



Baker River Project License Implementation

Baker River Interim Coordinating Committee

November 16, 2006
9:00 am - 3:00 pm

PSE Bellevue – Summit Conference Room

DRAFT MEETING NOTES

PRESENT

Brock Applegate, Rich Johnson and Gary Sprague (WDFW); Patrick Goldsworthy (NCCC); Alice Kelly (WA DOE); Jim Michaels – by phone and Lou Ellyn Jones (USFWS); Steve Jennison – by phone (DNR); Steve Fransen (NMFS); Lorna Ellestad (Skagit Co. Public Works); Linda Smith and Chuck Ebel (USACE); Jon Vanderheyden (USDA-FS); Len Barson (The Nature Conservancy); Bob Helton (Skagit Citizen); Jon-Paul Shannahan – by phone (Upper Skagit Indian Tribe); Stan Walsh – by phone, (SRSC); Lynda Kupfer, Ed Schild, Cary Feldmann, Kellie Kuhlman, Jacob Venard, Elizabeth Dubreuil, and Tony Fuchs (PSE); and Lyn Wiltse, facilitator (PDSA Consulting, Inc).

2007 MEETING DATES

Feb. 14, Apr. 11, Jun. 13, Aug 8, Oct. 10, Dec. 12

ACTION ITEMS

- Lynda – Review distribution lists to ensure all signers of Settlement Agreement are included.
- Cary – Circulate Swinomish letter, PSE response, and Status of Legislation.
- Cary - Address whether this will launch initiation of Section 7 consultation if this passes in '06 or '07. Set up conference call to plan next steps. Also address why Larson introduced legislation related to flood control at Baker.
- Cary –Send out Article 601 quorum language along with proposed work-around as suggested by teamlet of you, Steve F., Gary and Stan.
- ALL – Remember to add any agenda items you want the BRICC to consider to the draft agenda sent out by PSE a week prior to each meeting.
- Lyn – Check availability of conference room at Mountlake Terrace facility for February or April meeting.

INTRODUCTIONS

Cary introduced the new archaeologist who will be replacing Jessie Piper as team leader for the CRAG. Her name is Elizabeth Dubreuil. A former Forest Service employee, she brings considerable expertise to

the implementation team

He also introduced Kellie Kuhlman who was also recently hired into the department. She is the Energy Resources Compliance Manager. She has been with PSE for 16 years and has a regulatory compliance background.

TRANSITIONS

Steve Jennison announced that this was his last meeting with the group as he has assumed a new position with DNR where he will be focused solely on fires. He has represented DNR well over the last several years. We wish him well in his new pursuits and will miss him.

QUOTABLE QUOTE

"It's probably quicker to wait for FERC." – Gary Sprague

AGENDA TOPICS

- Recent Event Updates
- Timeline Update
- Flood Control Legislation
- Updates on ongoing projects
 - Elk Lands
 - FSC
 - Hatchery
 - Recreation
 - Cultural/Historical
 - Permitting
- Quorum
- Corps GI Study
- Update on USFWS Biological Opinion

RECENT EVENTS UPDATE

High Water Update

Electron – Headworks needs repair – road washed out – plant is down

White River – No damage (except the usual dam outage)

Snoqualmie – Closed headgates at Plant 1. Two feet of water in buildings

Closed down Plant 2 – Now back on line

Snohomish River – Record peak flow

Baker – PSE operated under direction of the Corps. Flow at Upper Baker was estimated to exceed 50Kcfs for over 12 hours. Flow at Lower Baker was 20Kcfs. It was estimated that the Baker Project shaved about 7K off of peak – coordinated with USACE and Skagit County. Due to forecasts, we planned for 190K peak (in the Skagit River) – ended up at 140K. Fortunately the storm moved south when it did. Steve F. reported Seattle City Light shaved nearly 60K off Marblemount Peak. Lorna expressed appreciation for the way Seattle and PSE managed the storm. Jon suggested that approximately six feet were reduced from flow level due to their combined operations.

Linda Smith shared that the Corps is now busy doing damage evaluations. They are also preparing a summary report on the Baker Ops during this storm. They are fortunate to have a Corps meteorologist on

duty during the storm 24/7. Another system is due Sunday.

TIMELINE

The Biological Opinion (B.O.) for Baker is due at the end of January. FERC is unlikely to act without a B.O. if it doesn't materially affect the timing of license issuance. Also, the 401 certification needs to be issued by DOE. However, before the 401 can be issued, SEPA needs to be completed. WDFW Priority Habitat and Species List needs to be updated. This will be included in a SEPA addendum. Concrete can issue its Shoreline Permit when its SEPA analysis is complete. Then DOE can issue the 401; Alice is guessing mid-late January 2007. Given the 401 and B.O. dates, Cary is guessing we won't see the license until March 2007 at the earliest.

Steve F.'s sense is it might be the end of April, since that is when the original / and new annual license expires. Len Barson asked whether the FERC FEIS had changed Puget's position on the Settlement relative to the UTC. PSE reiterated, as they have been saying all along, that they are committed to fulfilling the terms of our Settlement.

FLOOD CONTROL LEGISLATION

There was a long discussion around the flood control legislation proposed by Congressman Larson. There was concern that it did not reflect the language suggested by this group on a recent conference call initiated by Connie. The Swinomish sent a letter of concern about this to Steve Reynolds at PSE and copied several members of the BRICC. Cary will, with the Stan's permission, share this with the entire BRICC membership along with PSE's response and a plan for a future conference call to discuss the next steps. Linda reminded us that even if language is passed, still need appropriations. The Corps would need to do a study which would likely be quite similar to their General Investigation Study.

