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BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

VERMONT MARBLE POWER
PROJECT NO. 2558-025
DIVISION OF OMYA INC.

SCOPING MEETING
OTTER CREEK HYDROELECTRIC PROJECT

Convened and conducted by the FERC staff
for the purpose of gathering information
and comments from interested individuals about
the relicensing of the Otter Creek
Hydroelectric Project

Held Wednesday, June 6, 2007
at the Middlebury Inn,
14 Courthouse Square
Middlebury, Vermont
commencing at 9:45 AM

I N D E X

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21
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24
25

Introduction by Mr. Liberty 4

Presentation by Mr. Qua 7

Questions/comments 15

Scoping document review and comments 17

Review of section 5.9 criteria 27

Appended to the transcript: "Project Relicensing
Overview" document

PARTICIPANTS

1

2

3 On behalf of FERC:

4 Aaron Liberty

5 Emily Carter

6 Frank Winchell

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9 Andy Qua

10 Tim Oakes

11 Kelly Maloney

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13 On behalf of Vermont Marble Power Division of Omya,

14 Inc.:

15 Todd Allard

16 Lane G. Shaw

17 Edward V. Schwiebert, Esq.

18

19 On behalf of Vermont Agency of Natural Resources:

20 Jeffrey Cueto

21 Rod Wentworth

22

23 On behalf of Omya Industries:

24 Jim Hamilton

25

1 MR. LIBERTY: I met most of you guys yesterday. I'm
2 Aaron Liberty. I'm the project coordinator for Otter
3 Creek. I'll also be handling the Fisheries and Water
4 sections. I'll let these guys introduce themselves. .

5 MS. CARTER: I'm Emily Carter with FERC, and
6 I will be addressing the Recreation Land Use and
7 Aesthetics sections.

8 MR. WINCHELL: Frank Winchell with FERC, and
9 I will be looking into the Cultural Resource aspects of
10 the project involving both historic structures as well
11 as archeological sites.

12 MR. LIBERTY: And we also have two other
13 team members who didn't make the trip. Pat Murphy will
14 be doing Terrestrial Resources, and we have -- for
15 engineers? Tim Looney I believe will be doing our
16 engineering stuff.

17 So today what we're going to go over, I'm just
18 going to go over a brief overview of the ILP, then the
19 process plan and schedule for Otter Creek. For purposes
20 of scoping, which I think Kleinschmidt is going to give
21 a brief presentation. Some of you may have seen that
22 before, some of the project facilities and some of the
23 stuff we saw yesterday. Then I'm going to walk through
24 Scoping Document 1 and then just open it up to
25 discussion.

1 And so if anybody has any questions throughout the
2 day, just raise your hand, and we'll try to address
3 those and keep it informal. And we also have some
4 sign-up sheets over here. I think the court reporter
5 put one over there for people's -- to get their names
6 and addresses. And we also have our own sign-up sheets
7 over there. And I have copies of the scoping document,
8 if people didn't get one of those. And -- what else did
9 I bring? Oh, our pamphlets over there that just
10 describe how to -- to e-file, sign up to get e-mails
11 whenever anything is filed pertaining to the particular
12 project. It just walks you through how to sign up, and
13 you can get that on board. What else do we have? Oh,
14 and I also brought the ILP regulations. Unfortunately,
15 I copied some of that stuff over from Word, and it
16 didn't come out so great. If you guys want a better
17 copy of that, I can get that to you. And I also have a
18 copy of the PAD over there. And if anybody here didn't
19 get a copy of that, just give me your name and address,
20 and I can get that sent out when I get back to D.C.

21 And also, if you have any comments today, if you
22 could also just state your name for the court reporter,
23 that would be great. And if you're with an agency, also
24 just mention that.

