

BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

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BRASSUA PROJECT : Project Number
: P-2615-035

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The Community House
6 Lakeville Street
Greenville, Maine

Wednesday, June 27, 2007

The above-entitled matter came on for scoping
meeting, pursuant to notice, at 7:15 p.m.

BEFORE:

JOHN COSTELLO, FERC

1 P R O C E E D I N G S

2 7:15 p.m.

3 MR. COSTELLO: I think we might as well go ahead
4 and get started. We have a very nice turnout this evening,
5 so we're going to kind of customize the presentation
6 accordingly, and leave it fairly informal.

7 I'll probably hit on a couple of highlights here,
8 and then we'll just have question and answer. I'd first
9 like to welcome you, of course, for our scoping meeting.

10 I'm John Costello, and I know you have some
11 people around here that I didn't get a chance to meet with
12 you, talk with you as much as some of the others.

13 But I certainly appreciate the field trip we had
14 today and your input, because that's a great place to be,
15 and it was very informative for us to be there.

16 I know it was a lot of work for everyone to do
17 that for us, so we certainly appreciate it. I'm going to be
18 the FERC coordinator for the project, and other Commission
19 staff on this project are Annie Blanchard, who's an attorney
20 with OGC, and John Smith is our aquatic resources, and
21 Michael Watts, the civil engineer.

22 Mr. Murphy, who is not with us today, is the
23 Director of Resources and Endangered Species, as well as
24 recreational land use, and I'll assess the soils and
25 cultural resources.

1 Representing the licensees is Frank Dunlap, and
2 if anyone else wants to talk this evening, that would be
3 fine as well too. Well, since we're going to have testimony
4 tonight, I did want to talk a little bit about the court
5 reporter.

6 If everyone has a copy of the scoping document.
7 If you don't have one, there's copies out on the table.
8 There's also a flow chart of our integrated licensing
9 process. It's kind of complex and we can talk about that a
10 little bit this evening, as much as you like.

11 We think it might not be beneficial to get into a
12 real lengthy discussion, especially the outline phases of
13 it, because that gets so far into the future that we'll
14 probably all forget it by then anyway. So we'll take it
15 kind of phase by phase.

16 There's also a handout back there that we had put
17 together, that was five or six, what they call them, the
18 Pioneers, the first licensees that started using the ILP
19 process. We've been working with them quite a bit to gain
20 their input, on how things could be improved and getting
21 some ideas of how communications can be going.

22 So there's some pretty good hints in there that
23 you guys can take with you if you'd like, and when we speak
24 tonight, if you'd identify yourself, for the benefit of the
25 court reporter especially.

1 If we would speak our name very clearly and our
2 affiliation. This is going to be part of our official
3 record, and as I say, we'd like to keep this as informal as
4 possible this evening, and also make sure everything is
5 accurately documented.

6 If anyone would like to file written comments,
7 our mailing address, of course, is on page 18 of the scoping
8 document. You can also file comments electronically. The
9 instructions for those are also on written comments and
10 electronic are also found in the same location.

11 Finally, our mailing list is always there. We
12 try to keep it updated and correct. For those of you who
13 want to be on our -- FERC's official mailing list, we send
14 the scoping document to everyone on the first mailing list,
15 and the Brassua distribution list.

16 Please check the list in the back of the scoping
17 document, and if the name and address is not there, or if
18 it's wrong, just follow the instructions on page 18 and
19 we'll get it corrected.

20 Unless anybody has any questions, right now I
21 guess we'll just go right through a kind of brief summary of
22 the Integrated Licencing Process, ILP, and John Smith will
23 do that.

24 MR. SMITH: The analog to this project was filed,
25 I think, on March 29th, and basically the first year of this

1 process, it was a very important first year.

2 It deals with scoping out the issues, identifying
3 everybody's interests and developing a study plan that's
4 eventually approved by FERC. Then the applicant will
5 implement those studies in the following year.

6 So this is just a real abbreviated slide of the
7 longer handout. Right now, we're in the scoping phase.
8 Study plan development will occur over the next three to
9 four months. Towards the end of the year, we'll have a
10 study plan determination issued by FERC.

11 The next one to two years, depending on whether
12 we need a second year or not, the studies will then be
13 conducted.

