



PUGET SOUND ENERGY
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SETTLEMENT AGREEMENT ARTICLE 505 AQUATIC RIPARIAN HABITAT PROTECTION, RESTORATION, AND ENHANCEMENT PLAN

BAKER RIVER HYDROELECTRIC PROJECT
FERC No. 2150



Puget Sound Energy
Bellevue, Washington

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1.0 Executive Summary

This Aquatic Riparian Habitat Protection, Restoration, and Enhancement Plan establishes standards and guidelines for the protection and enhancement of low-elevation bottomland ecosystems in the Skagit River basin, with a focus on aquatic and riparian habitats. It has been prepared to guide implementation of settlement agreement article 505 (SA 505), “Aquatic Riparian Habitat Protection, Restoration, and Enhancement Plan,” of the *Order on Offer of Settlement, Issuing New License and Dismissing Amendment Application as Moot* for the Baker River Hydroelectric Project (FERC Project No. 2150). It is also designed to be consistent with license article (LA) 410, SA 105, SA 501, SA 508, and SA 511. This plan was prepared collaboratively by the Baker River Project Aquatic Resource Group (ARG) and the Terrestrial Resource Implementation Group (TRIG), which are composed of representatives of the signatories to the settlement agreement and other interested parties.

2.0 Introduction

This Aquatic Riparian Habitat Protection, Restoration, and Enhancement Plan (Aquatic Riparian Plan, or ARP) has been prepared for the Baker River Hydroelectric Project, FERC Project No. 2150 (“project”), pursuant to the *Order on Offer of Settlement, Issuing New License and Dismissing Amendment Application as Moot* dated October 17, 2008 (the “license”). Specifically, Settlement Agreement Article 505 (SA 505), “Aquatic Riparian Habitat Protection, Restoration, and Enhancement Plan,” sets forth the applicable guidance for this ARP. The ARP is also required under condition 5.9 of the Section 401 Water Quality Certification Conditions (appendix C of the license).

This ARP describes the steps Puget Sound Energy will take to meet the requirements of SA 505. It establishes the goals and objectives for aquatic and riparian habitat protection, restoration, and enhancement; and the criteria and procedures for site selection, acquisition, management, and reporting that will occur over the term of the license, or until modified by the ARG and TRIG according to procedures described herein. The ARP includes:

- A review of the pertinent license articles and settlement agreement articles to ensure that the ARP meets the applicable requirements.
- A statement of the plan’s goal and objectives.
- Regulatory references and definitions to maintain consistency with other pertinent laws, regulations, and policies.
- A description of the process by which it was developed.
- The procedures by which it can be modified in the future.
- Implementation requirements describing the specific criteria that will be applied and actions that will be taken.
- Reporting procedures that describe the content and format for annual reports, as required by the license.

This ARP was prepared collaboratively by the Baker River Project Aquatic Resource Group (ARG) and the Terrestrial Resources Implementation Group (TRIG), which include representatives from Puget Sound Energy and other signatories to the settlement agreement. The role of the ARG and the TRIG is to guide the general administration of ARP funds and approve individual resource actions for ARP funding. Since the level of interest in SA 505 varies among the parties in the ARG and TRIG, the Aquatic Riparian Habitat Working Group (ARHWG) was created to convene interested parties from the two groups to expedite the development and implementation of the ARP with approval by the full ARG and TRIG. The ARHWG will function as the technical working group for evaluating and prioritizing the aquatic and riparian resource actions proposed by members of the ARG and TRIG. The ARHWG will make recommendations to the ARG and TRIG for implementation decisions.

3.0 Basis for the Plan

SA 505 was developed to protect, restore, and enhance low-elevation bottomland aquatic and riparian ecosystems in the Skagit River Basin. This ARP establishes the guidelines and processes for selecting and implementing resource actions under SA 505 to protect, acquire, restore, and maintain habitat for anadromous salmonids, other aquatic species, and riparian-dependent birds and amphibians. Some selected resource actions may include removal of habitat impediments in the Skagit River basin (including the Baker River basin) and allow for both active and passive restoration activities. A large component of the ARP involves the acquisition of properties for the purposes of protecting aquatic and riparian resources where human activities threaten the integrity of healthy aquatic habitats, or for the purpose of acquiring degraded habitats for restoration.

The ARP has been prepared in response to settlement agreement (SA) 505, which is provided in its entirety below. The ARP is also designed to comply with license article (LA) 404, LA 410, SA 105, SA 201, SA 501, SA 508, and SA 511. Relevant portions of these other six articles are also provided below.

3.1 Settlement Agreement Article 505

Settlement agreement article 505, “Aquatic Riparian Habitat Protection, Restoration, and Enhancement Plan,” states:

Within two years of license issuance, licensee shall submit an Aquatic Riparian Habitat Protection, Restoration and Enhancement Plan (“ARP”) to the Commission for approval for the purpose of identifying actions to protect and enhance low-elevation bottomland ecosystems in the Skagit River basin, which includes the Baker River sub-basin, focusing on habitat for protection, acquisition, restoration and maintenance for anadromous salmonids, other aquatic species and riparian-dependent birds and amphibians.

Licensee shall develop the ARP in consultation with the TRIG and ARG, specifically including the USDA FS, WDFW, WDNR, The Nature Conservancy, the Upper Skagit Indian Tribe, the Sauk-Suiattle Indian Tribe, and the Swinomish Indian Tribal Community. Within one year of license issuance, licensee shall submit a draft of the ARP to the TRIG and the ARG for review and comment. At least 30 days prior to submitting the ARP to the Commission for approval, licensee shall

provide the ARP to the TRIG and the ARG for review and comment. Licensee shall include, with the ARP, an implementation schedule, documentation of consultation, copies of consulting entity comments and recommendations on the completed plan and schedule, and specific descriptions of how the entities' comments are accommodated by the plan and schedule. If licensee does not adopt a recommendation, the filing shall include the licensee's reasons, based on Project-specific information.

The ARP shall be prepared based on the following criteria:

- (a) candidate sites shall be examined for their potential to provide long-term benefits. Implementation proposals shall be based on a comparison of the predicted benefits arising at a specific site in relation to the costs of the action or actions proposed for the site, with the same factors for other sites with similar potential, based on a reasonable range of options for alternative sites;
- (b) the location of sites for the purposes of implementation shall be used to aid in prioritizing locations in the following order: i) within the Baker River basin, ii) within the middle Skagit River and tributaries immediately downstream of the Baker River (from the confluence with the Baker River to the Pipeline Crossing at RM 24.3), iii) within the lower Skagit River and estuary, and iv) elsewhere in the Skagit River basin, or as may otherwise be established in the ARP;
- (c) i) consideration of any potential to impair, diminish, or abrogate tribal treaty or cultural rights, by providing that the licensee shall identify suitable alternative sites or management activities if the designated representative of any affected tribe notifies the TRIG and ARG of its conclusion that a particular site or management activity will impair, diminish, or abrogate specific tribal treaty or cultural rights and describes the basis for its conclusion; ii) consideration of the potential for integration of the site acquisition and management required by this article and other articles to optimize the resulting ecosystem benefits; iii) consideration of appropriate land acquisition costs; iv) consideration the potential to secure grant funds to supplement the funds otherwise for implementation of this article; v) consideration of whether any sites so acquired are appropriately included in the Project boundary, and if so, provide for the filing of an appropriate request to the Commission; and vi) providing for continuing consultation with the TRIG and ARG in the implementation of the approved plan;
- (d) the plan shall be structured to allow for flexibility in revising site selection criteria and reprioritizing types of habitat lands to be protected, acquired, restored and/or managed in response to changing needs and conditions over the term of the license;
- (e) when considering land acquisition or management activities, evaluate the extent of required noxious weed management in accordance with criteria developed in Article 508;

- (f) to aid in the evaluation of a specific resource project and site selection proposed under the ARP, licensee shall provide information to the TRIG and ARG regarding any other resource projects being considered pursuant to other license article requirements similar to the project being considered, or that provide similar potential biological benefits and have the potential for integration with related enhancement actions; and
- (g) monitoring needs.

In addition to these general guidelines, the ARP shall require that up to \$1,000,000 of the funds available for implementation of the ARP be expended within the Baker River watershed, as established in the ARP. For funds expended outside the Baker Basin, a minimum of 50% shall be spent on riverine/riparian habitat acquisition with anadromous fish benefits. A minimum of 50% of the funds so spent on riverine/riparian habitat shall be spent on habitat that benefits both anadromous species and deciduous forest/wetland species, unless otherwise agreed by the TRIG and ARG.

Licensee shall provide funding for implementation of the ARP in a total amount not to exceed \$10,200,000, according to the following schedule for funding: \$50,000 available annually starting the first year following license issuance and concluding in the sixth year following license issuance for planning and site evaluation activities; \$300,000 available within two years following license issuance for initial protection, restoration, enhancement, and management activities; and \$2,000,000 available in each of years 3, 8, 13, and 18 following license issuance, and up to \$1,600,000 if phase two of Article 105 is not implemented.

For the purposes of this article, acquisition costs may include: transaction costs, such as completion of appropriate site assessments for hazardous materials and noxious weeds; land surveys, including timber cruise if needed; appraisals; habitat surveys; filing fees; excise taxes; title searches, reports, fees and insurance; closing costs; preparation of land acquisition agreements and any required governmental approvals. Acquisition costs may exclude: internal personnel and administrative costs of the parties associated with land acquisitions, such as staff salaries and benefits; attorney fees and other legal expenses incurred by the licensee or any other party not related to the preparation of land acquisition agreement and any required government approvals; and fees paid by the licensee to third parties for administrative costs associated with a third parties' acquisition of interests in land on behalf of the licensee. Prior to completing any transaction, the licensee will notify the TRIG and ARG, as appropriate, if it appears that transaction costs will be significantly higher than expected, and shall, in consultation with the TRIG and ARG, determine whether to proceed with a transaction with significant transaction costs.

If funds are available twenty-five years following license issuance, and licensee, in consultation with the TRIG and ARG, determines lands are not available and/or habitat enhancement or management actions are not feasible for any of the intended purposes of this article, the remaining funds required by this article may be made available to the HERC and/or TERF funds.

3.2 License Article 404

License article 404, “Programmatic Agreement and Historic Properties Management Plan,” states in part:

The licensee shall implement the “Programmatic Agreement Among the Federal Energy Regulatory Commission and the Washington State Historic Preservation Officer (SHPO) for Managing Historic Properties that May be Affected by a License Issuing to Puget Sound Energy for the Continued Operation of the Baker River Hydroelectric Project in Skagit and Whatcom Counties, Washington (FERC No. P-2150-033)” (Programmatic Agreement), executed on September 21, 2006, and including but not limited to the Historic Properties Management Plan (HPMP) for the project.

3.3 License Article 410

License article 410, “Threatened, Endangered and Sensitive Species Plan,” states in part:

Within one year of license issuance, the licensee shall file, for Commission approval, a plan to protect threatened, endangered, and sensitive species.

3.4 Settlement Agreement Article 105

Settlement agreement article 105, “Downstream Fish Passage Implementation Plan,” states in part:

If at any time before a phase 2 expansion segment is constructed for either the Upper Baker or Lower Baker Floating Surface Collector, NOAA Fisheries and the US Fish and Wildlife Service (USFWS) determine that phase 2 is not required as a prescriptive measure due to the success of phase one downstream passage, and both NOAA Fisheries and USFWS provide documentation to the licensee and to FERC that no further prescriptive measures are required, \$800,000 will be made available to fund projects identified pursuant to Article 505 for each unnecessary expansion.

3.5 Settlement Agreement Article 201

Settlement agreement article 201, “Programmatic Agreement,” states in part:

The licensee shall implement the “Programmatic Agreement Between the Federal Energy Regulatory Commission and the Washington State Historic Preservation Officer for Managing Historic Properties that May be Affected by a License Issuing to Puget Sound Energy for the Continued Operation of the Baker River Hydroelectric Project in Skagit and Whatcom Counties, Washington - FERC Project No. P-2150” (Programmatic Agreement) . . . including, without limitation, but not limited to the Historic Properties Management Plan (HPMP) attached to the Programmatic Agreement. The HPMP is approved and the licensee shall implement its provisions.

3.6 Settlement Agreement Article 501

Settlement agreement article 501, “Terrestrial Resource Management Plan,” states in part:

For license Articles 501-517, licensee shall provide an annual summary of expenditures made during the preceding year in conformance with the requirements of the license, as well as an accounting of funding expenditures, interest earned,

disbursements made as required by any article, and a report indicating adjustments made for inflation in accordance with Article 602.

3.7 Settlement Agreement Article 508

Settlement agreement article 508, “Noxious Weeds,” states in part:

The initial plan shall adjust treatment of all lands within the Project boundary, and those lands outside the Project boundary that were surveyed for noxious weeds during pre-licensing studies, as documented in the T6 Final Study Report, December 23, 2003. The plan shall address how noxious weed management considerations will be addressed when evaluating land acquisition proposals or other activities pursuant to Articles 502, 503, 504, and 505.

3.8 Settlement Agreement Article 511

Settlement agreement article 511, “Decaying and Legacy Wood,” states in part:

Within three years following license issuance, and annually thereafter, the licensee shall manage snags, logs and residual live trees (“Decaying and Legacy Wood”) located on existing or acquired Project lands for the purpose of enhancing Decaying and Legacy Wood structure to increase its value to snag and log dependant species.

