



Baker River *Carex flava* habitat,
August 2006.



Carex flava Plan



Carex flava on
stream bank,
August 2006.



Carex flava Plan
Settlement Agreement Article 510

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Bellevue, Washington

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EXECUTIVE SUMMARY

The *Carex flava* Plan was developed pursuant to Federal Energy Regulatory Commission (FERC) Settlement Agreement Article 510 *Carex flava* (SA 510) in consultation with the Terrestrial Resources Implementation Group (TRIG), including specifically the U.S. Fish and Wildlife Service (USFWS), U.S.D.A. Forest Service (USDA-FS), and the Washington Natural Heritage Program (WNHP) of the Washington Department of Natural Resources (WDNR). This plan describes the procedures and requirements for the development and management of the *Carex flava* Conservation Management Plan. It establishes the goals for mapping, conducting studies, managing, and monitoring of the *Carex flava* population at Baker Lake, and for managing and conducting studies of reed canarygrass (*Phalaris arundinacea*) growing in proximity to *Carex flava* (yellow sedge). The plan includes

- license and settlement agreement article to ensure the plan meets all goals and objectives specified and to clarify differences, if any, between the license and the settlement agreement. There were no modifications to SA 510 ; however, the license included provisions which may relate to the article.
- purpose, goals and objectives. The purpose of SA 510 is to provide long term protection for an existing population of *Carex flava* at Baker Lake. Plan goals include developing and implementing two studies, a *Carex flava* study and a reed canarygrass study, to determine the most effective strategies and methods to implement the plan. The plan requires inventorying and mapping of known *Carex flava* populations (i.e., baseline surveys), the development of control strategies for reed canarygrass around *Carex flava* populations, a method for population monitoring and evaluating and implementing reed canarygrass control methods, a planting plan if 20% or more of the *Carex flava* population decreases from the time of license issuance, and additional measures that are to be identified through plan monitoring.
- regulatory guidance and definitions are provided for reference for purposes of maintaining consistency between the *Carex flava* Plan and other pertinent laws, regulations, policies and articles of the license.
- general provisions describe the processes by which the plan has been developed and can be modified, if necessary, in the future.
- plan implementation requirements describe the components of the *Carex flava* Conservation Management Plan (CMP) which include development and implementation of a supplementation program, in the event the *Carex flava* population declines by 20% or more. The plan provides the guidelines that will be used to develop the *Carex flava* CMP.
- monitoring and reporting describes specific requirements of the license, such as reporting deadlines, and a schedule of management actions, such as long-term population monitoring, studies and reporting results of implementation and management action.

1.0 INTRODUCTION

This *Carex flava* Plan has been prepared pursuant to Settlement Agreement Article 510 *Carex flava* (SA 510) included in Ordering Paragraph F of the License for the Baker River Hydroelectric Project



FERC No. 2150 issued by the FERC October 17, 2008 (License) and the commitments of the licensee, Puget Sound Energy, Inc. (Puget Sound Energy) in the Baker River Hydroelectric Project Relicensing Comprehensive Settlement Agreement dated November 30, 2004 (Settlement Agreement). This plan was prepared collaboratively by the Baker River Project TRIG, which includes representatives of Puget Sound Energy and the other signatories to the Settlement Agreement.

This plan describes the steps Puget Sound Energy will take to meet its requirements under SA 510. It establishes the goals for mapping, management, and monitoring of the *Carex flava* population at Baker Lake, and for management of reed canarygrass (*Phalaris arundinacea*) growing in proximity to *Carex flava*; establishes parameters for the implementation of a supplementation program, in the event the *Carex flava* population declines; and provides the guidelines that will be used to develop a *Carex flava* Conservation Management Plan for the Baker Lake site. The *Carex flava* Conservation Management Plan (CMP) will fulfill the requirement to provide site-specific management of *Carex flava* under License SA 509 Plants of Special Status (SA 509). The CMP will be initially prepared and updated annually by Puget Sound Energy and the TRIG, including specifically the USFWS, USDA-FS, and the WNHP of the WDNR, and will be reviewed and/or modified as needed over the term of the License consistent with the guidelines established in this plan.

2.0 BASIS FOR THE PLAN

SA 510 of the License and Settlement Agreement specifies the requirements and expectations of the *Carex flava* Plan. This article is presented here in its entirety for reference. Additional license order provisions also appear in this section.