25 So for the ILP, that became our default process

1 last July. And with the ILP, that really focuses on
2 deadlines, and the first year is pretty intense. The
3 deadlines come very fast, and there's quite a few of
4 them. And I think the process plan and schedule is
5 actually in the last page of the scoping document, and
6 this particular process plan is a little different from
7 what was in the PAD. It's all keyed off with when the
8 PAD was actually filed with us, which was -- let's see,
9 March 29th. And I believe the date was a little bit
10 different in the PAD, but overall it's about the same.
11 But our process plan and schedule is the one you guys
12 want to keep an eye on.

13 So our next -- I'm just going to kind of walk
14 through this, the first year, just to get everybody on
15 the first page -- on the same page, excuse me. So our
16 next big milestone is going to come in July. That will
17 be July 27th, when agencies and the public can file
18 comments on the PAD and our scoping document and also
19 submit any study requests. And I'd also like to say
20 that there's seven particular criteria that needs to be
21 addressed when submitting your study request, and I
22 think that's section 5.9 in our regulations. So just
23 really keep an eye on that and follow those seven
24 criteria if you are going to submit a study request.

25 So the next milestone after that will be September

1 10th, and that's when the proposed study plan will be
2 filed with us. And then the study plans, of course,
3 will come after that, and those will begin 30 days
4 thereafter, and October 10th we'll start up.

5 And then the next big milestone for the agencies is
6 another comment period, which will be December 9th; and
7 those will be the comments on the study plan.

8 Then Vermont Marble Power will file their revised
9 study plan January 8th. And then, again, there will be
10 another comment period for the agencies and the public
11 on that revised study plan, and that will fall on
12 January 23rd.

13 So that's basically where we stand for the next
14 year. And again, the real important dates for you folks
15 are the comment periods. So again, keep an eye on the
16 schedule, and if you ever have any questions regarding
17 just the process plan and schedule, give me a call.

18 All right. I guess if you guys want to go ahead
19 and give your brief presentation?

20 MR. QUA: All right. My name is Andy Qua.
21 I'm with Kleinschmidt Associates, and we'll be helping
22 Todd and Vermont Marble Power Division work through the
23 licensing process. The large crowd of agencies out
24 there that have never seen this slideshow before,
25 hopefully humor us and have another bagel while we run

1 through it.

2 This is basically an overview of the project's
3 three developments, a little bit about the process and a
4 little bit about the contents of the PAD. So let me
5 just go through this real quickly, since most of you
6 have seen it before.

7 The project developments are located on the Otter
8 Creek, which flows north into Lake Champlain. Finally
9 starting to get used to the progression of the projects,
10 as you go upstream to downstream, it goes south to
11 north, which is a little different. They are located in
12 Rutland and Addison Counties.

13 This is an overview of Proctor. The impoundment
14 stretches about 6 miles down or upstream. And this one
15 shows the other two developments, which are about 45
16 minutes away, as you found out yesterday on the road.
17 And these two developments are very close together;
18 whereas, Proctor's quite a ways upstream.

19 The overall generating capacity is 18 megawatts
20 hopefully. The projects were developed quite some time
21 ago but have been redeveloped to some degree over the
22 last few years.

23 Proctor, as I said, is a 6-mile impoundment. It's
24 a concrete dam located atop a natural waterfall. The
25 powerhouse has five units. The original powerhouse was

1 four units. That was redeveloped in the '80s to add
2 another unit. And there is a minimum flow requirement
3 now downstream of the project of 100 cfs. And generally
4 the -- is it unit 5, Todd, I think is the unit that
5 comes on first, goes off last, and the project is
6 generally operated as run-of-river.

7 There are some instances when ISO will tell Todd to
8 operate slightly different, but in general, it is
9 run-of-river the majority of the time.

10 And here are a few pictures. I'm sure they
11 probably look familiar from yesterday. The top corner
12 here is the -- this is the dam and top of the falls.
13 This is the intake area. The two penstocks that go
14 about 1500 feet downstream and feed the powerhouse,
15 which is here. These two buildings you see here are
16 surge tanks for penstocks.

