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## **BAKER RIVER PROJECT RELICENSE**

### **Baker Solution Team Meeting**

December 13, 2000

9:00 a.m. - 3:00 p.m.

US Forest Service Office  
21905 64th Avenue West  
Mountlake Terrace, WA 98043  
(425) 775-9702

### **AGENDA**

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| 1. Review/revise minutes and agenda   |
| 2. Action items   |
| 3. Finalize mission statement   |
| 4. Finalize team norms  |
| 5. Who else do we need on the team to successfully accomplish our mission?                      |
| 6. Review/revise Process Document and Communications Protocol                                   |
| 7. Identify interests (of each organization represented)  |
| 8. Set agenda for next meeting (January 24, 2001 at Forest Service Office in Mountlake Terrace) |
| 9. Evaluate meeting   |

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## BAKER RIVER PROJECT RELICENSE

### Baker Solution Team

December 13, 2000

9:00 a.m. – 3:00 p.m.

Forest Service Office  
Mountlake Terrace, WA

### MEETING NOTES

**Team Leader:** Connie Freeland (Puget Sound Energy) (425) 462-3556, cfreel@puget.com

#### PRESENT

Jon Vanderheyden (US Forest Service), Stan Walsh (Skagit System Cooperative), Bob Helton (Citizen), Bill Reinard (Wildcat Steelhead Club), Don Schluter (Trout Unlimited) (by phone), Paul Schissler, (Town of Concrete), Jerry Louthain (City of Anacortes & Skagit Co. PUD), Patrick Goldsworthy (North Cascades Conservation Council), John Boggs (Concrete Heritage Museum), Steve Fransen (National Marine Fisheries Service), Rod Sakrison (Dept. of Ecology), Marian Valentine (US Army Corps of Engineers), Connie Freeland (PSE), Lloyd Pernela (PSE), Cary Feldmann (PSE), Lyn Wiltse, facilitator (PDSA Consulting)

#### Future Meeting Dates and Locations:

January 24, February 28, March 28, April 25.

All meetings will be held at the Forest Service Office, Mountlake Terrace, WA

**NOTE:** PSE offered tours to anyone interested in taking advantage of low reservoir levels. Contact is Lloyd.

#### NEW ACTION ITEMS

- Connie: Will distribute Process Document to members for review prior to January 24, 2001
- ALL: Review Steve's handout re: Decision Making by Consensus.
- ALL: Send Connie name and contact information for your alternate

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## REPORT ON OLD ACTION ITEMS

- Connie: • Distributed Communications Protocol document to team by Dec. 4 so members could review prior to next Solution Team Meeting (Dec. 13, 2000).
- All: • Reviewed and sent comments on Process Document and Communications Protocol document to Connie by noon, Dec. 6 (prior to Process Team meeting on Dec. 7, 2000).
- Lyn: • Contacted all missing participants and brought them up to speed on the happenings of this meeting
- All: • Brought drafts of their (higher level) interests to the Dec. 13 meeting.
- Connie: • Emailed draft meeting minutes to team members for comment
- Connie: • Posted meeting minutes and handouts (those selected by team to be posted) on website

## AGENDA

**December 13, 2000 at Forest Service Office in Mountlake Terrace**

**9:00 to 3:00 (with working lunch provided)**

1. Review/revise minutes and agenda  
New items?
2. Action items  
RESOLVE Training make-up session
3. Finalize mission statement
4. Finalize norms
5. Who else do we need on the team to successfully accomplish our mission?
6. Review/Revise Process Document and Communications Protocol
7. Disclose interests (of each organization represented)
8. Set agenda for next meeting (January 24, 2001)
9. Evaluate meeting

## INTRODUCTIONS

The team welcomed first-time members Rod Sakrison, Patrick Goldsworthy, Steve Fransen, and John Boggs.

## RESOLVE TRAINING MAKE-UP SESSION

- January 12, 2001, 9:00-4:00 p.m. at Mountlake Terrace Forest Service Office (lunch provided).

