing updates with the public (perhaps include in billing statement) so they don't have to rely on editorials for information. Patrick suggested that perhaps PSE could publish a newsletter as Chelan PUD does. Bruce cautioned that any information that comes out should be taken from the approved version of the minutes so the information isn't seen as slanted. PSE has a public involvement group to address these issues.

REVIEW OF MINUTES

Members were reminded that what Lyn writes on flip charts is what Mary Jean types into the draft of the minutes. The group will take greater care to review the flip charts before moving on to another topic. Notes of clarification that are added after the meeting will be identified as such and attached to the minutes as a separate document. Only the approved minutes will be posted on the website.

DISCUSSION OF INTERESTS

We reviewed the draft interest statement that Connie received from Saul Weisberg for the North Cascades Institute. We agreed that interest statements would stay in draft form and may be revised over time. We'll pull them out of the meeting minutes as a separate document on the website. We will continue to refer to them throughout the process. New interests will be listed in the body of the minutes of the meeting where they are discussed.

New Interests:

Interests of North Cascades Institute in the Baker Relicense Process (Saul Weisberg)

- Conserve and restore North Cascades environments by building an ecologically literate and engaged public.
- Connect people, nature and communities in deep and enduring ways through intimate, informed contact with the natural world.
- Assure that knowledge, awareness and involvement with the environment begins at a young age and continues throughout life.
- Provide field-based education about the natural history and cultures of the North Cascades to people of all ages, learning styles and across cultural and economic boundaries.
- Promote community education, involvement and stewardship with an emphasis on biological diversity, watersheds, mountain ecosystems, wilderness and wildlife.
- Insure access to lands within the Baker River Basin for educational activities.

Missing Interests:

Interests are still needed from the following:

- American Rivers (Brett Swift)
- U.S. Fish & Wildlife Service (Fred Seavey)
- WA Department of Fish & Wildlife (Gary Sprague)*

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- WA Department of Natural Resources (Steve Jennison)*
 - Skagit County Public Works (Derek Koellmann)

* Have early draft

UPDATE ON PROCESS DOCUMENT AND COMMUNICATIONS PROTOCOL

Stan reported that the attorneys for agencies (U.S. Forest Service, U.S. Fish & Wildlife, National Marine Fisheries Service, WA Department Fish & Wildlife, Park Service) and tribes are reviewing both the Communications Protocol and the Process Document and will be sending a copy to PSE by April 20. PSE will distribute a copy to Solution Team members as soon as they receive it. Jon cautioned that there may need to be Washington D.C. office review. This may cause a delay. We can use the April 25 meeting to gain an understanding of the proposed changes.

Ed reassured the group that PSE intends and desires to collaborate regardless of whether the team chooses to do the traditional process vs. the Alternative Licensing Procedures. We could also do a settlement agreement outside the ALP. Ed noted that disagreeing is not the same as failure to collaborate. Even if we all agree on the Communications Protocol and the Process Document, we still may not go ALP. There are other factors such as resource availability, etc., that will influence this decision. FERC assumes PSE will operate on the traditional path until PSE requests otherwise.

REVIEW OF INITIAL WORKING GROUP STUDY REQUESTS

Lyn briefly recounted a list of the studies the resource working groups are proposing for the 2001 field season. The working groups will be finalizing the list of studies at their April meetings. PSE's Working Group team leaders are sharing study topics from their respective resource areas at weekly PSE meetings (chaired by Lloyd Pernela) to explore opportunities for synergies.

The Solution Team role:

- Look for synergies and gaps. Are the studies addressing interests and expectations?
- Arbitrate disagreement within or between Working Groups
- Set priorities

The team will review the list of approved study requests for the 2001 season at our April meeting. PSE needs to budget for 2002 studies by October 1, 2001. Studies must take into consideration that this is an extreme low flow year.

This team needs to look at the proposed studies in terms of gaps and overlaps. There was consensus that this group would give thumbs up or down to study requests and send them back to the Working Group as needed without resolving technical issues ourselves.

EXPECTATIONS:

There are three basic types:

- Expectations for the whole process
- Expectations from law
- Future conditions (end products), e.g., optimize or maximize what might be desirable and feasible.

Why do expectations at this point? It will allow us to define a decision on space between what is out there now and what will be in the future. It also provides an opportunity for mutual learning.

It was brought up that interests will be inherent in expectations and we may not be prepared to come up with expectations until we have a clearly defined process and understand the results of the studies. We could start by coming up with a common understanding of how we deal with continuing impacts or other key policy issues.

Bruce Freet distributed a list of Park Service expectations that he had prepared. We will defer further discussion of expectations until our May 23rd meeting.

TOUR

Charles Morton, Baker Plant Manager, gave the team an overview of the repairs being made to Lower Baker during the outage and showed a video (shot by Jason Schmidt) of equipment being removed from the powerhouse and dam. The team visited the Lower Baker powerhouse, where the turbine (runner) is being replaced, and the Lower Baker Dam, where the trashracks are being replaced.

PARKING LOT

- Members disclose legal requirements (perceived authority and responsibility).
- 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 Solutions Team).
- Develop a template for Working Group recommendations.
- Define a process for delayed resolution (based on incomplete studies).
- PSE provides their expectations of license legal ramifications.
- Adaptive management:
 - How can we take into account future technology, knowledge, conditions, resources, etc.?
 - How can we balance licensee exposure?
- Clearly define everything to be included in settlement agreement.
- Determine what is/isn't part of the administrative record.
- Develop procedures around press attending these meetings.
- How to enlist recreational users.
- Define "mitigate."
- Define "baseline."
- Define "project induced."
- Consider tour.

MEETING EVALUATION

Well-Dones:

- Good tour -- Thank you Charles and Jason!
- Good participation
- Ed Schild's presence
- Good food
- Progress by attorneys on documents
- Clarification re: what goes into minutes

Need to Improve:

- Some rambling
- Need participation from Skagit and Whatcom counties
- Charles: many remarks were not heard by entire tour group (needed megaphone)

TENTATIVE AGENDA FOR NEXT MEETING

April 25, 2001 Mountlake Terrace, WA

9:00 to 3:00 (with working lunch provided)

1. Introductions
2. Review/revise minutes/agenda
3. Action Items
4. Review Process Document and Communications Protocol
5. Review 2001 study requests
6. Review additional interests
7. Other issues?
8. Set agenda (and confirm location) for May 23rd meeting
9. Evaluate meeting