17 The Beldens development is a much shorter
18 impoundment. It's only about 2 miles long. It has two
19 dam sections, and in between is a ledge outcropping.
20 And there, again, are two powerhouses. The original one
21 was built in the early 1900s. The second one in the
22 late '80s. And there is a continuous minimum flow
23 requirement in one of the bypass reaches of 5 cfs. The
24 project does have a canoe portage and a picnic area,
25 where we had lunch yesterday.

1 And the pictures here, this is the minimum flow
2 opening. Yesterday there were spills, so you may or may
3 not have seen that quite as well. This is the other dam
4 there. And the older powerhouse here in the background
5 and the corner of the new one, and this is the penstock
6 feeding the old powerhouse. And this is downstream of
7 the project. And the bypass -- I'm sorry, bypass reach.
8 Yesterday it had a little more water in it, but still,
9 even with what we saw yesterday in first spill it
10 doesn't fill up very much in this trough. It pretty
11 much sends it all downstream.

12 And the last development is Huntington. Again, a
13 fairly short impoundment. It's a little over a mile
14 long. This one only has one dam and a very short bypass
15 reach. Similar to Beldens, it was redeveloped in the
16 late '80s to add a new powerhouse and fifth unit -- or,
17 I'm sorry, third unit. This has a minimum flow of 15
18 cfs in the bypass reach, and that is provided on the far
19 side of the dam from where we were looking yesterday.
20 There is also a canoe portage at this facility; and
21 there is a downstream fish passage structure, but it is
22 not used due to changes in the stocking program years
23 ago.

24 And here are some photos in this one. This is the
25 dam and intake area here and here. This is the dam.

1 This is the minimum flow structure that provides the 15
2 cfs. This is the original powerhouse from the early
3 1900s and the new concrete powerhouse, which is also
4 shown here. And this is looking downstream.

5 The original license for the project was issued in
6 1976, and it expires in 2012. So as Aaron pointed out
7 on the schedule, we've got a lot to do in a fairly short
8 time to get an application filed with the commission by
9 2010.

10 And this is kind of a little bit of a repeat of the
11 process. The ILP is the default process now for the
12 commission. And it is intended to bring issues on to
13 the table early on and get studies identified as a
14 group, meaning licensee and the agencies all working
15 together. The issues nailed down upfront, studies
16 conducted and rolled into the -- the results rolled into
17 the application, rather than finding out information
18 needs after the fact. There is potential for
19 settlement, and right now we don't have any predisposed
20 decisions on whether we're going to try to do a
21 settlement or not, but we'll keep that in mind as an
22 option. And EA is now required as a part of the
23 application; whereas, it wasn't in the old process.
24 That pretty much was packaged as an identification of
25 all the information available, and then FERC would do

1 their environmental analysis. Now, in this process, the
2 applicant has to at least analyze the effects of their
3 proposed measures.

4 This is a different version of the same schedule
5 Aaron went over, so I'll skip over that, but we do have
6 a lot to do in the next year.

7 Vermont Marble Power division has a few goals going
8 in to relicensing. The biggest of which is to work with
9 the agencies and public in a cooperative manner,
10 identify everyone's concerns, and find the best way to
11 address them through relicensing to the extent possible,
12 and to find a proposal -- or to develop a licensing
13 proposal on the future of the project that balances the
14 needs of resources and the value of power.

15 And as we go through the process, and as we saw
16 yesterday, there's some activity to improve the
17 efficiency of the project; and as we go, we'll continue
18 to identify any ways that the projects can be improved
19 to make the most of the water that is available.

20 In the PAD we attempted to identify studies that we
21 expect will need to be undertaken based on consultation
22 with agencies and input from the interested parties when
23 we were looking for existing information to include in
24 the PAD. We're expecting we'll need to do a little bit
25 of temperature and dissolved oxygen study to determine

1 the condition within the project. There is a data above
2 and below but not much in between, so we expect we'll
3 need to do enough to verify that things within the
4 project area are as good as they appear to be above and
5 below.