## FINAL MISSION STATEMENT

The purpose of a mission statement is to guide team actions and intentions and guard against the dreaded “scope creep.” The team finalized the following mission statement:

*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.*

## MEETING NORMS

These norms are both logistical and social in nature and will be revised over time to suit the needs of the team.

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1. Meet regularly on the 4th Wednesday of each month from 9:00 to 3:00 at the Forest Service Office in Mountlake Terrace.
  2. Meetings will start and end on time.
  3. Have a facilitator to keep the group on track.
  4. Have facilitator write “real-time” minutes on flip chart during meeting.
  5. Have data entry person enter minutes into laptop so minutes are (usually) complete by end of meeting.
  6. Start each meeting by reviewing/revising previous minutes and proposed agenda.
  7. Use consensus decision making where possible.
  8. Decisions that are identified as necessary at one meeting are not resolved at that same meeting.
  9. Keep a notebook/running tally of consensus decisions and exceptions as we go.
  10. Email/voicemail team leader (Connie) at least one week ahead if you can’t make a meeting. If it appears that many will miss the meeting, Connie will contact other team members re: how to proceed. (E.g., the team may decide not to meet, to change the meeting location, or to have a technical working group meet instead).
  11. For “snow days” call Connie. Her voicemail will say if meeting has been canceled.
  12. Each member will define an alternate (back-up) representative and get their contact information to the team leader prior to the January 24<sup>th</sup> meeting.
  13. If a member misses 3 meetings in a row, Connie will follow up.
  14. Team leader brings extra hard copies of meeting minutes to each meeting.
  15. Lloyd will act as back-up team leader.
  16. If you miss a meeting, send your alternate if possible (prep them first).
  17. No backing up for late comers.
  18. Minutes will include mission statement, list of attendees, action items, summary of discussions, Parking Lot, and the proposed agenda (set by team) for the next meeting.
  19. Let Connie know a week ahead of time of new agenda items if possible. She will then distribute the revised agenda to team members so they can come prepared for discussion of the new topic.
  20. Allow members to introduce new topics at the meeting as needed.
  21. Pre-announce (let Connie know a week ahead) any agency caucuses that would need to meet during the regular meeting time (see #1).
  22. Team leader will send minutes to all members within 5 working days of the meeting.
  23. Team members will notify team leader of changes to minutes within 8 working days; then she will post them on the website.
  24. Have a working lunch approximately half way through.
  25. Take other breaks as needed.
  26. Team leader will bring treats (coffee, juice, hot water for tea, and some form of carbohydrates.)
  27. Distribute documents prior to meetings when available. Documents should be dated with page numbers and clearly show revisions.
  28. Documents will be posted on the website (as decided by the team).
  29. Have regular updates re: the schedule.
  30. Members can distribute a “position paper” (would become part of the minutes from the meeting where they were introduced) on their views if they feel they are not being heard.
  31. Work on issues between (outside of) meetings.
  32. Keep “policy people” current.
  33. No side conversations.
  34. Respect confidentiality wherever possible.

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35. Avoid personal attacks.
  36. No long speeches. Ask for permission from the team if planning to talk for more than 3 minutes.
  37. Share information as it becomes available.
  38. Define acronyms.
  39. Do quick evaluation at end of each meeting.
  40. Use *Parking Lot* to “park” ideas to be addressed at a later date.
  41. Put yourself in the other person’s shoes (work to understand each other’s perspectives).
  42. Listen to each other.
  43. Respect each others’ interests (they cannot be challenged).
  44. Celebrate diverse opinions.
  45. Keep an open mind.
  46. Be honest and kind at the same time.
  47. Seek first to understand, then to be understood.
  48. Have fun.
  49. Don’t interrupt each other.
  50. Celebrate (even small) accomplishments.

