
Baker River Project License Implementation**Baker River Interim Coordinating Committee**

August 22, 2007
12:00 am – 12:00 pm

Conference Call**FINAL MEETING NOTES****PRESENT**

Cary Feldmann, Anna Kopitov, Paul Wetherbee, Kellie Anderson, Arnie Aspelund and Connie Freeland (PSE); Stan Walsh (SRSC); Rich Johnson, Brock Applegate, and Gary Sprague (WDFW); Alice Kelly (WA DOE); Arn Thoreen (Skagit Fisheries); Tom Karsh (Skagit Co. Public Works); Chuck Ebel (USACE); Jon Vanderheyden (USFS); Bob Helton (Citizen); Lyn Wiltse, facilitator and note taker (PDSA Consulting, Inc).

NEXT 2007 MEETING DATES

Oct. 24 (all day) at Baker Project, including FSC visit; Dec. 12 (location to be determined)

QUOTABLE QUOTE

It's summer and there is no need for flood control. – Chuck Ebel

ANNOUNCEMENT

Gary Sprague shared that this will be his last meeting with us as he has taken a new position, with Seattle Public Utilities (water department). He starts his new job on August 31. His last day at WDFW will be August 30. He will be working on the Cedar River, as the Landsburg Mitigation Manager. While we are happy for Gary to pursue this new opportunity, we are also sad to be losing him. He has been an integral part of the Baker relicense process from the very beginning. We are thankful for his participation and his passion for detail and data to support decision making. His patience in helping bring others up to speed on the relicense process as well as the history associated with the project has been appreciated by all.

NEW ACTION ITEMS

- Cary – Send out draft agenda for next meeting Oct. 24 at the Baker Project.
- Cary – Send out link to view FSC video.
- Paul – Send out Master Schedule in advance of next meeting.
- Paul – Check the IPP and evacuation schedule and send out the plan.
- Chuck – Look at car pooling with Linda Smith to next meeting.

- Lyn – By the end of the day, send notes of this meeting to Connie to distribute to all.

TODAY'S AGENDA TOPICS

Review Notes, Agenda

Review "Master Schedule"

Discussion of Quorum

License Update

Project Updates

Next Steps

Set Next Meeting Date, Evaluate the Meeting

MASTER SCHEDULE

At our last meeting in April we discussed rolling out an overall Gantt chart with Capital and Operations and Maintenance pieces. This overall implementation schedule will include key milestones for all Cap Ex and O&M projects associated with implementation of the new license. Key dates will be estimated from the date of license issuance for most of the O&M projects.

Paul Wetherbee, License Manager Baker River, noted we will review and discuss the initial iteration of this master schedule at our next meeting at Upper Baker on October 24. This will be an all-day meeting that will include a tour of the Floating Surface Collector.

We will decide the appropriate level of detail suitable for BRCC review. Detailed schedule updates will be discussed at each of the separate technical resource levels.

LB POWERHOUSE

Paul noted that the Lower Baker Powerhouse improvement project is in the feasibility study stage. PSE is currently reviewing specifications to ensure they conform with terms in the Settlement Agreement.

QUORUM DISCUSSION

Cary reviewed the interpretation of quorum sent out May 30 along with the final notes from the April 25 last meeting. *Quorum* does not mean *representation*. It means four parties have to be present for a quorum to exist, either in person or via a proxy (a piece of paper giving their representation to another of the four parties). The four parties include: one tribal representative, one federal agency, one state agency and PSE. No one represents anybody else unless specifically given a proxy. There would be ample notification and a description of what will take place and what decision(s) will be made. A proxy is to vote on a specific issue or issues – not to give all future votes away to an individual as a blanket proxy. Gary and Stan concurred in this intent and interpretation of the quorum rule, as covered in Article 601 of the Settlement Agreement.

Another piece we will need to be clear about is what constitutes a decision for which a quorum is required. We may need to develop decision rules for each group.

Note: For emergency decisions (e.g., flow management and drought conditions), we would use separate emergency procedures such as a phone tree.

LICENSE UPDATE

Cary reported that Steve Fransen has finished the NMFS Biological Opinion and it is undergoing internal review at NMFS. Once it is completed, FERC will have all the information it needs to issue the license. We don't know when the license will be issued. Some are guessing between Thanksgiving and the end of the year.

