

BAKER RIVER PROJECT RELICENSE

Terrestrial Resources Implementation Group Technical Meeting

December 6th, 2007 (9:00 p.m. - 2:00 p.m.)

**WDFW Mill Creek Office
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Conference Call Line: 1-888-228-0484, ID: 5011, Password: 4567

Please tell Tony (425-462-3553 (w) or 206-276-1204 (c)) if you plan to call into meeting

AGENDA

- | |
|---|
| 1. Review notes/agenda/action items from October 4th, 2007 meeting |
| 2. Review recent BRICC meeting activities, licensing updates? |
| 3. Osprey, Loon and Botanical Team updates
Loon Platform Discussion - Anna <ul style="list-style-type: none">○ Review possible locations (Need 2 more for spring 2008)○ Review design (Smaller and lower? Use old FSC floats? Better ramps?) <i>Carex flava</i> study mapping resolved - Tony |
| 4. Elk Update
Easement update - Ira <ul style="list-style-type: none">○ Alternate properties discussion - Ray, Tony, Ira (status of already identified properties, review data relative to searching for additional options) |
| 5. TRMP Update – Edits and discussion about the following plans:
Starting with: Forest, Elk, Wetland
Botanical plans?
Next steps? |
| 6. Other? |
| 7. Evaluate meeting, set location (WDFW Mill Creek) and agenda for next meeting (January 10 th , 2008) |

Baker River Project License Implementation

**Terrestrial Resource Implementation Group
Final Meeting Notes**

December 6, 2007 ~ 9:00 am - 2:00 pm
WDFW Mill Creek

FINAL MEETING MINUTES

Team Leader: Tony Fuchs (PSE), 425-462-3553, tony.fuchs@pse.com

PRESENT

Tony Fuchs, Anna Kopitov, Cary Feldmann, Paul Wetherbee, and Ira McDaniel by phone (PSE); Kathy Smayda (Smayda Environmental Associates); Marty Vaughn (Biota-Pacific); Brock Applegate (WDFW); Bob Nelson (RMEF); Don Gay (USFS); Chris Madson (NWIFC); Patrick Goldsworthy (NCCC); Lou Ellyn Jones (USFWS); and Jamie Riche (PDSA Consulting).

NEXT MEETING DATE:

Botanical Teamlet: January 10, 2008

Future TRIG meetings: February 7, 2008, then first Thursdays throughout 2008

Question of the season: “How many forage equivalency units does an elf need?”

ACTION ITEMS

- All - Botanical comments are due (really!!) to Kathy by Dec. 20
- All - Comments re: eagle, loon, osprey, legacy wood due to Marty by Jan. 10
- Brock - Ask Mike’s opinion of the newer alternative properties (OK to manage for elk?)
Also ask if “core area” revision will affect TRIG’s work
- Chris - Coord. w/ Chris D. to put together map of current elk survey locations
- Marty - Incorporate today’s input into Elk, Forest, and Wetland plans – send to all 1/31
- Paul - Follow up to ensure meeting minutes are available online or via a CD
- Tony - Work w/ Joetta on ownership maps with parcel #s
- Tony - By Jan. 31, work with Ray to ID a list of parcels for Brock to take to Mike
- Tony/Ray - Revisit large land-owner to discuss all possible options (incl. sale)
- Tony/Paul - Draft a proposal for TRMP language re: financial processes (budget, audit, etc)

PREVIOUS – STILL RELEVANT – ACTION ITEMS

- Kathy & Anna – Connect with the Baker folks to review the draft weed mgmt. plans
- Marty - w/ Paul, ensure sections 3.1 language is consistent w/ BRICC decision process
(Settlement Agreement article 601)

- Marty - In 2008, work with Paul to develop a pre-acquisition checklist for PSE to use internally to document their compliance with the criteria set forth in the S.A. Share w/ TRIG (for information only) when complete.
- Tony – Work w/ Jacob to ensure draft 505 plan is consistent w/ Section 8 lang. agreement

BRICC / LICENSE UPDATES

The last Baker River Interim Coordinating Committee (BRICC) was held Nov. 20. The primary focus of this meeting was a settlement agreement PSE entered into with the City of Mount Vernon, the City of Burlington, and Dike Districts No.1 and No.12. This settlement ended several years of litigation and challenges to the Baker Comprehensive Settlement Agreement. Importantly, this settlement commits the Cities and the Dike Districts to refrain from any further "action to directly or indirectly challenge, protest, appeal, delay, obstruct, impair or in any way interfere with the Comprehensive Settlement or the issuance and full implementation of the New License." In exchange for these commitments, the cities and the dike districts received a total of three million dollars, to be allocated among the parties and earmarked for "for additional flood control measures, to be implemented in such area or areas within the Skagit basin as Petitioners may determine." The settlement does not in any way affect the terms and conditions of the Baker Comprehensive Settlement Agreement.

The cities and dike districts did ask, however, to be given the opportunity to present a proposal to modify Article 107 to the BRICC. Lorna Ellestad (Skagit Co.) lead the presentation at the Nov. 20 meeting, and the BRICC discussed the history of the Comprehensive Settlement Agreement, background about the flood control language in Article 107, the Corps' role and responsibilities, the G.I. process, and attendees' views on the proposal.

The BRICC talked about the proposed PSE merger and its impacts on our process. The merger is under review, in the due diligence process and PSE doesn't have any reason to believe there will be direct impacts in its day-to-day operations (including license implementation).