6 Similarly, there's a lot of information about
7 fisheries elsewhere in the watershed but nothing real
8 specific to the project area, so we expect we'll need to
9 do a little work to confirm what is in the project
10 waters.

11 As we talked with Jeff and Rod in the past, we want
12 to work with them to determine if there's any bypass
13 reach habitat potential that we need to address through
14 the process. And the wildlife, botanical and wetlands
15 areas, basically we will do some level of field
16 assessment to confirm what we -- when we expect to be
17 there from our information-gathering from the PAD.

18 Recreation, there are facilities at the project,
19 and we'll looking to make sure those are meeting the
20 needs for the demand. A bigger issue that we came up
21 with in consultation with American Whitewater for
22 developing the PAD was potential whitewater
23 opportunities at the project. We have conducted a site
24 visit a couple of weeks ago with representatives from
25 American Whitewater, and they will be getting together

1 with their coordinator and providing input as to whether
2 or not they think there is a potential there.

3 From all of us seeing the project yesterday,
4 there's some pretty steep drops out there, but we don't
5 expect -- don't expect much potential. We'll see what
6 they have to say and work with them to see what we need
7 to do going forward.

8 And Cultural Resources, Giovanna isn't here today,
9 but she provided some very good information on what she
10 is expecting. Two of the facilities are National
11 Register eligible, and there are some new requirements
12 since those forms were filled out in the '80s that we'll
13 need to take a look at, and there are some areas she'll
14 want to have us look at archeology, and we'll be working
15 with her to determine just where and when and how we
16 need to conduct that work.

17 So the next -- next step we have is comments on the
18 PAD from the public and the agencies, and that will help
19 us work through the study planning process. As Aaron
20 mentioned, there are seven criteria that FERC requires a
21 study request to follow, so we'll be looking to make
22 sure those are incorporated when we get study requests
23 and are trying to develop the plans, to make sure that
24 we're developing study plans that will provide the
25 information necessary to evaluate the effects of the

1 project as we go forward. And that's all I have.

2 MR. LIBERTY: Does anybody have any
3 questions on the process plan or schedule right now?
4 Does everybody understand where we're at and where we're
5 going the next year? Some of you might have experience
6 with the other ILP here in Vermont, in Canaan, is that
7 right, there's an ILP?

8 I'd also like to emphasize, if any of you have any
9 additional information or know of any information,
10 fishery studies, water quality studies, please submit
11 that to us. That will just make things easier in the
12 long run, the more information we have right upfront.

13 So I guess we can --

14 MR. CUETO: I have one question. Jeffrey
15 Cueto, C-U-E-T-O, from the Agency of Natural Resources.
16 I was just wondering if the intent is to start any
17 studies this summer, or is this sort of the summer for
18 planning studies that will begin next summer?

19 MR. QUA: I think at this point we're
20 looking to plan for next summer's studies. However,
21 that said, if there are -- you know, we have talked
22 about going out and looking at the bypasses, and we
23 didn't get to that since -- through the winter, but if
24 there's things that we can do now to get -- to get
25 moving with studies that make sense to start earlier,

1 then we certainly will want to consider doing that. Are
2 there any -- anything that you had in mind, Jeff, that
3 we --

4 MR. CUETO: Yeah, I didn't have any
5 particular studies in mind. It seems like the -- I
6 guess basically we have three study seasons available,
7 so I don't think a whole lot is lost by not doing
8 studies this summer. The only potential drawback is
9 that sometimes, especially if we're looking for water
10 quality data, it's good to get an early start, because
11 you can never count on having the right conditions to
12 assess things like dissolved oxygen and temperature. So
13 if there's an opportunity and there's a need to collect
14 data, you might want to start with collection of data
15 this summer.