4.0 Goal and Objectives

The goal of SA 505 is to protect, restore, acquire and/or enhance riparian and floodplain habitats in the Skagit River basin because of their high value to aquatic and terrestrial species. The intent of the article is to identify actions for the protection, restoration, and enhancement of low-elevation bottomland ecosystems in the Skagit River basin, including the Baker River sub-basin.

The objectives of the ARP are as follows.

1. Describe the process of identifying, selecting, prioritizing, and implementing aquatic and riparian resource actions.
2. Establish the framework for monitoring the use and allocation of SA 505 funds.
3. Outline the schedule for implementation of SA 505
4. Reporting protocols?

5.0 Regulatory Reference and Definitions

Implementation of SA 505 will be in compliance with all applicable local, state, and federal laws and regulations. If conflicts exist between the objectives or management guidelines of this ARP and any applicable law or regulation, the objectives and guidelines will be followed to the extent possible while still complying with the law or regulation.

5.1 Federal Authority and Reference

5.1.1 Endangered Species Act

The Federal Endangered Species Act of 1973 (ESA), as amended, prohibits the “take” of species listed as threatened or endangered. The definition of take includes activities that

harm or harass individuals of a listed species. Active enhancement of riparian and aquatic habitats (such as the manipulation of vegetation or modification of stream channels) where listed species are present can be considered take if the activity leads to the harm or harassment of individual animals. Management activities in riparian and aquatic habitats will be conducted in a manner that does not result in unauthorized take of listed species. Riparian and aquatic habitats with the potential to support listed species will be checked for the presence of such species prior to any enhancement activity, and the activity will be adjusted as needed to comply with the ESA.

5.1.2 Clean Water Act

Section 404 of the Clean Water Act (CWA) requires the issuance of a permit by the U.S. Army Corps of Engineers (USACE) prior to any discharge of dredge or fill material into waters of the U.S., including wetlands. As part of the permitting process, applicants must also demonstrate compliance with the ESA, the National Historic Preservation Act (NHPA), the Coastal Zone Management Act, and section 401 of the CWA. Enhancement and restoration activities in aquatic habitats, such as culvert placement and stream restoration, may require section 404 permits from the USACE and Section 401 water quality certifications from Ecology. Activities should be designed to minimize their effect on waters of the U.S.

5.1.3 Wild and Scenic Rivers Act

The Baker River flows into the Skagit River, which is a designated wild and scenic river under the Wild and Scenic Rivers Act from about Sedro-Woolley (river mile 24.5) to Bacon Creek (river mile 83). The Forest Service manages the Skagit River Wild and Scenic River segment to protect and enhance the free-flowing condition, water quality, and outstanding remarkable values for which the river was designated, while providing for public recreation and resource uses that do not adversely impact or degrade those values. Activities proposed under SA 505 that are to be conducted in areas under the jurisdiction of the Wild and Scenic Rivers Act, will be designed to be consistent with the provisions of the Act.

5.2 Washington State Authority and Reference

5.2.1 Washington Forest Practices Act

Management activities on non-federal forestlands in Washington are generally subject to the Washington Forest Practices Act (RCW 76-09) and Forest Practices Rules (FPR). As such, certain forest management activities require prior approval through the Forest Practices Approval (FPA) process, and others simply require conformance to the FPR without prior approval. Timber harvesting and other enhancement activities in forested riparian areas may require approval under the FPR.

5.2.2 Shoreline Management Act

Activities conducted within “shorelines of the state” (non-federal lands within 200 feet of lakes of 20 acres or more and streams with an average annual flow of 20 cubic feet per second [cfs] or more) are subject to review and approval under the Washington State Shoreline Management Act and pertinent county and city shoreline management master

programs. The shorelines of the Skagit River, Baker River, and larger tributary streams fall under the jurisdiction of the Shoreline Management Act. Riparian forest management activities within shorelines of the state come under the jurisdiction of the Forest Practices Act, and typically do not require separate approval under the Shoreline Management Act. Aquatic and riparian activities that do not fall under the jurisdiction of the Forest Practices Act may require formal approval under the Shoreline Management Act.

5.2.3 State Hydraulic Code

The Washington State Hydraulic Code (RCW 77.55) requires the issuance of a hydraulic project approval (HPA) from WDFW for any activity that will use, divert, obstruct, or change the bed or flow of a water of the state. State waters include all marine and fresh waters, except those watercourses that are entirely artificial such as irrigation ditches, canals, and storm water run-off devices. Most management activities that will occur in aquatic habitats, including stream restoration and culvert improvements to restore fish access to habitat, will require an HPA.

5.2.4 State Owned Aquatic Lands (SOAL)

Washington State asserts ownership, through article XVII of the state constitution, to the, “beds and shores of all navigable waters in the state,” except those sold according to law. The State of Washington owns its aquatic lands in fee, and abutting owners and others wishing to use state-owned aquatic lands (SOAL) must obtain prior authorization for use of the land from the Washington Department of Natural Resources. Aquatic and riparian habitat protection, restoration and enhancement activities on SOAL would require such authorization.

6.0 Plan Implementation

6.1 Plan Area

The ARP area encompasses the entire Skagit River basin, with geographic prioritization for implementation as specified in section 6.6.2, “Evaluation and Ranking of Proposals.” The ARP area may be extended beyond the Skagit River basin as determined by the ARG and TRIG.

6.2 Rationale

Due to fluctuations of the project reservoirs, functional riparian habitat near the project is mostly limited to the upper end of Baker Lake. This critical habitat type, which benefits listed anadromous and terrestrial species as well as other aquatic and terrestrial species, is in short supply within the watershed. The only other riparian habitat is primarily associated with tributary streams, which in most cases are small, with steep gradients and rather poorly-developed riparian zones.

Although wetland and riparian habitat combined account for only a small percent of the total watershed, a disproportionately large number of common and special-status species occur in these communities. Avian species are observed in riparian, wetland, and

shoreline areas far more often than in any other habitat type represented in the project area.

This ARP has been developed to identify actions to protect and enhance low-elevation bottomland ecosystems in the Skagit River basin, including the Baker River sub-basin, that have habitats similar to those which might be available if the project were not relicensed. The ARP will facilitate acquisition of important riparian habitat in or near the Baker River basin to improve and enhance that habitat to meet basin objectives for fish and wildlife resources.

6.3 Funding

Funding for the ARP will be provided as described in Terrestrial Resource Management Plan (TRMP) section 6.3, “Funding for Settlement Article 505.” The use of funds will be reported annually as described in TRMP section 5.0, “Monitoring and Reporting.”

ARP funds may be used to support actions that enhance, conserve, acquire, or restore habitat for aquatic and riparian species. Actions funded through the ARP will be reviewed and approved by the ARG and the TRIG, subject to the decision-making and dispute resolution processes described in SA 601. ARP funds will be disbursed by Puget Sound Energy for approved resource actions upon receipt of invoices for actual expenditures made in conformance with the approved resource action and implementation schedule.

ARP funds will become available according to the schedule established in TRMP section 6.3, “Funding for Settlement Article 505,” but they need not be spent as they become available. Any unspent ARP funds will be carried forward until they are spent. All ARP funds will be tracked as described in SA 602. If ARP funds specified in SA 505 are still available in 2033, and Puget Sound Energy, in consultation with the ARG and TRIG, determines that lands are not available and habitat enhancement or management actions are not feasible for any of the intended purposes of SA 505, the remaining ARP funds may be made available to the Habitat Enhancement, Restoration, and Conservation Fund (HERC Fund) and/or the Terrestrial Enhancement and Research Fund (TERF) established pursuant to SA 602.

Funding for the ARP will be allocated as follows:

- Up to \$1,000,000 of ARP funds will be expended within the Baker River sub-basin.
- A minimum of 50 percent of the total ARP funds expended outside the Baker River sub-basin shall be spent on riverine/riparian habitat acquisition with anadromous fish benefits. A minimum of 50 percent of the funds so spent on riverine/riparian habitat shall be spent on habitat that benefits both anadromous species and deciduous forest/wetland species, unless otherwise agreed by the ARG and TRIG.

Whenever feasible and consistent with the requirements of the license, ARP implementation will share costs with other Baker License programs, seek matching funds, secure grant funds to supplement the funds otherwise available for the ARP, and pool resources with other conservation entities and programs. State and federal agencies and other entities are potential sources of funding for ARP resource actions. When applicable, and as grant procedures allow, additional funds from outside sources will be investigated and pursued.

6.4 Development and Modification of the ARP

The ARP was developed by consensus of the ARG and TRIG for approval by the FERC. The ARG and TRIG may propose ARP modifications and submit them to the FERC according to the procedures described in TRMP section 3.2.1, “Process for TRMP Implementation and Modification,” Although TRMP section 3.2.1 is specifically references the TRIG, proposed modifications to the ARP will include collaboration with the ARG. The TRMP section 3.2.1 states:

The TRMP will be implemented by Puget Sound Energy with TRIG oversight. The TRMP and individual terrestrial resource plans identify the programs Puget Sound Energy will establish to comply with the Settlement Agreement’s terrestrial articles. Puget Sound Energy will need to develop various site-specific and resource-specific procedures to implement the programs successfully. Puget Sound Energy and the other TRIG members will collaborate on site-specific and resource-specific procedures as needed, and implement them according to the programs identified in the TRMP and individual terrestrial resource plans. Puget Sound Energy will report on implementation of the terrestrial articles to the TRIG and the FERC as specified in Chapter 5. If Puget Sound Energy and other TRIG members find it necessary to modify the TRMP, they will collaboratively propose amendments for submittal to the FERC.

Over the term of the new license, the TRIG will convene at least annually by meeting, conference call, or other medium, to review TRMP implementation since the previous meeting and discuss implementation planned for the upcoming period. Puget Sound Energy will present summaries of past and proposed implementation for the TRIG to review.

6.5 Implementation Schedule

The schedule for implementation of the ARP will follow the funding schedule established in TRMP section 6.3, “Funding for Settlement Article 505,” as submitted to the FERC in September 2009. The initial budget for aquatic riparian habitat acquisition, protection, restoration, and enhancement is \$8,600,000 in 2006 dollars. Adjustments for inflation will be made according to the procedures described in TRMP section 6.6. Funding will be made available according to the schedule outlined in SA 505.

Up to another \$1,600,000 will be made available for aquatic riparian habitat acquisition, protection, restoration, and enhancement if phase two of FSC construction is determined not to be necessary per SA 105.

6.6 Procedures, Standards and Criteria

The ARP will be implemented following approval by the FERC. Implementation of the ARP is potentially and intentionally diverse and may involve funding a range of aquatic and riparian resource actions. These actions may include land acquisitions and easements to protect or improve degraded habitat, culvert improvements to restore fish access to isolated habitat (including floodplain and off-channel habitat), improvement of other natural processes to benefit lowland habitats or habitat-forming processes in the floodplain, and efforts such as stream restoration or reestablishment of native riparian vegetation, etc.. Selection and implementation of aquatic riparian resource actions will

occur as described in sections 6.6.1 through 6.6.6. Monitoring, maintenance, and management of actions supported by ARP funds are described in section 6.7.

6.6.1 Solicitation and Review of Proposals

Members of the Baker River Coordinating Committee (BRCC), ARG, or TRIG may sponsor aquatic riparian resource action proposals to the ARG and TRIG for consideration at any time. Non-BRCC entities and conservation groups may also submit resource action proposals, but all proposals must be sponsored by a member of the ARG or TRIG (the sponsor) as per SA 601.

To facilitate timely and efficient review of proposals, the ARG and TRIG will implement the following steps.

- Step 1.** The ARG and TRIG will hold a joint meeting in the fall of each year to provide initial feedback on proposed actions before detailed proposals are prepared. The date for the meeting will be set at least one month in advance. Sponsors of proposed actions who want initial feedback must submit written summaries of the actions (up to two pages) to the Puget Sound Energy (PSE) ARG or TRIG representative at least two weeks prior to the meeting. The PSE will distribute the summaries to the other ARG and TRIG members. The sponsor will then attend the meeting to present their proposed actions. ARG and TRIG members will comment on the feasibility of funding the proposed actions presented at the meeting, and offer suggestions for improving the action and/or the written proposal as appropriate. At the meeting, BRCC members may also request ARP funding to support the preparation of formal proposals for aquatic riparian resource actions.
- Step 2.** By mid-January of each year, PSE will inform the ARG and TRIG of the amount of ARP funding to be available in the current calendar year. This will include uncommitted funds from previous years, plus any funds scheduled to become available in the current year.
- Step 3.** To ensure consideration by the ARG and TRIG for funding in the current calendar year, formal proposals containing information specified by the ARG and TRIG must be submitted electronically to the PSE ARG or TRIG representative by February 15. PSE will distribute the proposals to the ARG and TRIG members.
- Step 4.** In March of each year, the ARG and TRIG will hold a joint meeting to consider all formal proposals submitted by February 15, including proposals for actions that may not have been discussed with the ARG and TRIG the previous fall. At their discretion, the ARG and TRIG may also review proposals submitted after February 15. The sponsor, or a member of the ARG or TRIG designated by the sponsor, must be present at the meeting to explain all proposals. The ARG and TRIG may act on a proposal according to the process specified in SA 601, or they may request additional information and defer decisions on specific proposals to subsequent meetings that comply with SA 601. When acting on proposals, the ARG and TRIG may:

- a. Approve a proposal for ARP funding.
- b. Approve a proposal for funding, contingent upon the receipt of additional funding from a non-ARP source identified in the proposal.
- c. Defer a proposal for reconsideration the following year.
- d. Reject a proposal.