### **WHO ELSE DO WE NEED ON THE TEAM?**

Team members brainstormed the following parties whose participation would help the team accomplish its stated mission. Team members volunteered to contact people they know in each of the organizations to invite them to participate in this process.

- Skagit County (especially flood control and recreation) (Jerry)
- Skagit Council of Governments (Rod)
- City of Mt. Vernon (Jerry)
- City of Burlington (Jerry)
- All local governments (Jerry)
- Audubon Society (Patrick)
- Sierra Club (Patrick)
- Wilderness Society (Patrick)
- Focus (Patrick)
- Property Owners (such as Crown Pacific, Longview Fibre, Lone Star) (PSE)
- River user groups
- Recreation users of reservoir

PSE shared what they had done to date regarding informing interested parties of progress in the relicensing process. It was suggested that PSE publish a periodic newsletter (such as what is produced by Chelan PUD) informing interested parties of progress. Consider also possible release to press. PSE has hosted quarterly public meetings, which have, in general, been attended by agency people only. The intent and format of these meetings is being reassessed by PSE.

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## **DISCUSSION OF INTERESTS**

After discussing the value of interest-based vs. position-based negotiations, members shared the draft core interests of their organizations.

### **Interests of the National Forest Service (Jon Vanderheyden)**

- Assure National Forest ecosystems that are sustainable, diverse and productive.
- To have sites, settings, and natural landscapes that nurture societal and individual needs and values.
- Contribute natural resource outputs as available, to support society's needs.
- Conduct business in a manner that fosters confidence and trust of National Forest stakeholders.

### **Interests of Trout Unlimited (Don Schluter)**

To conserve, protect, and enhance the cold water resources in the State of Washington to sustainable or historical levels. This includes waters flowing into the state and all native fish in all waters.

- Sustainable levels of anadromous fish stocks to historical levels (to support both fisheries and ecological concerns)
- Education/Interpretation/Outreach
- Educate youth as present and future citizens who value and protect water quality and all species
- Maintain and restore native populations and natural processes
- Maintain ecological relationships in the watershed
- To protect, preserve and perpetuate fish and wildlife in their habitats
- Promote ethical sport fishing
- All native fish, all waters
- Protection & enhancement of resources guaranteed under the Treaty of Point Elliot of 1855

### **Interests of Wildcat Steelhead Club (Bill Reinard)**

- Sustainable levels of anadromous and resident fish stocks to historical levels (to support both fisheries and ecological concerns)
- Maintaining and restoring wild populations and natural processes
- Maintain ecological relationships in the watershed
- To protect, preserve and perpetuate fish and wildlife in their natural habitats
- To harvest recreationally, with emphasis on high sockeye productivity
- PSE to stay in business with necessary needs provided

### **Interests of the Army Corp of Engineers (Marian Valentine)**

- Provide flood control to the Skagit River Valley
- Minimize cost of flood control in the Skagit River to the Federal Government

### **Interests of City of Anacortes and Skagit County PUD No. 1 (Jerry Louthain)**

- Provide clean, reliable and cost effective water supply that meets the needs of the City of Anacortes and Skagit County PUD, now and in the future
- Protection of existing water rights of the City of Anacortes and the PUD
- Maintenance of or increases in instream flows

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- Availability of additional water for appropriation in accordance with Ecology's proposed rule, Chapter 173-503 WAC Instream Resources Protection Program-Lower and Upper Skagit Water Resources Inventory Area (WRIA 3 and 4)
  - Maintenance of or improvement in the water quality of the Skagit River
  - Maintenance of or improvements in activities which result in reduction of flood peaks

**Concrete Heritage Museum Association Interests (John Boggs)**

- Develop public respect and appreciation for culture/history of area
- Protect, mitigate, and enhance cultural resources

**North Cascades Conservation Council (Patrick Goldsworthy)**

To preserve natural landscapes, biological diversity, and natural and wilderness ecosystems of the North Cascades.

Maintain and restore natural and cultural terrestrial biological diversity and ecosystem productivity.

