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## **BAKER RIVER PROJECT LICENSE IMPLEMENTATION**

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**Terrestrial Resources Implementation Group  
Technical Meeting**

**November 5th, 2009 (9:00 a.m. – 12:00 p.m.)**

**WDFW Mill Creek Office  
16018 Mill Creek Boulevard  
Mill Creek, Washington 98012-1296  
Telephone (425) 775-1311**

**Conference Call Line:** 1-888-228-0484, ID: 2821, Password: 4567

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

### **AGENDA**

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| 1. Review notes/agenda/action items from October 1st, 2009 meeting.  |
| 2. Review recent BRCC meeting activities and License review/issues. <ul style="list-style-type: none"><li>• License/BRCC update</li><li>• TRIG budget update – Kim and Christina</li></ul>   |
| 3. Decisions Required at Today's Meeting: Yes <ul style="list-style-type: none"><li>• Decision Item #1: Does the TRIG formally adopt certain decisions made in previous interim meetings, specifically those discussed at today's meeting?</li><li>• Please Designate Proxy to express your view if you cannot attend.</li></ul> |
| 4. Land Acquisition Update <ul style="list-style-type: none"><li>• Property Y Update – Ira, Tony</li><li>• Alternative Properties, WDFW review of alternative – Ira, Tony, Brock</li><li>• Whatcom Land Trust opportunities discussion</li></ul>   |
| 5. TRMP plans update <ul style="list-style-type: none"><li>• Development of Implementation Plans – Marty and Kathy</li><li>• Annual Reporting - Tony</li></ul>   |
| 6. Bald Eagle Night Roost Survey <ul style="list-style-type: none"><li>• Protocol and schedule – Haley</li></ul>   |
| 7. Botanical Teamlet <ul style="list-style-type: none"><li>• Report from October 28th teamlet meeting – Scott and Kathy</li></ul>  |
| 8. Evaluate meeting, set location (WDFW Mill Creek) and agenda for next meeting (Dec. 3rd, 2009)   |



***Baker River Project License Implementation***

**Terrestrial Resource Implementation Group  
Final Meeting Notes**

November 5, 2009 ~ 9:00 am - 12:00 pm  
WDFW Office - Mill Creek

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

**PRESENT:**

Tony Fuchs, Cary Feldmann, Mel Walters, Scott Heller, Haley Edwards, Christina Verheul, Kim Lane by phone, and Ira McDaniels (PSE); Kathy Smayda (Smayda Environmental); Marty Vaughn (Biota-Pacific); Don Gay (USFS); Patrick Goldsworthy (NCCC); Chris Danilson (Sauk-Suiattle); Todd Wilbur (Swinomish); Lou Ellyn Jones by phone (USFWS); Bob Nelson by phone (RMEF); Brock Applegate (WDFW); Jamie Riche, facilitator (PDSA) and Cathy Britt (Jamie's guest).

**DECISIONS:**

- Does the TRIG formally adopt certain decisions made in previous interim meetings, specifically those discussed at today's meeting?

The TRIG agreed that a quorum was present; no proxies were noted. The list of interim TRIG decisions, as distributed via email and at the meeting, was adopted by consensus of all present and will be attached to these notes.

**NEXT MEETING:** Dec. 3 WebX/conference call, and continue to hold 1<sup>st</sup> Thursdays (workload dependent)

**ACTION ITEMS**

- Tony Add "for Article 505" to the end of the third sentence in the "Whatcom Land Trust" section of the October 1, 2009 TRIG notes
- Tony Attach the decision list approved at today's meeting to these notes
- Ira Talk with *Kye* at WDFW about the property discussed today
- Tony Send out parcel numbers and an area map of the properties shown today for initial review
- Tony / Marty Draft post-acquisition checklist for TRIG review
- Tony Look into setting up your laptop for WebX
- All Reminder: if you haven't already provided comments on the draft 505 plan, please do so asap
- Legal question for all to consider: Does 603 allow for money transfer between funds *of the same license article*?

