
BAKER RIVER PROJECT RELICENSE

BAKER RIVER INTERIM COORDINATING COMMITTEE MEETING

June 7, 2005

9:00 a.m. – 3:00 p.m.

US Forest Service Office, Mountlake Terrace, WA

***Purpose: To transition to the Baker River Coordinating Committee (BRCC)
in support of implementing the new Baker River Project License.***

FINAL MEETING NOTES

ATTENDEES

Alison Evans (DOE); Jon Vanderheyden (USFS); Bob Nelson (Rocky Mt. Elk); John Guenther (Whatcom Co.); Bob Helton (Citizen); David Hawkins (Upper Skagit Indian Tribe); Stan Walsh (SRSC); Lou Ellyn Jones (USFWS); Lauri Vigue (WDFW); Patrick Goldsworthy (NCCC); Mike Stansbury (Skagit County); Jack Billman (Town of Concrete); Fayette Krause (TNC); Arn Thoreen (SFEG); Steve Fransen (NOAA Fisheries); Ed Schild, Cary Feldmann, Connie Freeland, Larry Tornberg, and Tony Fuchs (PSE); Pamela Krueger (Perkins Coie for PSE); Lyn Wiltse, facilitator; and Jamie Merrifield, note-taker (PDSA Consulting, Inc)

NEXT MEETINGS

Thursday, July 14 from 9:00 - 2:00 at USFS Office in Mountlake Terrace to review the DEA.

[Rescheduled to August 18. Tentative location PSE Building in Bellevue because USFS Office is not available.]

Tuesday, September 20 from 9:00 - 3:00 at USFS Office in Mountlake Terrace. See proposed agenda at the end of these notes.

AGENDA

9:00 – 9:05	Welcome
9:05 – 11:05	Review Process Issues (permitting, CZMA, 401 WQC, SEPA)
11:05 – 11:20	Review Notes and Action Items from 2-15-05 Solution Team Meeting
11:20 – 11:45	Implementation Activities Update
11:45 – 12:00	Review Resource Group Representative List

12:00 – 12:30	L U N C H
12:30 – 12:45	FERC Update Re: Schedule
12:45 – 1:15	Review Resource Groups' Implementation Schedules
1:15 – 1:45	Review / Revise Norms for Resource Groups and BRICC/BRCC
1:45 – 2:00	Identify Next Steps, Set Meeting Dates and Locations, Evaluate Meeting

ACTION ITEMS

- Connie: Send an email to all, inviting participation in a Settlement Information Sharing session (with DOE, Concrete, Skagit and Whatcom Counties)
- Cary: Ensure that Resource Team Leaders complete an implementation schedule for each of their license articles; distribute to the BRICC for review.
- Cary: Continue work to establish forum for dialogue around NW energy issues.
- All: Review the Representatives Lists and contact information; notify Connie of any changes.
- Connie: Send all a reminder email about completing rep lists and contact information for BRCC and resource groups.

REVIEW PROCESS ISSUES

Pamela walked the group through an update of the permitting process, including the “CZMA Process Flow Chart” (see handouts). While the timelines for completing each process are not set in stone, FERC’s schedule requires us to complete our shoreline processes in the fall of this year so that the next steps can continue on schedule.

Larry reported that PSE has submitted a shoreline substantial development permit request to the Town of Concrete. PSE also submitted shoreline exemption applications to Whatcom and Skagit counties. Although Skagit County has denied the application, an appeal is currently before the Skagit Co. hearing examiner; Pamela expects this matter to be resolved sometime this summer.

All of these permits have been submitted to DOE to request CZMA consistency; the 401 has also been requested, and is roughly on track for approval by the end of the year.

DOE, Skagit Co., Whatcom Co., and the Town of Concrete met in Bellingham on May 25 to discuss how they will address their state environmental policy act responsibilities. John stated that Whatcom County has determined that PSE will need to get a shoreline substantial development and possibly a conditional use permit for some portions of the project located in Whatcom County.

Pamela then walked the group through the “CZMA – Potential for Appeals & Related Delays” (see handouts). This flow chart highlighted the potential ‘worst-case’ timeline (which could be as long as 6 years) in the event of permit denials and related appeals.

Our aim in working together is to understand the concerns of the jurisdictional parties and share information with them regarding what is contained in the Settlement Agreement, which we crafted with the intent to meet regulatory requirements.

The group discussed potential regulatory questions and delays, as well as ways for the group to support efficient progress toward license issuance. It can be challenging for regulators to become knowledgeable about this complicated process; we have had years to become familiar with the details. Parties to the Settlement Agreement who have expertise in pertinent areas can help by sharing their knowledge with regulators. The group discussed the opportunity for Settlement signatories to meet with DOE, Concrete, Skagit and Whatcom counties, address their concerns, and answer any questions. Connie will email an invitation to participate.

Pamela shared a handout (“Support of Settlement Parties / Opportunities for Technical Input”) which highlights our opportunities for technical input. **The most effective time for input is early in each process**; if we resolve concerns and questions now, we can minimize the likelihood of permit denials, appeals, etc.