2.1 License and Settlement Agreement Article 510 *Carex flava*

“During the term of the license, licensee shall manage yellow sedge (*Carex flava*) at Baker Lake for its protection, especially in areas where it is located in close proximity to reed canarygrass, according to a plan developed in accordance with Article 501 and filed with the Commission for approval within six months of license issuance, following consultation with the TRIG, including specifically the USFWS, USDA-FS and the Washington Natural Heritage Program of the Washington Department of Natural Resources. The plan shall require inventorying and mapping of known *Carex flava* populations, the development of control strategies for reed canarygrass around *Carex flava* populations, a method for monitoring and evaluating success of the plan, a planting plan if 20% or more of the *Carex flava* population decreases from the time of license issuance, and additional measures that are identified as a result of plan monitoring, as described in more detail in Appendix A-4. Plan updates shall be completed at least every ten years, or more regularly if needed to address monitoring and evaluation results, or when the species is no longer a State or federal sensitive species.”

“Appendix A-4



Carex flava Guidelines.

The plan shall require licensee to:

1. Inventory and map all areas of known *Carex flava* populations and the distribution of reed canarygrass within 200 feet of those populations around Upper Baker Lake. Inventories shall be conducted and documented in sufficient detail, as determined through consultation with botanists with expertise on the species, to assess the baseline population status of *Carex flava* over time and to determine the effectiveness of management actions.
2. Develop and implement control strategies for reed canarygrass in and around the *Carex flava* populations. These control strategies shall be developed in consultation with botanists with expertise on *Carex flava* and reed canarygrass, and shall be designed to eliminate all direct competition between the two species, at a minimum.
3. Develop and implement a monitoring and evaluation program for the entire license term that answers the following questions:
 - a. Is the *Carex flava* population increasing, decreasing, or remaining stable?
 - b. How effective are the control measures for reed canarygrass?
 - c. Do the control measures for reed canarygrass result in beneficial or adverse effects to *Carex flava*?
 - d. What are "suitable sites" for the establishment of *Carex flava* (microsite characteristics, etc.)?
 - e. Is treatment effectiveness influenced by hydroperiod (frequency, duration, timing, depth of flooding/saturation) associated with fluctuations in reservoir levels?
 - f. Are the reed canarygrass control measures necessary for the protection of *Carex flava*? If the answer to this is no, the control measures may be discontinued.
 - g. Are there other factors affecting the health of the *Carex flava* population?
 - h. What should replace reed canarygrass in areas where it has been eliminated?



4. If there is greater than a 20 percent reduction in the *Carex flava* population from the original baseline, licensee shall implement a seed and/or plant collection program to raise plants off-site, and establish and/or re-establish *Carex flava* populations at suitable "planting sites" around upper Baker Lake. Since it is unclear how to distinguish an "individual" of this species, guidance on how to determine what constitutes 20 percent shall be in the management plan.

5. If the reed canarygrass control is not effective, or is determined through monitoring not to be needed, and the planting program described in Item 4 is not successful in maintaining or expanding the *Carex flava* population, licensee shall develop and implement additional management measures for the species. Additional management measures shall be funded from the Terrestrial Enhancement and Research Fund (TERF)."

3.0 GOALS

The goal of the *Carex flava* Plan is to provide long term protection of an existing population of *Carex flava* at Baker Lake. Two studies will be conducted, a *Carex flava* study and reed canarygrass study, to determine the most effective strategies and methods to meet this goal.

The objectives of the *Carex flava* study are to:

- a) inventory and map the baseline *Carex flava* population;
- b) monitor the *Carex flava* population over time;
- c) develop and implement additional measures identified as a result of plan studies and monitoring
- d) develop and implement a propagation and planting plan should the baseline *Carex flava* population decrease by 20 percent or more during license period; and
- e) institute monitoring and evaluation methods to measure the success of the plan;

The objective of the reed canarygrass study is to develop and implement control strategies for reed canarygrass in proximity to the *Carex flava* population.

Specific study questions for both studies appear in Appendix A-4 of the Settlement Agreement articles.

4.0 REGULATORY REFERENCES AND DEFINITIONS

The *Carex flava* Plan has been developed and will be implemented in a manner consistent with applicable local, State and Federal laws, regulations and policies. The plan and actions resulting from implementing the plan will also be consistent with other applicable articles of the License. This section provides references for the purpose of maintaining consistency between the *Carex flava* Plan and other pertinent laws, regulations, policies and articles of the License.



