
BAKER RIVER PROJECT RELICENSE

Solution Team

January 23, 2002

9:00 a.m. – 3:00 p.m.

USFS Office
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

Winter Weather Advisory: Call Connie at 425-462-3556 to see if meeting is canceled due to inclement weather. Call Lyn at 425-444-8156 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: Jon Vanderheyden (District Ranger U.S. Forest Service), Bruce Freet (National Park Service), Steve Jennison (WA Dept. of Natural Resources), Gary Sprague by phone (WA Department Fish & Wildlife), Don Schluter by phone (Trout Unlimited), Wayne Wagner and Ken Brunner by phone (Corps of Engineers), Rod Sakrison (Dept. of Ecology), Stan Walsh (Skagit System Cooperative), Bob Helton (Citizen), Bill Reinard (Wildcat Steelhead Club), Burton Reanier (Skagit County Public Works), Ruth Mathews (Nature Conservancy), Patrick Goldsworthy (North Cascades Conservation Council), Bob Nelson (Rocky Mountain Elk Foundation), Fred Seavey (US Fish & Wildlife Service), Connie Freeland (PSE), Lloyd Pernela (PSE), Ed Schild (PSE), Cary Feldmann (PSE), Lyn Wiltse, facilitator (PDSA Consulting, Inc.), Steve Hocking and Keith Brooks by phone (FERC Representatives).

NEW ACTION ITEMS

- ALL: Review draft spreadsheets for Study Requests and Studies and give feedback to Lloyd re: changes you'd like to see.

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- ALL: Let Connie know if the Communications Protocol /Process Document and/or a sample letter of support should go to policy level folks and copied to Solution Team member for your organization's support.
 - Connie: Check with Allison Brooks from State Historic Preservation Office re: their participation.
 - Connie: Re-send website link for the Digest of Federal Resource Laws of Interest for the US Fish and Wildlife Service.
 - Connie: Look at creating a Master Index of critical information for Solution Team members.
 - Cary: Send out FERC project numbers for Avista license. [Cabinet Gorge #2058; Noxon Rapids #2075]
 - Lloyd: Report on status of Whatcom County representation.
 - Connie: Send out draft of letters of support for the request to use the Alternative Licensing Process and copies of the final revised Communications Protocol and Process Document as soon as possible.
 - Connie: Send out pre-attorney along with post-attorney revisions of the Communications Protocol/Process Document to those requesting (Fred/Stan/Gary/Steve). Note: Need to clean up date protocol on documents.
 - Fred: Check out possible locations for March/April down south.
 - Jon: Check out Forest Service Office at Mountlake Terrace as backup for future meetings.
 - Ed/Bruce: Draft straw man process for getting to settlement.
 - Lyn and Connie: review phone protocol.
 - Stan and Lyn:: Work on re-drafting protocol for elevating issues to Solution Team.
 - Burt: Check Skagit County location for March/April meetings.
 - Fred: Send Connie revised copy of USFWS interests.

REPORT ON OLD ACTION ITEMS

- Patrick contacted environmental organizations in the Puget Sound Area re: participation with the North Cascades Conservation Council. Patrick has written two letters now to eleven different environmental organizations. American Rivers let him know they were already on PSE's distribution list. Neither American Rivers nor the Audubon Society has the resources to attend at this time. Ruth Mathews of the Nature Conservancy is currently evaluating how involved they can be. She has been attending the Aquatic Working Group meetings. She'll keep us posted.
- Lloyd contacted Jim Karcher re: Whatcom County representation. He is forwarding the invitation to participate to the appropriate folks (maybe Pete Kremen, County Executive).
- Connie checked with Kristin re: hard copies of Fred's digest. The hard copy is available for Solution Team members to check out to review. Connie will send website address for those who want to review this document online.
- Connie sent out Solution Team history blurb for members to review.
- Lloyd presented Study Request Overview document for Solution Team.
- Connie distributed an outline of potential contents for the Baker Solution Team Notebook. In reviewing the list, there were suggestions to add the bubble diagram and interests to the Team Information Section. Other suggestions included a glossary of terms, acronym list, and record of consensus and issues brought to the Solution Team from Working Groups. Do we need just one notebook as a reference? Do we create an electronic version on the website? Master Index? Connie agreed to setting up a Master Index and will give us an update at our next meeting.
- Lloyd created an overview of ongoing 2002 studies.

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- Steve H: Got us information re: Federal Power Reserve land withdrawal (BLM); what we can do to protect ourselves if we elect not to do “unnecessary studies”; what is available through FOIA.

AGENDA

January 23, 2002 USFS Office, Mountlake Terrace, WA

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

1. Introductions
2. Review/revise minutes/agenda
3. Action Items
4. “Final” approval of Communications Protocol/Process Document
5. 11:00 : Q&A with Steve (FERC) via telephone
6. Review Timeline
7. Process for Solution Team to Review Studies
8. Studies/Budget for 2002
9. Protocol to bring Working Group issues to Solution Team for resolution
10. Set schedule/agenda for next meeting (2/27)
11. Evaluate meeting
12. Comments from observers

NEW INTEREST STATEMENT – January 23, 2002

Fred Seavey submitted an initial working draft of the U.S. Fish and Wildlife Service’s interests for the relicensing of the Baker Project:

- Recover federally proposed and listed species.
- Participate in a process that promotes the fair and respectful resolution of different interests.
- Conserve, protect, and enhance fish, wildlife, and plants and their habitats that continue to be affected by Baker River Project.

