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## **BAKER RIVER PROJECT RELICENSE**

### **Solution Team**

October 30, 2002

9:00 a.m. – 3:00 p.m.

US Forest Service Office  
21905 64th Avenue West  
Mountlake Terrace, WA 98043

### **AGENDA**

1. Introductions – The Louis-Berger Group, FERC
2. Settlement Process Update: Review Draft Options for PME's by Working Groups
3. Settlement Process:
  - Dealing with Uncertainty: Adaptive Management
  - Framework for Settlement Agreement
  - PME Format/Instructions
4. Action Items
5. Process for 6-Month Progress Report to FERC
6. Debrief from Oct. 29 Meeting: 4e, Sec. 18, ESA
7. Preview of Oct. 31 Meeting: 401, CZMA
8. What's Hot in Working Groups?
9. Schedules/Studies Indices/Timelines
10. PDEA Update
11. HYDROPs Model Update
12. Other?
13. Set November 26th Agenda
14. Evaluate meeting

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## BAKER RIVER PROJECT RELICENSE

### **Solution Team**

October 30, 2002

9:00 a.m. – 3:00 p.m.

U.S. Forest Service Building  
Mountlake Terrace, 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's cell phone 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, [connie.freeland@pse.com](mailto:connie.freeland@pse.com)

**Members Present:** Steve Hocking and Mike Henry (FERC), Arn Thoreen (Skagit Fisheries Enhancement Group), Gary Sprague (WA Dept. Fish & Wildlife), Rob Mohn, Pam Klatt and Pat Weslowski (the Louis Berger Group), Jerry Louthain (Economic and Engineering Services, for Anacortes, Skagit P.U.D. and Town of Concrete), Steve Fransen (NMFS), Gene Stagner (USFWS), Marian Valentine (U.S. Army Corps of Engineers), Bill Reinard (Wildcat Steelhead Club), Bob Helton (Citizen), Bob Nelson (Rocky Mt. Elk Foundation), Stan Walsh (Skagit System Cooperative), Rod Sakrison (WA DOE), Jon Vanderheyden and Rod Mace (U.S. Forest Service), Tony Fuchs, Arnie Aspelund, Ed Schild, Cary Feldmann, Bob Barnes, Kris Olin and Connie Freeland (PSE), Patrick Goldsworthy (North Cascades Conservation Council), Len Barson (The Nature Conservancy), Steve Jennison and Omroa Bhagwandin (WA Dept. of Natural Resources), Dee Endelman and Bruce Freet (Agreement Dynamics), Lyn Wiltse, Facilitator and Mary Jean Bullock, Note-Taker (PDSA Consulting, Inc.).

### **FUTURE MEETING DATES**

November 26, December 17, at USFS Office in Mountlake Terrace.

Note: Starting in 2003, the Solution Team will be meeting on the fourth Tuesday of each month.

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***Exception: The January meeting date will be the 3<sup>rd</sup> Tuesday: January 21, 2003.***

**2003 Solution Team Meeting Schedule**

January 21, February 25, March 25, April 22, May 27, June 24, July 22, August 26, September 23, October 28, November 25, December 23.

**AGENDA**

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2. Settlement Process Update: Review Draft Options for PMEs by Working Groups
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  - Framework for Settlement Agreement
  - Dealing with Uncertainty: Adaptive Management
4. Action Items
5. Flow Management and ESA Update
6. Process for 6-Month Progress Report to FERC
7. Debrief from Oct. 29 Meeting: 4e, Sec. 18, ESA
8. Preview of Oct. 31 Meeting: 401, CZMA
9. What's Hot in Working Groups?
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13. Other?
14. Set November 26th Agenda, Confirm December, January dates
15. Evaluate meeting