4.1 Federal

The major federal authority for management of rare plant species is the Endangered Species Act of 1973, as amended (ESA). The ESA established a national program for the protection and conservation of threatened and endangered species and their habitats. The listing and recovery of listed plant species is administered by the USFWS.

The USDA-FS provides special management consideration for species on the Regional Forester's special status species list (USDA-FS, 2008) that occur on National Forest System (NFS) lands. This list includes those plant and animal species for which population viability is a concern due to loss of population numbers or downward trends in habitat capability. The list is based on sources including the list of candidate species for federal listing, state lists of rare, threatened, or endangered species, and other sources as appropriate. The intent of providing special management for these species is to avoid the need for federal or state listing as a result of National Forest management activities.

Carex flava was recently removed from sensitive status by the USDA-FS (2008). However, under new National Forest Management Act (NFMA) regulations (36 C.F.R. 219.10(b)(2)), *Carex flava* may be designated as a Species of Concern or a Species of Interest when the Mt. Baker-Snoqualmie National Forest revises its Forest Plan. The closest known population to Baker Lake site is in Colville, Stevens County (WNHP, 2008b). The Baker Lake site may be found to represent a significant range extension. In such an instance, USDA-FS may determine that certain plan components are required for the purpose of species diversity.

4.2 Washington State

The WNHP classifies, inventories, and maintains a database of rare plant species in the state; the WNHP also helps to identify natural areas for protection. Although the program classifies species as threatened or endangered, the State of Washington does not have an endangered species act; therefore, these classifications are not associated with any state regulatory authority. *Carex flava* is designated a sensitive species by the WNHP (2008). Its global heritage status rank is G5, globally secure, indicating that it is common, widespread, and abundant, although it may be rare in parts of its range, particularly on the periphery. Its state conservation status rank is S3, rare or uncommon in the state.

4.3 Definitions

State Sensitive: Species that are vulnerable or declining and could become Endangered or Threatened in the state.

5.0 GENERAL PROVISIONS

This section describes the process by which this plan has been developed, and the process by which it can be modified in the future.



5.1 Procedures for Development and Modification of the *Carex flava* Plan

The licensee has prepared the *Carex flava* Plan in consultation with the TRIG. Modifications to the *Carex flava* Plan will be made in consultation with the TRIG for approval by the FERC. Updates to the plan will be performed at least every ten years. Any member of the TRIG may propose a modification to the plan. If a plan modification is adopted by the TRIG, it will be filed with the FERC for formal review and approval. Until FERC approval is received, the plan will continue to be implemented without the proposed modification.

5.2 Ownership of Land and Facilities

This plan applies to lands within the Plan Area, as defined in Section 6.1. Lands within the Plan Area include National Forest System lands.

5.3 Inclusion of Lands Within Project Boundary

Puget Sound Energy will include lands managed for *Carex flava* under SA 510 within the project boundary pursuant to License Articles 203 and 304 of the License.

5.4 Funding Reporting

The funding process for the *Carex flava* Plan is described in the Terrestrial Resources Management Plan (TRMP). The licensee shall provide an annual summary of expenditures made during the preceding year in conformance with the requirements of the license.

6.0 PLAN IMPLEMENTATION

This section outlines specific components of the *Carex flava* Plan as defined in SA 510.

6.1 Plan Area

The *Carex flava* Plan area is occupied by the population of *Carex flava*, and the population of reed canarygrass occurring within 200 feet of the population. The area is located at the north end of Baker Lake in the Mt. Baker-Snoqualmie National Forest. The *Carex flava* and reed canarygrass baseline inventories shall be conducted following approval of specific methods by the TRIG. The formal plan area will be mapped at the time of these inventories.

6.2 Background Information

A population of *Carex flava* was discovered at Baker Lake during relicensing surveys (Hamer Environmental, 2003a and 2003b). The population is intermixed with the invasive weed species reed canarygrass. The association with reed canarygrass may result in negative impacts on the *Carex flava* population. Evaluating reed canarygrass impacts on the *Carex flava* population and evaluating reed canarygrass control methods may assist achieving long term protection of *Carex flava*.



6.3 Procedures

This section outlines components of *Carex flava* Plan as stated in SA 510.

