



## *Baker River Project License Implementation*

### **Aquatic Resources Group**

**Team Leader:** Arnie Aspelund (PSE), [arnie.aspelund@pse.com](mailto:arnie.aspelund@pse.com)

#### **PRESENT**

Arnie Aspelund, Cary Feldmann, Kim Lane, Mark Killgore, Jacob Venard, Doug Bruland, Nick Verretto and Scott Williams by phone, (PSE); Brock Applegate and Kevin Kurras (WDFW); Lorna Ellestad, Dan Berentson (Skagit County); Chal Martin (City of Burlington, guest), Steve Fransen (NMFS); Greta Movassaghi and Jon Vanderheyden (USFS), Blaine Chesterfield (Mt. Vernon, guest), Bob Helton (Citizen); Henry Hash (Skagit County Public Works); Robert Franklin (Sauk-Suiattle Indian Tribe); Phil Hilgert (R2); Lyn Wiltse (facilitator, PDSA Consulting).

**DECISIONS** – none today

**2011 ARG MEETING DATES:** Aug. 9 Mtg/Video conf at PSE Snoq and Skagit Offices (9-3 pm); Sept. 13 Mtg at Lower Baker Office in Concrete followed by FPTWG (9-5 pm); Oct. 11 combined with BRCC Mtg/Video conf at PSE Snoq and Skagit Offices (9-3 pm); Nov. 8 Conf. Call (9-11 am); and Dec. 13 Mtg/Video conf at PSE Snoq and Skagit Offices (9-3 pm).

**FPTWG:** Combined with ARG meeting on 9/13 at PSE Lower Baker Office in Concrete

#### **ACTION ITEM**

- All Provide informal comments on the draft 107 (c) Report to Arnie by August 12.

#### **PREVIOUS - STILL RELEVANT - ACTION ITEMS**

- Chuck Ask Linda Smith to give update on GI progress at future ARG meeting.
- Steve Identify the Olympia contact to coordinate re. HGMP with WDFW (in process).
- Co-Mgrs Send a draft Fish Production Plan to Arnie ASAP (as per FPPF) at August meeting.
- All Review / update the ARG representation list for your organization (ongoing).

#### **CONDOLENCES**

We were sorry to hear that Bart Madison (TU) recently passed away. He believed that ordinary people can accomplish extraordinary things. He was a passionate conservationist and had a special place in his heart for rainbow trout.

#### **BRCC UPDATE**

Cary reported the fourth Wednesdays will continue to be reserved throughout 2011 for BRCC conference calls as needed. In-person meetings are scheduled semi-annually (spring and fall); the next get together is tentatively planned for October and to be combined with the ARG meeting.

Cary noted that the TRIG has purchased a second piece of property near Vogler Lake which will be managed for elk, wetlands, deciduous forest, legacy wood and more.

The recreational season has begun. THE RRG has been busy engaging law enforcement and posting new water safety posters. The US Forest Service hosted a successful Grand Opening of the Swift Creek Campground on June 24.

The CRAG was given a draft of the Baker Club House Preservation Plan for immediate actions to stabilize the Baker Club House from further deterioration. They have agreed that the decommissioning of these beaches which are contributing to the Baker River Hydro Development Historic District is an adverse effect overall. Final mitigation will be outlined in an MOA and agreed to by the CRAG.

### **SA 108 - BAKER RIVER GRAVEL IMPLEMENTATION PLAN (BRGIP) REPORT**

Jacob reported, PSE received comment from DNR on informal review of gravel plan. They have no comments other than a desire to be coordinated with at the time of dumping gravel.

### **STRESS RELIEF PONDS OPERATING PROTOCOL UPDATE**

Nick reported that the Fish Passage Technical Working Group last met on June 8 and will meet again on September 13. At their last meeting they discussed stress relief ponds and identified a need for a protocol to address several issues including:

1. How long to hold the fish captured at the FSC before allowing them to emigrate volitionally: The original design was for three ponds and 48-72 hrs of holding of fish, allowing volitional emigration at all times. ARG and FPTWG decided to captively hold *fish* for 24 hours and then allow volitional emigration.
2. High bypass flow creates water jump over ogee crest and some fish escape channel. To address this issue we have decreased auxiliary flow, are considering installing covers for the ogee crest, will drain the ponds at high rate with screens down, and then raise the screen and release fish by draining the remainder at a very slow rate.
3. *What is the contingency if we exceed the capacity of the ponds (built for 118k fish in each pond based on the maximum run prediction for Upper and Lower Baker)?* The *design concept* was to load the ponds fully *and hold for 48-72 hours*. It was decided that *if we needed increased capacity*, instead of 48-72, we would hold them only for 24-48 hrs, so could pass more fish. If pond capacity still exceeded, fish would be released directly to the river (contingency after the shortened holding period).
4. Bull trout predation at outmigration point. Based on results of sampling on May 18 and 31 where *PSE anglers captured 2 and 5 bull trout respectively*, we have decided to do releases from the ponds in the morning to best coincide with generation as much as possible so the fish have a better change to escape the predation.
5. Screen occlusion: We will modify the screens to triple the amount of porosity.