16 MR. QUA: I think for -- especially for that
17 particular topic, feedback from your group on what we
18 have for existing information and what you would
19 anticipate for study needs, then we might want to look
20 at trying to do something this summer. Otherwise, we
21 would be -- we do want to follow the FERC process for
22 the consultation of the developing of the plans and FERC
23 approval, but like you said, if there's -- if there's
24 something like water quality that you're really
25 depending on Mother Nature for the right conditions,

1 it's not unreasonable to do one or two of those things
2 sooner rather than later.

3 MS. CARTER: One thing I do want to
4 mention -- Emily Carter with FERC -- is that you do want
5 to be careful with starting -- I mean water quality, as
6 you know, you pretty much have to do studies for those,
7 but keep in mind that some studies, if you start them
8 early, they might not necessarily be included in the
9 final study plan determination, which won't be issued
10 until February of '08, I think. So when you're
11 discussing which -- which studies to start early, keep
12 in mind that, you know, you could start some that then
13 won't actually be required, that sort of thing.

14 MR. LIBERTY: Any other questions for right
15 now? I guess we can start going through the scoping
16 document then. Again, there are copies over there for
17 anybody who doesn't have one.

18 So basically why we're here today is to get your
19 feedback and your input on whether we captured the
20 potential issues correctly in the scoping document or
21 even potentially if we have something in here that you
22 don't think needs to be addressed or something that has
23 to be taken out. So I guess we can just go through
24 each -- each resource area individually and then take
25 comments on each one. And also in the scoping document,

1 we didn't address the geographic scope. So if you --
2 you folks have any comments on what you think the
3 geographic scope should be or how we should define that
4 for each resource area, please speak up.

5 So Geology and Soil Resources, what we came up with
6 is: Effects of continued project operation on river and
7 reservoir shoreline erosion and bank stability. And
8 again, these are pretty general for right now. So are
9 there any comments on that particular resource area?
10 Again, that's on page 12 of the scoping document.

11 MR. QUA: And I just -- on that issue, our
12 assumption is with it being a run-of-river project, that
13 that wouldn't be the same level of issue as it might be
14 if it were a peaking project.

15 MR. LIBERTY: Right. Minimal.

16 MR. QUA: Is that --

17 MR. LIBERTY: Right. That's what I was
18 thinking, but I just wanted to capture that in the
19 scoping document.

20 MR. CUETO: Just to be sure that -- Jeff
21 Cueto. Just to be sure that I didn't miss anything,
22 when you characterized at least the existing operation
23 in Proctor as having conservation flows and 50 percent
24 standard, but my understanding is the operation is
25 actually a run-of-river, so there's a head pond cycling;

1 is that correct?

2 MR. QUA: That's correct. Todd, do you --
3 can you explain maybe in a little better detail, if you
4 can, on the ISO component of that?

5 MR. ALLARD: Sure. Todd Allard, Vermont
6 Marble. I believe in the 401 Water Quality Certificate
7 there is a provision for limited drawdown for IS --
8 well, I'm sorry, at the time it was characterized as
9 NEPOOL -- emergency conditions. So there are -- there
10 is the potential that because of Power Pool conditions,
11 there may need to be a drawdown of that -- of that head
12 pond. Generally, the facility is run in a run-of-river
13 mode, and that is not done on a regular basis. In fact,
14 I -- in recent memory, we have not had to draw that head
15 pond down. So it is generally run-of-river. But there
16 is that possibility for head pond drawdown,
17 infrequently.

18 MS. CARTER: Okay. If we can take a step
19 back, as you -- as you probably guessed, we have a court
20 reporter that is recording this meeting, and the
21 transcript will be available through the FERC public
22 reference room in ten days, if you want to get a copy.
23 And also, to make it easier for her, if we could go
24 ahead and go around and introduce ourselves and who
25 you're with, the agency that you're with, that would be

1 great.

2 So I guess we've already done it, so we'll start
3 with (indicating).

4 MR. ALLARD: Okay. Todd Allard. I'm with
5 the Vermont Marble Power Division of Omya.

6 MR. SHAW: Lane Shaw, L-A-N-E S-H-A-W,
7 Vermont Marble Power.

8 MR. SCHWIEBERT: Van Schwiebert -- Edward
9 Schwiebert, with Kenlan, Schwiebert & Facey. I'm an
10 attorney representing the licensee applicant.