6.3.1 *Carex flava* and Reed Canarygrass Baseline Population Assessment

Puget Sound Energy will inventory and map the existing *Carex flava* population. Methods may include guidelines to enumerate *Carex flava* individuals. Reed canarygrass occurring within 200 feet of the known *Carex flava* population at Baker Lake will be mapped. These baseline assessments will be conducted following approval of specific methods by the TRIG. Inventory methods for *Carex flava* and reed canarygrass will include sufficient data to monitor and evaluate the population status of *Carex flava* and reed canarygrass over the License term. Additional data may be collected in order to answer questions included in Appendix A-4 of the Settlement Agreement Article.

6.3.2 Reed Canarygrass Management Study

A study evaluating reed canarygrass management strategies will be developed and implemented in collaboration with the TRIG. These studies will focus on identifying, reducing and/or eliminating reed canarygrass impacts to *Carex flava* populations. The reed canarygrass study will include detailed methods, schedule for trials, data types and collection methods, data analysis, results, monitoring, and recommendations. The primary objectives of the study are to:

- 1) Identify and rank the most effective reed canarygrass control measures.
- 2) Evaluate reed canarygrass control efforts and determine whether efforts result in beneficial, benign or adverse effects to *Carex flava*.
- 3) Determine which, if any, species should be planted to replace reed canarygrass in areas where it has been eliminated.

Due to the sensitivity of the *Carex flava* site, reed canarygrass control trial studies may be conducted offsite at one or more of the seven wetlands identified in the Noxious Weed Plan (SA 508 Noxious Weeds). These wetlands are located at comparable elevations and they support reed canarygrass intermixed with native sedges and other native plant species. The trials will be used to test reed canarygrass control measures and answer questions presented in Appendix A-4 to SA 510. Trial studies will be evaluated and considered for application at the *Carex flava* site.

6.3.3 Long-term Population Monitoring

Puget Sound Energy and the TRIG will develop and periodically update a plan to monitor the *Carex flava* population over the term of the License. If reed canarygrass control measures are implemented at the *Carex flava* site, additional methods to evaluate the *Carex flava* population may be developed and implemented. Data collection will include ecological variables which may help to answer questions in Appendix 4 of the Settlement Agreement. Primary questions and objectives include, but are not limited to, the following:



- 1) Is the *Carex flava* population increasing, decreasing, or remaining stable?
- 2) Identify suitable habitat characteristics for the establishment of *Carex flava*.
- 3) What factors (*e.g.*, hydroperiod, light regime, soils) affect the *Carex flava* population (in addition to reed canarygrass)? If possible, identify whether these factors have beneficial, adverse or benign effects on the *Carex flava* population.
- 4) How effective are the reed canarygrass control measures?
- 5) If possible, determine whether the reed canarygrass control methods result in beneficial, benign or adverse effects to *Carex flava* individuals and the population as a whole.
- 6) Determine which species, if any, should be planted to replace reed canarygrass in areas where it has been eliminated.
- 7) Are reed canarygrass control measures necessary for the protection of *Carex flava*?

6.3.4 *Carex flava* Propagation and Planting

Puget Sound Energy and the TRIG will develop a planting plan to be implemented if the *Carex flava* population decreases 20 percent or more from the baseline population. The planting plan will define the method(s) used in determining whether a 20 percent population decline has occurred. If needed, Puget Sound Energy will collect seed and/or plants, grow plants offsite, and establish and/or re-establish *Carex flava* populations at the current site and/or suitable planting sites at Baker Lake. This plan may include options to revegetate sites where reed canarygrass has been controlled prior to the decline of the known *Carex flava* population, or habitat management methods to enhance the current population *Carex flava*.

6.3.5 *Carex flava* Conservation Management Plan

A site-specific *Carex flava* Conservation Management Plan (CMP) will be prepared and updated by Puget Sound Energy and the TRIG. The CMP will detail the methods and procedures that will be implemented to accomplish the stated goals of this *Carex flava* Plan, specifically addressing items 6.3.1 through 6.3.2, above.

The draft *Carex flava* CMP will be distributed to the members of the TRIG for review and comment. The approved *Carex flava* CMP and subsequent modifications will be submitted to FERC as attachments to the next Annual Report following the process outlined in the TRMP (SA 501).

Puget Sound Energy will report to the TRIG annually on the implementation the *Carex flava* CMP. The content and timing of annual reports will be consistent with SA 501, and as specified in the *Carex flava* CMP.



6.3.6 Adaptive Management via TERF Fund

The TRIG may develop and implement additional management measures with TERF funding should *Carex flava* CMP monitoring and results indicate the need for additional measures.