### **107(c) DRAFT REPORT**

Cary announced that this preliminary draft report was just released for informal review on July 11. It also addresses License Article 305 which was added by FERC (deals with the effects of 107c on project structures).

Dan suggested that Skagit County review the report along with their community partners. They collectively completed a study as part of the *USACE General Investigation (GI)*. It includes a narrative for flood response. Their study takes a large flood event and walks through the entire event starting with the forecast in a table top exercise. They would like to hold a work session in late July or early August with community partners to walk through this narrative and also discuss 107(c). They want to share this info with their three elected officials and get as many community partners together as possible. They will gather and submit their comments.

The next scheduled ARG Meeting is Aug. 9. The 107(c) report is now out for informal 30 day review. Comments will be reviewed and addressed. The document will then go out *in late August to early September* for formal 30-day review. It will go to ARG official reps and the USACE. It is due to FERC by October 17. The FERC will determine if it is sufficient for compliance of the conditions in 107(c) or send PSE an additional information request.

Chal commented on Table 5. He noted that he finds the middle column (*Consistency with License*) to be like an opinion. He doesn't think the language of the license is completely clear. There are provisions of the

license that speak to flood control. This is a key matter. This sort of operation would be done within the existing framework and language of the license. He questioned PSE's interpretation of those areas in the table where they answered "no". Cary explained that the "no" responses regarding consistency with the license were the consensus opinion of PSE attorneys and management. Cary also noted that it was not only PSE's opinion but that the FERC staff had come to the same conclusion about this in the conference call with the FERC on June 30 when Chal raised the issue.

Item #1: Reconsider maximum outflow constraints in anticipation of extreme, infrequent flood events. Chal suggested that the "no" in the table raises a substantive administrative hurdle to overcome and suggested that not everyone agrees with this interpretation. He is concerned about the "decree" that this is not consistent with the license when he thinks the language in the license is much more nuanced than that. Cary indicated that "we might have to agree to disagree that this would require an amendment to the license."

Item #3: Consider zero outflow at Lower Baker during flood peak.

Chal also suggested the middle column should read "yes" instead of "no". Cary answered that this action occurs during the flood instead of in anticipation of a flood. Therefore, it is in the Water Control Manual so it is a Corps issue and is outside the scope of 107 (c).

Item #7: Do we need to "violate" License-defined maximum flows to get to the targets?

Chal thinks it is a simple matter of doing the arithmetic to see that we need to violate the flow regime in order to sufficiently draw down the reservoir depending on the prescient conditions prior to a flood event. Under the regime of 3600 cfs inflow there is insufficient delta in a couple of thousand cfs to make much of a dent in the reservoir levels. Cary responded that PSE cannot simply violate their license, because it is their compliance liability, not others. He also noted that the settlement flow regime was carefully crafted to balance competing interests. The constraints in the Aquatics Table 1 were those that "were agreed to by all the settlement parties." If they were unacceptable they should have been raised at the time of settlement discussions. He further suggested that if there is broad support for changing the settlement there is a mechanism for it to be amended. Cary went on to note that it is not just the Aquatics Table 1 that would require amendment. There are five documents including other mandatory conditions such as the 401 water quality certification from Ecology, the 4(e) conditions from the USFWS, and the biological opinion from NMFS, all of which speak to this flow regime that would need to be amended.

Chal wondered if there was any possibility to do additional study work on this issue. The negative impact of additional outflow (before the flood hits) of the project vs. the potential to keep that zero outflow during the flood peak by 10-20K cfs would significantly improve the survival of the egg-to-fry survival.

Cary noted the need to separate studies about flood management from those related to anticipation of a flood. He offered a further reminder that we are beyond relicensing and are in the implementation phase with a settlement. Studies such as Chal has suggested might be better undertaken in the context of flood control studies in the Corps' GI. He encouraged Chal and others to send in comments on this to help inform the discussion going forward.