11 MR. OAKES: Tim Oakes, O-A-K-E-S, for
12 Kleinschmidt. We're consultants to Vermont Marble.

13 MS. MALONEY: Kelly Maloney with
14 Kleinschmidt Associates. Consultants to Vermont Marble.

15 MR. WENTWORTH: Rod Wentworth. I'm with the
16 Vermont Agency of Natural Resources.

17 MR. CUETO: Jeffrey Cueto. Vermont ANR.

18 MR. HAMILTON: Jim Hamilton. Omya
19 Industries.

20 MS. CARTER: Thanks.

21 MR. LIBERTY: So I think we can move on to
22 Water Resources. We came with up three items under
23 Water Resources --

24 MR. CUETO: Aaron, if I could just follow up
25 on --

1 MR. LIBERTY: Sure.

2 MR. CUETO: -- what Todd was just saying? I
3 think that it's important for the agency to fully
4 understand project operation; and if emergency operation
5 is going to be a component of the project going forward,
6 then we'll have to know that, especially for the Water
7 Quality Certification process and how you would react to
8 one of these -- I don't know if NEPOOL's around anymore,
9 but ISO New England, the special operation, what
10 characterization -- characterization of how flows are
11 going to be managed during those periods would be
12 important to us, what provisions are going to be made
13 for maintaining downstream flows and bypass flows as
14 well. And of course, it's much easier for us if we
15 don't have those emergency operations.

16 MR. LIBERTY: So for Water Resources:
17 Effects of continued project operation on Otter Creek
18 flows; effects of continued project operation on water
19 quality parameters, in Otter Creek, above and below
20 Proctor, Beldens, and Huntington Falls developments.
21 And lastly, the potential for contamination of water
22 resources via the release of petroleum projects or other
23 volatile organic chemicals as a result of continued
24 project operations.

25 MR. QUA: As to the last one, it's a

1 component of spill prevention?

2 MR. LIBERTY: Yeah, it's typically -- it's
3 standard. I think it's something we always address in
4 our environmental assessments. Sometimes it's not put
5 in the scoping documents, but I just decided to put that
6 in there.

7 MR. QUA: Thanks.

8 MR. LIBERTY: Any comments on Water
9 Resources?

10 MR. CUETO: I'd just, relative to that third
11 bullet, if that issue is going to be covered, it would
12 be good to have information on the history relative to
13 have there been events at the projects and have
14 practices been modified to prevent future discharges.

15 MR. LIBERTY: Anything further? No? So for
16 Aquatic Resources, we came up with seven items here.
17 The first one being: Effects of continued project
18 operation on fish, mussel, and macroinvertebrate
19 populations and their habitat in project reservoirs and
20 project-affected stream reaches. The second one is:
21 Effects of continued project operation on fish
22 entrainment through project works. The next one is:
23 Effects of continued project operation on upstream and
24 downstream fish passage. Next, is: Effects of
25 continued project operation on aquatic and wetland plant

1 communities. The fifth one is: Effects of continued
2 project operation on reservoir fluctuations. The next
3 is: Adequacy of current minimum instream flow releases
4 for the protection of fish, mussel, and
5 macroinvertebrate species. And lastly, we have:
6 Effects of continued project operation on the spread of
7 aquatic invasive species.

8 Anything for Aquatics?

9 MR. CUETO: I'd just note that -- for the
10 record, that the agency will be providing written
11 comments. If we don't say anything today on a
12 particular topic, that doesn't mean we won't say
13 anything.

14 MR. LIBERTY: Right. Sure.

15 All right. Moving on for Terrestrial Resources:
16 Effects of continued project operation on wetlands,
17 shoreline vegetation and associated wildlife. And also
18 with that is Threatened and Endangered Species: Effects
19 of continued project operation on any threatened and
20 endangered species. And I don't believe we have any T
21 and E species for this particular project. At least in
22 the PAD there didn't seem like there is any.

