
BAKER RIVER PROJECT RELICENSE

Solution Team

March 27, 2002
9:00 a.m. – 3:00 p.m.

Department of Ecology
Room 1A/1B
3190 160th Avenue SE
Bellevue, WA
(with working lunch provided)

AGENDA

1. Introductions
2. Review/revise minutes/agenda
3. Where Are We? What are next steps for the Solution Team?
4. FERC Conference call
5. Review Studies
6. Review revised draft of Scoping Document 1
7. Settlement Process Teamlet report
8. Collaboration Review
9. Action Items
10. Other issues?
11. Set schedule/agenda for next meeting (4/24)
12. Consider holding May 22 meeting at the Project
13. Evaluate meeting
14. Comments from observers?

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Bellevue, 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: Jon Vanderheyden (U.S. Forest Service), Don Schluter by phone (Trout Unlimited), Rod Sakrison (Dept. of Ecology), Kevin Fitzpatrick (Dept. of Ecology), Stan Walsh (Skagit System Cooperative), Bob Helton (Citizen), Bill Reinard (Wildcat Steelhead Club), Bruce Freet (National Park Service), Bob Nelson (Rocky Mountain Elk Foundation), Arn Thoreen (Skagit Fisheries Enhancement Group), Rhonda Hilyer (Agreement Dynamics), Burton Reanier (Skagit County Public Works), Connie Freeland (PSE), Lloyd Pernela (PSE), Ed Schild (PSE), Cary Feldmann (PSE), Lyn Wiltse, facilitator (PDSA Consulting, Inc.), Keith Brooks by phone (FERC Representative).

INTRODUCTIONS

The group welcomed Kevin Fitzpatrick of the Department of Ecology.

NOTE: Lyn has a new cell phone: 425-890-3613. Call her if something comes up the morning of the meeting. Otherwise, let Connie know in advance if you will be unable to attend so she can plan for the proper number of lunches.

NEW ACTION ITEMS

- Lyn: Send Don Schluter contact information for Gary and Steve (to potentially arrange carpooling).
- Ed/Jon: Look at working out a common approach re: continuing impacts.
- Lloyd/Connie/Cary: Create matrices to track interests and how they relate to studies.
- Ed: Meet with Bruce, Lloyd, Stan, Jon, Rod, Bob re: Settlement Process.

REPORT ON OLD ACTION ITEMS

- Connie: Sent out PSE's intentions re: confidentiality ASAP.
- Connie: Sent out "Most Current Version" of Communications Protocol/Process Document.
- Connie: Shared new version of Elevating Issues Process with Team Leaders.
- Stan: Buttoned up with Russ re: confidentiality in Communications Protocol/Process Document minus protective PSE language. Is it sufficient for tribes? In progress.
- Connie: Re-sent website link for the Digest of Federal Resource Laws of Interest for the US Fish and Wildlife Service. (She will do so as soon as USFWS website is back up.)
- Connie: Distributed second draft of Scoping Document 1 at this meeting (today).

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March 27, 2002 Department of Ecology, Bellevue, WA

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SCOPING DOCUMENT 1

PSE received permission from FERC to begin early scoping for the environmental review and has drafted Scoping Document 1. This is a shared document between FERC and PSE. Connie has incorporated Steve Hocking's comments. She walked us through the document, describing how various Solution Team members' suggestions were addressed. A glossary will be included. Scoping Document 1 lists the issues that need to be examined in the Environmental Assessment (EA). It is a general document aimed at a general audience. It will be issued the week of April 15. The public information/scoping meetings to discuss both the Initial Consultation Document and Scoping Document 1 will be in Concrete on May 21 (6-10 p.m.) and May 22 in Mount Vernon from 9 a.m. until approximately 1 p.m. This will also serve as the date of initial agency consultation. There will be time after the meeting for the Solution Team members to debrief the public meetings and discuss any Solution Team specific issues. Comments on both documents will be due July 22. A public site visit of the Project will be held during the day on May 21.

COMMUNICATIONS PROTOCOL & PROCESS DOCUMENT

Connie walked us through the most recent versions of these documents noting changes the attorneys have made and minor grammatical and formatting edits she made. The tribes are working with PSE off line re: the confidentiality language. PSE would like to submit the request to FERC to go ALP as soon as the confidentiality piece has been handled. Members were asked to draft their letters of support now so we can mail them in along with the request soon after our April 24 meeting. (This is FERC's preference.) We will add an Appendix to list the Interest Statements.