**NEW ACTION ITEMS**

- ALL: Consider the option of PSE having the Louis Berger Group prepare the license application in addition to the PDEA. (We will make a decision on this at our November 26 meeting.)
- ALL: Give Bruce comments on “A Framework for Agreement” (bjfreet@fidalgo.net or 360-319-5582) by Nov. 15.
- ALL: Consider how to approach adaptive management (e.g., teamlet to choose model?). We will discuss how to proceed at our next meeting.
- All Working Groups: List any conditions related to PMEs that would vary depending on the term of the license.
- Economics/Operations Working Group: Determine possible terms of license to use for economic analysis.
- Bruce/Dee: Talk with all Working Groups to identify additional technical support for developing PMEs. See that Marty's drafts get shared across the Working Groups (after receive permission to do so from the Terrestrial Working Group.)
- Connie: Send out electronic copies of Bruce's PowerPoint Presentation re: Adaptive Management.
- Bob B.: Post user manual for the HYDROPs model on website and provide hard copies to participants on request.

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- Connie: Email information to all re: November 21 or November 22 meeting with Rick Miles/FERC for the U.S. Institute for Environment Conflict Resolution re: our participating in a study of ALP relicensing processes.

## **INTRODUCTIONS**

We welcomed Rob Mohn, Pam Klatt, Pat Weslowski (for the Louis Berger Group), and Steve Hocking and Mike Henry (Federal Energy Regulatory Commission).

We also welcomed the PSE Working Group Team Leaders: Arnie Aspelund (Aquatics), and Tony Fuchs (Terrestrial); and Omroa Bhagwandin from the Olympia office of the Department of Natural Resources.

## **SETTLEMENT PROCESS UPDATE**

Dee distributed summaries and walked us through the draft options for PME's put together by three of the Working Groups (Terrestrial, Aquatics, and Recreation). She and Bruce will begin working with the Economics/Operations Working Group and the Cultural/Historical Working Group next month. These summaries will be attached to these minutes.

### **Terrestrial Working Group:**

This Working Group discussed 85 ideas to address the following issues:

- Effects of reservoir on wildlife & plants
- Overall size of wildlife populations; Game Habitat; Wildlife species of special status; Undesirable wildlife
- Wetlands
- Forest Habitat: Hardwood Riparian and Late-Seral Coniferous
- Connectivity
- Snag and log habitat
- Vegetation: Plant species of special status and Noxious weeds
- Land Management Activities
- Impact of Recreation
- Flow Manipulation Impacts on Wildlife and Habitat

### **Aquatics Working Group:**

This Working Group discussed 190 ideas to address the following issues:

- Instream Flow Management
- Reservoir Operations and Fluctuations
- Anadromous Fish Passage
- Hatcheries
- Spawning and Rearing Habitat Restoration
- Water Quality, Reservoir and Stream
- Invasive/Alien Species

### **Recreation Working Group:**

This Working Group discussed 69 ideas to address the following issues:

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- Meeting Recreational Needs: Addressing Current Recreational Needs and Project Effects on Recreational Facilities and Opportunities
  - Protecting Public Health and Safety in Recreational Areas
  - Emergent Recreational Needs
  - Addressing Visual and Aesthetic Impacts
  - Addressing Inconsistencies between Project and Adopted Comprehensive Plans

## **SETTLEMENT PROCESS**

Bruce distributed a template he put together for Working Group members to use to frame PME's for potential inclusion in a Settlement Agreement. We discussed this template and the instructions for participants to fill it out. He also distributed a possible outline for the settlement agreement called "A Framework for Agreement." He'd like comments on the outline by Nov. 15.

Bruce walked us through a PowerPoint presentation of "Dealing with Uncertainties." It included a draft schedule of PME Products and Timeframes:

|          |  |          |  |
|----------|--|----------|--|
| Dec. '02 | 1 <sup>st</sup> draft PME's                  | Oct. '03 | 2 <sup>nd</sup> Draft PDEA                   |
| Feb. '03 | 2 <sup>nd</sup> Draft PME's                  | Oct. '03 | FERC Pre-Terms, Conditions & Recommendations |
| Mar. '03 | PME's for PDEA                               | Mar. '04 | Some Management Plans                        |
| Mar '03  | PME's for Agreement in Principle             |          |  |
| May '03  | 1 <sup>st</sup> Draft PDEA                   |          |  |
| Aug. '03 | 3 <sup>rd</sup> Draft PME's/Management Plans |          |  |

Bruce encouraged us to consider how to define an approach we want to take with regard to Adaptive Management. We will discuss this at our November 26 meeting.

