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FEDERAL ENERGY REGULATORY COMMISSION

TOLEDO BEND HYDROELECTRIC PROJECT

SCOPING MEETING

PROJECT NO. 2305-020

TUESDAY, DECEMBER 16, 2008

1:30 P.M. - 3:22 P.M.

2000 CYPRESS BEND PARKWAY

MANY, LOUISIANA 71449

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MANY, LOUISIANA, TUESDAY, DECEMBER 16, 2008

1:30 p.m.

MR. MITCHNICK: Good afternoon. My name is Alan Mitchnick, and I'm the project coordinator for the project with the Federal Energy Regulatory Commission. And I really appreciate everybody being able to come this afternoon. I know a lot of you had to travel, you know, substantial distances to get here and it's -- really appreciate it.

And it's very important to -- for everybody to be involved from the beginning. This is a very long process in very short time frames, and it's important to be involved from the very beginning.

Okay. First, let me introduce -- first -- can you hear this? I hear a lot of reverberation.

Okay. Let me introduce our staff. First of all, Lesley Kordella is the assistant project manager who will be working with me on this project. So if you have any questions, just give me a call or give Lesley a call. If you don't like the answer you get from me, just call Lesley; maybe you'll get a better answer.

And the other member of our team today is John Mudre, who is our fisheries biologist, who will be working on water quality issues, water resource issues,

and fisheries issues.

Just one requirement about the court reporter. This is being recorded, and there will be transcripts available on the FERC Web site in about 10 days. But for the benefit of the court reporter, if you can give your name before you talk, and if it is a difficult name, to spell it, if you could spell your name, at least the first time, so we'll have that accurately for the record.

What I'm going to talk about now is the ILP process, the integrated licensing process, which is one of the three licensing processes that the commission has. And this is the default process. And I'll go through a description of the steps in the process to make sure everybody is on the same page as to what is expected.

I will have the applicant describe the project, you know, a brief description of the project, so if you have any questions, some general questions on operation of the project --

(Technical difficulties.)

MR. MITCHNICK: Okay. Can everybody hear me?

Good. Okay. Where was I?

MR. SWOBODA: ILP process.

MR. MITCHNICK: The applicant will describe the

proposed action briefly. Then we'll go through the issues that are outlined in the scoping document. What we hope to have is some discussion about what issues need to be included in the evaluation, what issues don't, you know, any questions, and we might have questions for people in the audience. But we'll go over the scoping issues and try to get a little more clarity and focus of the issues.

Then we'll have opportunities for some additional comments and discussions. And at the end, we'll have time for questions and answers. But if you have questions on anything that is on the screen before you, don't hesitate, just raise your hands, and we'll take care of those questions as we go through the process.

Okay. The ILP process officially started when the applicant filed its notice of intent to file the license -- notice of intent to relicense the project. And that is when they filed their preliminary application document, and that was on September 22nd, and that basically initiates the ILP process.

You know, why did the commission go with the ILP process?

It's a process that was developed with many of the agencies that we deal with on a routine basis, also

with the NGOs and the tribes to develop this process. And it's designed to be more efficient than the previous process by, one, requiring the preparation of a PAD, a Preliminary Application Document, which is an attempt by the applicant to develop, to locate, and to summarize all the existing information so that will allow easier determination of what additional information actually is needed to evaluate impacts of the project.

Early first staff involvement typically were not involved until after the application was filed -- under the ILP were involved from the very beginning of the process.

Need for scoping. National Environmental Policy Act, scoping occurs prefiling as opposed to post-filing, which also saves some time.

Post-filing, it requires development of a process plan and a schedule so that basically everybody understands the steps in the process and the dates so everybody's on the same page as to the time requirements. And it also focuses on getting the information that is needed early on in the process as opposed to waiting until after the application is filed in order to determine, you know, additional information.

Earlier, the better.

Here are the main steps in the process: The

top row is the prefiling process, which generally takes anywhere between two to three years. In this case, it's scheduled to take three years.

The bottom -- and I'll go through each of these steps in more detail.

The FERC part of the process generally takes a year and a half to two years. So the whole process is going to take anywhere from four and a half to five years, unless there are some complications.