Step 5. Proposals submitted after February 15 may be reviewed by the ARG and TRIG at their discretion at any time during the year, or they may be held for later consideration. All ARG and TRIG decisions on aquatic riparian resource action proposals will be made consistent with SA 601.

6.6.2 Evaluation and Ranking of Proposals

To be eligible for funding under the ARP, resource actions must be designed to satisfy the requirements of SA 505 and improve low-elevation bottomland habitats in the Skagit River basin (including the Baker River sub-basin) for the benefit of anadromous salmonids, other aquatic species, and/or riparian-dependent birds and amphibians. Proposed resource actions must also be consistent with applicable laws and, to the extent feasible, consistent with policies and comprehensive plans in effect at the time of proposal.

The ARG and TRIG will evaluate and rank proposals according to the general criteria listed below. These criteria may be modified by the ARG and TRIG in response to changed habitat needs and circumstances in the Skagit River Basin. Evaluation criteria may include, but are not limited to, the following.

1. **Predicted long-term costs and benefits.** Proposed resource actions will be evaluated for their potential to provide sustainable long-term benefits to aquatic and riparian species relative to the cost of implementation. This evaluation will be based on a comparison of the predicted costs and benefits of a proposed action to:
 - o The costs and benefits of not implementing the action.
 - o The costs and benefits of other proposed actions being considered by the ARG and TRIG at the time.

In the comparison, “costs” will be limited to the portion of total resource action costs to be covered by ARP funds, and “benefits,” will be defined as net increases in the quantity or quality of aquatic or riparian habitat that would not be realized without the habitat protection, restoration, or enhancement action proposed for ARP funding. For example, the costs of removing an anadromous fish barrier could include the costs for design, permitting, materials, initial labor, and long-term maintenance of a new road culvert. The benefits would be the amount and quality of habitat made accessible to anadromous fish. These costs and benefits could be compared to the costs and benefits of another action proposed at the same time, such as re-connecting off-channel rearing habitat or restoring streamside vegetation.

2. **Location.** Proposed actions will be ranked according to geographic location, in the following order (starting with highest priority):
 - a. Within the Baker River sub-basin.
 - b. Within the middle Skagit River and tributaries immediately downstream of the Baker River (from the confluence with the Baker River to the pipeline crossing at river mile 24.3).
 - c. Within the lower Skagit River and estuary downstream of river mile 24.3.
 - d. Elsewhere within or outside the Skagit River Basin, as determined by the ARG and TRIG.
3. **Integration with other license articles.** Proposed actions will be evaluated for potential integration with site acquisition and management activities required by SA 502, “Forest Habitat;” SA 503, “Elk Habitat;” and SA 504, “Wetland Habitat.” The effectiveness of restoration efforts and resulting ecosystem benefits can be greatly increased by concentrating complimentary restoration efforts (such as protection, restoration, or enhancement) within a subset of drainages chosen for their relatively high chances of success. Proposed actions should be connected in this way if possible, although stand-alone actions will be evaluated.
4. **Costs of land acquisition.** Proposed actions that involve land acquisition will be evaluated for consistency with local land values.
5. **Noxious weed management.** Proposed actions that involve land acquisition or management activities will be evaluated for the extent and cost of required noxious weed management in accordance with criteria developed in SA 508, “Noxious Weeds.”
6. **Fund expenditure guidelines.** Proposed actions will be evaluated relative to the funding schedule and expenditure guidelines established in SA 505.
7. **Supplemental funding.** Proposed actions with the potential for supplemental or joint funding may be ranked higher than actions with comparable costs and resource benefits that would be fully supported by ARP funds.
8. **Habitat characteristics.** Proposed actions will be evaluated for their ability to protect, restore, or enhance aquatic and riparian habitats and functions.
 - **Physical structure.** Actions supported by ARP funds should protect, restore, or enhance the natural physical structure of aquatic and riparian habitats.
 - **Biological community.** Actions supported by ARP funds should seek to maintain or restore native populations of plants and animals to aquatic and riparian habitats. Proposed actions that would benefit multiple species or groups of species may be ranked higher than actions that would benefit only one or a few species.
 - **Physical processes.** Actions supported by ARP funds should seek to maintain or restore natural physical processes.
 - **Habitat function.** Proposed actions will be evaluated for their ability to restore and protect natural habitat functions for the long-term.

9. **Monitoring, maintenance, and management requirements.** The short-term and long-term monitoring, maintenance, and management requirements and costs of each proposed action will be considered. If monitoring, maintenance, or ongoing management are necessary to ensure that the action provides the desired resource benefits, the scope and costs of monitoring, maintenance, and management should be specified in the proposal.
10. **Timing.** The timing of proposed actions will be considered from two perspectives. Actions that would quickly result in lasting benefits to aquatic and riparian resources will be ranked higher than actions that would take longer to provide similar benefits. In addition, actions that present a narrow window of opportunity may be considered before actions that could be implemented with equal effectiveness in subsequent years.
11. **Existing requirement for action.** Proposals for resource protection or enhancement actions that are already required by law, regulation, license, permit, contract, or binding commitment may be denied ARP funding.

6.6.3 Implementation of Resource Actions

Selected resource actions will be implemented by the proponents once they have been approved by the ARG and TRIG. Funding for implementation efforts may include, but not be limited to, design, permitting, land acquisition (including fee title and easement), restoration, enhancement, and construction.

6.6.4 Noxious Weed Management

The plan for SA 508, states how weed management considerations will be addressed when evaluating land acquisition proposals or other activities pursuant to [settlement agreement] Articles 502, 503, 504, and 505.”

Puget Sound Energy shall evaluate the extent of noxious weed management required for each parcel under consideration for acquisition or land management activities. The evaluation will include the steps described below. Each step will be developed in coordination with the TRIG, and will require TRIG approval prior to implementation.

6.6.5 Plants of Special Status

Plants of special status will be designated for management on a site-specific basis, consistent with SA 509, “Plants of Special Status,” and the Plants of Special Status Plan.

6.6.6 Revegetation

Revegetation, restoration, and enhancement activities funded by the ARP will be consistent with SA 508, “Noxious Weed Plan,” section 6.3.7, “Weed Prevention,” and will reflect the overall goal of using native plant species whenever practicable.

6.7 Monitoring, Maintenance, and Management

The need for monitoring, maintenance, and/or management of a resource action funded under SA 505 will be determined at the time the resource action is funded. The costs of monitoring and maintenance and the duration of those activities will be a consideration

when determining if an action should be funded. The responsibility for implementation of monitoring, maintenance, and management will also be determined at the time of funding. Any costs associated with such monitoring, maintenance, and management will be allocated with the initial funding of the activity and subject to the funding limits of SA 505.

7.0 Reporting

PSE will consult with the TRIG and ARG in implementing the ARP through the term of the license. During that time, PSE, the ARG, and the TRIG will annually review progress made towards habitat protection and report their findings.

Reporting on implementation of the ARP will be consistent with TRMP section 5.0, "Monitoring and Reporting." PSE will prepare an annual report that describes activities carried out and/or funded under the ARP during the previous January through December. If reports on the effectiveness of funded actions are provided by funded parties, these will be included in the annual reports. Each report will include a list of all funding and expenditures applicable to the ARP budget during the year, including an accounting of funding expenditures, interest earned, disbursements made, and adjustments made for inflation. Reports will be provided to the ARG and TRIG for review and comment.

7.1 ARP Annual Report Schedule

As per SA 501, PSE will submit a draft ARP annual report to the ARG and TRIG for a 30-day review and comment period no later than July 31 of each year. Based on input from the ARG and TRIG, PSE will revise the draft ARP annual report as appropriate, and combine it with other license article reports into a draft Baker River Project annual report for further review and comment prior to submittal to the FERC.

7.2 ARP Annual Report Content

The ARP annual report will provide:

- A summary of resource action proposals evaluated, prioritized, and approved during the year.
- A summary of resource actions implemented and lands/easements acquired during the year.
- A summary of wetland and deciduous forest habitat acres restored and/or acquired during the year.
- A description of problems encountered and remedial actions taken during the year.
- A summary of any issues or concerns identified by members of the ARG or TRIG during the year regarding implementation of the ARP.
- A summary of all activities related to the ARP budget during the year, including an accounting of funding expenditures, interest earned, disbursements made, and adjustments made for inflation.
- A list of any changes to the ARP proposed by consensus of the ARG and TRIG during the year.

8.0 Document Review Comments and Responses

Puget Sound Energy distributed a preliminary draft ARP to the TRIG on August 25, 2009 and the ARG on August 13, 2009 for 30-day review and comment as required by SA 505 to submit a draft of the ARP to the TRIG and the ARG for review and comment. Comments on the preliminary draft were due to Puget Sound Energy on October 30, 2009. The preliminary draft ARP was presented to the ARG during a meeting on August 11, 2009. The same draft was presented to the TRIG on August 25, 2009, and discussed at a subsequent TRIG meeting on September 3, 2009. Additional drafts were also prepared and provided to the ARG and TRIG for review and comment prior to submittal for formal review. A draft ARP was formally transmitted to all ARG and TRIG members via US Mail on June 24, 2010 for a 30-day review and comment period; comments were due on July 30, 2010. The final ARP submitted to the FERC will incorporate comments received on the June 2010 draft, and will represent the consensus view of the ARG and TRIG. The final draft will list the recipients of the draft ARP of June 2010, along with reviewers' comments and PSE's responses.

8.1 First Review Period, August 11 – October 30, 2009

8.1.1 Distribution Lists

Table 1. Terrestrial Resources Implementation Group distribution list for the Aquatic Riparian Habitat Protection, Restoration and Enhancement Plan, first review period.

Name	Organization	Address
Len Barson	The Nature Conservancy	1917 First Avenue Seattle, WA 98101
JoAnn Gustafson	WA Dept. Natural Resources	919 N. Township Sedro-Woolley, WA 98284
Brock Applegate	WA Dept. of Fish and Wildlife	PO Box 1100 La Conner, WA 98257
Lou Ellyn Jones	US Fish and Wildlife Service	510 Desmond S.E., Ste. 102 Lacey, WA 98503-1273
Greta Movassaghi	USDA Forest Service	810 State Route 20 Sedro-Woolley, WA 98284
Scott Schuyler	Upper Skagit Indian Tribe	25944 Community Plaza Sedro-Woolley, WA 98284
Chris Danilson	Sauk-Suiattle Indian Tribe	PO Box 368 La Conner, WA 98257
Stan Walsh	Sauk-Suiattle Indian Tribe	PO Box 368 La Conner, WA 98257
Stan Walsh	Swinomish Indian Tribal Community	PO Box 368 La Conner, WA 98257
Todd Wilbur	Swinomish Indian Tribal Community	PO Box 368 La Conner, WA 98257
Robert Kuntz	North Cascades National Park	810 SR 20 Sedro-Woolley, WA 98284
Bob Nelson	Rocky Mountain Elk Foundation	45 Overmeyer Road Raymond, WA 98577


Name	Organization	Address
Patrick Goldsworthy	North Cascades Conservation Council	P.O. Box 95980 Seattle, WA 98145-2980
Cary Feldmann	Puget Sound Energy	10885 NE 4 th St PSE-09S Bellevue, WA 98004-5591
Informal Courtesy Copy		
Jon-Paul Shannahan	Upper Skagit Indian Tribe	25944 Community Plaza Sedro-Woolley, WA 98284

Table 2. Aquatic Resources Group distribution list for the Aquatic Riparian Habitat Protection, Restoration and Enhancement Plan, first review period.