The BRICC discussed the TRIG's process for land acquisition and discussions thus far around easements vs. outright purchase. PSE would need an easement with conditions that allow it (PSE) to meet the obligations of the Settlement Agreement for the term of the license in order for an easement to be feasible. The group emphasized the value of having "all the tools in the tool chest" (easements, outright purchase, etc.) available for the group (not just one party) to consider as we move forward on this and other acquisitions.

NMFS Bi-Op Update

We've heard from Steve *Fransen* that the NMFS Bi-Op will be sent to his regional office before the end of the year. This remains the final outstanding piece of information FERC needs to issue the license.

Osprey:

We could not conduct productivity flights this year due to fires and resulting lack of helicopters.

Loon Platforms & Gulper Floats:

The Settlement Agreement calls for two more loon platforms. Due to the delay in license

issuance, the likely installation date for those two platforms would be late winter 2009. Anna walked us through a review of the design of the first platform and the group discussed possible adjustments to the design to make it more attractive to loons. Anna will work with the vegetation and ramp; the group agreed to remove all netting to encourage loon use (*revisit* predation later, once we have a design that gets used). *Target dates* for the current platform to be altered and installed *is during* Feb. 2008; eight surveys will be conducted April – July.

We discussed the possibility of re-purposing floats from the soon-to-be-retired gulper for future loon platforms. There are five floats (5x5 platforms) that may be retired when the new FSC comes online. Cary noted that they may already be slated for another use, and we discussed their ballast needs and other logistical hurdles. If they are available and if the design would be functional for our loons, the TRIG is open to re-using these floats as the chassis for loon platforms. PSE will report back.

Botanical:

Tony distributed maps of *Carex flava* and reed canarygrass locations. He noted that the reed canarygrass mapping resulted in maps that were not very useful, and that a different methodology may be needed to accurately map it. Dick Brainerd from the Carex Working Group is sending us an e-mail with recommendations on methodology. Tony also reported on a field trip to the site this summer where they observed that many of the Carex plants and some of the transect posts from the previous survey were *disturbed or* washed away last year during a high water event.

The next Botanical Teamlet meeting (January 10) will review the *Carex flava* report in detail and review / revise the *botanical* management plans. The team will also discuss how the special status plants plan *may apply* to acquired lands.

Elk Easement Update:

Ira called in to share his progress toward cleaning up the easement language based on the needs identified in a previous TRIG meeting. At this time, the “initial property” owners are reviewing the draft. They have expressed an interest in a limited time (rather than “in perpetuity”) easement, perhaps for the life of the license. Once an easement extends beyond 30 years, the cost becomes comparable to outright purchase. The likely cost of this specific easement is, however, mitigated by the limitations in the current proposal (no timber rights, maintained ability to hay the land, etc), so this easement could be ~50% of outright purchase (not including timber). Ira is viewing this as an exploratory process to see if a deal is possible. Negotiations have not included pricing yet.

We discussed again the range of options relative to purchase and various easement terms. Cary emphasized that the bottom line for PSE is its ability to meet its obligations under the license. So while PSE has expressed an interest in “in perpetuity” easement language, all options are still on the table, based on those options’ ability to meet the requirements of the settlement agreement / license. We discussed new possible combinations of language options; Ira took notes and will continue to explore options with the property owners. In the meantime, we will continue our path to get more aggressive in our search for alternate properties.

Alternative Properties:

Tony shared information about his, Ira's and Ray's activities relative to identifying and evaluating several possible alternative properties that could meet the TRIG's needs. Note: in addition to properties we've considered before, there is a new possibility in the mix; call Tony for details.

Next Steps: By the end of January, Tony and Ray will ID a list of potential properties and Brock will take these to Mike for his input. Then, based on WDFW's input, we can consider possible trades as needed. Ray/Tony will approach the other large land-owner to discuss options, including a revisit of their previous position on sales vs. trades. The TRIG authorized PSE to move forward on pre-acquisition surveys on a TRIG-selected piece of property. Call Tony for details.

TRMP Review / Revision:

Marty noted that there will be another format change coming in order to be consistent with other licensing documents, so today's review is for content only. We began to review the Elk plan, and will pick this back up when we meet again in February.

HANDOUTS

Agenda
TRIG October 4, 2007 Meeting Notes
Carex flava and *Phalaris a.* maps from 2006 survey

PARKING LOT

Develop protocol for pre-acquisition field visit

AGENDA FOR NEXT TRIG MEETING

February 7, 2007, 9 am – 2 pm, Mill Creek (No TRIG meeting in January)

1. Welcome, review agenda, notes, and action items
2. BRICC / License Update
3. Botanical Update – *Anna, Kathy*
 - a. *Carex flava* report
 - b. Management plans progress update
4. Loon Platform – Design and placement - *Anna*
5. Elk Land Acquisition Update
 - a. Easement negotiations update - *Ira*
 - b. Alternate properties discussion - *Ray, Tony, Ira*
 - c. Pre-acquisition survey report - *Tony*
6. TRMP Review, starting with: Elk 4.4, Forest, Wetland
7. Other?
8. Evaluate meeting, set next meeting agenda

MEETING EVALUATION:

What worked well:

- Excellent attendance and participation
- Location good

- Marty shopped hungry ... great spread

Do differently:

- Firmer facilitation
- Focus discussion on areas where broader parties are interested. Facilitator will ask.