
BAKER RIVER PROJECT RELICENSE

Solution Team

August 28, 2002

9:00 a.m. – 3:00 p.m.

US Forest Service Office
21905 64th Avenue West
Mountlake Terrace, WA 98043

AGENDA

1. Introductions
2. Settlement Process Update
3. Action Items
4. Prep for FERC Conference call
5. FERC Call: Review Steve's clarification letter and late SDI comments
6. NEPA Consultant Report
7. HYDROPS Status (accessibility and testing)
8. Schedule - critical path
9. What's hot in Working Groups?
10. Skagit "Wild Life" Report
11. Other?
12. Evaluate Meeting
13. Set agenda for September 25 meeting

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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

Note: Call Connie at 425-462-3556 if unable to attend the meeting so she can plan for lunches. Call Lyn cell phone 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, connie.freeland@pse.com

Members Present: Steve Hocking and Keith Brooks (FERC – phone), Jon Vanderheyden (U.S. Forest Service), Arn Thoreen (Skagit Fisheries Enhancement Group), Gary Sprague (WA Dept. Fish & Wildlife by phone), Wayne Wagner (U.S. Corps of Army Engineers by phone), Bob Helton (Citizen), Bob Nelson (Rocky Mt. Elk Foundation), Stan Walsh (Skagit System Cooperative), Ed Schild, Lloyd Pernela, Cary Feldmann, Connie Freeland (PSE), Burt Reanier (Skagit County Public Works), Steve Jennison (WA Dept. of Natural Resources), Rod Sakrison (WA Dept. of Ecology), Bill Reinard (Wildcat Steelhead Club), Dee Endelman (Agreement Dynamics), Lyn Wiltse, Facilitator and Mary Jean Bullock, Note-Taker of PDSA Consulting, Inc.

FUTURE MEETING DATES

September 25, October 30, November 26, all at USFS Office in Mountlake Terrace (Should we meet on December 18?)

Note: We are considering moving our meeting date to Tuesdays. We'll discuss this at our September meeting.

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SETTLEMENT PROCESS UPDATE

Dee reported that the Working Groups are on track for having a preliminary list of PME's ready for us to review by our October 30 meeting. The presentation at that meeting will address how manifestations of our interests are playing out. We will focus on where we have strong consensus, contention and holes. She handed out a revised draft of the criteria to be used during the initial PME sort, which adds the criteria "Is technically feasible."

She also reported that since Bruce Freet's retirement, she and he and Lyn had been discussing how he could work as part of Agreement Dynamics to support the technical end of the Settlement Process. Several members expressed support for adding Bruce as a resource. Dee will distribute a detailed plan outlining Bruce's participation/support in the Settlement Agreement process at our September meeting. This plan fleshes out the initial plan formed by the Solution Team Settlement Teamlet. Bruce would be assisting the Policy Team in drafting the actual settlement agreement, meeting with policy-level folks from various stakeholder groups, and providing technical input re: environmental issues.

All were asked to provide any input/concerns re: Bruce's participation to Dee as soon as possible (206-546-8048).

NEW GENERAL ACTION ITEMS

- REMINDER: September 13 is the deadline for comments to FERC on the Baker License Amendment Request incorporating the Interim Protection Plan.
- ALL: Give feedback to Dee (206-546-8048) as soon as possible re: feedback/concerns you have with Bruce's participation in Settlement Agreement Process (as part of Agreement Dynamics).
- ALL: Review list of potential NEPA contractors and let Lloyd (425-462-3507) know as soon as possible if you have concerns.
- Lloyd: Send out the questions submitted to potential NEPA contractors to Solution Team members.
- Connie: FAX Steve a copy of USFWS's comments on Scoping Document 1.
- Steve: Check out USFS comments on ICD.

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- Lloyd: Get more information about what our participation would look like in FERC's plan to track 10 participants using collaborative processes as part of the Alternative License Process.
 - Rod: Get list of requirements for CZMA consistency determination and 401 Water Quality Certification and Shoreline Management Act permits.
 - Burt: Contact Whatcom County re: their needs for a shoreline development permit for this Project.
 - Steve: Check the BA process for the Alternative Licensing Process.
 - Cary: Have R2 send literature list to Steve Jennison and Gary Sprague for review (large woody debris).
 - Arn: Check into initial Salmon Recovery Funding Board grant request.
 - Arn: Send definition of "kelt" to Connie for the glossary.
 - Connie: Contact NOAA, USFS, USFWS, Dept. of Ecology, OAHP re: submitting schedule for meeting deliverables for relicensing process.
 - Jon: Confirm availability of meeting at USFS office at Mountlake Terrace on Nov. 26. [Done. Meeting location confirmed.]

