

---

## BAKER RIVER PROJECT RELICENSE

### Solution Team

May 22, 2002

9:00 a.m. – 3:00 p.m.

CottonTree Inn  
Mt. Vernon, 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 at (new cell number) 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, cfreel@puget.com

**Members Present:** Steve Hocking (FERC), Jon Vanderheyden (U.S. Forest Service), Rod Sakrison (Dept. of Ecology), Jerry Louthain (Anacortes & Skagit PUD), Steve Jennison and Omrau Bhagwandin (Dept. of Natural Resources), Arn Thoreen (Skagit Fisheries Enhancement), Gary Sprague (WA Dept. Fish & Wildlife), Bob Helton (Citizen), Bill Reinard (Wildcat Steelhead Club), Bruce Freet (National Park Service), Bob Nelson (Rocky Mt. Elk Foundation), Steve Flude (Skagit County), Polly Fischer (Citizen), Ed Schild (PSE), Connie Freeland (PSE), Lloyd Pernela (PSE), Cary Feldmann (PSE), Dee Endelman (Agreement Dynamics), Lyn Wiltse (Facilitator with PDSA Consulting)

### NEW ACTION ITEMS

- ALL: Mail to FERC letters stating opinion (Supportive or otherwise) re: PSE's request of FERC to be allowed to use the ALP.
- ALL: Let Lloyd know a.s.a.p. if you plan to attend the Charles Howard Model All-Day Workshop Date (June 12 at PSE Access Center in Bothell). Space is limited.
- Lloyd: Sketch out the relationship of our relicensing schedule to Solution Team Agendas.
- Lloyd: Put together a Primavera Primer.

- 
- Ed/Jon: Look at working out a common approach re: continuing impacts.
  - Connie: Meet with Bob Helton re: notebook.
  - Lyn: Contact Trout Unlimited and American Rivers re: their ongoing participation in this process.

### **REPORT ON OLD ACTION ITEMS**

- Connie: Added key and new box that will be checked to indicate recent (since the last meeting) updates to study status on the Study Request and Study Indexes.
- Lloyd: Prepared and distributed a summary of current license articles.
- Connie: Published Charles Howard Model All-Day Workshop Date (June 12 at PSE Access Center in Bothell).
- Connie: Appended three letters of ALP support (from North Cascades Conservation Council, Wildcat Steelhead Club and Robert Helton, interested citizen) to the minutes of the last meeting. (A fourth letter, from the Skagit County Board of Commissioners, was received later and was attached to the ALP request.)

---

***NOTE: THE FOLLOWING NOTES REPRESENT WHAT TURNED OUT TO BE AN INFORMAL, ABBREVIATED MEETING OF THE SOLUTION TEAM.***

---

### **AGENDA**

**May 22, 2002 at CottonTree Inn in Mount Vernon**

**Starting at 12:30 (public meeting ended at noon)**

1. Introductions
2. Review/revise minutes/agenda
3. Review Studies/Timelines – and any urgent issues
4. Debrief of Public Meetings
5. Status of ALP Request
6. Action Items
7. Other issues?
8. Set agenda for June 26 meeting (at USFS Building in Mountlake Terrace)
9. Evaluate meeting
10. Comments from observers?

### **COMMUNICATIONS PROTOCOL AND PROCESS DOCUMENTS**

Ed Schild reported that he had met with two of the tribes (the third was invited but not able to attend) and attorneys on May 6. Together, they resolved the outstanding wording around confidentiality in these documents. This was the only thing holding up going forward with requesting to use the ALP. The final versions of these documents were included in the ALP request.

### **ALP STATUS**

On Friday, May 17, PSE sent in their request to use the ALP to FERC. Four letters of support were attached, from North Cascades Conservation Council, Wildcat Steelhead Club, Robert Helton (interested citizen) and Skagit County Board of Commissioners. Steve Hocking said that FERC was in the process of reviewing the request to ensure that it contains all of the necessary provisions. He also stated that he believed FERC staff will officially notice the request by Tuesday June 4 (or earlier). This will start a 30-day clock for participants to tell FERC whether they believe FERC should grant the request. FERC

---

---

anticipates rendering a decision within one to two weeks following the end of the 30-day period. This means we will know if we are officially in the traditional or Alternative Licensing path by our July meeting.