6.4 Schedule

The *Carex flava* CMP shall be drafted and implemented in 2009 and updated thereafter, as appropriate. The following activities are planned; however, dates may change during plan development at the discretion of the TRIG.

For year 2009,

- complete Draft *Carex flava* Conservation Management Plan (CMP).
- conduct baseline surveys for *Carex flava* and reed canarygrass.
- process data and complete draft reports resulting from baseline surveys.
- complete draft reports as specified in the License and Settlement Agreement.

For years 2010 to 2018,

- conduct monitoring as indicated in the CMP.
- implement reed canarygrass study.
- implement *Carex flava* study.
- complete reports as specified in the License and Settlement Agreement.
- continue to collect, process, analyze, and report data in studies.

For year 2019, a 10 year review of the *Carex flava* CMP will be conducted. This review may be conducted earlier at the discretion of the TRIG. Plan updates shall be completed at least every 10 years thereafter for the 50-year term of the License (i.e., until 2058) or until the species is no longer a State or federal sensitive species. Plan updates may be completed more regularly if needed to address monitoring and evaluation results.

6.5 Consistency with Other Plans

Implementation of the *Carex flava* Plan will be consistent with the standards and requirements of all other plans prepared to comply with the License. If the requirements of one or more other plans conflict with the *Carex flava* Plan, the TRIG and other affected resource implementation group(s) will resolve the conflict.



7.0 MONITORING AND REPORTING

This section outlines the monitoring and reporting requirements as stated in SA 510 of the License and the Settlement Agreement and in Appendix A-4.

7.1 Monitoring

The *Carex flava* population will be monitored on the schedule provided in the *Carex flava* CMP. Monitoring will include long-term population monitoring and monitoring implementation and management actions

7.2 Reporting

Puget Sound Energy will submit a Draft *Carex flava* Report to the TRIG annually (Draft *Carex flava* Annual Report) by March 31 of each year per SA 501. The report will include implementation features of the *Carex flava* Plan during the previous January through December. The TRIG will have at least 30 calendar days to review the Draft *Carex flava* Annual Report. Puget Sound Energy will revise the Draft *Carex flava* Annual Report, as appropriate, and combine it with reports for other license articles into a Draft License Annual Report for review and comment prior to submittal to the FERC.

The Draft *Carex flava* Annual Report will include:

- a summary of monitoring activities conducted during the previous year and including a population assessment;
- a summary of reed canarygrass management activities conducted during the previous year;
- modifications to the *Carex flava* CMP;
- a list of expenditures incurred by the *Carex flava* Plan budget during the year; and
- a summary of issues or concerns regarding Plan implementation arising from Puget Sound Energy or other members of the TRIG during the year.



8.0 REFERENCES

- Hamer Environmental and R2 (Hamer Environmental and R2 Resource Consultants). 2003a. Rare plant surveys for the Baker River Project area. Relicense Study T16. Final Report. Prepared for Puget Sound Energy, Bellevue, WA. Hamer Environmental, Mt. Vernon, WA, and R2 Resource Consultants, Inc., Redmond, WA. August 22, 2003. 73 pp.
- Hamer Environmental and R2. 2003b. Rare plant addendum for the Baker River Project area. Relicense Study T16. Final Addendum. Prepared for Puget Sound Energy, Bellevue, WA. Hamer Environmental, Mt. Vernon, WA and R2 Resource Consultants, Inc., Redmond, WA. December 16, 2003. 45 pp.
- USDA-FS (USDA Forest Service). 2008. Update of the Regional Forester's sensitive species list and transmittal of strategic species list. Memo plus two enclosures. USDA Forest Service, Pacific Northwest Region, Portland, OR. January 31, 2008.
- WNHP (Washington Department of Natural Resources Natural Heritage Program). 2008a. WNHP rare plant list for Washington. Natural Resources Natural Heritage Program, Olympia, WA. <http://www1.dnr.wa.gov/nhp/refdesk/lists/plantrnk.html>
- WNHP. 2008b. WNHP rare plant field guide. Natural Resources Natural Heritage Program, Olympia, WA. Available at: www.dnr.wa.gov/nhp/refdesk/fguide/



Section 9.0 Formal 30-Day Document Review Comments and Responses

Pursuant to SA 509, PSE distributed the draft Plan to TRIG for a 30-Day Plan Review period on January 29, 2009. Comments were due on March 2, 2009. The TRIG reviewed comments on March 5, 2009 and approved the Plan for filing. This section summarizes TRIG Settlement Party comments and licensee responses.