Name	Organization	Address
Ric Abbett	The WA Council of Trout	3025 Angus Drive S.E. Tenino, WA 98589
Len Barson	The Nature Conservancy	1917 First Avenue Seattle, WA 98101
Chuck Ebel	US Army Corps of Engineers	4735 E. Marginal Way S. Seattle, WA 98124
Alison Evans	WA Department of Ecology	3190 160th Ave. S.E. Bellevue, WA 98008-5452
Steve Fransen	NOAA Fisheries	510 Desmond S.E., Ste. 103 Lacey, WA 98503
JoAnn Gustafson	WA Dept. Natural Resources	919 N. Township Sedro-Woolley, WA 98284
Bob Helton	Skagit County Resident	21032 Little Mountain Rd. Mount Vernon, WA 98274
Brock Applegate	WA Dept. of Fish and Wildlife	PO Box 1100 La Conner, WA 98257
Lou Ellyn Jones	US Fish and Wildlife Service	510 Desmond S.E., Ste. 102 Lacey, WA 98503-1273
Scott Lentz	USDA Forest Service	810 State Route 20 Sedro-Woolley, WA 98284
Jeff McGowan	Skagit County	1800 Continental Place Mount Vernon, WA 98273-5625
Scott Schuyler	Upper Skagit Indian Tribe	25944 Community Plaza Sedro-Woolley, WA 98284
Arn Thoreen	Skagit Fisheries Enhancement Group	29517 S. Skagit Hwy Sedro-Woolley, WA 98284
Stan Walsh	Sauk-Suiattle Indian Tribe	PO Box 368 La Conner, WA 98257
Stan Walsh	Swinomish Indian Tribal Community	PO Box 368 La Conner, WA 98257
Stan Zyskowski	North Cascades National Park	810 SR 20 Sedro-Woolley, WA 98284
	Town of Concrete	45909 Division Street Concrete, WA 98237

Name	Organization	Address
Cary Feldmann	Puget Sound Energy	10885 NE 4 th St PSE-09S Bellevue, WA 98004-5591
Informal Courtesy Copy		
Greta Movassaghi	USDA Forest Service	810 State Route 20 Sedro-Woolley, WA 98284
Jon-Paul Shannahan	Upper Skagit Indian Tribe	25944 Community Plaza Sedro-Woolley, WA 98284

8.1.2 Example Transmittal Letter

 **PUGET SOUND ENERGY**
The Energy To Do Great Things

Puget Sound Energy
P.O. Box 97034
Bellevue, WA 98009-9734
PSE.com

August 28, 2009

VIA CERTIFIED MAIL, RETURN RECEIPT

Brock Applegate
WA Dept. of Fish and Wildlife
PO Box 1100
La Conner, WA 98257

**Re: Baker River Hydroelectric Project, FERC No. 2150 -
Draft Aquatic Riparian Habitat Protection, Restoration, and Enhancement Plan Submittal for
Consultation**


Dear Brock,

On October 17, 2008, the Federal Energy Regulatory Commission (FERC) issued a new license for Puget Sound Energy, Inc.'s (PSE's) Baker River Hydroelectric Project (FERC No. 2150). In license Article 505, FERC directed that PSE, develop in consultation with the ARG and TRIG, an Aquatic Riparian Habitat Protection, Restoration Plan (ARP). Article 505 also required that PSE, submit a draft ARP to the Aquatic Resources Group (ARG) and the Terrestrial Resources Group (TRIG) for review and comment.

Enclosed with the letter is the draft ARP. Please review this plan and send your comments and/or recommendations to me. PSE is required to allow a minimum of 30 days for the agencies to comment and make recommendations on the draft ARP. You may submit your comments using the enclosed reply form or using track changes in the electronic document sent the ARG on August 13, 2009 and the TRIG on August 25, 2009. **Please respond with your reply by October 30, 2009.**

The draft ARP is being distributed to the persons listed in the attached Baker Aquatic Riparian Habitat Protection, Restoration, and Enhancement Plan Distribution List. This list represents persons previously identified to PSE as the appropriate representative for the respective consulting party's review of 505 issues. If any recipient wishes to change their designated representative for subsequent transmittals, please submit a written request to me providing the contact information for the desired recipient.

Thank you for your efforts in supporting this process. If you have any questions, please call me at 425-462-3771 or jacob.venard@pse.com.

Sincerely,


Jacob Venard
Natural Resource Scientist - Fisheries

Enclosures

cc: Distribution List

Doc ID: BAK20090828.0173.PSE.ARP

8.1.3 Reviewer Comments and PSE Responses

Table 3. Comments from review of the ARP, August 11-October 30, 2009.

Comment	PSE Response
Washington Department of Fish and Wildlife – Brock Applegate, received October 30, 2009	
[Comment 1] 3.0 Basis for the Plan: first paragraph, third sentence, revised to read, "Some selected resource projects may include removal of selected habitat impediments in the Skagit River basin and allow for both active and passive restoration activities."	[Response 1] The text of the document has been revised as suggested.
[Comment 2] 4.0 Goals and Objectives: first paragraph, first sentence, revised to read, "The goal of SA 505 is protect, restore, acquire, and/or enhance riparian and floodplain type habitats in the Skagit River basin because of their high value for both aquatic and terrestrial species."	[Response 2] The text of the document has been revised as suggested.
[Comment 3] 4.0 Goals and Objectives: second paragraph, first bullet, revised to read, "Describe the process of aquatic and riparian resource project identification/ land acquisition, selection, prioritization, and implementation. "	[Response 3] The text of the document has not been revised as suggested. Land acquisition has been added to the introductory paragraph of Section 4.0 Goals and Objectives, as suggested in the previous comment. However, since land acquisition is included within the general term 'riparian resource project,' it would be redundant to repeat it as suggested in the comment.

Comment	PSE Response
<p>[Comment 4] 6.4 Implementation Schedule: the following text added:</p> <p>(From License Article 505: "Licensee shall include, with the ARP, an implementation schedule..." The ARHWG should create something more comprehensive than the above sentence for an implementation schedule. WDFW has some recommendations from our staff :)</p> <p>2010-2011 Strategic Plan for Implementing Article 505</p> <p>6.4.1 Consult with Nature Conservancy and other land acquisition conservation organizations to determine if: They have GIS services and real estate services that the ARHWG can utilize.</p> <p>They have near-term purchase options that might meet the terms of Article 505.</p> <p>Explore cost-share and delayed purchase options with these groups.</p> <p>6.4.2 If GIS and Real Estate Services are not available, contract services with private firm or with PSE staff.</p> <p>6.4.3 Within the 2010 calendar year, develop at least three options for acquisition, focusing on the following objective:</p> <p>Look for big purchases (>100 acres) outside the Baker Basin. Because of the limited private riparian lands present within the Baker Basin, and a mandatory \$1M allocation the Baker Basin, purchases within the Baker Basin should not be limited by parcel size.</p> <p>Seek opportunities for allowing the Skagit River to meander;</p> <p>Seek undisturbed riparian vegetative communities.</p> <p>Prioritize improving/purchasing habitat that includes special-status species (Should this be Priority Habitat and Species?)</p> <p>6.4.4 The ARHWG will draft a standard protocol for reviewing land acquisitions and opportunities, such that the ARG, TRIG and BRCC can make a decision on prospective purchases within [4] months, such that opportunities are not lost by bureaucratic delays.</p> <p>This protocol may include:</p> <ul style="list-style-type: none"> Boundary Identification Field Tour/review/surveys Environmental Assessment and community Consultation. Habitat quantification using HEP and other methods. Consensus development procedures and timelines. 	<p>[Response 4] This comment represents a detailed plan for one potential action (land acquisition) under SA 505. It is not a schedule for overall implementation of the article. The proposed action plan should be put forward by WDFW for consideration by the full ARG and TRIG under SA 505.</p> <p>To accommodate the diverse interests of the ARG and http://webmail.catalog.com/imp/message.php?mailbox=INBOX&index=7034TRIG, and the range of activities that may be funded by SA 505, PSE has intentionally avoided specificity as to the timing and nature of individual actions in the ARP.</p> <p>The intent of the ARP is to give the ARG and TRIG full discretion in the selection and funding of aquatic and riparian habitat protection, restoration and enhancement actions allowed under SA 505. A detailed process and schedule for land acquisition alone in the ARP could lead to the inadvertent exclusion of other types of actions for which funding is available under SA 505.</p> <p>As PSE and other members of the ARG and TRIG have learned through implementation of other license articles (e.g., SA 503) it is extremely difficult to anticipate all interests, needs and constraints when developing a priori procedures for land acquisition. PSE suggests that it would be more efficient and effective in the long run to establish the basic objectives of the Settlement Article and the schedule for funding in the ARP, and allow the ARG and TRIG the flexibility to respond to real-world conditions and opportunities when identifying and selecting actions to fund under SA 505.</p>

Comment	PSE Response
<p>[Comment 5] 6.5.2 Resource Project Evaluation: Bullet No. 6, first sub-bullet, bold text inserted, "This factor includes physical descriptive information such as total area, habitat types present (such as wetland, stream, and upland), vegetation types and condition including present species, size, and forest structure, stream channel process group, location with respect to other land use types, project impacts, and other pieces of information deemed important."</p>	<p>[Response 5] This comment requires clarification as to what is meant by the "size" of vegetation types and condition.</p>
<p>[Comment 6] 6.5.2 Resource Project Evaluation: Bullet No. 6, fourth sub-bullet, bold text inserted, "Biological factors consider the biological community, including plant community, the species that use or potentially use the site, the habitat for those species that might use the site, and potential benefit to those species."</p>	<p>[Response 6] The text of the document has been revised to reflect this comment.</p>
<p>[Comment 7] 6.5.4 Resource Project Implementation: third sentence, bold text inserted, "Implementation efforts will include, but not be limited to, design development, permitting, acquisition including fee title and easement, restoration, enhancement, and construction."</p>	<p>[Response 7] The text of the document has been revised as suggested.</p>
<p>[Comment 8] 7.1 ARP Annual Report Schedule: first sentence, "AGR" changed to ARG."</p>	<p>[Response 8] The text of the document has been revised as suggested.</p>
<p>[Comment 9] 7.2 ARP Annual Report Content: second bullet, bold text added, "A summary of resource projects implemented and lands/easements acquired during the year."</p>	<p>[Response 9] The text of the document has been revised as suggested.</p>
<p>[Comment 10] Appendix A: Item 1c, third sentence, bold text added, "Which salmonid species and life cycle stage(s) and other species of special-status (Should PHS Species go here instead?) are targeted to benefit by this project?"</p>	<p>[Comment 10] PSE received a number of divergent comments on Appendix A, including the comment to delete the entire appendix and develop an entirely new project ranking and evaluation system. PSE will work with the ARG and TRIG to determine the desired approach for project selection. In the interim, no changes will be made to Appendix A.</p>
<p>[Comment 11] Appendix A: Item 3d, second sentence, bold text added, "Consider the current level and imminence of risk to habitat in your discussion, especially habitat used by Special-Status species (Should this be Priority Habitats and Species?)."</p>	<p>[Response 11] See response to comment above concerning Appendix A.</p>
<p>[Comment 12] Appendix A: Item 3f, new third sentence added to read, "Please supply references from past projects."</p>	<p>[Response 12] See response to comment above concerning Appendix A.</p>
<p>[Comment 13] Appendix A: Item 6f, bold text added, "List existing structures (home, barn, outbuildings, fence) and other developments that may have degraded natural habitats (gravel pits, mines, etc.) on the property and any proposed modifications."</p>	<p>[Response 13] See response to comment above concerning Appendix A.</p>
<p>[Comment 14] Appendix A: Item 6l, bold text added, "Describe your approach to long-term stewardship and management of the land. Identify any planned use and management of the property, including the upland areas."</p>	<p>[Response 14] See response to comment above concerning Appendix A.</p>

Comment	PSE Response
Upper Skagit Indian Tribe - Jon-Paul Shannahan, received November 4, 2009	
<p>[Comment 15] "Please find the attached word document with the Upper Skagit Indian Tribe's comments embedded in track changes. Overall the Upper Skagit Indian Tribe (USIT) is seeking assurances that PSE's approach of leaving planning documents relatively vague for FERC submission will also come with enough substance to capture the "prime directive" of the settlement agreement. The USIT believes it is prudent to maintain flexibility with implementation, however that can be achieved by including more detail in this LA. The USIT favors making decisions at the resource team level, yet the USIT believes that is achievable only when the controlling document, in this case the Aquatic Riparian Habitat Protection Restoration and Enhancement Plan, clearly outlines the process and fully describes the original intent of the LA. The people tasked with implementing this LA will change over time and it is imperative that terms are clearly defined, that the goals and intent of this LA are institutionalized to provide a framework in which future personal can refer to for guidance. It is towards this goal that the USIT is submitting comments, and will continue to work toward in the coming months as the technical team finalizes this plan. Please give me a call or email with any questions or concerns. "</p>	<p>[Response 15] Comment noted.</p>
<p>[Comment 16] 2.0 Introduction: second paragraph, second sentence, bold text added, "It establishes the goals and objectives for aquatic and riparian habitat protection, restoration, and enhancement; and the criteria and procedures for site selection, acquisition, management; and reporting that will occur over the term of the license or until modified by ARG and TRIG provided modification is consistent with the license requirement."</p>	<p>[Response 16] The text of the document has been revised to reflect this comment.</p>
<p>[Comment 17] 2.0 Introduction: fourth paragraph, third sentence, bold text added, "These selected resource projects will serve to remove selected habitat impediments in the Skagit River basin and Baker River Basin to allow for both active and passive restoration activities."</p>	<p>[Response 17] The text of the document has been revised to reflect this comment.</p>
<p>[Comment 18] 2.0 Introduction: fourth paragraph, fourth sentence, revised to read, "A large component of the ARP includes the acquisition of properties for the purposes of protecting aquatic and riparian resources where human activities threaten the integrity of healthy aquatic habitats, or for the purpose of acquiring degraded habitats for restoration."</p>	<p>[Response 18] The text of the document has been revised to reflect this comment.</p>