In the meantime, we will keep doing the best we can with flood control operations. This is no magic bullet and even if the legislation it passes (which many members feel is unlikely by the end of the year, the change wouldn't occur overnight. Gary offered that one of the problems is that the congressman's office was not as inclusive as PSE has been, and continues to be through the Baker re-license.

GENERAL INVESTIGATION STUDY

Linda reported the Corps is slowly moving forward on investigating "without Project conditions" – getting funding in two week allotments. Hydrologist Ted Perkins is running various measures at 10% recon level through Hydraulic Model and economic models, including real estate – getting benefit/cost ratio for measures. They are looking to get an overall plan for the most control for the least money. Then they will start looking at environmental impacts. They hope to have federal budget passed in February. She shared that the Corps is currently receiving very limited funding from Congress (\$200K between now and October 2007). She will continue to keep us posted.

IMPLEMENTATION ACTIVITIES UPDATES

Elk Lands

Tony Fuchs provided an update on Elk Lands purchase. We agreed, as part of early implementation, to spend \$1.2 million for an initial property purchase. The Rocky Mountain Elk Foundation (RMEF) has been acting as our representative for talks with the property owners on a target piece of property. We proposed a sale option and were not successful at this time. We are now looking at other parcels. The RMEF may be able to help with additional staff.

Tony is buttoning up with Brock (WDFW) to ensure that what we do works with their North Cascades Elk Plan (WDFW has to pay for agricultural crop damages due to Elk). We are currently determining what geographic areas to focus on if originally desired property doesn't pan out. We are also looking for opportunities to purchase multi-purpose lands (e.g., wetlands together with Elk forage).

Floating Surface Collector (FSC)

Cary reported that the initial construction is set to begin January/February 2007 timeframe. We are dealing with some challenging permitting issues. We have been working on this concept collaboratively since 1999. It is exciting to see it manifest! Steve F. pointed out that the first gulper was also a collaborative design in 1959. The FSC is slated to be functional in March 2008 and getting the first fish in April. The anchoring systems are being fleshed out and color is being chosen to preserve the feel of the site. Gary pointed out that the present gulper is pretty good for coho and sockeye smolts. The new FSC should be efficient across a broader range and size of species.

Hatchery

The design is nearly 15% complete. PSE is prepared to move ahead and complete it. The site is in Whatcom County, on USFS land, and requires a special use authorization. The plan includes upgrades to the existing spawning beaches and adding a hatchery to expand production. The USFS had planned to use the license for their NEPA compliance for permitting processes. Since the license has yet to arrive, Cary asked members how they would like to proceed in the meantime. We could lose a year (construction season) if we have to wait for the license. The current plan is to build the hatchery first, transfer all fish from spawning beaches to hatchery – then update the spawning beaches (two one-year projects).

After some discussion, we agreed that it didn't make sense to start a separate permitting process for the USFS approval in the meantime. We agreed to wait for the License Order and be prepared to act as soon as possible once the license is issued.

At the advice of some fish culture specialists, this hatchery program will now be constructed to be able to include fed fry. This may limit the actual numbers of fish, but should give us the same tonnage. Implications of feeding versus not feeding still need to be studied. It was agreed that this design process has also been extremely collaborative. The ultimate decision around feeding will likely be made by the co-managers and the fish culture experts.

Adult Trap Facility

The adult trap design is expected to be at 30% by the end of 2006 and is proceeding along nicely. We should begin construction in August 2007. We expect to be on-line three years early, operational in June of 2008. The settlement calls for plans within two years of the license (i.e., 2009, and with two years to construct, 2011). WaHOOOO! We are well ahead of schedule! Members expressed appreciation for these proactive efforts on the part of PSE.

Cary shared that we need to figure out how to integrate the adult trap area with the Visitor Center; Recreation Group will take this on. This also ties to Shorelines Permit (Town of Concrete). Things seem to be proceeding smoothly!

USFWS BIOLOGICAL OPINION

Lou Ellyn shared that they are aiming for end of January, 2007. They are assuming the Settlement agreement will be adopted whole. There are concerns with Marbled Murrelets, especially in the Bayview Campground and on trails.

There is a concern there aren't plans for where PSE is funding the USFS to act. Lou Ellyn also cited a predator problem – lots of gaps in FEIS (compared to a Biological Assessment). She reported that the Bull Trout piece is proceeding well and feels they have sufficient information. The Corps will be cooperating on NEPA in this B.O. The USFWS has to make some assumptions in the absence of plans to review.

QUORUM RULE

The Settlement Agreement is drafted primarily around this group (BRCC). The other resource-specific sub groups (Terrestrial, Recreation, Aquatic, and Cultural) also have a quorum rule. The rule states that all parties must be represented for decisions to be made in each group. Cary will set up a teamlet to suggest how we can employ this rule in a fair and consistent manner as per Article 601.

MEETING EVALUATION

What Went Well

- Got out early!
- Lynda's coordination of meeting – including software tweak so all can open attachments
- Liked warm up card game exercise
- Ed's disaster stories
- Cary's lion analogy
- Good, broad participation

What to Do Differently

- Wear red to next meeting – Valentine's Day!
- Not well prepared for legislation discussion
- Improve room set up
- Meet at Mountlake Terrace in Feb?

NEXT BRICC MEETING

February 14, 9 a.m. to 3 p.m. (Location TBD)

AGENDA TOPICS, NEXT MEETING

- Welcome, Review Notes, Agenda
- Timeline Update
- Flood Control Legislation Update
- Project Update: FSC, Hatchery, Elk Lands, Permitting Processes, etc.
- Other Topics?
- Next Steps
- Set Next Meeting Date and Agenda; Evaluate Meeting