

---

---

## **Baker River Project License Implementation**

### **Baker River Interim Coordinating Committee Final Conference Call Notes**

July 17, 2006  
10:00 am - 1:00 pm  
**PSE Bellevue - Forum**

## **FINAL MEETING NOTES**

### **PRESENT**

Arnie Aspelund, Cary Feldmann, Pam Garland, Kendall Cammermeyer, Jim Fillis and Connie Freeland (PSE); Brock Applegate and Gary Sprague (WDFW); Jason Joseph (Sauk-Suiattle); Lou Ellyn Jones and Jim Michaels (USFWS); Alice Kelly (Dept. of Ecology); Ric Abbett (Trout Unlimited); Bob Nelson (RMEF); Bob Helton (Citizen); Steve Fransen (NOAA); Mike Stansbury (Skagit County); Arn Thoreen (Skagit Fisheries Enhancement Group); Fayette Krause (TNC); Chuck Ebel (USACE); Lyn Wiltse and Jamie Riche, facilitator and note-taker (PDSA Consulting, Inc).

### **NEXT MEETING DATES**

#### **Walk Through of the Settlement Agreement:**

Wednesday, August 23, 2006 from 9:00 a.m. – 3:00 p.m.  
Location to be determined

#### **Future BRICC Meetings (or Conference Call ... TBD):**

September 21, 9:00 a.m. – 3:00 p.m.  
November 16, 9:00 a.m. – 3:00 p.m.

### **TODAY'S AGENDA TOPICS**

- Next steps after DEIS
- Progress reports: Elk, FSC, Hatchery, Historical/cultural actions, Flood control, Recreation
- Schedules: Licensing (401, CZMA, SEPA, shorelines) and Reschedule walkthrough of SA
- Other topics

## **NEW ACTION ITEMS**

- Cary – Set up conference call this week with Steve Hocking re: the biological opinion and the endangered species act (invite Steve and Lou Ellyn)
- Connie – By the end of July, follow-up with “*The Baker Story*”
- Connie – Add Brock to BRICC email group
- Cary – Check on status of flood control legislation and route to BRICC

## **WELCOME**

Lyn welcomed the group to the call and reviewed the agenda for the day. Arn shared that Rod Sakrison’s health is good and he will be singing with his new lungs at Arn’s annual Maltby party (which isn’t actually in Maltby) the second weekend in August. Call Arn for more information: 360.826.5316.

## **NEXT STEPS AFTER THE DEIS**

Cary shared that between now and the Final Environmental Impact Statement (FEIS) – and certainly between now and the final license issuance – we should be thinking about how we want to address FERC’s changes (in the DEIS) from what is included in the Settlement Agreement. Sixteen sets of comments have been filed with FERC, and may or may not affect the final license. At this point, it would be prudent to look for alternate ways to cement our agreement, perhaps through mandatory conditioning.

He then asked how folks would respond if FERC issued the license without including some important sections of our Settlement Agreement.

Alice shared that Ecology is intending to include Article 505 as a condition of the 401 Water Quality Certification and asked if there were additional articles that folks felt should also be included. Cary shared an analogy about bay leaves and stew that illustrated his view that it’s better to reference the Settlement Agreement in total due to the various articles’ interconnectedness, suggesting that the entire Settlement should be a condition of the 401. Alice asked if some of the articles, e.g., recreation, are closely enough tied to water quality to be legally defensible. She will discuss this idea with her legal department.

The conversation centered on our shared goal of keeping our Settlement Agreement intact. Agency folks asked Cary about his view of the WUTC’s likelihood of honoring expenses which are generated through mandatory conditioning rather than license conditions. Starting with a caveat that he can’t speak for the WUTC, Cary shared PSE’s view that the Settlement Agreement was sufficiently well-designed to give PSE a prudent case to share with the WUTC.

The group acknowledged that it’s difficult to go very far with this brainstorming, given that we don’t know what FERC will do. Cary shared that FERC indicated an intent to provide a quick turn-around for license issuance, so unless we’ve shown them irrefutable evidence that they really missed something, his view is that their final environmental analysis will probably be much the same as their draft analysis. Once they issue the license, we’ll have 30 days to appeal it or accept it. Chuck (Corps) shared the view that some of the comments were compelling to FERC and may actually influence the FEIS.

We agreed to continue thinking about creative ways to cement our Settlement Agreement, to make the most of this waiting period. We will otherwise stay tuned.

## **PROGRESS REPORTS**

**Elk & TRIG** – Connie shared Tony's report:

The Elk teamlet is still working on property acquisition for the initial Elk habitat. The owner of the lands we're looking at is interested in a land swap, so we are looking for properties to purchase for the swap. We are also evaluating parcels we want to swap for to make sure they meet our criteria.

The base mapping study of the *Carex flava* site is going to begin within the next couple of weeks. The *Carex* Working Group is the contractor for the study.