23 MR. QUA: Not that we found in our
24 information-gathering.

25 MR. LIBERTY: Right. Any comments on

1 Wildlife, T and E Species?

2 MR. CUETO: I'd just comment that as with --
3 to go back to the erosion potential, management of the
4 head pond is pretty important in terms of types of
5 impacts, like impacts on wetlands. But if it's
6 basically a stable head pond, that addresses our
7 concerns.

8 MR. LIBERTY: Right. So next on the list we
9 have Recreation Resources and Land Uses. And we have
10 three items. First is: Effect of project operations,
11 including maintenance activities, on public access and
12 recreational opportunities within the project area.
13 Next is: Adequacy of existing recreational facilities,
14 parking, and public access within the project boundary
15 and ability of facilities to meet future recreational
16 demands. And lastly in that category, we have:
17 Appropriateness of existing project-related interpretive
18 and education/recreation signs.

19 MS. CARTER: And one issue that will
20 probably be added to that is the whitewater potential.
21 Since there will be a study on that, we will include as
22 an issue the potential for whitewater opportunities in
23 the project.

24 MR. CUETO: I have one question. In terms
25 of signage, I don't recall seeing any interpretive signs

1 at the project. Did I miss some?

2 MR. ALLARD: No, I don't -- there are not.

3 MR. CUETO: We have a good example, CVPS at
4 the Middlebury Lower Project here in Middlebury, there's
5 an excellent recreational plan, including interpretive
6 signage. And we're certainly advocating for
7 interpretive signage at the project. It's a nice
8 feature.

9 MS. CARTER: What project was that, that you
10 said was a good example?

11 MR. CUETO: The Middlebury Lower Project.

12 MR. LIBERTY: Moving on, Aesthetics. And
13 one item we came up for that is: Effects of project
14 operations, including maintenance activities, on
15 aesthetic resources in the project vicinity. Anything
16 we need to add for that, Emily?

17 MS. CARTER: No.

18 MR. CUETO: I'd comment that aesthetics is
19 actually a designated use under our water quality
20 standards in Vermont and will at least be an issue that
21 we'll need to address at Sutherland Falls. And that was
22 with respect to bypass flows, if that's not clear.

23 MR. OAKES: Too much flow obscures the
24 rocks?

25 MR. CUETO: Rare.

1 MR. LIBERTY: So next we have Cultural
2 Resources, and that is: Effects of continued project
3 operations on historic, archeological, and traditional
4 resources that may be eligible for inclusion in the
5 National Register of Historic Places. And lastly is --
6 oh, go ahead, Frank.

7 MR. WINCHELL: I'd like to just add, I
8 think -- Frank Winchell with FERC -- an important thing
9 that will need to be determined to help guide the
10 studies for cultural resources is to establish this area
11 of potential effects, which is the geographic extent of
12 project effects on things such as archeological sites or
13 the historic project facilities. I would strongly
14 emphasize to discuss this further with Giovanna Peoples
15 and get her to agree on the geographic extent of where
16 these cultural resource studies need -- need to take
17 place.

18 MR. LIBERTY: Okay. The last resource area
19 we have is Developmental Resources. And that's: The
20 effects of proposed mitigation and enhancement measures
21 on project economics. Any comments on Developmental
22 Resources?

23 All right. Does anybody have any other comments,
24 questions for us at this point? Did we capture
25 everything? You guys are making it easy on us if you

1 don't have questions.

2 I probably should have went over this before, but
3 I'd like to briefly just read through the seven criteria
4 under section 5.9 for when the public and agencies
5 submit their study requests. This comes up often in our
6 projects. People are unclear about the seven criteria.
7 So I'm just going to read through those very briefly. I
8 think Andy actually had them up there in his last slide,
9 second to last slide.