Section 9.1 Plan Distribution for 30-Day Document Review

On January 29, 2009, PSE sent, by certified mail, the 30 Day Document Review Cover Letter, draft Plants of Special Status Plan and 30 Day Document Review Response Form to the Settlement Parties (Table 2). For reference purposes, examples of the 30 Day Document Review Cover Letter (Figure 1), 30 Day Document Review Response Form (Figure 2) and a blank certified mail receipt forms (Figure 3) are included in this section.

Baker River Project, FERC No. 2150



Figure 1 Example of 30 Day Document Review Letter

30 Day Document Review

PSE PUGET SOUND ENERGY
The Energy To Do Great Things

Baker River Project, FERC No. 2150

[Date]

[CERTIFIED MAIL RETURN RECEIPT REQUESTED]

[Consulting Recipient Name]
[Organization]
[Address]
[Address]

**Re: Baker River Project, FERC No. 2150,
[Plan Name]
Submittal for Review**

Dear [Identify Recipient's name]:

On October 17, 2008, the Federal Energy Regulatory Commission (FERC) issued a new license for Puget Sound Energy, Inc.'s (PSE's) Baker River Project, FERC No. 2150. In the license FERC directed that PSE, after consultation with the parties to the Settlement, file a [Insert Plan Name].

In accordance with these directives PSE has conducted consultation with the Terrestrial Resource Implementation Group composed of representatives from the Settlement parties to develop a preliminary draft of the [Insert Plan Name] and receive initial comments and suggestions. These suggestions were incorporated into a draft [Plan Name]. PSE is required to allow a minimum of 30 days for the parties to comment on the draft [Plan Name] prior to filing the final plan with FERC.

Enclosed with this letter is the draft [Plan Name]. Please review this plan and send your comments and/or recommendations to me. You may submit your comments using the enclosed reply form and self-addressed stamped envelop or by email. **Please respond with your reply by March 4, 2009.**

Thank you for your efforts in supporting this process. If you have any questions, please call me at (425) **462-3773** or email [insert contact].

Sincerely,

[contact]
[title]

Enclosures

PSSP
Doc ID: BAK.20090130.0064.PSE.TRIG

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Baker River Project, FERC No. 2150



Figure 2 Example of 30 Day Document Review Reply Form mailed to Settlement Parties.

30 Day Document Review Reply Form

Baker River Project, FERC No. 2150
[Plan, Settlement Article]

Name: _____

Job Title: _____

Representing: _____

Address: _____

City, State, Zip: _____

Instructions: Please select from the following options:

I have read the document and I have no further comments.

I have read the document and I have comments, listed below. (Please use additional paper, if needed).

I have read the document and I will email my comments by the deadline below to [contact].

Important: Please send this reply via the self-addressed stamped envelope and mail no later than **[date]**.

Date Reply Form Received by PSE: _____

Baker River Project, FERC No. 2150



Figure 3 Example of certified mail receipt forms mailed to settlement parties.

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT <small>(Domestic Mail Only; No Insurance Coverage Provided)</small>	
<small>For delivery information visit our website at www.usps.com</small>	
OFFICIAL USE	
Postage \$ _____ Certified Fee _____ Return Receipt Fee (Endorsement Required) _____ Restricted Delivery Fee (Endorsement Required) _____ Total Postage & Fees \$ _____	Postmark Here
Sent To _____ Street, Apt. No., or PO Box No., City, State, ZIP+4	
<small>PS Form 3800, June 2002 See Reverse for Instructions.</small>	

<p>SENDER: COMPLETE THIS SECTION</p> <ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. <p>1. Article Addressed to: _____</p> <p>2. Article Number <small>(Transfer from service label)</small></p>	<p>COMPLETE THIS SECTION ON DELIVERY</p> <p>A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) _____ C. Date of Delivery _____</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<small>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</small>	

Baker River Project, FERC No. 2150



Table 1 The Draft *Carex flava* Plan was mailed to the following list of Settlement Party for 30 Day Document Review.