14 Eventually, after the studies have been
15 completed, application would be filed. We would issue a
16 ready for EA notice if we found that the application was
17 complete and adequate, and ready for EA notice it's the same
18 as it's been in the past.

19 We solicit terms and conditions from the
20 agencies, comments from other entities. We then would
21 proceed to our environmental document, which in this case
22 we're planning on doing a single EA, unless, you know,
23 there's a lot of issues that come out that we weren't aware
24 of and that we need to do a follow up document on or an EIS.
25

1 I don't think that's the case, but that decision
2 would be made later. Then hopefully, shortly thereafter, we
3 issue a Commission order. So the whole process is about
4 four and a half, maybe five years total.

5 But a lot of it's front-loaded, so that once the
6 application is filed, it's in our shop for a shorter period
7 of time. We still need the usual suspects in mandatory
8 conditions if there are any. In this case, it would be the
9 401. If there was a Section 18 proscription or reservation,
10 we would need that also.

11 That's basically all I had for the process. If
12 you guys look at the handout, and have any questions, you
13 can bring them up, bring those up tomorrow or this evening,
14 if you'd like.

15 (Pause.)

16 MR. COSTELLO: Okay. We can get into some
17 discussion if you'd like, if you have any questions about
18 our scoping process. Like John said, this is our, you know,
19 the meeting for it, and if --

20 Based on the comments that we received on Scoping
21 Document 1, the one that we just issued, we might issue a
22 revised scoping document. That would be done probably 30
23 days from today.

24 MR. SMITH: SD 2 is --

25 MR. COSTELLO: Sixty, 60 days.

1 MR. SMITH: Forty-five out, I think 45 after.

2 MR. COSTELLO: Yes.

3 MR. SMITH: Forty-five days after the comments
4 are due. We have the dates on a later slide. But comments
5 on scoping and the study requests of the agencies, and
6 anybody else that files a study request, is 30 days from
7 this meeting. They're due 45 after that.

8 MR. WATTS: I think it's due on 9th, September
9 10th.

10 MR. SMITH: The SD 2?

11 MR. WATTS: SD 2.

12 MR. SMITH: And the proposed site plans.

13 MR. COSTELLO: All right. Yes.

14 MR. SMITH: Do you know, speaking to Maine, do
15 you guys want to go over the list of issues that we've
16 tentatively identified or did you want to do that tomorrow?

17 Because the thing we usually do is go through the
18 scoping document for each of the resources, and you know,
19 ask everybody did we get the right issues, did we miss some?
20 You know, I don't know -- we definitely are going to do that
21 tomorrow.

22 MR. DUNLAP: At this point, we don't have any
23 issues to raise right now.

24 MR. SMITH: Okay.

25 (Off the mic discussions.)

1 MR. COSTELLO: You're probably pretty familiar
2 with the project, but if you have any questions of Frank or
3 the other people at FPL about the project, I guess we can
4 talk a little bit about that.

5 (Off the mic comment.)

6 MR. SMITH: Yes, just come up in this row. We'll
7 get you on the record.

8 MR. BAGLEY: Yes. Jeff Bagley with Inland
9 Fisheries and Wildlife. We've met with Bill and Wes ahead
10 of this process, and prior to the regional biologists that
11 was here prior, and kind of sat down and came up with a few
12 ideas any key concerns that we may have, and we'll be filing
13 those, you know, as written comments later.

14 VOICE: Your name again?

15 MR. BAGLEY: Bagley.

16 VOICE: Could you spell it for us?

17 MR. BAGLEY: B-A-G-L-E-Y.

18 MR. COSTELLO: And you're probably familiar with
19 the proposed study, at least the aquatics proposed studies
20 already?

21 MR. BAGLEY: Yes.

22 MR. COSTELLO: Yes. Study criteria, yes. And I
23 guess this is pretty important. When you -- excuse me, John
24 Costello with FERC.

25 This is pretty important. John will talk a

1 little more about the study criteria, and we also have a
2 handout in the back that gives a little more detail of the
3 study criteria.

4 When we are asking for a study plan, there are
5 seven criteria that have to be addressed. Of course, the
6 more detail in that study, you know, the better. It has to
7 be enough for everyone to understand exactly what is one of,
8 you know, the results of the study and, you know, the length
9 of the study and how it should be, you know, its
10 methodology.