COMMUNICATIONS PROTOCOL/PROCESS DOCUMENT ACTION ITEMS

- Index of Correspondence for Public Document Room – PSE addressing this.
- Indian Cultural Resources protocol – In process.
- Public Information Protocol (Statements to the media) – Connie will contact PSE media person to suggest a specific protocol for this. Is the statement in the CP sufficient? The aim was to avoid negotiating through the media. Connie will review the WDFW/PSE MOU protocol as another reference. We may also want to address joint press releases.
- Progress Reports to FERC – PSE will be putting the dates on the website. Connie will put together a schedule for these reports. The schedule will include time for Solution Team review.
- Working Groups will (through Lyn) let the Solution Team know aim, schedule for deliverables of technical Working Groups formed.
- The Solution Team is to establish reasonable deadlines for submitting Study Requests within 60 days of being approved for ALP (September 19). Our response is that we have a study schedule set up. We don't see a need for artificial deadlines.
- Timelines for completion of various regulatory processes (ESA, Sec. 18, 4(e), Wild and Scenic, 401, CZMA, historic preservation act) – Will discuss at September meeting.

ARMY CORPS OF ENGINEER PARTICIPATION

Wayne reported that the participation of the Corps in this process is limited by the Federal Advisory Committee Act; they can contribute to the process but must remain a non-voting member. Wayne also reported that he has taken another position at the Corps and that, regretfully, this would be his last meeting with us. Marian Valentine will begin attending Solution Team Meetings when she can. Ken Brettmann will be representing the Corps on the Economic Working Group. We wish Wayne well in his new position (in Operations).

REPORT ON OLD ACTION ITEMS

- ALL: Called or emailed Lloyd with feedback on contractors by August 7th. See FERC's list of approved EIS contractors.
- Lloyd: Sent Jerry white papers on HYDROPS Model.

FERC CONFERENCE CALL

RIMS/FERRIS Update:

August 2 was cut off date for all documents to be put on FERRIS (and no longer RIMS). RIMS is still available for older stuff. The goal is to migrate everything over to FERRIS. When looking for postings, look at FERRIS first. FERRIS should be completely updated in the next couple of months. It can take 2-3 weeks for information to get scanned in. Some documents have restricted access for security reasons. Let Steve know if you feel that something is not public that should be and he will check into it. Some mail coming into FERC is still being irradiated because of the anthrax scare.

Scoping Document 2:

The closing date for comments on Scoping Document 1 was July 22. Steve will send out a draft of Scoping Document 2 and get comments from us before putting it out as final. He will let us know the schedule for this at our September meeting.

Fall Visits:

Steve, John Blair and Mike Henry are planning on coming out for a visit in October. They will coordinate with Connie.

FERC Contacts On Website:

PSE will list Steve Hocking as the FERC contact on the web.

FERC Participation In Working Group PMEs:

Steve reported that he (for terrestrial) and the other representatives would like to be involved in the fleshing out/refinement of PMEs.

SCHEDULE – CRITICAL PATH

Lloyd pointed out that we have only twenty months left in the process, and that starting next summer, we will likely require more than one meeting a month. Connie distributed the most current version of the schedule (run date “26Aug02”).

Concern was expressed about the timeline for the Water Quality Certification, Shoreline Management Act, and CZMA consistency determination. FERC would like to meet off line with DOE (Rod Sakrison, Bob Wright), Whatcom and Skagit Counties and PSE to discuss. Stan Walsh and Gary Sprague expressed interest in also attending this meeting. The aim of the meeting is to discuss how we can avoid obstacles and delays. We tentatively set the date for this meeting as October 31, to coincide with FERC’s visit.

The red vertical line on the schedule indicates the current date. Items in blue to the left of that line are complete. The ESA timeline only includes the IPP – it needs to be expanded to include formal consultation for the relicensing of the Project. We need to consider the format of the BA. Will it be part of the PDEA? A separate document? When will it be submitted, etc. Steve wants us to address these questions soon to avoid delays that are often associated with ESA. PSE, FERC, and agencies, including the USFS and the Corps, will confer.

NEPA CONSULTATION REPORT

Lloyd reported that the list of potential NEPA consultants has been narrowed to:

- EDAW (Mark Greenig and Charles Everett)
- Louis Berger (Rob Mohn and Kevin Young)
- ERM (James Teitt)
- URS (Dames and Moore/Kate Chaney) [Withdrew from process Aug. 29.]