We are conducting rare plant surveys at the Upper Baker Dam forebay for the anchor point sites for the FSC, on both USFS and PSE lands. Hamer Environmental is the contractor. From a preliminary look at the data, we determined that one survey and manage species (a common type of lichen found in trees along the reservoir) was found; however, since we will not be removing any trees, it is unlikely to be disturbed by any construction activity at the anchor sites (this still needs to be verified with the USFS botanist). The survey report will be available soon.

**FSC (Floating Surface Collector)** – Jim Fillis, the PM for the FSC, reported that the FSC is currently at 60% design. PSE will be meeting with the agency group next week to review the design and is planning to submit 90% plans in mid-August. Fabrication should begin sometime this fall; we're working with shop drawings between now and then. Permitting is on track, and there are a number of upcoming meetings with agencies regarding specific permitting requirements.

**Hatchery** – Arnie reported that PSE is working with HDR Fish Pro and we are approaching the 15% design level. The designs have been reviewed several times at the ARG working group meetings. PSE will be integrating a value engineering session soon. Plans are to complete final design by the end of the year, with construction to begin mid-2007.

Cary shared that the Forest Service has indicated that their permitting process can take as long as nine months. They could wrap the permitting for this into the license, which may be faster than moving forward with a special use authorization just for the hatchery. This permitting uncertainty may affect the construction schedule. PSE is working with the Forest Service to evaluate the best plan for next steps.

**Historical / Cultural** – Connie shared that PSE has done photo documentation of historical facilities that we will be removing (the UB barge and fishway and the LB spillway gate cars). We have also put together a historical mitigation proposal which includes this photo documentation, drafting a new chapter to bring the existing fish history up to date, and possibly creating a brochure for the public explaining our fish facilities and procedures. We are also drafting an MOA to be signed by FERC, PSE and the State Department of Archeology and Historic Preservation to implement the mitigation proposal.

She reported that maintenance guidelines for the historic buildings and structures have been drafted and are out for review. NW Archeological Associates are drafting a treatment plan for any archeological sites; we anticipate having this available for the CRAG's technical group's meeting at the end of August. We are also examining the FSC's anchor points in relation to any culturally or historically sensitive areas.

**Flood Control** – Cary reported that flood control legislation is still moving along, with comments included and some work with Congressman Larson. Mike Stansbury noted that the legislation appears to be shorter but relatively intact. No one in the group is aware of any additional activity at this point. Chuck shared that there is a meeting scheduled for next Tuesday to continue the discussion.

**Recreation** – Pam Garland (new team leader for the RRG) reported that PSE is continuing to fund weekend safety traffic flagging for access to the Lake Shannon boat launch. The county is trying to establish right-of-way all the way to the boat launch and hoping for conclusion of this process by mid-August. In the meantime, the county is maintaining the road and PSE is funding the flagging for safety. Pam is also working with Glacier NW and other interested parties to determine how the turn-around at the boat launch will look, the logistics of having a gate for the launch, etc.

**Misc. Update** – Cary shared that about 700 (not 7,000) Sockeye have returned to the Baker River so far, so we are quite low. Chuck, Arn and Gary noted that there have been several slow (late) runs this year, so there may be hope for our Sockeye yet.

Cary also noted that (adding insult to injury) vandals broke in and threw large rocks into the Lower Baker holding pond, making it difficult to operate the crowder. Divers have cleaned out the rocks and found no damage to the crowder.

## **SCHEDULES**

Connie shared the following timelines:

1. We don't know when the FEIS is actually coming out; she's tentatively marked August based on FERC's comments to date.
2. Shoreline permits: Whatcom, Skagit and Concrete have submitted their information regarding permits to DOE.
3. SEPA: The town of Concrete has designated the Dept. of Ecology as the lead; DOE and PSE are talking about funding an independent consultant (hopefully someone who hasn't worked on this project and will bring an objective, outside view) to help with this process. Connie noted that they are hoping to have the SEPA process completed by the first of October, which may be a tight timeline.
4. CZMA: This deadline has been extended to Sept. 1.
5. 401 is on hold until DOE can review the FEIS. The clock ticks until March 2007. Alice is considering routing a draft 401 along with the SEPA document.

## **MEETING EVALUATION**

### **What Went Well**

- People feeling free to exit early
- Conference call worked well
- Nice participation
- Great momentum and camaraderie
- Facilitation was excellent

### **What to Do Differently**

- Missed some people; some were quiet

### **NEXT MEETING DATES**

#### **Walk Through of the Settlement Agreement:**

Wednesday, August 23, 2006 – 9 a.m. – 3 p.m.

Location to be determined

Volunteer Presenters (Guides): Steve, Gary

#### **Future BRICC Meetings (or Conference Call ... TBD):**

September 21, 9 a.m. – 3 p.m.

November 16, 9 a.m. – 3 p.m.

### **AGENDA TOPICS, NEXT MEETING**

- Review Notes, Agenda
- FERC schedule, BRICC activities
- Next Steps
- Set next meeting date; evaluate meeting