11 But we'll go through the dates of when all this
12 occurs on the next slide after this.

13 MR. SMITH: Let me just go -- can I -- let me go
14 through those bulleted items, just for -- John Smith. I'll
15 just go through the study request criteria real quick.
16 We'll do it again tomorrow.

17 This is probably the most important thing to
18 adhere to in the first year when you file the study
19 requests. They're described in Section 5.9 of the regs, and
20 for every study, that would be only the ones that come in
21 from the agencies or in the studies proposed by the licensed
22 applicants, or in anything we might ask.

23 Everybody has to adhere to these criteria. You
24 want to identify -- the seven criteria, you want to identify
25 the study goals and objectives for each study; take into

1 consideration the resource management goals that are already
2 out there; consider the public interest and any existing
3 information, and explain why the existing information isn't
4 enough and we need the additional studies.

5 Most important is probably that next one, to show
6 that there's a nexus to project operations or effects. The
7 methodology should be consistent with accepted practice, and
8 some consideration of the level of effort and cost, if you
9 know what those are, should be described in each study
10 request, and why alternative studies would not suffice.

11 I should say for the ILPs we've got so far, you
12 know, I think the agencies have been -- have done a good job
13 outlining them. I think all the ones I have worked on, it's
14 been followed pretty close.

15 It really makes a difference when we go at the
16 very end of the year into a study plan determination,
17 because we're going to have to make a call as to whether we
18 require the study or not. So those criteria help us a lot.

19

20 You want to do the next -- is the next one the
21 schedule?

22 MR. COSTELLO: Yes.

23 MR. SMITH: Once again, the study requests are
24 due a month from now, and then the licensees or the license
25 applicants are supposed to hold a study plan -- okay, I'm

1 sorry. I'm skipping ahead.

2 The proposed study plan is then due in 45 days
3 from FPL, and a month after that, we have study plan
4 meetings, where we discuss any disagreements. If there's a
5 lot of disagreements, usually there's additional meetings.

6 If everybody's on board with the proposed studies
7 and we can wrap it up in that meeting, that would be great.
8 There's another couple of months after the study plan
9 meetings, to work out any differences, and come back with a
10 revised study plan, which is due just a little after, I
11 guess it's the 8th, January the 8th.

12 Then we would issue our final determination on
13 February the 7th. Now there's nothing to say, if you can
14 get agreement on all the studies, I don't think that
15 prevents you from starting early, if that's a desire.

16 Some people like to not miss a field season or
17 get started. So that really depends on whether there's
18 agreement across the board. There's a couple of other steps
19 left out of that slide, if you look on the flow chart.

20 There's several other opportunities for comments.

21

22 MR. COSTELLO: Yes, and in the back of the
23 scoping document, you'll see the scoping or the process plan
24 and schedule, and that has some detailed dates and
25 everything when it's due, would be due.

1 These dates are pretty much cast in concrete.
2 They're not flexible. Everyone's held to these dates.

3 MR. SMITH: If somebody gets something in early,
4 our practice has been to stick with the next due date
5 without moving it up. That's just so everybody knows. It's
6 not real clear in the regs how that's supposed to work, if
7 something comes in early. Any questions on the process?

8 MR. COSTELLO: John Costello with FERC. The
9 handout I was talking about was put together by the
10 participants, as part of the discussion on doing the study
11 plans.

12 One of the hints that they give is if it's at all
13 possible, because they can be quite onerous; I don't know if
14 it will be in this case, but it can be, is -- especially if
15 the agency or someone are going to be asking for the same
16 kind of data, then maybe go together and jointly prepare a
17 plan. So that way, you kind of split some of your own
18 resources that way.

19 (Pause.)

20 MR. COSTELLO: Well, I guess that was kind of our
21 quick, abbreviated run-through. So we'll open it up for any
22 kind of questions or dialogue.

23 (No response.)

24 MR. COSTELLO: There will probably be a lot more
25 discussion tomorrow at the agency meeting, where people will

1 have a lot more direct comments and opportunity to talk
2 about some specific issues or questions.

3 (Pause.)

4 MR. COSTELLO: Well, I guess if there are no
5 further questions, I'll guess we'll go ahead and adjourn the
6 meeting.

7 (Whereupon, at 7:35 p.m., the meeting was
8 adjourned.)

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