
BAKER RIVER PROJECT RELICENSE

Solution Team

October 24, 2001

9:00 a.m. – 3:00 p.m.

Mountlake Terrace, WA

AGENDA

1. Introductions
2. Review/revise minutes/agenda
3. Action Items
4. Revisit norms
5. Review Communications Protocol and Process Document
6. Timeline/milestones for process
7. Review studies
8. Protocol to bring Working Group issues to Solution Team for resolution
9. Questions for Steve Hocking (FERC)
10. Set agenda for next meeting (Nov. 28 at Skagit County Administration Bldg. in Mt. Vernon)
11. Evaluate meeting

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USFS Office
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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 Service), Bob Nelson (Rocky Mountain Elk Foundation), Ardis Bynum by phone (U.S. Forest Service), Gary Sprague (WA Dept. Fish & Wildlife), Steve Jennison (WA Dept. of Natural Resources), Jerry Louthain (Anacortes & Skagit PUD), Arn Thoreen (Skagit Fisheries Enhancement), Rod Sakrison (WA Department of Ecology), Paul Schissler (Town of Concrete), Susan Rosebrough (National Park Service, Regional Office), Wayne Wagner (US Army Corps of Engineers), Connie Freeland (PSE), Lloyd Pernela (PSE), Ed Schild (PSE), Cary Feldmann (PSE), Rhonda Hilyer (Agreement Dynamics), Lyn Wiltse, facilitator (PDSA Consulting, Inc.)

NEW ACTION ITEMS:

- ALL: Review Glossary Document (PSE will post on website)
- Connie: Talk to Burt re: November 28 and Whatcom County representative
- Patrick: Contact environmental organizations in the Puget Sound Area re: participation with Cascade Conservation Council
- Connie: See that Fred's digest is distributed to members
- Connie: Create draft explanation of Solution Team mission, background etc.

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- Connie: Create a list and text of all CFR's referred to in the Process Document and distribute to members.

REPORT ON OLD ACTION ITEMS

- Connie: Checked out September 26th meeting location and possible field trip to Project.
- Burt: Checked Skagit County conference room for September 26th meeting.
- Fred: Sent copy of his digest to Kristen to mail to Bob and Patrick.

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3. Action Items
4. Revisit Norms
5. Questions for Steve Hocking/FERC
6. Timelines/milestones for process
7. Review studies
8. Protocol to bring Working Group issues to Solution Team for resolution
9. Review Communications Protocol and Process Document
10. Review/revise meeting schedule
11. Set agenda for November 28 meeting
12. Evaluate meeting

INTRODUCTIONS

This group welcomed Susan Rosebrough of the National Park Service Regional Office who is attending this Solution Team meeting for the first time.

Rhonda Hilyer of Agreement Dynamics will be attending these Solution Team meetings on a regular basis.

REVISIT NORMS

The following additional operating norm for the team was approved: Visitors (uninvited) will be briefed by the Facilitator prior to the meeting and will receive a copy of the norms and a summary sheet explaining the history, purpose and progress to-date of the Solution Team. Visitors will be given a few minutes following the evaluation at the end of the meeting to make comments.

NEWSLETTER

Connie distributed a mock-up of the first PSE Baker Relicensing newsletter for the group to review. PSE will be seeking input from Solution Team members for feature articles to include in upcoming editions of the newsletter.

PRIMARY/SECONDARY REPRESENTATIVE SIGN-UP SHEET

This form was first routed around for members to designate alternative representatives back in January of this year. Connie distributed the form for members to review and update as necessary.

QUESTIONS FOR STEVE HOCKING/FERC

- Background (related to job)
 - Number of years at FERC
 - Relicensing experience
- Explain the licensing process (ALP/Collaborative)
 - His role (How things might change with the application filing, etc.)
 - How will he be involved/over what time period? Will he be with us for the long haul?
 - What he can and can't help us with...time-wise, etc.
 - How can we consult with him (ex-parte)?
 - How will he coordinate with Jim Hastreiter?
 - What has worked or not using the collaborative process?
 - Explain FERC's decision making process.
 - By what date the license could be issued.
 - What types of agreements raise red flags?
 - Perspective on how to deal with interim conditions, agreements prior to license acceptance
 - His thoughts/experience on competitive applications.
 - ESA: What happens if species are listed/de-listed during period of the license?
 - Hot points FERC looks at in applications, PDEAs, etc.
- Feedback on Communications Protocol/Process Document
 - How might these fly at FERC?
 - Confidentiality Section (IV)
 - Public Reference File
 - How to protect information
 - What needs to be part of the public record?

Lloyd will forward this list to Steve so he can come to our November meeting fully prepared.

CONFIDENTIALITY ISSUE

Ed reported that attorneys for PSE and state and federal agencies (including Keith Brooks of FERC) are continuing to work out language re: How PSE can protect the confidentiality of studies-related information. The "evidence" section of Section E of the Communications Protocol will likely be removed. If the issue of confidentiality turns out to be a "show stopper," PSE may be forced to default to continue in the traditional process, in that it would provide them with the confidentiality they are seeking. We will offer mediation assistance from Rhonda Hilyer as a catalyst for the attorneys coming to resolution on this issue.

REVIEW COMMUNICATIONS PROTOCOL AND PROCESS DOCUMENT

Members walked through both documents and made "final" changes to areas other than legal issues. These changes will be incorporated into the final documents following legal review. At our November meeting, we will review the "final" version of these documents.

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 Solution 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 a settlement agreement (expectations).
- 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." (Teamlet?)
- Define "project induced." (Teamlet?)
- Consider tour.
- FERC boundary.
- How do we handle new people coming into the process?
- Develop public information protocol
- Create Baker Relicensing Notebook for participants

MEETING EVALUATION

Well-Dones:

- Got through both documents
- Rhonda's participation
- Good food
- Ardis on phone
- Ed's being here
- Wayne's being here
- Arn's "finger" food
- Good humor
- Susan from Park Service
- Caffeinated facilitator
- Work by Technical Working Group
- Finished early

Need to Improve:

- Late coffee
- Late start
- Fred not speaking loudly enough

TENTATIVE AGENDA FOR NEXT MEETING

November 28, 2001 Skagit Co. Administration Building, Mount Vernon, WA

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

1. Introductions
2. Review/revise minutes/agenda
3. Action Items
4. "Final" review of Communications Protocol/Process Document (red-line showing attorney changes)
5. Questions and answers with Steve Hocking of FERC
6. Timeline
7. 2002 Studies/Process for Solution Team review of Studies
8. Protocol to bring Working Group issues to Solution Team for resolution
9. Set schedule/agenda for next meeting
10. Evaluate meeting
11. Comments from observers