SETTLEMENT RED FLAGS

Pamela shared a summary of an article in the June 2, 2005 edition of *Relicensing Review*. The article listed seven items which FERC has identified as potential ‘red flags’ in settlement agreements:

- Use of general fund accounts for items outside the project’s boundary
- License terms that require the licensee to pay for full time staff at resource agencies
- License terms that require the licensee to pay for law enforcement
- License terms that include funds for forest service coordinators
- Adaptive management funds that are not clearly defined
- Offsite mitigation not clearly tied to the project
- Road maintenance not clearly tied to the project

FLOOD CONTROL

The IPP (interim protection plan) is currently being followed for fish; it also incidentally and effectively provides flood control. The next Aquatics Resource Group meeting will be June 15. They will discuss appropriate responses to low-flow/drought conditions (despite recent rainfall, our area’s snow pack situation remains bleak).

Mike reported that Skagit Co. is in discussions with the USACE regarding the Corps’ general investigation for the Basin. Funding may be at risk. Stay tuned.

REVIEW NOTES AND ACTION ITEMS FROM 2-15-05 SOLUTION TEAM / BRICC MEETING

Lyn walked the group through the notes and action items from the February 15th Solution Team Meeting. Connie reported that she will be meeting with Dee from Agreement Dynamics, as they pull together information for ‘The Baker Story’ (overview of our process). She will keep us updated on their progress.

IMPLEMENTATION ACTIVITIES UPDATE

Terrestrial Resources Implementation Group (TRIG): Tony reported that there is money in the budget this year to complete the initial elk habitat acquisition. PSE is working with the Skagit Land Trust and the Rocky Mountain Elk Foundation as they move toward purchase. The group is also developing terrestrial management plans, including: noxious weeds, plants of special status, and *Carex flava*.

Cultural Resources Advisory Group (CRAG): Connie reported that this group met May 20. There are no CRAG early implementation projects. They are waiting to hear back from FERC on their HPMP (historic properties management plan). They are drafting archaeological maintenance and treatment plans and a condition and testing report. They are also beginning to draft maintenance guidelines for the two historic districts in the project area. Their next meeting is Sept. 22.

Recreation Resources Group (RRG): This group is working on field work and general planning. There are no early implementation activities called out in the Settlement Agreement.

Aquatics Resources Group (ARG): Article 101, fish propagation. HDR is on contract, doing surveys and should have 15% estimate put together by the end of the year.

Members of this group are developing plans for other activities, many of which start after the license. R2 is doing engineering for upstream passage; plans are underway, with 2008 as the goal. Montgomery Watson-Harza is doing the engineering for downstream passage. 60% plans are scheduled to be out for review at their next meeting on Aug. 2.

The ARG is also doing a conceptual study (WA Group) on flow implementation. Gravel & Large Woody Debris (LWD) plans are being developed. The launch site for the Floating Surface Collector may be an appropriate area to temporarily lodge the LWD.

PSE is working with DOE on issues around water quality. They are planning to work with the Forest Service on erosion plans.

REVIEW RESOURCE GROUP REPRESENTATIVES LIST

Connie distributed the representatives lists and contact information. All were asked to review the lists and notify her of any corrections.

FERC UPDATE RE: SCHEDULE

Connie reported that Steve Hocking told her that he felt they were staying on schedule even though they were late getting the DEA out. Stay tuned!

REVIEW RESOURCE GROUPS' IMPLEMENTATION SCHEDULES

Cary reported that an initial GANNT chart has been drafted and will be reviewed at the next meeting.

REVIEW / REVISE NORMS FOR RESOURCE GROUPS AND BRICC/BRCC

We reviewed and revised the second draft of the norms for this group. There is still some confusion around the quorum rule. There was also a question around what types or levels of decision would invoke the quorum rule (examples would be: moving a plan or design to the next step and committing to the expenditure of resources according to the agreement).

DRAFT AGENDA FOR SEPTEMBER 20th BRICC MEETING

9:00 – 9:05 Welcome

9:05 – 9:15	Review Notes and Action Items from 6-7-05 meeting
9:15 – 11:45	Review Process & Permitting Issues
11:45 – 12:15	Lunch
12:15 – 12:45	Update on Implementation Activities
12:45 – 1:15	FERC Update
1:15 – 1:45	Review Resource Groups' Implementation Schedules
1:45 – 2:00	Identify next steps
	Set next meeting dates and locations
	Evaluate meeting

HANDOUTS:

- CZMA Process Flow Chart (without Appeals)
- CZMA Potential for Appeals & Related Delays (Estimated)
- Support of Settlement Parties/Opportunities for Technical Input
- Representatives Lists: BRICC and Resource Groups (with contact information)
- Draft BRICC Norms

MEETING EVALUATION

What Went Well:

- Facilitation Adequate
- Got out early
- Welcome Jack, John and Fayette (& Lou Ellyn sans Gene)
- Welcome to Whatcom Co. & Town of Concrete

What to Do Differently in the Future:

- Started late
- Missed Gene
- Need more info about various permitting processes
- Be more mindful of recycling opportunities