The Town of Concrete has issued a Shoreline Conditional Use/Substantial Development Permit. The Department of Ecology has issued the 401 Water Quality Certification ("*401*") and Coastal Zone Management ("*CZM*") Consistency Determination. Concrete's *shoreline permit decisions*, as well as the 401 and CZM, are being appealed by Diking Districts 1 and 12, and the cities of Burlington and Mt. Vernon. The *hearing* date is set for November 5-9. [Corrections from Alice Kelly, WDOE, in italics.] These legal proceedings should not affect license issuance. [Clarification from Ed Schild: Litigation is always uncertain. If PSE does not prevail in this proceeding in November, it could actually mean several years of delay in license issuance.]

Cary noted that Rocky Reach is still awaiting their USFWS Biological Opinion, so we may end up receiving our license before they do.

PROJECT UPDATES

ARG

Arnie reported that the ARG has been meeting monthly. Their next meeting will be on Sept 11 at the WDFW office in Mill Creek. During that meeting they will cover fish facilities updates as well as pre-license implementation activities, including regular updates from the Fish Passage Technical Working Group. At that meeting they will also approve the 2008 meeting schedule. They will aim to continue meeting on the second Tuesday of each month and will need to find a new date in March due to a scheduling conflict with the Fish Passage Technical Working Group.

Hatchery Update: The Request for Proposal for designing the hatchery has been sent out to the contract pool, with proposals due by mid-September.

Arnie also announced that they are currently planning to do the Middle Skagit Chinook Spawner Survey again this year (September through December on the Skagit River).

RRG

Cary reported that the main focus of the recreation group is decommissioning of the Baker Lake Resort. There are a lot of alignment issues with this. To manage the Resort, PSE has a Special Use Permit with the Forest Service, which expires Dec. 31, 2008. The decommissioning was the only area called out as "hot" in the USFWS Biological Opinion (concerning marbled murrelet and spotted owls). Consultation on this area will continue.

The implementation of other articles is in the planning stages. The RRG's next meeting is Oct. 16 at Mill Creek.

TRIG

Cary reminded everyone that we are continuing to pursue the purchase of elk habitat property and are in

the midst of negotiations with the land owner on the initial piece of property that has been identified for purchase.

The Terrestrial Resource Management Plan (TRMP) is progressing. The next TRIG meeting is set for October 4. This will include a review of the updated TRMP. Anna reported that they are finishing up the prioritization of noxious weeds and recently conducted a rare plant field trip where they found some *carex flava* even though the creek channel had changed significantly.

CRAIG

The cultural group last met in late June and has been corresponding by email and participating in site visits to various locations, such as the old spawning beaches. Their next meeting will be October 3 at the Upper Skagit Tribal offices. The group is also working on the historic buildings, monitoring of the FSC anchor sites and completing site stabilization plans for archaeological sites. The group is also working on finalizing the Historic Properties Management Plan, which will be due after license issuance.

FLOOD CONTROL

Paul reported that through the summer, the Corps has continued to work on the General Investigation (GI) for flood control in Skagit County. At a public hearing in the spring, the three Skagit County Commissioners said they support the GI. The Corps anticipates completing the Project Management Plan by the end of their fiscal year (September 30). On October 1, the Corps will begin addressing technical issues again. In an effort to expedite the schedule, Skagit County is requesting to take on a large portion of the study content for the GI, except for the Baker piece. This is being considered and would be subject to Corps approval.

In addition to the ongoing litigation with the Cities of Mt. Vernon and Burlington and Diking Districts 1 and 12, we are also in the midst of a Land Use *Petition Act* ("*LUPA*") [Corrections from Alice Kelly of WDOE in italics.] of the Skagit County shoreline decision. PSE has won three appeals. Paul reported that this process is currently headed to the Washington Appellate Court.

Last week, additional analyses were performed at the request of parties to re-evaluate historic flood levels. This resulted in a small change in the peak of estimate. FEMA is now asking the USACE (their contractor) to re-run their models for the 100-year flood. This should not impact our license issuance.

OTHER NEWS

Arn reminded us that there is currently an interim/new mayor at Concrete. It would be good to get him to attend the tour in October.