PSE will continue to narrow this list and report on its selection at our September meeting. The selection process will take into consideration a local presence, FERC experience, references, work availability and familiarity with the collaboration process. Anyone who has feedback re: the appropriateness of any of these should let Lloyd know as soon as possible. Call Lloyd at 425-462-3507.

HYDROPS STATUS

USFS's Consultant Stetson plans to test the HYDROPS model to assess its reliability and its efficiency. The most efficient process for accessing the model is being selected. Stetson, Forest Service and PSE are putting together an agreement to spell out who does what re: the model. This will include putting together a list of questions we want the model to be able to answer. We will review/provide input into this list at our September or October Solution Team meeting.

WHAT'S HOT IN THE WORKING GROUPS?

AQUATICS

- Without Project Study Request A37
- Char (important to the Corps)

CULTURAL

- APE Definition
- New Archaeological Contractor

RECREATION

- Visioning Exercise (Needs Analysis)

TERRESTRIAL

- Timelines – Getting them complete before a preliminary Draft EA in May

SKAGIT “WILD LIFE” REPORT

Arn reported that Rod's band brought the house down, the pig was perfect, and that a good time was had by all at the annual Maltby bash.

CONTACT LOG FORM

Connie distributed a Contact Log Form for us to use (according to the Process Document) when we want a conversation entered into the official record. This will be distributed electronically.

OTHER?

Salmon Recovery:

Arn distributed a Skagit Valley Herald article on restoring salmon habitat below the Elwha Dam. They have constructed eleven large log jams to provide shelter, shade and food supply for young salmon. Arn suggested that we button up with the folks doing these studies to include their proven studies to minimize the time we spend gathering data on the effects of large woody debris.

Bob Helton shared another article from The Seattle Times on the same topic. There are differences and similarities between the Elwa and Baker Rivers that we need to take into consideration. Not all data will apply. We also need to take safety concerns (i.e., drowning, etc.) into consideration.

EWEB Project for Fish Passage:

Bob Helton distributed an article from The Register Guard, Eugene, Oregon, August 19, 2002 for our review. EWEB is spending \$40 million to help fish move up and down the McKenzie River.

EXPENSE REIMBURSEMENT FORMS

Participants may submit expenses as far back as January 1, 2002, and then they should submit the forms every 90 days. Send forms to Connie for processing: Connie Freeland, Puget Sound Energy, PO Box 97034 OBC-14N, Bellevue, WA 98009-9734.

CONTINUING IMPACTS

Ed and Jon shared their views on continuing impacts. Jon explained that the Forest Service is looking at resource trends across a full ecosystem (the entire watershed). A key part is being able to establish a setting/context for that analysis. Using the “natural condition” as a context is key. This includes assessing past/present/future conditions. The Forest Service is not looking at mitigating for pre-project impacts/conditions. They are using past and present data and analysis to help understand watershed function and capability to build a future view of the basin. This view/context/trend analysis will be used in formulating PME, 4(e) and 10(a) conditions, etc.

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.

HANDOUTS

- Lists of Issues for Terrestrial, Aquatics and Recreation Working Groups
- Draft of Criteria to be Used in Defining a Range of Options for PMEs (Aug. 8, 2002)
- Puget Sound Energy Baker Relicense Schedule, run date 26Aug02
- Scoping Document 1 Comment Letters: WA Department of Ecology (May 22, 2002); US Fish & Wildlife Service (July 19, 2002); WA Department of Natural Resources (July 22, 2002); and WA Dept. of Fish & Wildlife (July 22, 2002)
- Contact Log Form
- Study Request Index, Aug. 26, 2002

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- Study Index, Aug. 26, 2002
 - Communications Protocol/Process Document, bound copy, August 2002

TENTATIVE AGENDA FOR NEXT MEETING

September 25, 2002 at USFS Office Building in Mountlake Terrace

9:00 a.m. – 3:00 p.m.

1. Introductions
2. Settlement Process Update
 - PME progress by Working Group
 - Settlement Plan/Schedule
3. Action Items
4. What's hot in Working Groups?
5. Prep for FERC Conference call
6. FERC Call
7. Schedule/Studies Indices/Study Timeline
8. NEPA Consultant Selection
9. HYDROPS Update
10. Discuss/revise meeting schedule – move to Tuesdays?
11. Other?
12. Evaluate Meeting
13. Set agenda for October 30 meeting

MEETING EVALUATION

Done Well

- Ed & Jon's work on defining continuing impacts approach
- FERC really is with us and wanting this to be a success
- Good interplay among participants
- Done early!

Need to Improve

- NOAA Fisheries and USFWS participation lacking
- Late lunch
- Considering something other than mid-eastern food. How about sushi?