Comment	PSE Response
<p>[Comment 19] 2.3 Settlement Agreement Article 105: first paragraph, comment inserted after paragraph, "At the time the funds do become available the ARHWG should make recommendation to TRIG and ARG as to how they are spent. USIT believes these funds if available should be targeted 100% for anadromous fish benefits, including restoration or acquisition of habitat types that improve the downstream survival of salmonids."</p>	<p>[Response 19]Comment noted. SA 105 is summarized in the ARP for reference only. Implementation of SA 105 is not otherwise addressed in the ARP.</p>
<p>[Comment 20] 6.5 Procedures, Standards and Criteria: first paragraph, third sentence revised to read, "These projects may include protective measures such as land acquisitions and easements, acquisition to improve degraded habitats, restoration projects such as riparian vegetation planting s restoring fish access to isolated fish habitats including floodplain and off-channel types, and improving other natural processes that improve lowland habitats or habitat forming processes in the floodplain."</p>	<p>[Response 20] The text of the document has been revised to reflect part of this comment. "Culvert improvements," were retained as possible aquatic resource projects, as were, "restoration efforts such as stream restoration or native vegetation restoration."</p>
<p>[Comment 21] 6.5.1 Resource Project Identification: first paragraph, second and third sentences revised to read, "Non-BRCC entities and conservation groups may submit resource project proposals, but all proposals must be sponsored by a member of the BRCC. All proposals for resource projects must meet the format criteria described in the RFP and contain the information outlined in the application (Appendix A)."</p>	<p>[Response 21] The text of the document has been revised to reflect part of this comment. Reference to an RFP has not been included in the ARP because the ARG and TRIG have not identified the need for an RFP as part of SA 505 implementation.</p>
<p>[Comment 22] 6.5.1 Resource Project Identification: between first and second paragraphs, comment added, "Will need to spell out the RFP process here."</p>	<p>[Response 22] The need for an RFP should be discussed by the ARHWG.</p>
<p>[Comment 23] 6.5.1 Resource Project Identification: second paragraph, first sentence, bold text inserted, "To be eligible for funding under the ARP, resource projects must be designed to satisfy the requirements of SA 505 and improve low-elevation bottomland habitats in the Skagit and Baker River basins for the benefit of anadromous salmonids, other aquatic species, and/or riparian-dependent birds and amphibians."</p>	<p>[Response 23] The text of the document has been revised to reflect this comment.</p>
<p>[Comment 24] 6.5.2 Resource Project Evaluation: Bullet No. 1, comment inserted after second sentence, "Who will generate these alternative lists, is this a requirement for the project sponsor to complete? This is a substantial request for project sponsors and results would be quite subjective. USIT believes that evaluating project costs should be conducted using metrics from other funding agencies criteria not those estimated by project sponsors."</p>	<p>[Response 24] As stated in SA 505, "Implementation proposals shall be based on a comparison of the predicted benefits arising at a specific site in relation to the costs of the action or actions proposed for the site, with the same factors for other sites with similar potential, based on a reasonable range of options for alternative sites." The ARHWG should discuss the process by which proposed project costs and benefits will be evaluated, and make any necessary revisions to Section 5.5.2 of the ARP.</p>

Comment	PSE Response
<p>[Comment 25] 6.5.2 Resource Project Evaluation: Bullet No. 2, comment inserted after first sentence, "In February there was a lively discussion about the area being exclusively defined by anadromous zone within the distinct zones listed below. The way USIT interprets the LA is that items B, C, & D are subject to the anadromous zone. The intent of the LA needs clarification."</p>	<p>[Response 25] The wording of SA 505 does not suggest it is limited exclusively to anadromous waters within the greater Skagit River basin. The ARG and TRIG should determine, through the collaborative process, if they would elect acquisitions and projects to be exclusive to anadromous waters. If they do, PSE will need to determine whether such actions are consistent with SA 505 compliance, and advise the ARG and TRIG accordingly.</p>
<p>[Comment 26] 6.5.2 Resource Project Evaluation: Bullet No. 3, third sentence, bold text inserted, "Projects should be well connected in this way if possible, yet stand alone projects that benefit Endangered Species or depressed stocks will be evaluated for addressing limiting factors that improve habitat productivity."</p>	<p>[Response 26] The text of the document has been revised as suggested.</p>
<p>[Comment 27] 6.5.2 Resource Project Evaluation: Bullet No. 6, fourth subheading (Biological Factors), second sentence added, "Special allowances should be given to projects that address limiting factors effecting species protected under the Endangered Species Act, and depressed stocks listed on state wide conservation listings."</p>	<p>[Response 27] The text of the document has been revised to reflect this comment.</p>
<p>[Comment 28] 6.5.3 Resource Project Selection and Prioritization: comment added at the end of the first paragraph, "We should make reference to LA 601. Is there time or process for modifying projects once submitted to address concerns from the committee? Does the project sponsor get to rank their own projects? Participation is limited to agencies and members of the BRCC, do we need a "quorum" or criteria for agency diversity to meet threshold for decision making? This is a section of the document that needs to be worked out by the technical working group."</p>	<p>[Response 28] This comment suggests the need for clarification on the process to be used by the ARG and TRIG for selecting projects. SA 601 defines the process by which decisions are made including participation and selection. Project proponents are not prohibited from participation in the process and decisions are by consensus. The ARHWG should clarify the process in the ARP by which proposal modifications can occur.</p>
<p>[Comment 29] 6.7 Monitoring, Maintenance and Management: first paragraph, second sentence added, "The costs of monitoring and maintenance and the duration of those activities shall be a consideration when determining if a project should be funded."</p>	<p>[Response 29] The text of the document has been revised as suggested.</p>
<p>[Comment 30] 6.7 Monitoring, Maintenance and Management: comment added following first paragraph, "I concur with the above but would also like to see the development of a more comprehensive maintenance program within this LA. If for instance PSE is to become owner of acquisition land, and some unforeseen event occurs and a project/property become damaged or diminishes ecosystem "benefit" will PSE fix this on their own dime? I think we should deliberately set aside funds so that the ARHWG or PSE can be effective stewards of the land and projects. Then at say year 40 if those funds have not been utilized make them available for whatever the ARHWG deems prudent."</p>	<p>[Response 30] Funding for projects (including land acquisitions) supported by SA 505 is specifically limited to the budget amounts stated in SA 505, with the possible addition of funds reallocated under provisions of SA 105 or SA 602. There is no additional funding. If the ARG and TRIG anticipate the need for contingency funding for an individual project, that funding can be allocated from the SA 505 fund at the time of project approval or from subsequent funding allotments identified in the funding schedule for SA 505,602, or 105.</p>

Comment	PSE Response
[Comment 31] Appendix A: following INSTRUCTIONS, comment added, "In addition a presentation to the ARWHG will be required for all submitted projects."	[Comment 31] If the other members of the ARHWG concur, the requirement for a presentation can be added to the ARP.
[Comment 32] Appendix A: Item 2a, sentences added to read, "Identify land ownership or any existing easements associated with project boundary. Please include 2 maps; one of general location and one at reach scale defining extent of project boundaries."	[Comment 32] See response to WDFW comment concerning Appendix A repeated below. "PSE received a number of divergent comments on Appendix A, including the comment to delete the entire appendix and develop an entirely new project ranking and evaluation system. PSE will work with the ARG and TRIG to determine the desired approach for project selection. In the interim, no changes will be made to Appendix A."
[Comment 33] Appendix A: Item 2b, second sentence added to read, "Provide assurances or describe plan on how the additional sequences will be implemented."	[Response 33] See response to WDFW comment above concerning Appendix A."
[Comment 34] Appendix A: Items 2c and 2d merged into a single item with the second sentence revised to read, "If a project design will be produced, what stage of project development is proposed (preliminary, or final)?"	[Response 34] See response to WDFW comment above concerning Appendix A.
[Comment 35] Appendix A: New Item 2d, inserted, "Describe the conceptual and financial requirements of a monitoring and maintenance plan."	[Comment 35] See response to WDFW comment above concerning Appendix A.
[Comment 36] Appendix A: Item 2e deleted and replace with, "For fish passage design projects, identify other fish passage barriers downstream or upstream of this project"	[Response 36] See response to WDFW comment above concerning Appendix A.
[Comment 37] Appendix A: Item 2f deleted.	[Response 37] See response to WDFW comment above concerning Appendix A.
[Comment 38] Appendix A: Item 3b, second sentence added to read, "Provide a breakdown of project costs by task."	[Response 38] See response to WDFW comment above concerning Appendix A.
[Comment 39] Appendix A: New Item 5 inserted, "5) Monitoring and Maintenance Each project should clearly outline any monitoring and maintenance activities needed for the project to reach self sustainability or desired future conditions. A well defined scope of work describing the monitoring and maintenance needs should include the following: The monitoring objective. Responsible parties. Cost of individual tasks outlined in a budget. The duration of activities."	[Response 39] See response to WDFW comment above concerning Appendix A.
[Comment 40] Appendix A: Original Item 6c, first sentence, bold text deleted, "Describe the habitat types on site (forested riparian/floodplain, wetlands, tributary, main stem, off-channel, bluff-backed beach, barrier beach, open coastal inlet, estuarine delta, pocket estuary, uplands, etc.), their size in acres, and quality."	[Response 40] See response to WDFW comment above concerning Appendix A.

Comment	PSE Response
<p>[Comment 41] Appendix A: original Item 6f, first sentence revised, bold text added, "List existing structures (home, barn, outbuildings, fences) on the property and any proposed modifications."</p>	<p>[Response 41] See response to WDFW comment above concerning Appendix A.</p>
<p>USDA Forest Service – Jon Vanderheyden, received December 1, 2009</p>	
<p>[Comment 41] "A major concern with the document is that it does not do a good job of incorporating the group thinking developed at the 3 team meetings. The meeting notes should be reviewed to insure that this is addressed."</p>	<p>[Response 41] PSE believes the ARP reflects the views held in common by the ARHWG based on received comments. Comments on the preliminary draft document received from other members of the ARHWG support this belief. The changes to the ARP suggested by other members of the ARHWG are relatively minor, and easily incorporated. However, this is a work-in-progress and undergo modification to reflect the consensus of the group.</p>
<p>[Comment 42] "In addition this article is suffering from lack of consistent attention. We suggest that there be a standing committee membership because there are random inputs and lack of cohesiveness, with the present ad hoc attendance. We request that PSE set timeline and trajectory for completion so that the process gains and retains momentum. The lack of focused attention to this article is resulting in disjoint collective memory and loss of the attendees' efforts, during the lull between meetings."</p>	<p>[Response 42] PSE appreciates the concern of the USFS that attention to the ARP has not been consistent. When the Preliminary Draft ARP was presented to the ARG on August 11, PSE suggested a 30-day review and comment period. At the request of the ARG, the review period was extended to October 31 (81 days). Unfortunately, a number of comments from ARG members were not received until early December. Undoubtedly, the members of the ARG have myriad other responsibilities and demands on their time, and all are making every effort to participate in ARP development in a timely manner. For our part, PSE is making every effort to record and retain the "collective memory" of the ARG and TRIG and ensure the interests of all are captured in the ARP. We believe the generally supportive responses to the preliminary draft indicate we are being successful.</p>
<p>[Comment 43] "A related concern is that this plan should provide guidance over a 50 year license and therefore be clearly thought out and organized. The document suffers from lack of editorial consistency. If the plan is to tier to TRIG conventions, as in several paragraphs then it should do so consistently throughout. For example; 6.3 and 6.4 cite other plans, but 6.5.5 restates the Noxious Weed Plan rather than simply referencing it. Then under 6.4, when this plan could reference the relevant section of the SA505 article it looks to the TRMP unnecessarily. Any restatements or summaries should accurately reflect the license article, as opposed to selecting certain portions for emphasis that do not reflect any group decision-making."</p>	<p>[Response 43] Achieving consistency in the format and presentation of a document is always challenging when the document is being prepared to satisfy a diversity of interests such as those represented by the ARG and the TRIG. PSE has attempted to bring consistency in format to all Baker River Project resource plans, but we have also placed a high priority on accommodating the interests of all ARG and TRIG members. When the interests of an ARG or TRIG member conflict with adherence to rigid document format, we relax the format unless doing so would conflict with the interest of another member. The resulting documents may not be as uniform as we would like, but we believe they do a better job of meeting their primary goal in satisfying the interests of the signatories to the Settlement Agreement.</p> <p>The specific format items noted in the comment are all intentional and all serve to meet the interests of one or more member of the ARG or TRIG. The partial citation of the Noxious Weed Plan in Section 6.5.5 was done specifically out of respect for the stated interest of the USFS to limit the use of land acquisition funds for weed control. If the USFS desires, the text can be removed from the ARP.</p>