Steve reminded us of the ALP-afforded advantages of using adaptive management and retaining local control. Participants acknowledged there were many advantages to using the ALP, including the fact that it is more inclusive, especially for non-governmental organizations. Members were asked to send to FERC letters stating whether they believe consensus has been reached by Solution Team members to use the ALP for the Baker Relicensing Process.

Many of the public agencies are suffering cutbacks. A question was raised re: going forward with the ALP if key players are unable to participate due to limited and resources. Steve reiterated FERC's current position of not granting extensions to the relicensing process and that we need to be timely with our filing. The license application filing date of April 30, 2004 is non-negotiable. We need to do the best we can to include all stakeholders in the process. This may include meetings outside the current relicensing process structure for the purposes of keeping "inundated" agencies current.

Steve also encouraged us to begin drafting a settlement agreement. He suggested coming up with a skeletal outline with blanks that we could fill in over the next few months. We should have a list of what protection, mitigation and enhancement measures (PMEs) might be included in a settlement agreement by October 2002. The goal is to submit the Settlement Agreement along with the application by April 30, 2004. Steve reminded us that it would be a good idea to include the Settlement Agreement with the application even if the agreement isn't complete.

A settlement process teamlet will be held May 28. The purpose will be to define an interest-based settlement process. Dee Endelman of Agreement Dynamics will facilitate the meeting.

## **STUDIES/TIMELINES**

Lloyd distributed current Study Request Index and the Study Index forms for the Working Groups. Connie had a clarifying "key" added to explain the labels. She also had added an indicator of recent updates/revisions. PSE will work to further improve the reporting format to indicate the date of the last revision to study status.

## **FISH PASSAGE TECHNICAL WORKING GROUP**

This group has been meeting monthly. They are intending to recommend to the Aquatics Working Group using a combination of trap and haul to accommodate upstream fish passage. Trout Unlimited (if they stay part of this process) may elevate this issue to the Solution Team for consideration as it does not meet their threshold requirements for volitional passage.

## **HRA**

Ed and Connie met with members of the Upper Skagit Tribe about a perceived conflict of interest the tribe has with participation of Historical Research Associates (HRA) consulting firm on cultural issues. To address this concern, PSE is looking at splitting the work of the Cultural/Historical Working Group into separate meetings. Only officially designated people would be allowed to attend meetings discussing culturally-related issues. This will also address the tribe's general confidentiality concerns. As a result of

---

---

these concerns, the Cultural/Historical Working Group has not met for the last two months. They will discuss how to proceed at their June meeting.

### **TOUR AND PUBLIC MEETINGS**

The public tour took place from 10 a.m. to 3 p.m. on May 21. 104 signed up and 95 attended. Ages of the participants ranged from about 1 to about 85. We were fortunate with the weather. And folks seemed very appreciative of the opportunity to learn how PSE operates its facilities, especially fish rearing and passage.

A public meeting was held on May 21 from 6-10 p.m. at Concrete High School. There were 24 attendees, including the mayor of Concrete and Forest Service Representative Rod Mace, who will be taking Kathy Anderson's place in this relicensing process.

A second public/agency meeting was held May 22 at the CottonTree Inn in Mount Vernon from 9 a.m. to approximately noon. There were 23 attendees. Since we are currently following both traditional and alternative tracks, these meetings served the following purposes:

- Initial Information Meeting
- NEPA Scoping Meeting
- Stage 1 Joint Agency Meeting (gives agencies 60 days to submit their study requests)

Comments on the two documents discussed at the meetings are due by July 22. Comments go to FERC on Scoping Document 1 and to PSE on the Initial Consultation Document.

### **HANDOUTS**

- Meeting Notes, April 24, 2002, Baker Solution Team Meeting
- Study Request and Study Indexes, May 20, 2002
- Additional copies of PSE's ALP request to FERC were available

### **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?)
- FERC boundary.
- Develop public information protocol.
- Summary of Record of Decisions.

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

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

**9:00 a.m. – 3:00 p.m.**

- 
1. Introductions
  2. Review/revise minutes/agenda
  3. Review Studies/Timelines
  4. Review Relicensing Schedule
  5. Update on Cultural/Historical Working Group status
  6. Settlement Agreement
  7. Action Items
  8. Other issues?
  9. Set agenda for July 24 meeting (at USFS Building in Mountlake Terrace)
  10. Evaluate meeting
  11. Comments from observers?