WATERSHED ANALYSIS

Contributors are reviewing this document, and the Forest Service will receive their comments by the end of January. The Forest Service will incorporate comments and the document should be available to the public sometime in March. This document provides background information to PSE for preparing their Preliminary Draft Environmental Assessment.

This analysis will be treated as a living document and is part of the Northwest Forest Plan – looking at how the watershed functions socially and biologically. It looks at what might be done (restoration projects, additional data needs) that might help restore the watershed to its natural function.

COMMUNICATIONS PROTOCOL/PROCESS DOCUMENT

Lloyd distributed an updated version of both documents. The changes indicated reflect agreements by attorneys since our November meeting. (They have met via conference calls twice since then.) There remain issues around confidentiality and deferring studies in lieu of settlement agreements. The team of attorneys expects to have agreement on both documents in another two weeks.

PROCESS FOR SOLUTION TEAM TO REVIEW STUDIES

Lloyd distributed and discussed sample spreadsheets we might use to review Study Requests and Studies. Suggestions included ability to show referral to the Solution Team, costs, reformatting descriptions, and adding a category for need/issue/intent of study.

CONFERENCE CALL WITH STEVE HOCKING and KEITH BROOKS/FERC

Steve Hocking and Keith Brooks joined us for an hour by phone. They explained FERC's position with regard to the confidentiality issue and settlement in lieu of studies. They discussed flexibility within the Traditional Approach (preparing an applicant-prepared Preliminary Draft Environmental Assessment) early in the process and filing a settlement agreement (as Avista did). They also encouraged us to continue to collaborate regardless of which process we select. Several members expressed their desire to request use of the Alternative License Process with the approval of the Communications Protocol and Process Document intact.

FERC is required to do NEPA documentation and ESA consultation with NMFS and USFWS. The Corps of Engineers, as part of flood control, will consult with NMFS and USFWS on ESA Puget Sound chinook and Coastal/Puget Sound bull trout, respectively. Wayne Wagner asked FERC whether we could do a joint ESA consultation. Steve Hocking indicated this seemed to be desirable. It was suggested that this conversation continue off-line.

FERC also said that they could likely rule on a request for Alternative Licensing Process within a couple of months. They would consider public comment and have the ability to waive their regulations.

NEXT STEPS

When the lawyer teamlet has finalized the Communications Protocol and Process Document, Connie will distribute the documents. We will review them and have the appropriate people in our organizations review them. Simultaneously, Connie will send out sample letters of support for folks to use as models/reference in drafting their own. Then, at our February meeting, we will officially decide whether to request the Alternative Licensing Process. We will include as many letters of support as possible with PSE's request to use the Alternative Licensing Process. As part of the request, PSE will document the relicensing process to date and request FERC accept the Communications Protocol and Process Document intact, including the language on confidentiality and settlement in lieu of studies, and note why we are making this request. In the meantime, we will continue to follow the traditional process, using the collaborative approach.

REVIEW TIMELINE

PSE plans to distribute their final Initial Consultation Document in February. They are deciding where to include information regarding studies.

STUDIES/BUDGET FOR 2002

Lloyd distributed copies of Baker Relicensing 2001 expenditures, which totaled roughly \$3.8 million, and PSE's 2002 Budget, which totals roughly \$5.8 million. Fish passage and the Aquatics Working Group Studies will account for roughly 60% of the 2002 budget.

PROTOCOL TO BRING WORKING GROUP ISSUES TO SOLUTION TEAM FOR RESOLUTION

Connie distributed a revised draft of the process for elevating issues to the Solution Team. We discussed making changes so that it is consistent with the consensus decision making of Working Groups. Stan and Lyn will revise this draft for our review at the February meeting.

MEETING HANDOUTS

- PSE – Baker Relicensing 2001 Expenditures
- PSE – Baker Relicensing 2002 Budget
- PSE – 2001 Licensing Accomplishments
- Baker Project Relicensing: RE: Process Update and Discussion Notes (with excerpts from J. Lutz summary to lawyer teamlet, dated 1/11/2002)
- Draft Outline for Baker Solution Team Notebook
- Communications Protocol – Revised 1/22/02
- Process Document – Revised 1/22/02
- FERC Regulations re public file and cultural resources info: email from Keith Brooks
- Initial Draft of Process for Elevating Issues to the Solution Team Lyn Wiltse, November 28, 2001; Revisions: January 22, 2002
- Study Request Index
- Study Index

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:

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- Good attendance
 - FERC conference call
 - Got a lot talked about
 - Excellent phone contact
 - Polite exchanges
 - Got out early

Note: Burt Reanier of Skagit County expressed appreciation to PSE for the way they handled flood control during a recent “almost flood” event.

Need to Improve:

- Need to establish better phone protocol
- Most of us aren’t keeping up/reviewing drafts between meetings
- Need potato chips

TENTATIVE AGENDA FOR NEXT MEETING

February 27, 2002 USFS Office, Mountlake Terrace, WA

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

1. Introductions
2. Review/revise minutes/agenda – consider going to the third week in April
3. Action Items
4. Consensus: Request Alternative Licensing Process?
Letters of support
5. 11:00 : Q&A with Steve (FERC) via telephone
6. Process for Solution Team to Review Studies
7. Timeline Update
8. Scoping Document 1 process, schedule
9. Protocol to bring Working Group issues to Solution Team for resolution
10. Collaboration review and plan for creating a straw man for settlement process
11. Set schedule/agenda for next meeting (3/27)
12. Evaluate meeting
13. Comments from observers?