Comment	PSE Response
USDA Forest Service – Greta Movassaghi, received December 3, 2009	
<p>[Comment 44] 3.0 Basis for the Plan: comment inserted at heading, "This first paragraph should be replaced with the 3 paragraphs under 6.6. Those are a clear and concise description of the basis or rationale for the plan and belong in the beginning of the document not tagged on as an afterthought."</p>	<p>[Response 44] Section 3.0 began as a simple summary statement of the basis for the ARP, with emphasis on the License and Settlement Agreement articles that led to or influenced its preparation. At the requests of other ARHWG members, it was expanded to its current form. Section 6.6 is a more detailed explanation of the ecological basis for the ARP. This general approach to Sections 3.0 and 6.6 is consistent with the format of other Baker River project resource plans. For that reason, PSE recommends keeping Sections 3.0 and 6.6 as they appear in the preliminary draft.</p>
<p>[Comment 45] 3.0 Basis for the Plan: second paragraph, second section, comment inserted, "The License Article specifically calls out provision of benefits to deciduous forest and wetland species. Therefore, SA article 502 and 504 are relevant to this article and should be called out just as these have been."</p>	<p>[Response 45] Section 3.0 lists only those License and Settlement Agreement articles with direct bearing on the implementation of the ARP. While it is true that SA 505 is intended to benefit deciduous forest and wetland species, and these same species groups will be benefited by SA 502 (Deciduous Forest) and SA 504 (Wetlands), neither SA 502 or SA 504 contains language that would directly influence the implementation of SA 505 or the ARP. Including reference to SA 502 and SA 504 in Section 3.0 of the ARP could inadvertently lead to the erroneous conclusion that one or both of the articles do directly influence implementation of the ARP.</p>
<p>[Comment 46] 6.4 Implementation Schedule: comment inserted following first paragraph, "Why not just restate the relevant section from SA 505 for clarity, no need to reference the TRMP when it is in this article."</p>	<p>[Response 46] The full text of SA 505 is already provided in Section 3.1 of the ARP. The TRMP is references in Section 6.4 because it provides additional detail on the implementation schedule.</p>
<p>[Comment 47] 6.5.1 Resource Project Identification: first paragraph, third sentence, comment inserted, "This is not an accurate reflection of group discussion or decision – making. We suggested a pre-proposal screening process. We have not adopted the rigorous SRFbd application process, and should not. It may be adapted for the purposes of 505 but has not yet been."</p>	<p>[Response 47] A number of ARHWG members made comments similar to this. PSE suggests the ARHWG review and revise the application instructions described in Appendix A to meet their mutual interests.</p>
<p>[Comment 48] 6.5.2 Resource Project Evaluation: comment inserted at heading, "How will these criteria be used/weighted/ranked? There was a proposed flow chart from the July meeting notes not included here."</p>	<p>[Response 48] Given the myriad types of projects that may be proposed for funding under SA 505, and the diverse nature of the ARG and TRIG, PSE suggests that evaluation criteria be weighed/ranked on a case by case basis as proposals are presented. Collectively, the ARG and TRIG have sufficient expertise and knowledge to make wise recommendations concerning proposals that are presented to them without the need for a standardized ranking system. To assist the ARG and TRIG, the ARP will include a flow chart for the evaluation and selection process.</p>

Comment	PSE Response
[Comment 49] 6.5.3 Resource Project Selection and Prioritization: comment inserted at heading, "What is the actual evaluation and prioritization process? We discussed that projects in the baker basin could not and should not be set up to compete with projects in the Skagit Basin. This procedure for evaluation and ranking needs to be spelled out."	[Response 49] See response to previous comment. The ARP will include a process flow chart to guide resource project evaluation and selection. The ultimate decision on which projects to fund under SA 505 rests with the ARG and TRIG on a case by case basis.
[Comment 50] 6.5.5 Noxious Weed Management: comment inserted at heading, "Tier to Noxious weed plan, no need to restate. See 6.5.6 below"	[Response 50] See response to general comment on document format above.
[Comment 51] 6.6 Rationale: comment inserted at heading, "See comment on 3.0. Can restate here or just delete."	[Response 51] See response to comment on Section 3.0 above.
[Comment 52] 7.0 Reporting: second paragraph, third sentence, comment inserted, "Should include a description of accomplishments in addition to related expenditures"	[Response 52] The text of the document has been revised to reflect this comment.
[Comment 53] APPENDIX A: comment inserted at heading, "This is an unduly cumbersome process, that is used to submit projects to the SRFbd. It should be refined by this group SA 505 specific goals and objectives. The flow chart should be included here, as should the pre-proposal process and format that was discussed at the meetings."	[Response 53] See response to WDFW comment concerning Appendix A repeated below. "PSE received a number of divergent comments on Appendix A, including the comment to delete the entire appendix and develop an entirely new project ranking and evaluation system. PSE will work with the ARG and TRIG to determine the desired approach for project selection. In the interim, no changes will be made to Appendix A."
Bob Helton	
[Comment 54] Various text throughout the document is highlighted.	[Response 54] Comment noted.
[Comment 55] 2.0 Introduction: third paragraph, third sentence, bold text inserted, ". . . the development and implementation of the ARP as approved . . ."	[Response 55] The text of the document has been revised as suggested.
[Comment 56] 3.0 Basis for the Plan: first paragraph, first sentence, inserted text in bold, "SA 505 was developed to protect, restore and enhance low-elevation bottomland aquatic and riparian ecosystems in the Skagit River Basin."	[Response 56] The text of the document has been revised as suggested.
[Comment 57] 3.0 Basis for the Plan: first paragraph, second sentence, comment inserted, "order?"	[Response 57] It is assumed this comment concerns the order of items listed in the referenced sentence. This order is for grammatical purposes only and implies no relative prioritization or chronological sequencing of habitat protection, acquisition, restoration or maintenance.
[Comment 58] 3.0 Basis for the Plan: second paragraph, third sentence, revised to read, "Relevant portions of these other five articles are also provided below."	[Response 58] The original text is correct. The sentence refers to the six (not five) articles listed in the paragraph, starting in the first sentence (SA 505, LA 410, SA 105, SA 501, SA 508 and SA 511).
[Comment 59] 3.1 Settlement Agreement Article 505: second paragraph after Item g), comment added at end of paragraph, "?"	[Response 59] This comment appears to question the statement in Article 505 that the licensee shall provide up to \$1,600,000 in funding if phase two of Article 105 is not implemented. This statement is correct.

Comment	PSE Response
[Comment 59] 4.0 Goals and Objectives: first paragraph, second sentence, inserted text in bold, "The intent of the article is to identify actions for the protection, restoration and enhancement of low-elevation bottomland ecosystems in the Skagit River Basin. . ."	[Response 60] The text of the document has been revised as suggested.
[Comment 60] 6.5.2 Resource Project Evaluation: Item 1, third sentence, comment inserted, "?"	[Response 61] This comment appears to question the statement that benefits will be defined to include net increases in the quality of aquatic or riparian habitat. The statement is correct. Improvements in the quality of aquatic or riparian habitat will be considered benefits for the purposes of SA 505.
[Comment 61] 6.5.2 Resource Project Evaluation: Item 6, first sub-bullet (Physical Habitat), second sentence, comment inserted, "?"	[Response 61] This comment appears to question the statement that physical descriptive information could include, "other pieces of information deemed important." This statement is included in the ARP to allow for the inclusion of any information that cannot be anticipated at this time, but is nevertheless important for evaluating a specific resource project proposal.
[Comment 62] 6.5.2 Resource Project Evaluation: Item 6, third sub-bullet (Physical Process), comment inserted, "?"	[Response 63] The meaning of this comment is unknown.
[Comment 63] 6.6 Rationale: third paragraph, first sentence, comment inserted, "present?"	[Response 63] This comment appears to imply that the ARP was developed to protect and enhance habitats that might be available if the Baker River Project were not present, as opposed to habitats that would be available if the Project were not relicensed, as stated in Section 6.6. This distinction between Project presence and Project relicensing was discussed at length during the development of SA 505 and other articles of the Settlement Agreement. It does not warrant further discussion at this time.
[Comment 64] APPENDIX A: Item 2d, comment inserted, "No Bull Trout?"	[Response 64] See response to WDFW comment concerning Appendix A repeated below. "PSE received a number of divergent comments on Appendix A, including the comment to delete the entire appendix and develop an entirely new project ranking and evaluation system. PSE will work with the ARG and TRIG to determine the desired approach for project selection. In the interim, no changes will be made to Appendix A."
[Comment 65] APPENDIX A: Item 6i renumbered to 6a, items 6a through 6h moved down in order.	[Response 65] See response to WDFW comment above concerning Appendix A.
Skagit Fisheries Enhancement Group, - J. Arn Thoreen, received October 28, 2009	
[Comment 66] "You did a very good job putting the nuts and bolts of Article 505 – Aquatic Riparian Habitat Protection, Restoration, and Enhancement Plan together in DRAFT form."	[Response 66] Comment noted.

Comment	PSE Response
<p>[Comment 67] "The only thing I would add is the need for the article in the first place. I would like to see an Introduction as simple as:</p> <p>'Studies have shown that since the Lower Baker Hydroelectric Project was completed in the 1920's significant decreases have occurred in the amount of productive salmon refugia available in the Skagit River downstream of the Project. While some of the habitat losses may be attributed to past Baker Project operation, most are caused by other land use decisions. As outmigrants from a new and robust Puget Sound Energy Fish Production Facility must pass through this stretch on their migratory route to and from the ocean, an investment into increasing the abundance, availability, and productivity of critical and diverse riparian habitat is deemed necessary. Article 505 – Aquatic Riparian Habitat Protection, Restoration, and Enhancement Plan attempts to address this need'</p> <p>Or a more detailed:</p> <p>'The Skagit River produces the bulk of native salmon utilizing Puget Sound. All of these stocks depend on habitat downstream of the Baker River Hydroelectric Project – FERC No. 2150 on their migratory route to and from the ocean. Since the inception of the Baker Project in the 1920's there has been a decrease in the amount and productivity of this critical habitat.</p> <p>Downstream impacts of a dam can be diverse. Run-of-the-river hydroelectric projects can interrupt the flow of gravel and large woody debris (LWD) as well as the ability to safely pass fish. The Baker SA addressed these issues in Article 108 (Gravel), Article 109 (LWD), Article 103 (Upstream Fish Passage). And Article 105 (Downstream Fish Passage).</p> <p>Reservoirs can have additional downstream impacts by changing the flood pulse of the river. Without the Baker Project, Baker Lake water level would be high in the winter and lower in the summer and high energy floods that create diverse riparian habitat downstream would be more common. With the Baker Project, the reservoirs are full in the summer to increase recreational opportunities and drawn down in the winter to provide flood water storage. Some impacts of this reverse of natural conditions are addressed in Article 101 – Fish Production. Pressure put on PSE to protect downstream property by decreasing the crest of a flood also decreases the complexity of downstream habitat for salmon. Article 505 attempts to mitigate these losses.'"</p>	<p>[Response 67] We believe the purpose and need for SA 505 were adequately discussed during PME development and documented in the Settlement Agreement. In the interest of keeping the SA 505 Aquatic Riparian Habitat Protection, Restoration, and Enhancement Plan focused on the task at hand – funding projects to protect, restore and enhance aquatic and riparian habitat –we have chosen not to repeat information that does not directly contribute to the accomplishment of this task, is available elsewhere or may contribute to misunderstanding of or e conflict with the stated objectives and rationale for SA 505.</p>

Comment	PSE Response
Washington Department of Natural Resources – JoAnn Gustafson, received September 9, 2009	
<p>[Comment 68] "This letter is to follow up on our telephone conversation today regarding State Owned Aquatic Lands (SOAL). Washington State Department of Natural resources (DNR) has reviewed the preliminary draft of the Aquatic Riparian Habitat Protection, Restoration and Enhancement Plan. Washington State asserted ownership (through article XVII of the state constitution) to the "beds and shores of all navigable waters in the state . . .," except those sold according to law. The State of Washington owns its aquatic lands in fee, and abutting owners and others wishing to use state-owned aquatic lands must obtain prior authorization for use of the land from the state."</p>	<p>[Response 68] Comment noted.</p>
<p>[Comment 69] "DNR understands the difficulty and the complexity of trying to put into place a habitat protection plan for the Skagit River Basin. The Department would like to bring awareness to the committee regarding SOAL and how any work on state land requires a prior use authorization from this Department. SOAL is all lands located waterward of the ordinary high water of all navigable waters in the state unless sold. Very little if any shorelands have been sold in the Skagit River, Sauk River, Baker River and Little Baker River systems. DNR's ownership would also include the river bars, side channels and some streams within Skagit County; therefore DNR needs to be involved in all projects that may be on or near SOAL."</p>	<p>[Response 69] Comment noted.</p>
<p>[Comment 70] "The Department would like to see some reference to state ownership placed into the plan in Section 5.0, or in another section that is acceptable to the members and PSE. Members and future members that will initiate projects need to be aware that those projects may be on state ownership and any work done will require prior use authorization. This authorization is in addition to any Hydraulic Project Approval, Shoreline Permit or Forest Practices Permit."</p>	<p>[Response 70] A new Section 5.2.4 has been added to the ARP to alert project proponents of the need to obtain prior DNR authorization for activities on SOAL.</p>
Skagit River System Cooperative – Stan Walsh, received January 5, 2010	
<p>[Comment 70] 1.0 Executive Summary: first paragraph, last sentence, bold text deleted, "This plan was prepared collaboratively by the Baker River Project Aquatic Resource Group (ARG) and Terrestrial Resource Implementation Group (TRIG), which are composed of representatives of the signatories to the settlement agreement and other interested parties." Comment inserted at same location, "only SA parties are members of the ARG and TRIG, if you are getting at the ACOE then that should be spelled out"</p>	<p>[Response 70] While the ARP may include comments or contributions made by others, the Plan is a work product of the ARG and TRIG which are composed exclusively of signatories to the Settlement Agreement.</p>
<p>[Comment 71] 3.0 Basis for the Plan: sentence added to end of first paragraph, "Degraded habitats may also be acquired specifically for restoration."</p>	<p>[Response 71] The text of the document has been revised to reflect this comment.</p>