**PREVIOUS - STILL RELEVANT - ACTION ITEMS**

- Kim Work on simplified budget report sheet, provide to TRIG when available

**UPDATE ON PREVIOUS ACTION ITEMS**

The next ARHWG (Aquatic Riparian Habitat Working Group) meeting has been moved January 7 to allow add'l time to provide input on the draft Aquatic Riparian Habitat Protection, Restoration, and Enhancement Plan (ARP).

Kim reported that PSE continues to establish the accounts for the various article funds. The goal is to have reports available for resource groups around year-end. Kim and Tony are also working with Christina to ensure that all expenditures to date have been tracked appropriately and charged against correct accounts.

### **BRCC / LICENSING UPDATE**

Nothing new to report. The fourth Wednesday of each month is being reserved for a BRCC conference call as needed (probably only needed quarterly), and face-to-face meetings will occur at least semi-annually.

### **WETLAND ARTICLE AND FUND TRANSFERS**

Don asked about the steps needed to invoke the adaptive management provision in Article 603 to transfer money between funds *within the same license article, and for what actions can the money be used for within an individual fund.* After some discussion, the group agreed that the next step would be for the party or parties interested in this idea to formalize a proposal outlining the rational, potential benefits, and considerations / implications and email that proposal to Tony for distribution to the full group. The TRIG would then evaluate any proposal on a case-by-case basis. In addition to the technical considerations related to any given proposal, Marty noted that it would probably be better to avoid changes that would require FERC intervention. *Don proposed modifying the current management options in the Article 504 Wetland Habitat Plan that FERC has not finalized yet.*

Without going into details, the group brainstormed some high-level questions / considerations for any such proposal:

- Does the proposal require an alteration of the Settlement Agreement/*FERC license*?
- At what level would approval be required? Resource group or BRCC?
- Would the proposal apply just to the specific funds outlined in the proposal, or would it in some way be precedent setting? Legal review by all parties would be critical.
- And, of course, if the decision is within the purview of this group, does the TRIG approve of the idea?
- If approved, how would it be memorialized? Meeting notes, management plans, annual reporting, etc.

Don will write up a proposal and send it to Tony. If it is available in time for review prior to next month's meeting, Tony will add it to the conference call agenda.

### **LAND ACQUISITION UPDATE**

**Property Y:** Ira reported that progress toward the purchase of Property Y is moving right along. He continues to bird-dog the needed title easement for property access, which has received preliminary approval by the neighboring property owner. Tony and Ira described the conversations and process to date and reviewed an image of the existing and potential access points to the property. Questions? Call Tony or Ira.

Ira noted that if the easement can't be complete by early December, PSE and the current property owner will need to decide whether to close this year (potentially at a lower cost, with PSE assuming some liability related to trusting that an easement will come), or to postpone the closing until next year when the easement can be complete. Ira will continue to track this and will update the group in December.

Ira reported on the other due diligence activities. The environmental phase one site assessment came back essentially clean (there was an old campsite and an outhouse on site); no further testing or action is required. The boundary line survey cost estimates have come in between \$25k and \$50k, which is within our estimated closing costs. Tony met with Elizabeth Dubreil, PSE's lead for cultural / historical issues; upon a cursory review, she noted the possibility of old logging railroad remnants along the old roads, but no cultural sites came up. An additional, more detailed review would be required in advance of any ground-disturbing activities.

**WDFW-reviewed alternate:** Brock reported out from a WDFW review of the property discussed at earlier meetings. The state gave a preliminary OK on their ability to support the purchase of this property for TRIG purposes as long as hunting is allowed as a management tool. Ira will talk with Kye at WDFW before approaching the landowner about the possibility of purchase.

**New alternates:** Tony brought another set of potential properties near the "core area" for initial TRIG review. These properties are near areas of budding development and abut other large timber / DNR lands. Tony will send out a list of parcel numbers and map for TRIG members to review and determine whether these parcels are worthy of additional review. Ira also mentioned a potential property for TRIG consideration. The owner seems to think the property is worth a lot more than Ira and members of the TRIG think it is worth; Ira will engage in an informal conversation to see if this parcel could be acquired at a reasonable price and will report back.