First Name	Last Name	Title	Organization	Address	City	State	Zip
Robert Mignonne	Kuntz Bivin	Wildlife Biologist Botanist	Nat'l Park Service Nat'l Park Service	810 State Route 20 7280 Ranger Station Rd.	Sedro-Woolley Marblemount	WA WA	98284 98267
Regina	Rochefort	Botanist	Nat'l Park Service	810 State Route 20	Sedro Woolley	WA	98284
Patrick	Goldsworthy		North Cascades Conservation Council	P.O.B 95980	Seattle	WA	98145-2980
Chris	Madsen	Wildlife Biologist	Northwest Indian Fish Commision (NWIFC)	6730 Martin Way E.	Olympia	WA	98512
Bob	Nelson		Rocky Mountain Elk Foundation	45 Overmeyer Road	Raymond	WA	98577
James	Roberts		Sauk-Suiattle Indian Tribe	5318 Chief Brown Lane	Darrington	WA	98241
Gloria	Green		Sauk-Suiattle Indian Tribe	5318 Chief Brown Lane	Darrington	WA	98241
Chris	Danilson	Wildlife Program Manager	Sauk-Suiattle Indian Tribe	5318 Chief Brown Lane	Darrington	WA	98241
William Todd Stan	Rogers Wilbur Walsh	Control Agent	Skagit County Noxious Weed Control Board	302 S. First St P.O. Box 368	Mount Vernon La Conner	WA WA	98273 98233 98233
Fayette	Krause	Washington Land Steward Dir. of Gov.	The Nature Conservancy	1917 First Ave.	Seattle	WA	98101
Len	Barson	Relations Government	The Nature Conservancy	1917 First Ave.	Seattle	WA	98101
Cathy	Baker	Relations, Grants and Policy Advisor Skagit River area manager	The Nature Conservancy	1917 First Ave.	Seattle	WA	98101
Bob	Carey		The Nature Conservancy	410 N. 4th Street	Mount Vernon	WA	98273
Scott	Schuyler		Upper Skagit Indian Tribe	25944 Community Plaza	Sedro-Woolley	WA	98284
Jon-Paul	Shannahan		Upper Skagit Indian Tribe	25944 Community Plaza	Sedro-Woolley	WA	98284
Lou Ellyn	Jones	Fish and Wildlife Biologist	US Fish & Wildlife Service	510 Desmond Dr. SE, Suite 102	Lacey	WA	98503
Don	Gay	Wildlife Biologist	US Forest Service	810 State Route 20 42404 SE North Bend Way	Sedro-Woolley North Bend	WA WA	98284 98405
Laura	Martin	Forest Botanist	US Forest Service				
JoAnn	Gustafson		WA Dept of Natural Resources	919 N. Township	Sedro-Wooley	WA	98284
Brenda	Werden		WA Dept of Natural Resources	919 N. Township	Sedro-Wooley	WA	98284
David	Geroux	Fish and Wildlife Biologist	WA Dept of Fish & Wildlife	600 Capitol Way North mail stop 43143	Olympia	WA	98501-1091
Rich	Johnson	Habitat Biologist	WA Dept of Fish & Wildlife	Post Office Box 1100	La Conner	WA	98257
Mark	Hunter		WA Dept of Fish & Wildlife	600 Capital Way North	Olympia	WA	98501-1091
Laurel	Shiner	Control Agent	Whatcom County Noxious Weed Control Board	901 W. Smith Rd	Bellingham	WA	98226

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Section 9.2 Summary of Settlement Party Comments and PSE Responses

Each comment received by the reply deadline, March 4, 2009, is included in the summary table below.

Table 2 Summary Table for Draft *Carex flava* plan 30 Day Document Review and Comment period.