Comment	PSE Response
<p>[Comment 72] 6.5.1 Resource Project Identification: second paragraph, first sentence, bold text deleted, "To be eligible for funding under the ARP, resource projects must be designed to satisfy the requirements of SA 505 and improve low-elevation bottomland habitats in the Skagit River basin for the benefit of anadromous salmonids, other aquatic species, and/or riparian-dependent birds and amphibians."</p>	<p>[Response 72] The question of whether SA 505 may only be implemented to primarily to the benefit anadromous fish was raised by another reviewer as well. The wording of SA 505 does not suggest it is limited exclusively to anadromous fish. If ARG and TRIG by consensus elect to select projects that are exclusive to anadromous waters that is their prerogative. It is not in the purview of the ARP to redefine SA 505 to create constraints not identified in the Settlement Agreement.</p>
<p>[Comment 73] 6.5.1 Resource Project Identification: second paragraph, comment inserted at end of paragraph, "is there a list of all the policies and comp plans that would guide this? Who's policies and to what degree? I realize it says to the extent feasible but we should have a discussion of this in the ARHWG"</p>	<p>[Response 73] The complete list of laws, regulations, plans and policies relevant to all resource projects that may be eligible for funding under SA 505 is beyond the scope of the ARP and may change over time. The more obvious laws and regulations are summarized in Section 5.0. Individual project proponents will be responsible for identifying pertinent regulatory requirements.</p>
<p>[Comment 74] 6.5.2 Resource Project Evaluation: first paragraph, comment inserted after first sentence, "These criteria should be fleshed out in more detail, along with schedule/time frames and the RFP content and process. If this level of detail is too much for the FERC requirement, then ARHWG should do this separately in a document that could be revised annually or as needed"</p>	<p>[Response 74] This comment and comments by other reviewers suggest the process for soliciting and reviewing resource project proposals is not clear among the members of the ARHWG. PSE suggests the ARHWG discuss this matter in detail before further revisions are made to the ARP.</p>
<p>[Comment 75] 6.5.2 Resource Project Evaluation: Item 1, comment inserted after second sentence, "How long a list do we need to generate before we start funding them and can a project be compared to completed and functioning projects already existing?"</p>	<p>[Response 75] This question should be included in the ARHWG discussion of resource project solicitation and review.</p>
<p>[Comment 76] 6.5.2 Resource Project Evaluation: comment inserted after Item 2a, "within the funding protocol set up"</p>	<p>[Response 76] The text of the document has been revised to reflect this comment.</p>
<p>[Comment 77] 6.5.2 Resource Project Evaluation: comment inserted after Item 3, "while we agree we would not want this weighted to heavily, a good stand alone could be much better than a decent integrated one"</p>	<p>[Response 77] The text of the document has been revised to reflect this comment.</p>
<p>[Comment 78] 6.5.2 Resource Project Evaluation: comment inserted after first paragraph of Item 6, "These are useful habitat features to consider, but it is not clear how they will be used in project evaluation"</p>	<p>[Response 78] The utility of habitat characteristics as evaluation criteria should be reviewed by the ARHWG.</p>
<p>[Comment 79] 6.5.2 Resource Project Evaluation: text inserted after Item 7, "most projects should have a monitoring component but that should be specifically targeted and concise. Monitoring should answer one of two questions 1) does the project function as designed and/or 2) does this project produce benefits that we would want to duplicate by funding similar projects?"</p>	<p>[Response 79] The text of the document has been revised as suggested.</p>
<p>[Comment 80] 6.5.3 Resource Project Selection and Prioritization: comment inserted following second sentence, "the ARHWG will need to spend considerable time developing the evaluation criteria"</p>	<p>[Response 80] As noted previously, PSE suggests the ARHWG address the matter of resource project evaluation criteria prior to further revisions to the ARP.</p>

Comment	PSE Response
<p>[Comment 81] 6.6 Rationale: first paragraph, first sentence revised to read, "Due to fluctuations of the project reservoirs, functional riparian habitat near the project is present only at the upper end of Baker Lake." Comment inserted at same location, "cliffs upstream of the barrier dam, a rock lined ditch downstream, there may be some shade cast but not a functional riparian with complex wood and bank roots"</p>	<p>[Response 81] The text of the document has been revised to reflect this comment.</p>
<p>[Comment 82] 6.7 Monitoring, Maintenance and Management: comment inserted following first paragraph, "For this reason projects that maintain or restore natural floodplain function are good, they should require less maintenance, having said that we do have the HERC fund that could be used for unforeseen repairs] [Again, monitoring needs to be targeted and concise"</p>	<p>[Response 82] Comment noted.</p>
<p>[Comment 83] Appendix A: Entire appendix deleted and replace with the following comment, "if a project ranking and evaluation mechanism needs to go to FERC with the ARP it should be one that the ARHWG specifically develops not the SRFB application that may not be best suited for the needs of the ARHWG"</p>	<p>[Response 83] See response to WDFW comment concerning Appendix A repeated below. "PSE received a number of divergent comments on Appendix A, including the comment to delete the entire appendix and develop an entirely new project ranking and evaluation system. PSE will work with the ARG and TRIG to determine the desired approach for project selection. In the interim, no changes will be made to Appendix A."</p>

8.2 Second Review Period, June 24 – July 30, 2010

8.2.1 Distribution List

Table 4. Terrestrial Resources Implementation Group distribution list for the Aquatic Riparian Habitat Protection, Restoration and Enhancement Plan, second review period.

Name	Organization	Address
Len Barson	The Nature Conservancy	1917 First Avenue Seattle, WA 98101
JoAnn Gustafson	WA Dept. Natural Resources	919 N. Township Sedro-Woolley, WA 98284
Brock Applegate	WA Dept. of Fish and Wildlife	PO Box 1100 La Conner, WA 98257
Lou Ellyn Jones	US Fish and Wildlife Service	510 Desmond S.E., Ste. 102 Lacey, WA 98503-1273
Greta Movassaghi	USDA Forest Service	810 State Route 20 Sedro-Woolley, WA 98284
Lorna Ellestad	Skagit County	1800 Continental Place Mount Vernon, WA 98273-5625
Scott Schuyler	Upper Skagit Indian Tribe	25944 Community Plaza Sedro-Woolley, WA 98284

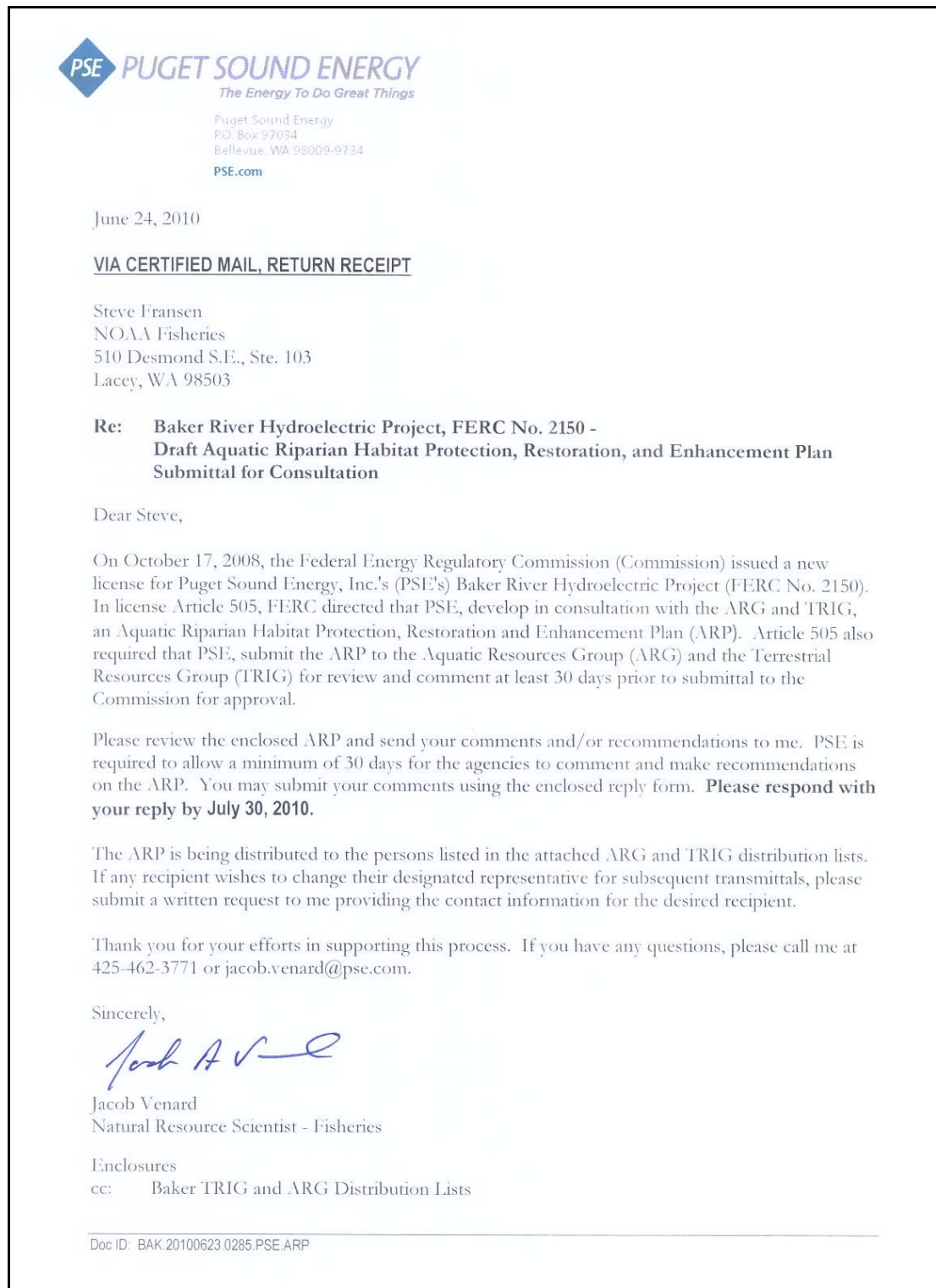
Name	Organization	Address
Stan Walsh	Sauk-Suiattle Indian Tribe	PO Box 368 La Conner, WA 98257
Stan Walsh	Swinomish Indian Tribal Community	PO Box 368 La Conner, WA 98257
Todd Wilbur	Swinomish Indian Tribal Community	PO Box 368 La Conner, WA 98257
Robert Kuntz	North Cascades National Park	810 SR 20 Sedro-Woolley, WA 98284
Bob Nelson	Rocky Mountain Elk Foundation	45 Overmeyer Road Raymond, WA 98577
Patrick Goldsworthy	North Cascades Conservation Council	P.O. Box 95980 Seattle, WA 98145-2980
Chris Madsen	Northwest Indian Fish Commission	6730 Martin Way E. Olympia, WA 98512
Cary Feldmann	Puget Sound Energy	10885 NE 4 th St PSE-09S Bellevue, WA 98004-5591
Informal Courtesy Copy		
Jon-Paul Shannahan	Upper Skagit Indian Tribe	25944 Community Plaza Sedro-Woolley, WA 98284

Table 5. Aquatic Resources Group distribution list for the Aquatic Riparian Habitat Protection, Restoration and Enhancement Plan, second review period.

Name	Organization	Address
Ric Abbett	The WA Council of Trout	3025 Angus Drive S.E. Tenino, WA 98589
Len Barson	The Nature Conservancy	1917 First Avenue Seattle, WA 98101
Chuck Ebel	US Army Corps of Engineers	4735 E. Marginal Way S. Seattle, WA 98124
Alison Evans	WA Department of Ecology	3190 160th Ave. S.E. Bellevue, WA 98008-5452
Steve Fransen	NOAA Fisheries	510 Desmond S.E., Ste. 103 Lacey, WA 98503
JoAnn Gustafson	WA Dept. Natural Resources	919 N. Township Sedro-Woolley, WA 98284
Bob Helton	Skagit County Resident	21032 Little Mountain Rd. Mount Vernon, WA 98274
Brock Applegate	WA Dept. of Fish and Wildlife	PO Box 1100 La Conner, WA 98257
Lou Ellyn Jones	US Fish and Wildlife Service	510 Desmond S.E., Ste. 102 Lacey, WA 98503-1273
Scott Lentz	USDA Forest Service	810 State Route 20 Sedro-Woolley, WA 98284
Lorna Ellestad	Skagit County	1800 Continental Place Mount Vernon, WA 98273-5625

Name	Organization	Address
Scott Schuyler	Upper Skagit Indian Tribe	25944 Community Plaza Sedro-Woolley, WA 98284
Sue Madsen	Skagit Fisheries Enhancement Group	PO Box 2497 Mount Vernon, WA 98273
Stan Walsh	Sauk-Suiattle Indian Tribe	PO Box 368 La Conner, WA 98257
Stan Walsh	Swinomish Indian Tribal Community	PO Box 368 La Conner, WA 98257
Ashley Rawhouser	North Cascades National Park	810 SR 20 Sedro-Woolley, WA 98284
	Town of Concrete	45909 Division Street Concrete, WA 98237
Cary Feldmann	Puget Sound Energy	10885 NE 4 th St PSE-09S Bellevue, WA 98004-5591
Informal Courtesy Copy		
Greta Movassaghi	USDA Forest Service	810 State Route 20 Sedro-Woolley, WA 98284
Jon-Paul Shannahan	Upper Skagit Indian Tribe	25944 Community Plaza Sedro-Woolley, WA 98284

8.2.2 Example Transmittal Letter



8.2.3 Reviewer Comments and PSE Responses


Table 6. Comments from review of the ARP, August 11-October 30, 2009.