Dan wondered if the language in the meeting request process (outlined in the recommendations section of the report, Section 4) needed to be more specific. For example, does any member of the ARG just call PSE and then a meeting is set up? Cary responded yes it was intended to be an open process where anyone could notify PSE who would immediately convene a meeting. After convening the meeting and based on the information at hand PSE would then use reasonable best efforts to draft the reservoirs down to the elevations agreed to in the settlement. Dan noted that more specific language would enable Skagit County to make this process consistent with their emergency operations. They will have a table top exercise in October and will incorporate this into that exercise.

Chal *offered his opinion* that instead of being a plan for *action he believes this document* seems to be a bureaucratic plan of *non-action*. A key to this effort will be to look at impacts of increase in outflow prior to flood event in a way local communities have described it (a day at a time, etc.) and look at the redds that are in the river at the time and look at this in addition to looking at the peak flow on the back end of a flood

event. He further *commented* that this report doesn't seem to have the substance behind it to actually implement anything. He went on to say that the Corps had expressed that they don't have an interest 107(c). Chal is concerned this won't be studied within the GI. He is concerned that the Corps won't weigh in on this at all. Lorna stated the Corps feels this article exceeds their authorized flood operations.

Cary replied that 107(c) reflects the directives of the language in the settlement and encouraged Skagit County and all others to send in their comments. Based on the content and substance of the comments, PSE can determine if there will be need to call additional meetings to resolve issues or simply respond to the comments for the review draft.

### **UPDATE ON SPAWNING BEACH 1-3 DECOMMISSION**

Scott reported he met with the CRAG at their June 15 meeting to walk them through the matrix that we did as well as the revised Statement of Work from the USFS. We all seem to be on the same page regarding the general approach which is to remove all existing structures. Next steps include bringing a consultant on board to begin the work. Scott expects the decommissioning to be complete by next fall. The license calls for this to be complete by the fall of 2013.

### **FISH FACILITY OPERATIONS UPDATES**

#### **Downstream Fish Passage**

Doug reported that at Upper Baker the outmigration run is at 265,000 and the run is nearly over. (We got 436,000 last year.) We are getting good recovery: For the freezebrand groups we got over 70%; for fall release sockeye group got nearly 60%; and 72% recovery for sockeye right C brand. Lower Baker recovered 20,000 from Lower Baker.

#### **Baker Hatchery**

We have 126,000 Sockeye juveniles. We will hold them until the fall and then release them. We have 60,000 coho and will hold them until the spring smolt release and use some for the bio study. We will be providing rainbow trout for the Eagles' Club Derby and for Cascade Days. The circular ponds are ready to receive new brood of rainbow trout from the Arlington Hatchery.

Upstream Fish Trap: Doug reported that although we only got 71 sockeye in the trap this morning, there are approximately 1,000 or more fish holding just outside of the trap. This is due to the spilling that has been going on. We expect them to be moving into the trap soon. 3,300 fish sockeye have been collected in the trap so far. Historically, mid July is approximately the halfway point of the run.

We are not getting that many fish other than sockeye – a few char and some cutthroat. We may want to use space in the hatchery early on to hold sockeye as an insurance policy since run predictions can vary so much. Kevin reported this is being discussed by the co-managers. They may hold a population of sockeye in one of the empty ponds.

Kevin reported we are really close to being on track with the current loading of sockeye to the hatchery. The co-managers met and agreed to a target of 950 in each AI and 400 in each beach. They have a loading plan. It will be included in the fish propagation plan (can be adjusted every year).

There are 804 fish as of today in Baker Lake, with 719 in the beaches and 1,800 in AI. The lower river is still full of sockeye.

Doug received word from Smith Root that they are working on the counters. He will follow up with them to see how many still work and which need new fry heads so we can get counters reestablished on the beaches. He will keep us posted.

### **PLANS AND REPORTS**

Arnie reviewed the list showing the status of the Baker River Project Aquatic Resource Plans & Reports. He noted the various 2010 article reports that are coming up for ARG review, and some that have already been completed. The Aquatic Riparian report and Required Funding report are coming up for review (July 31). Comments on the Reservoir Erosion Control report are due the end of this month (July 30). The Upstream

Fish Passage and Connectivity annual reports will be coming up next month (August 31). Reports due in the fall include the Fish Propagation report (October 31), the Downstream Fish Passage and Flow Implementation report (due November 30). We have completed reports for Gravel and Large Woody Debris. There are many interim plans that relate to the Upper Baker FSC which will be coming up the end of the year (December 31). The Connectivity plan is scheduled to be out mid-August in time for submittal to FERC October 1. As mentioned previously in the meeting the Imminent Flood Drawdown report is due to FERC October 17.

## **MEETING EVALUATION**

### **Worked Well**

- Good updates.

### **Do Differently**

- Ran a bit late.
- Tech difficulty with beeping / locking phone.