Consulted Agency Responses

Settlement Party & Contact Information	Date Received	Settlement Party Comments	PSE Response
USDA-FS Peter Forbes, Acting District Ranger, Mt. Baker-Snoqualmie National Forest Mt. Baker Ranger District 810 Highway 20 Sedro-Wooley, WA 98284	2/27/2009	On the <i>Carex flava</i> Plan, under Appendix A-4, indent the text for items a through h.	<i>Carex flava</i> Plan, Appendix A-4, items a through h, have been indented.
Rocky Mountain Elk Foundation , Bob Nelson 45 Overmeyer Road Raymond, WA 98577	3/6/2009	No comments.	
North Cascades Conservation , Patrick Goldsworthy, Chairman Council, POB 95980, University Station Seattle, WA 98145	2/09/2009, 2/23/2009	How are possible climatological changes, likely to occur over the 50-year term of the license, being assessed for their impacts on the population of <i>Carex flava</i> , growing at Baker Lake? A possible collaboration of climatologists and botanists at the University of Washington, Seattle, may help provide a useful perspective.	No changes to Plants of Special Status Plan required. Questions discussed during TRIG meeting on 3/5/2009. Patrick Goldsworthy noted that an answer was not required.
Skagit County Noxious Weeds William Rogers, Noxious Weed Coordinator, 11768 Westar Lane, Suite A, Burlington, WA 98233	2/19/2009	No comments.	
Washington Dept. of Fish and Wildlife , Mark Hunter, Habitat Program Section Manager, 600 Capital Way N, Olympia, WA 98501	2/10/209	I defer comments to David Geroux of our agency.	Comment recorded.
National Park Service Mignonne Bivin, Plant Ecologist, 7280 Ranter Station Road Marblemount, WA 98267	2/09/2009	No comments.	
Upper Skagit Indian Tribe Jon-Paul Shanahan, Natural Resources Biologist, 25944 Community Plaza Way,	2/23/2009, via telephone 3/5/2009,	3/5/2009 Email: Based on our conversation today, it is fine to remove the text from both draft plans 509 and 510.	PSE has removed Section 5.5 from the Plan.

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Sedro-Wooley, WA 98284	via email	<p>Thanks for the email notification. Sorry for not meeting the deadline for comments but this subject triggered an internal policy review of the language prior to going out to PSE. I was given support for removing the sections from both reports OR adding the following text to the sections.</p> <p>Both meet the tribes needs. Given that these new edits can only apply to one of the plans we should probably strike them and just remove these sections. If there is some flexibility in comment deadlines I ask that you submit the new text for both plans. I will be on my cell phone (360) 770-5374 in the morning PLEASE call prior to the meeting so I can understand how this is moving forward.</p> <p>In License article 509 section 5.5 page 7; Accommodation of Tribal Treaty Rights and Cultural Considerations</p> <p>" Puget Sound Energy will maintain a current list of designated tribal representatives to the TRIG. Tribes will be notified per Article 601 Section (g) Baker River Coordinating Committee (Article 601) which requires specific notice and consultation to and with each Tribe for comment and/or approval of the Plan and subsequent modifications as appropriate."</p> <p>In license article 510 section 5.5 page 6; Accommodation of Tribal Treaty Rights and Cultural Considerations</p> <p>" Puget Sound Energy will maintain a current list of designated tribal representatives to the TRIG. Tribes will be notified per Article 601 Section (g) Baker River Coordinating Committee (Article 601) which requires specific notice and consultation to and with each Tribe for comment and/or approval of the Carex flava Plan and subsequent modifications as appropriate."</p> <p>Jon-Paul</p>	
Sauk-Suiattle Indian Tribe Chris Danilson, Wildlife Program Manager, 5318 chief	March 10, 2009	My comments are general, but the questions/objectives proposed under the 2 studies & the monitoring & evaluation	No changes to Carex flava Plan required.

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Brown Lane, Darrington, WA 98241		program would take a lot of funding & effort to answer/accomplish (& may not be doable). Also, it seems that the question of what is a population vs. individual should be resolved quickly since much of the plan hinges on this.	<ul style="list-style-type: none"> Comments discussed via personal communication during a Terrestrial Resources Implementation Meeting, March 5, 2009. <p>PSE shall conduct studies pursuant to Settlement</p> <ul style="list-style-type: none"> Agreement Article 510. Funding processes are defined in Settlement Agreement 501, Terrestrial Resources Management Plan. The preliminary study conducted by the Carex Working Group in 2006 resulted in a methodology to enumerate individuals. It is likely this method will be repeated.
Washington Dept. of Fish and Wildlife , David Geroux, Habitat Biologist, Major Projects, 600 Capital Way N, Olympia, WA 98501	2/18/2009	WDFW will not be issuing any official comments on the draft plans submitted by PSE this month. Since I was a part of creating the plan in the botanical teamlet, most of my concerns have already been addressed. I will send out the card attached to the plan stating that we will not be submitting comments, but I thought this would get to you faster.	Comment recorded. No card received.
The Nature Conservancy Bob Carey, 410 N. 4 th Street, Mount Vernon, WA 98273	February 3, 2009 via email	We would like to designate the USFS (Don Gay or Laura Potash) as our proxy in this matter.	Comment recorded.
Puget Sound Energy	March 5, 2009		At the March 5, 2009 TRIG meeting, it was agreed that PSE could make spelling and nomenclature edits to the Plan as long as no substantive changes were made without additional TRIG notification.