Comment	Puget Sound Energy Response
DOE – Alice Kelly	
[Comment 1] PSE should still reference that the ARP is also required by Section 401 water quality certification condition 5.9 (p. 17). Condition 5.9 is almost identical to SA 505	[Response 1] The text of the ARP was revised to include a statement in the introduction stating that the ARP was also required by the Section 401 water quality certification.
[Comment 2] P. 7, Section 5.1.2: next to last sentence, "...may require section 404 permits from the USACE and Section 401 water quality certifications from Ecology."	[Response 2] The text of the ARP was revised as suggested.
[Comment 3] P. 9, Section 6.5: It would be useful to include the implementation schedule so the reader doesn't have to find the TRMP.	[Response 3] The implementation schedule follows the funding schedule provided in SA 505 (ARP Section 3.1), which matches the schedule described in the TRMP Section 6.3.
[Comment 4] P. 14, Section 6.7: Maybe it is implied in Section 6.7 Monitoring, Maintenance, and Management, but it is not clear if each acquired property would have its own long-term management plan. Each plan could address details like fencing, signage, schedule of any required maintenance, whether land can be used for research, data collection or passive recreation, and describe any agreements with other agencies, land management entities or research institutions.	[Response 4] PSE believes that the needed description of details for individual projects such as management plans, specific project elements (e.g. fencing, signage, or schedules), and agreements with other entities is captured in sections 6.6.2 and 6.7. Item number 9 under section 6.6.2 requires that the scope and costs of monitoring, maintenance, and management be specified in the proposal for each action. Section 6.7 specifies that the need for monitoring, maintenance, and/or management of a resource action will be determined at the time the action is funded.
Bob Helton	
[Comment 5] Including Section 3.2.1 of the TRMP in an appendix to this ARP would be helpful to an ARP reader (re Section 6.4 on pg. 9)	[Response 5] The text from section 3.2.1 of the TRMP was added to the ARP; this provides the procedures for modification of the ARP.
[Comment 6] No mention of "climate change effect" on the evolving climate affected habitats is mentioned. Was this on purpose? (or an oversight?)	[Response 6] PSE did not address climate change in the ARP since climate change was not identified as one of the criteria for preparation of the ARP in SA 505, and because PSE believes that addressing climate change is beyond the scope of the ARP.
National Park Service – Ashley Rawhouser	
[Comment 7] After reading the Aquatic Riparian Habitat Protection, Restoration and Enhancement Plan I have one comment that I would like to be considered. In Section 6.6.2 Evaluation and Ranking Proposals, Evaluation Criteria 8 states: "Proposed actions will be evaluated for their ability to protect, restore, or enhance aquatic and riparian habitats and functions." I recommend this be changed to read: "Proposed actions will be evaluated for their ability to protect, restore, or enhance aquatic and riparian habitats, functions or biological integrity."	[Response 7] PSE agrees that biological integrity could be a useful measure for evaluating projects; however, the text of the ARP was not modified in order to maintain consistency with language in SA 505 which used the terms "protection," "enhancement," and "restoration."

Comment	Puget Sound Energy Response
USDA-FS – Greta Movassaghi	
[Comment 8] Our only comment is that there is an omission under Section 5.1. Wild and Scenic Rivers Act should be included. Reference Paragraph 81 of the License page 25 and page 5-52 of the EIS	[Response 8] The text of the ARP was revised to include section 5.3.1, "Wild and Scenic Rivers Act," that provides for compliance with the Wild and Scenic Rivers Act in the implementation of SA 505.
USFWS – Lou Ellyn Jones	
I have no comments (checked on comment form)	Response noted. No revisions to the plan.
WDFW – Brock Applegate	
I have no comments (checked on comment form)	Response noted. No revisions to the plan.
DNR – JoAnn Gustafson	
I have no comments (checked on comment form)	Response noted. No revisions to the plan.
North Cascades Conservation Council – Patrick Goldsworthy	
I have no comments (checked on comment form)	Response noted. No revisions to the plan.

8.2.4 Comment Correspondence

Baker Consultation Reply Form



**REPLY FORM to Baker River Hydroelectric Project
Aquatic Riparian Habitat Protection, Restoration, and Enhancement Plan
Submittal for Consultation**

Name: BROCK APPLGATE

Job Title: FISH AND WILDLIFE BIOLOGIST

Representing: WASHINGTON DEPT OF FISH AND WILDLIFE

Address: P.O. BOX 1100

City, State, Zip: LA CONNER, WA 98257

Instructions: Please select from the following options:

I have read the draft Aquatic Riparian Habitat Protection, Restoration, and Enhancement Plan and I have no comments.

I have read the draft Aquatic Riparian Habitat Protection, Restoration, and Enhancement Plan and I have comments, listed below. (Please use additional paper, if needed).

I have read the draft Aquatic Riparian Habitat Protection, Restoration, and Enhancement Plan and I will email my comments to *jacob.venard@pse.com*.

I do not wish to be involved in the consultation process.

Important:

Please send this reply via the self-addressed envelope and mail no later than *July 30, 2010*.

Date Reply Form Received by PSE: _____

BAK.20100623.0285.PSE.ARP

Baker Consultation Reply Form



**REPLY FORM to Baker River Hydroelectric Project
Aquatic Riparian Habitat Protection, Restoration, and Enhancement Plan
Submittal for Consultation**

Name: JoAnn Gustafson

Job Title: Orca District Manager

Representing: Dept of Natural Resources

Address: 919 N. Township

City, State, Zip: Sedro Woolley WA 98284

Instructions: Please select from the following options:

I have read the draft Aquatic Riparian Habitat Protection, Restoration, and Enhancement Plan and I have no comments.

I have read the draft Aquatic Riparian Habitat Protection, Restoration, and Enhancement Plan and I have comments, listed below. (Please use additional paper, if needed).

I have read the draft Aquatic Riparian Habitat Protection, Restoration, and Enhancement Plan and I will email my comments to *jacob.venard@pse.com*.

I do not wish to be involved in the consultation process.

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BAK.20100623.0285.PSE.ARP

July 28, 2010

To: Jacob Venard, PSE
From: Alice Kelly, Regional Planner
Re: Department of Ecology comments on the Aquatic Riparian Habitat Plan (ARP)

Thank you for the opportunity to review the Aquatic Riparian Habitat Protection, Restoration, and Enhancement Plan (ARP), and thanks to all the ARG members who have spent the time writing and revising the Plan. Ecology's comments are as follows:

Ecology issued the Section 401 water quality certification to PSE in 2007. The FERC had not yet issued the license to PSE for the Baker Project. You may recall that in the EIS process, the FERC did not include SA 505 as a proposed license article, so Ecology included SA 505 in the Section 401 water quality certification as a habitat protection and enhancement measure. In the end, the FERC did include SA 505 in the final license, but PSE should still reference that the ARP is also required by Section 401 water quality certification condition 5.9 (p. 17). Condition 5.9 is almost identical to SA 505.

P. 7, Section 5.1.2: next to last sentence, "...may require section 404 permits from the USACE and Section 401 water quality certifications from Ecology."

P. 9, Section 6.5: It would be useful to include the implementation schedule so the reader doesn't have to find the TRMP.

P. 14, Section 6.7: Maybe it is implied in Section 6.7 Monitoring, Maintenance, and Management, but it is not clear if each acquired property would have its own long-term management plan. Each plan could address details like fencing, signage, schedule of any required maintenance, whether land can be used for research, data collection or passive recreation, and describe any agreements with other agencies, land management entities or research institutions.

Baker Consultation Reply Form



**REPLY FORM to Baker River Hydroelectric Project
Aquatic Riparian Habitat Protection, Restoration, and Enhancement Plan
Submittal for Consultation**

Name: BOB HELTON

Job Title: NOT APPLICABLE - I AM RETIRED

Representing: NOT APPLICABLE

Address: 21032 LITTLE MOUNTAIN ROAD

City, State, Zip: MT. VERNON, WA 98274

Instructions: Please select from the following options:

I have read the draft Aquatic Riparian Habitat Protection, Restoration, and Enhancement Plan and I have no comments.

I have read the draft Aquatic Riparian Habitat Protection, Restoration, and Enhancement Plan and I have comments, listed below. (Please use additional paper, if needed).

1. INCLUDING Section 3.2.1 of the TRMP IN AN APPENDIX TO THIS ARP WOULD BE HELPFULL TO AN ARP READER. (re. Section 6.4 on pg.9)

2. NO MENTION OF "CLIMATE CHANGE EFFECT" ON THE EVOLVING CLIMATE AFFECTED HABITATS IS MENTIONED. WAS THIS ON PURPOSE? (ORAN OVERSIGHT).

I have read the draft Aquatic Riparian Habitat Protection, Restoration, and Enhancement Plan and I will email my comments to jacob.venard@pse.com.

I do not wish to be involved in the consultation process.

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JUN 30 2010

Baker Consultation Reply Form



**REPLY FORM to Baker River Hydroelectric Project
Aquatic Riparian Habitat Protection, Restoration, and Enhancement Plan
Submittal for Consultation**

Name: Patrick D. Goldsworthy
 Job Title: Chairman of N.C.C.C. (retired from U. Wash)
 Representing: North Cascades Conservation Council
 Address: P.O. Box 95980
 City, State, Zip: Seattle, WA 98145-2980

Instructions: Please select from the following options:

I have read the draft Aquatic Riparian Habitat Protection, Restoration, and Enhancement Plan and I have no comments.

I have read the draft Aquatic Riparian Habitat Protection, Restoration, and Enhancement Plan and I have comments, listed below. (Please use additional paper, if needed).

I have read the draft Aquatic Riparian Habitat Protection, Restoration, and Enhancement Plan and I will email my comments to jacob.renard@pse.com.

I do not wish to be involved in the consultation process.

Important:

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Baker Consultation Reply Form



REPLY FORM to Baker River Hydroelectric Project Aquatic Riparian Habitat Protection, Restoration, and Enhancement Plan Submittal for Consultation

Name: ASHLEY RAWHouser

Job Title: AQUATIC ECOLOGIST

Representing: NORTH CASCADES NATIONAL PARK

Address: 810 5TH 20

City, State, Zip: SEASIDE WOODLEY WA 98284

Instructions: Please select from the following options:

I have read the draft Aquatic Riparian Habitat Protection, Restoration, and Enhancement Plan and I have no comments.

I have read the draft Aquatic Riparian Habitat Protection, Restoration, and Enhancement Plan and I have comments, listed below. (Please use additional paper, if needed).

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I do not wish to be involved in the consultation process.

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Date Reply Form Received by PSE: _____

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Venard, Jacob A

From: Ashley_Rawhouser@nps.gov
Sent: Wednesday, July 07, 2010 12:45 PM
To: Venard, Jacob A
Subject: ARP Comments
Flag Status: Red

Jacob,

After reading the Aquatic Riparian Habitat Protection, Restoration and Enhancement Plan I have one comment that I would like to be considered. In Section 6.6.2 Evaluation and Ranking Proposals, Evaluation Criteria 8 states: "Proposed actions will be evaluated for their ability to protect, restore, or enhance aquatic and riparian habitats and functions." I recommend this be changed to read: "Proposed actions will be evaluated for their ability to protect, restore, or enhance aquatic and riparian habitats, functions or biological integrity."

Thanks

Ashley Rawhouser
Aquatic Ecologist
North Cascades National Park
810 State Route 20, Sedro-Woolley, WA 98284
(360)854-7317

Venard, Jacob A

From: Greta Movassaghi [gmovassaghi@fs.fed.us]
Sent: Wednesday, August 04, 2010 2:03 PM
To: Venard, Jacob A
Subject: Comments on of 505 Plan

Jacob

Thanks. Our only comment is that there is an omission under Section 5.1. Wild and Scenic Rivers Act should be included. Reference Paragraph 81 of the License page 25 and page 5-52 of the EIS

Thanks

Greta

~~~~~  
Greta Movassaghi  
Natural Resource Specialist --  
Skagit Wild & Scenic River / Hydro  
Mt. Baker-Snoqualmie National Forest  
810 SR 20  
Sedro-Woolley, WA 98284

Sedro Woolley: 360-854-2630  
Darrington: 360-436-2325  
Cell: 360-631-4499  
email: gmovassaghi@fs.fed.us  
<http://www.fs.fed.us/r6/mbs/skagit-wsr/>  
~~~~~

Baker Consultation Reply Form



REPLY FORM to Baker River Hydroelectric Project Aquatic Riparian Habitat Protection, Restoration, and Enhancement Plan Submittal for Consultation

Name: Lou Ellyn Jones

Job Title: US Fish + Wildlife Service

Representing: Fish + Wildlife Biologist ↓

Address: 510 Desmond Dr

City, State, Zip: LACEY, WA 98503

Instructions: Please select from the following options:

I have read the draft Aquatic Riparian Habitat Protection, Restoration, and Enhancement Plan and I have no comments.

I have read the draft Aquatic Riparian Habitat Protection, Restoration, and Enhancement Plan and I have comments, listed below. (Please use additional paper, if needed).

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