

Lake Chelan Policy Committee Meeting

March 14, 2006
Second Floor Conference Room
Chelan County PUD Headquarters Building
Wenatchee, Washington

Meeting called by: Gregg Carrington Type of meeting: Lake Chelan Policy Committee
Facilitator: Gregg Carrington Note taker: Janel Duffy

Attendees: In person: Dennis Beich (WDFW), Bob Sheehan (USDA-FS), Annelise Lesmeister (NPS), Mark Miller (USFWS), Jay Witherbee (City of Chelan), Dave Fonfara (City of Chelan), Gregg Carrington (Chelan PUD), Michelle Smith (Chelan PUD), Craig Gannett (Davis Wright Tremaine for Chelan PUD), Carol Wardell (Chelan PUD)

By phone: Thomas O'Keefe (American Whitewater), Keith Kirkendall (NOAA)

Meeting Minutes

Introductions Carrington

Discussion: Introduced the schedule, asked for additional topic requests. Gave update on FERC information, staff is working on the license, no word on date, maybe waiting for new commissioners to come aboard.

Short discussion on the FEA, if it included specific recommendations. It does, where sufficient information was available.

In many instances, FERC did not provide an opinion, often because they did not have the final Settlement Agreement. It is time to update the LCPC contact list, a form was sent around the room. Alternates need to be identified as well.

Action items:	Person responsible:	Deadline:
Send Tom O'Keefe copy of Carol's memo	Janel	1 week
Send meeting minutes and contact list (with request for alternates)	Janel / Michelle	1 week

Policy Committee - Review of Responsibilities

Carrington

Discussion: When the License Order is issued by FERC: The Parties have 30 days to request a rehearing. A process was developed as follows: *Week 1:* Chelan PUD send notice of license to Parties immediately. On day two they send their summary to Parties to assist them with media. *Week 2:* Agencies caucus. Chelan PUD to arrange Policy Committee Meeting. *Week 3:* All Parties coordinate and decide if a joint or individual rehearing request. *Week 4:* Final revisions of rehearing request in letter to FERC including reason why rehearing is requested. Any request for a rehearing will likely include a request for a technical conference to provide an opportunity to develop alternative options. If a technical conference is denied, FERC will use the information provided in the written request to make a decision. Agencies will start looking at other rehearing requests to prepare legal counsel and staff. In the case of a material inconsistency, technical Staff may be called upon to develop alternative PME's or recommendations. (see Section 17.2.1 of the Settlement Agreement). The LCPC will assign work as needed to prepare for any technical conference.

Action items:	Person responsible:	Deadline:
Chelan PUD to provide notice of license and provide summary	Michelle / Janel	w. in 2 days of license
Update LCPC contact list and send with meeting minutes	Janel	1 week
Agencies to caucus as needed	Agency leads	Week 2 after license
Chelan PUD to arrange LCPC meeting after License Issuance	Gregg/Michelle	Week 2 after license
Chelan PUD to provide Pelton Round Butte rehearing and FERC link	Michelle / Janel	1 week
Chelan PUD to provide template of rehearing request and technical conference request	Gregg/Craig	1 week

License PME review

Carrington

Discussion: A handout of the proposed license articles and Chelan PUD's "best guess" at what FERC will change or eliminate was discussed. The assessment was based on a review of the Final Environmental Assessment, FERC policy guidance (see below), and mandatory conditions. The items discussed included: 4b. Stehekin sedimentation study (no known impact); 9a. Wildlife easements (FEA denied); 9c2. Riparian habitat improvements (no specific measures, out of project boundary); 11f. Rec. enhancement fund ("slush fund", may be out of boundary); 11o. Utility Improvements for Local Trail (out of boundary, no project impact); 12 Unforeseen Resource Needs ("slush fund").

Action items:	Person responsible:	Deadline:
Technical leads at agencies should review the Settlement Agreement and license articles. Agencies may want to discuss alternative options for riparian measure alternatives to present in case of a material change by FERC	Agencies	1 month

What's Anticipated		Carrington	
<p>Discussion: FERC policy, as defined in a Rocky Reach technical conference with FERC, was described. FERC requires that any measure meet the following criteria: 1) project nexus; 2) ongoing impact; 3) specific actions have been defined; 4) measures are within the project boundary (O&M may be required for projects outside of the project boundary, it is possible for FERC to bring a project within the project boundary); 5) FERC is responsible for ensuring the PUD is in compliance. This guidance helped in the assessment of the PMEs (see block above).</p>			
Action items:		Person responsible:	Deadline:
Email to LCPC and post on RR website FERC's guidance document		Michelle/Janel	1 week
Gaston Project Summary Discussion		Smith	
<p>Discussion: A memo and copy of the Gaston License order were handed out. FERC told Chelan PUD to look at this order. This order went through a request for rehearing and technical conference to determine alternative options. This process took approximately a year. The timeframe was set by FERC.</p>			
Action items:		Person responsible:	Deadline:
None			
Agency Funding/Contracting		Carrington	
<p>Discussion: Payment contract handout was discussed. Discussed the timeline for providing work plans and funds. Typically Chelan PUD has 180 days to set up funding and one year after license to submit work plans, then each Jan. 31st in subsequent years. The Agencies agreed Jan. 31st is fine. Their fiscal year begins October 1. They will have to award some contracts earlier than usual to allow work during low water.</p>			
Action items:		Person responsible:	Deadline:
None			
Dispute Resolution Process		Carrington	
<p>Discussion: The Dispute Resolution Process handout was discussed. Relevant parties work through resolution and it is rolled to LCPC if they are unable to resolve the issue.</p>			
Action items:		Person responsible:	Deadline:
None			