FERC CONFERENCE CALL:

Keith Brooks of FERC joined us from 11:00 – noon. We discussed the following topics:

1. EA vs. EIS
 - Some expressed a preference to do an EIS since it is more comprehensive and perceived to be more defensible in court. FERC's policy is to do EAs with the ALP. The EA would be approximately the same level of analysis as an EIS.
2. Timeline language in Section 7 of the Process Document
 - The language in the initial paragraph contradicts the timeline listed in the Scoping Document. PSE will coordinate the timelines to recognize our present schedule (early scoping). We also discussed the confusing last two sentences of that paragraph. We will consider dropping this.
3. Town of Concrete
 - The new mayor and town council have expressed concern re: project and town interactions. While FERC doesn't have a prepared template to describe authorities/influences here, Keith welcomes phone calls. (202-208-1229). PSE will be meeting with the mayor and attorney to bring them up to speed on this process. All members of Concrete's local government will be invited to a project tour.
4. Listing *Project Removal* option in Scoping Document.
 - Keith said it would be fine for us to list project removal and non-power license in the action Alternatives (3.2) Section of the document.

STUDIES INDEXES

Lloyd distributed the updated indexes of study requests and studies from the Working Groups. Concern was expressed re: the lack of a gap analysis to ensure that all vital studies be completed in a timely manner. It is up to the Working Groups to establish priorities.

CONTINUING IMPACTS APPROACH

Ed and Jon will get together to see if we can come up with a common approach to how we address this. The Terrestrial Working Group has been unable to come to consensus on this issue.

COLLABORATION REVIEW

Rhonda led us through a review of interest-based decision making. She used the example of the various interests influencing the suggestions for what to do with the area where the World Trade Center buildings once stood.

She then asked us to do an analysis of how we feel the Baker Relicensing Process (Working Groups and Solution Team meetings, etc.) is going so far. She posted the Essential Components for Group Success and members put a dot on each component for how they feel it is going: Green (Agreed Strongly),

Yellow (Area That Needs Work), or Red (Problem Area). Note: total responses for each component varied from 12 to 14.

Essential Components for Group Success	Agreed Strongly	Area That Needs Work	Problem Area
Safe to disagree	13		
Sense of camaraderie	8	4	
Idea generation/creative thinking	7	5	
Disclosure of interests	4	6	3
Solutions not dictated, imposed or offered prematurely	4	9	
Willingness to reciprocate: commit to meeting others' interests as well as own	2	9	1
Clear, direct, timely, complete (relevant) information sharing	1	9	2
Assumption checking/no pre-judgment of people or ideas	6	6	
Honesty	11	2	
Behaviors match words	2	11	
Substantially more positive than negative feedback over time	11	2	
Willingness to compromise sometimes	6	7	1

We then discussed ways we might improve the process and keep ourselves on the collaborative track. We need to work on becoming more interest-based in our discussions and find opportunities to practice collaboration. We need to recognize that this is a legal process and there is multi-layered decision making: we need to take team recommendations to policy makers and lawyers in an interest-based way. We agreed to re-evaluate the process again after a few months. In the meantime, anyone who has suggestions for how we can make the process more interest-based and collaborative should send them to Connie.

HANDOUTS

- Study Request Index and Study Index (3/25/02)
- Process for Elevating Issues to the Solution Team (February 27, 2002)
- Draft Scoping Document 1, Baker River Project FERC Project No. 2150, April 2002
- Draft – Process Document Alternative Licensing Procedures, Baker River Hydroelectric Project FERC Docket No. 2150
- Draft – Communications Protocol Alternative Licensing Procedures, Baker River Hydroelectric Project FERC Docket No. 2150
- RESOLVE process; Worksheet to Use “RESOLVE”; Essential Components for Group Success

PARKING LOT

- Members disclose legal requirements (perceived authority and responsibility).

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- 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 meeting/project tour in May.
 - 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:

- Excellent discussion – collaboration review!
- DOE building – thanks for hosting
- Getting to talk with FERC
- Good lunch
- Great kisses (chocolate!)
- Got a lot discussed today

Need to Improve:

- Be more organized for FERC telephone call
- Missing some key people – hurts the process
- Sometimes we get bogged down in details

TENTATIVE AGENDA FOR NEXT MEETING

April 24, 2002 at USFS Office in Mountlake Terrace

9:00 to 3:00 (with 45 min. working lunch provided)

1. Introductions
2. Review/revise minutes/agenda
3. FERC Conference call (11:00 to noon)
4. Review Studies/Timeline and any discovered gaps
5. Settlement Agreement Process Teamlet report
6. ALP vs. traditional: how do we do both?

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7. APL Request
 - Final approval of Communications Protocol and Process Document
 - Letters of support
 8. Status of Scoping Document 1
 9. Plan for Public Meetings
 10. Action Items
 - Matrix teamlet report
 11. Review of Parking Lot
 12. Other issues?
 13. Set agenda for May 22 meeting at Mount Vernon (after public meeting)
 14. Evaluate meeting
 15. Comments from observers?