## **PDEA UPDATE**

Rob Mohn (the Louis Berger Group) outlined the following schedule of deliverables re: the PDEA:

- Now – The Louis Berger Group resource leads are attending resource Working Groups and compiling and organizing the information being gathered through studies, etc.
- November 2002 – Produce assessment report on adequacy of existing information for use in preparation of PDEA
- December 2002 – Produce detailed outline of PDEA (FERC format)
- Spring 2003 – Produce Preliminary PDEA (for internal/Baker Solution Team review)
  - Describe current environment
  - Describe "no action alternative" (continuation of current operations)
- Fall 2003 – Produce Draft PDEA (for public review)
  - Accompanied by draft license application (FERC notice triggers a 90-day review period)
- Spring 2004 – Produce final PDEA (to be submitted to FERC with the final License Application and Settlement Agreement)

Kris asked that all consider if it would be an acceptable option for PSE to also consider using the Louis Berger Group to write the actual license application. Steve H. said that FERC would not consider this to be a conflict of interest. We will make a decision on this at our November meeting.

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## **REPORT ON OLD ACTION ITEMS**

- Dee: Sent out settlement process materials to members electronically.
- Bruce: Drafted mechanism for Working Groups to use to get over the uncertainty hump with regards to some PMEs.
- Rod: Compiled list of requirements for CZMA consistency determination and 401 Water Quality Certification and Shoreline Management Act permits.
- Connie: Contacted NOAA, USFS, USFWS, Dept. of Ecology, OAHP re: submitting schedule for meeting deliverables for relicensing process.
- Kris: Contacted Rick Miles/FERC re: being one of ten ALPs to be examined by the U.S. Institute for Environmental Conflict Resolution. Connie will send out the date and location of a meeting with these folks when they are in the Seattle area. Anyone interested in joining in on this meeting to help determine if it makes sense for us to be included in this study should let Connie know.
- Mike/Keith (FERC): By October 15, sent to Connie examples of adaptive management and settlement agreements from other proceedings.
- Connie: Forwarded materials from Mike and Keith to Solution Team members for review.
- Lyn: Buttoned up with Gene and Steve re: change of future meeting days. It looks like we will be changing from Wednesdays to Tuesdays.
- Lyn: Talked to team leaders about putting attachments (like study list) on website.
- Connie: Emailed updated Study Index matrices and posted on web.
- All: Reviewed info on Solution Team membership list and sent changes to Connie.

## **IPP/FLOWS REPORT: ESA UPDATE**

Cary reported that flows in the Northwest continue to be very low. PSE initiated flow management in August for chinook protection according to the Draft Interim Protection Plan. The plan calls for release of flows from a budget of water stored for supplementation. This part of the Plan has been in effect since the first part of October and continues today. PSE is releasing water in pulses to keep redds wet until rainfall returns to the region and Skagit River flows increase.

## **PROCESS FOR 6-MONTH PROGRESS REPORT TO FERC**

The first report will be due January 19, 2003 (six months after we were granted permission to use the Alternative Licensing Process.) Steve Hocking advised us to keep the report simple and high level. We can reference documents posted on the website. The report should include the schedule and an update for each Working Group, including the Solution Team. Connie will share a draft of the first report with interested persons at our December 17 meeting.

## **DEBRIEF FROM OCTOBER 29 MEETING: 4(E), SEC. 18, ESA**

Steve Hocking from FERC stated that the purpose of this meeting was to clarify schedule, critical pathways and authorities relating to 4(e), Section 18, and ESA. Also at the meeting, Marian Valentine gave a presentation of the Army Corps of Engineers' flood control program for Upper Baker. That presentation is available on the website.