- Provide for protection, mitigation, and enhancement of terrestrial species populations and habitats that would be affected by continuing impacts from the development, operation and management of the project.
- Mitigate for impacts to terrestrial species populations and habitats that have occurred since the construction of the Lake Shannon and Baker Lake dams.
- Provide significant opportunity for collecting culturally significant plants and animals.
- Facilitate the recovery of species proposed or listed under the federal Endangered Species Act.
- Facilitate the recovery of state listed endangered and threatened species and state and federally proposed, candidate, sensitive or monitor species.
- Comply with state and federal laws, comprehensive plans and treaties.
- Maintain and develop habitat connectivity to provide long-term plant and animal movement and dispersal.
- Manage or eradicate non-native plants and animals.
- Promote ecologically sound environmental education opportunities.
- Maintain and perpetuate the "natural" features of the North Cascades National Park, the Noisy-Diobsud Wilderness, and the contiguous Inventoried Roadless Area, designated without the development of roads.
- Ensure the future of wildlife by conserving, restoring and enhancing habitats.

**Interests of the Tribes (Stan Walsh)**

Full and free exercise of religious and cultural traditions and protection for future generations.

- Protect site-specific areas on sacred sites
- Protect, mitigate, and enhance cultural resources
- Protect resources from prehistoric and early historic (contact) periods
- Protect cedar, berries, basket-making sites and medicinal plants that are current as well as traditional cultural properties
- Protect sacred sites and ceremonial bathing sites
- Exercise rights guaranteed under the Treaty of Point Elliot of 1855; protection, enhancement, and mitigation for resources.

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### **Interests of the Department of Ecology (Rod Sakrison)**

The State of Washington Department of Ecology (Ecology) represents the following interests in the Baker Project Relicense:

Ecology is the agency created to administer the State of Washington's water management program, including its comprehensive water quality and water resource allocation programs, and to present the views and recommendations of the State regarding any federal license or permit relating thereto at any proceeding, negotiation, or hearing in such regard conducted by the federal government. RCW 43.21A.020 [Department of Ecology], RCW 43.27A.090 [Water Resources], RCW 90.03.010 [Water Code – 1917 Act], RCW 90.54.010 [Water Resources Act of 1971], and RCW 90.58.010 [Shoreline Management Act of 1971]. Ecology also has statutory responsibilities in the matters of flood control, shoreline and coastal zone management, coordination and permit issuance pursuant to the federal water pollution control act amendments, and environmental review and coordination, pursuant to the State's environmental policy statute. Chapter 86.16 RCW [Flood Plain Management]; Chapter 90.48 RCW [Water Pollution Control Act]; Chapter 90.58 RCW [Shoreline Management Act of 1971] and Chapter 43.21C RCW [State Environmental Policy Act].

Puget Sound Energy has requested relicensing of its Baker Project on the Baker River, a tributary of the Skagit River in Skagit and Whatcom counties. Continued hydropower generation operation at the Baker Project affects the flow of water from the Baker River to the Skagit River, a river with listings under the Endangered Species Act. Relicense of the Baker Project obviously has, at a minimum, implications for water quality, fish, and other environmental issues. As such, involvement by Ecology is critical given its statutory obligations. A withdrawal of water for storage and withdrawal for electrical power generation also affects Ecology's permitting authority for water quantity decisions. Finally, to the extent this project may involve a discharge into the nation's waters and requires a federal permit or license, a water quality certification pursuant to Section 401 of the Clean Water Act is required. In view of the issues raised regarding water quality, water quantity, fishery resources and other environmental matters involving state policies, Ecology has a direct interest that may be directly affected by the outcome of the relicensing proceeding.

In many of these interests Ecology has exclusive authority and any other party in the proceeding does not adequately represent the interests of the Department of Ecology. In addition, Ecology represents the public interest in these matters.