10 But the first one of these criteria is: Describe
11 the goals and objectives of each study proposal and the
12 information to be obtained.

13 The second: If applicable, explain the relevant
14 resource management goals of the agencies or Indian
15 tribes with jurisdiction over the resource to be
16 studied. Third is: If the requester is not a
17 resource agency, explain any relevant public interest
18 considerations in regard to the proposed study.

19 The fourth is: Describe existing information
20 concerning the subject of the study proposal, and the
21 need for additional information.

22 The fifth is: Explain any nexus between project
23 operations and effects on the resource to be studied,
24 and how the study results would inform the development
25 of license requirements.

1 Number 6 is: Explain how any proposed study
2 methodology is consistent with generally accepted
3 practice in the scientific community or as appropriate.

4 And lastly, number 7 is: Describe considerations
5 of level of effort and cost, and why any proposed
6 alternative studies would not be sufficient to meet the
7 stated information needs.

8 And again, it's very important that folks address
9 every one of these seven criteria when submitting a
10 study request to us.

11 So again, the next deadline we really have to pay
12 attention to is that July 27th date. It's very
13 important that everybody get their comments and study
14 requests in to us by that July 27th date.

15 Again, any other comments, questions on anything
16 we've gone over here today for us? Do you guys have
17 anything else you'd like to add?

18 MS. CARTER: I just want to remind everyone
19 that as you make your comments and consider your
20 requests, to also think about the geographic scope; and
21 if you have any recommendations for what the geographic
22 scope for what each resource should be, include those.

23 MR. LIBERTY: Yes?

24 MR. SCHWIEBERT: Van Schwiebert. I think
25 one thing that would be important is when people do make

1 comments, obviously they go to the commission, but they
2 should also be circulated to the other people who sign
3 up or who are interested parties in the proceedings,
4 particularly to Kleinschmidt and to the licensee, so
5 that we all are aware and can react in a timely fashion.

6 MR. LIBERTY: Sure. And again, these
7 pamphlets describe how to sign up and get e-mails when
8 anything is filed pertaining to this project. You'll
9 get an e-mail notification stating what it is what's
10 been filed and when. And that's just a good way to keep
11 on top of what's going on.

12 MS. CARTER: So that just in case things
13 don't get distributed to everybody, you can at least get
14 an e-mail when it's filed with the commission.

15 MR. CUETO: Will the transcript be available
16 on the e-library?

17 MR. WINCHELL: Yes.

18 MS. CARTER: Yes.

19 MR. LIBERTY: And again, if people haven't
20 signed up, please sign up on our sheet over there at the
21 table and take some of those handouts. I don't want to
22 truck those back to D.C.

23 MR. CUETO: Do you want these forms too,
24 Aaron?

25 MR. LIBERTY: Yes, please. Just leave them

1 over there. I'll grab them. So if that's it, I think
2 we can conclude the meeting today. Thanks everyone for
3 coming out. And again, if you have any questions or
4 anything pertaining to the process plan and schedule,
5 give me a call. I'm always in my office, unfortunately.
6 So thanks.

7 (Whereupon, the Scoping Meeting was
8 concluded at 10:22 AM.)

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C E R T I F I C A T E

I, Darlene L. Falls, RM, CRR, Court Reporter and Notary Public in and for the State of Vermont, do hereby certify that the foregoing pages, numbered 3 through 29, inclusive, are a true and accurate transcription of my stenographic notes of the Scoping Meeting, Otter Creek Hydroelectric Project, conducted in re: Vermont Marble Power Division of Omya, Inc., Project No. 2558-025, on Wednesday, June 6, 2007, commencing at 9:45 AM.

I further certify that I am neither counsel for nor related to any party to said action nor in any way interested in the outcome thereof or in any other way disqualified to stenographically record the deposition.

IN WITNESS WHEREOF, I have hereunto subscribed my name this _____ day of _____, 2007.

DARLENE L. FALLS, RM, CRR

My commission expires: 2/10/2010