### **WHATCOM LAND TRUST**

Clarification to the Oct. TRIG notes: While the TRIG declined to pursue this further at this time, the proposal might have some applicability for other articles, particularly *forest habitat and wetland license articles*. Brock requested that PSE look further into possible habitat for these two articles in the proposed land trust purchase properties. Others noted the benefits of working with the Land Trust and starting a rapport with the group.

### **TRMP**

The TRIG reviewed a draft table of contents for site-specific habitat management plans. The proposal is to track all the management activities by parcel / site, rather than article by article (with the likely exception of loon, osprey, and eagle plans). Marty reminded the group that these documents are more specific than the overview documents submitted to FERC; they include the details of management requirements, procedures, schedules, monitoring and reporting, and would be modified as deemed appropriate by TRIG. Marty expects the contents of the plans to evolve as they are developed; the TRIG confirmed that this is the right direction.

Annual reporting: Tony reported that he and Christina are working on interim reports and the format for annual reporting. First draft of this will be ready in spring 2010.

### **OSPREY UPDATE**

Mel and Brock reported that they identified six potential sites *to create snags for current or future nest trees*. Only three are *possibilities because the other three do not reside on PSE property*. Stay tuned.

### **EAGLE NIGHT ROOST SURVEYS**

Haley distributed the protocol document she emailed earlier and reviewed comments received to date. She reported that the first one is scheduled for next Monday. *For surveying Lake Shannon*, the estimated cost is \$25k per two-season survey (which includes parts of three calendar years). Haley is reviewing potential cost savings related to the number of reviewers, frequency of visits, and time span of survey. The group agreed that multi-year reviews *and surveys* have value. Tony confirmed that writing *bald eagle nest and night roost* management plans, if *PSE finds a night roost or bald eagle nest*, are a "delivered" item and would not be charged against the Article funding. Brock said that the *WDFW District Wildlife Biologist, currently Mike Davison, will have to approve the plan to make it official*. Brock agreed with PSE that the landowner usually writes the roost and nest plans for their lands only. However, PSE may have to write a plan for a nest or roost that resides on other owners' properties, if the adjacent roost or nest buffer or territory contains PSE land. (For this instance, an eagle territory would mean those habitats usually described in an eagle plan.)

*For the sake of future surveys, the next two years and Years 15-17, Brock requested that the Protocol record the fact that we will use a modified WDFW survey form.*

### **BOTANICAL TEAMLET**

Scott reported that the teamlet met October 28 with Laura and Ann (Laura is transitioning much of this work over to Ann), Patrick, Brock, Tony, Scott and Kathy. They reviewed the completed and upcoming botanical activities, the post-license *Carex flava* census (the report of which will be available year-end), implementation plan development, and Plants of Special Status. A priority will be evaluation of what's needed to be in compliance with the USFS native plant policy. PSE and USFS have a meeting scheduled to discuss this.

The next botanical teamlet meeting date *is not set yet, but will be in December or January* and will focus on noxious weeds and refinement of implementation documents (specifically reed canary grass and the seven

wetlands). Scott and Kathy have a field trip scheduled for 11/10 to the Little Sandy Creek area to look at three of the seven wetlands (WB 28, 29, and 30) and GPS the reed canary grass to baseline where it is most extensive, how far in it goes, etc.

#### **MEETING EVALUATION**

**Worked Well:** Good attendance; Decision list is approved (and off the agenda!); Welcome Christina!

**Do Differently:** Next month will be a conference call (light agenda); Missed some folks today

#### **December 3, 2009 Agenda** WebX/conference call

- Land Acquisition Update
  - Property Y update, celebration?
  - Other properties?
- Night Roost Survey Update
- Review Wetland Article funding proposal, if available
- USFS / PSE *Native Plant Materials Policy meeting*