### **Interests of a Citizen (Bob Helton)**

Reasons for participating in the Baker River Project Relicensing ALP Process as a private interested citizen and PSE customer:

To help arrive at a reasonable cost of accommodation for using the Baker River watershed and river for the production of electrical power by PSE regarding the relicensing criteria for production of hydropower at the Baker River Project.

The costs of accommodation may include, but not be limited to, environmental mitigation, fish run protection and propagation of aquatic species over the proposed term of the relicensing period.



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### **Interests of National Marine Fisheries Service (Steve Fransen)**

Conserve public trust living marine resources and provide sustainable treaty, recreational, and commercial fisheries.

### **Interests of Town of Concrete (Paul Schissler)**

To protect and improve the quality of life and economy of the Town of Concrete and its citizens.

- Allow the continued operation of municipal wastewater treatment facility on Baker River, upgraded to accommodate growth and to meet renewed NPDES permit.
- Help, not hinder, the Town of Concrete community economic revitalization as: Upriver hub for goods and services, job center for natural resource and technology employment, and base camp for regional tourism and eco-tourism (three-pronged economic development strategy).
- Catalog, archive and display historical information and artifacts related to Baker River and nearby natural and human history (Concrete Museum)
- Protect, restore and showcase cultural and historical resources and sites associated with Baker River, including National Historic Register sites (Thompson Bridge, Baker River Hydroelectric Works) and potential National Historic Register sites (Concrete Historic District)
- Comply with federal cultural resource laws and regulations.
- Educate youth as present and future citizens who value and protect water quality and all species.
- Plan and implement education/interpretation/outreach programs that complement the efforts of the Concrete School District focus on these issues.
- Continue to explore feasibility of the *Little Baker River Channel Restoration Project*.
- Include Town as a major node and service center in the network of recreational facilities and linkages surrounding the Baker River, including hiking, camping, boating, etc.
- Develop master plan for recreation and open space aesthetics along Baker River within the Town of Concrete and nearby.
- Provide socioeconomic support for the Town of Concrete.

Draft interest statements for North Cascades National Park Service Complex and InterAgency Committee for Outdoor Recreation were distributed. They will be discussed (with representatives in attendance) at the January meeting.

## **COMMUNICATIONS PROTOCOL**

The team postponed review of the Communications Protocol (dated December 4, 2000) until the next meeting. Copies of the draft Protocol and the comment table were available.

## **PROCESS DOCUMENT**

The draft Process Document is being reviewed internally by PSE and will be sent out to the team for review prior to the January meeting.

## **PARKING LOT**

- Members disclose legal requirements (perceived authority and responsibility)

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- 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 Solutions Team)
  - Develop a template for Working Group recommendations
  - Define a process for delayed resolution (based on incomplete studies)
  - PSE provides their expectations of license legal ramifications
  - Adaptive management:
    - How can we take into account future technology, knowledge, conditions, resources, etc.?
    - How can we balance licensee exposure?
    - Clearly define everything to be included in settlement agreement.
    - Determine what is/isn't part of the administrative record.
    - Develop procedures around press attending these meetings.
    - How to enlist recreational users.
    - Define "mitigate."

## **MEETING EVALUATION**

### **Well-Dones:**

- Tremendously collaborative meeting re: statement of interests
- Humor
- We're learning!
- We got out on time
- No negative thinking
- Good facilitation

### **Need to Improve:**

- Ran out of hot water
- Lyn's voice was too loud at start (could it have been the caffeine?)
- Need copies/references to other settlement agreements

## **TENTATIVE AGENDA FOR NEXT MEETING**

**January 24, 2001 Mountlake Terrace, WA**

**9:00 to 3:00 (with working lunch provided)**

1. Introductions
2. Review/revise minutes/agenda
3. Action Items...who else? involvement by local governments
4. "Finalize" interest statements
5. Review Communications Protocol and Process Documents
6. Review draft of study request form (?)
7. Set agenda for Feb. 28 meeting and confirm location
8. Evaluate meeting