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## **PREVIEW OF OCTOBER 31 MEETING : 401, CZMA**

The purpose of this meeting will be to do the same as described for the meeting above for 401 Water Quality Certification and CZMA consistency determination. This meeting will be held at the Department of Ecology in Bellevue from 9 a.m. to 3 p.m.

## **WHAT'S HOT IN THE WORKING GROUPS?**

### **AQUATICS**

- Flood planning leading to drought planning
- “Without Project” approach

### **CULTURAL**

- Is Working Group format working for this group?
- Getting back to archaeological work

### **RECREATION**

- PMEs (schedule)
- Off road vehicles

### **TERRESTRIAL**

- PME timeline
- Getting studies done on time
- We are!

### **ECONOMICS**

- Flood control

## **SCHEDULES/STUDIES INDICES/TIMELINES**

Connie distributed current versions of these. As these are now available on the website, PSE will bring only a limited number of hard copies to meetings and will provide a high-level index and schedule report at each meeting. Steve H. reminded us that we are on a critical path and that we need to make decisions rather than continuing to keep all options open.

## **HYDROPS MODEL UPDATE**

Bob Barnes made a brief presentation of the HYDROPS model, including an explanation on how HYDROPS was used to determine the high, medium and low water years to be used for running scenarios for the Working Groups. He reminded everyone that the request forms to run various scenarios on this model are on the website.

## **DISCUSS/REVISE MEETING SCHEDULE**

We moved our meetings from the fourth Wednesday to the fourth Tuesday of the month for 2003. The exception will be in January 2003, when we will meet on the third Tuesday (January 21).

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## **PARKING LOT**

- 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).
- Define a process for delayed resolution (based on incomplete studies).
- Adaptive management:
  - How can we take into account future technology, knowledge, conditions, resources, weather (global warming), etc.?
  - How can we balance licensee exposure?
- How to enlist recreational users.
- Define “project induced.” (Teamlet?)
- FERC boundary.
- Develop public information protocol.
- Summary of Record of Decisions.

## **HANDOUTS**

- Presentation to Baker Solution Team -- Resources Working Groups: Preliminary PME Discussions, October 30, 2002
- Summaries of the Preliminary PME Options for the Terrestrial, Aquatics and Recreation Working Groups
- PowerPoint Presentation: Dealing with Uncertainties, Baker Solution Team, September 25, 2002
- Template to be used by participants to submit possible PMEs
- Instructions for how to fill out the PME template
- A Framework for Agreement (Draft Product of Bruce Freet)
- Flow Chart for Integrating Federal and State Processes (for Oct. 31 meeting; draft product of Rod Sakrison)
- Baker Study Request Index and Study Index updates
- Baker Relicense Schedule for Puget Sound Energy

## **TENTATIVE AGENDA FOR NEXT MEETING:**

**November 26, 2002 at USFS Office Building in Mountlake Terrace**

**9:00 a.m. – 3:00 p.m.**

1. Introductions
2. Settlement Process Update
  - PMEs for each Working Group
  - How to handle approach to Adaptive Management
3. PDEA Update
4. Action Items
5. What’s Hot in Working Groups?
6. Prep for FERC Conference call
7. FERC Conference Call
8. Schedules/Studies Indices/Timelines
9. HYDROPs Model Update
10. Other?



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11. Set December 17th Agenda
  12. Evaluate meeting

## **MEETING EVALUATION**

### **Done Well**

- Good food
- Got out early
- Great participation – Let's keep it up!
- Ed and Steve's "chat"
- Happy to have FERC representatives here in person – Thanks Steve and Mike!
- First cut at PMEs!

### **Need to Improve**

- Don't want to lose momentum by backing up for latecomers/newcomers
- Use screen for presentation