Okay. The initial steps -- now it's working. You got to walk clockwise instead of counterclockwise.

Okay. The initial steps, I already talked about the -- how the process all began, and that is with the filing of the notice of intent in the PAD. And basically, that has already happened so I won't spend a whole lot of time on that.

Okay. Here we are. The scoping meeting process plan, it talks a little bit about scoping, but the purpose today and during this initial part of the process is to make sure that we understand all the issues, that we're able to identify all the issues so that we're able to determine, you know, what information is needed, what studies are required, to be able to get a good handle on the issues early on in the process.

And we'll talk a lot about comments. There is

an open comment period. Comments are due on comments on the PAD, comments on the scoping document, and perhaps the most important thing is study requests. And I'll talk about study requests. And all of that is due pretty soon, and that is January 21st.

A lot of your documents will have January 20th, and Lesley will remind you, again, but the time period ends January 21st, and that is when we're expecting to see those comments and those study requests.

If there is a need, we will revise the scoping document that we issued, and we will send it out. If no comment -- if no changes are needed, then we'll probably just send out a letter saying that no changes are needed or only minor changes are needed.

One of the important aspects of the ILP is, of course, the study plans and the requirements to complete the studies during the prefiling process.

And the commission has come up with a set of criteria, a set of seven criteria that must be met before the commission would adopt a study request.

So if you have a study request, which are due January 21st, they need to meet all these seven criteria.

The first one is self-explanatory. It has to have goals and objectives.

For agencies, you know, it needs to relate -- the study needs to be related to management goals, management plans. If it's not a resource agency, then, you know, what is the public interest in having those studies conducted?

Perhaps the most important thing is probably the next two. And one is why doesn't existing information satisfy the need for information? Why can't we get by with existing information?

But probably the most important, though, is the nexus to the project, which is the operation of the project and the connection to developing enhancement measures, mitigation measures.

There has to be a clear link between the need for the information and the project. Impacts of the project, need for mitigation, those types of things, and that is what the commission looks real carefully with.

The next one is the methodology has to be consistent with accepted practice. If it is a totally new methodology, then it just needs to be explained why this particular untested methodology is appropriate. But that is usually not much of a problem.

It also needs to include effort and cost and why perhaps a less expensive study would not be more appropriate.

I mean, we like to sort of characterize it as, you know, why -- why do a Cadillac study when you can get by with, you know, a Chevy. And, you know, those comparisons may be not appropriate anymore. Maybe why do a Lexus study when you can get by with a Corolla study or something like that.

So that is sort of what we're looking for in terms of study criteria. And, you know, I can't stress how important this is and how carefully we look at to make sure that these criteria are, in fact, met. If they're not met, then we can reject the study request.

Now, the study development process, either we're already in it or you can look at it, that it starts when the applicant will develop their proposed study plan.

So based on the comments that are filed on January 21st and other information in the record, the applicant is going to be providing to everybody a copy of their study plans. And that sort of begins the study plan process.

And the next 90 days would be so the attempts to resolve any discrepancies in terms of what information is needed, what types of studies are needed. And as part of this process, the applicant has to hold a public meeting, usually within 30 days. And there will

be numerous opportunities with that 90-day period for study -- for study plan meetings and whatever is needed to try to resolve what those study plans look like.

Then parties will be able to file comments, and then, based on those comments, the applicant will then revise the study plan.

Fifteen days later than that, the applicant -- I'm sorry -- the parties can file comments on the revised study plan.

And then the commission will issue a study plan determination, which basically is telling the applicant these are the studies that have to be conducted and here's how they have to be conducted according to the approved study plans.

The applicant will conduct studies over either one or two years. Studies could begin next year or they can begin the year after, 2010, 2011.

Now, the study report process is another multiplying process with numerous opportunities to provide comments. The applicant will provide an initial study report. There will be meetings to address issues involved with the study reports. Then there will be opportunity for additional studies.

After the first year, the standard for new studies would be good cause. After the first year, it

would be extraordinary circumstances.

So basically, after the first year, if it is -- you know, if you have pretty good reason, then the commission likely will adopt it.

After the second year, it has to be a really, really, really good reason for the commission to adopt the study request that late in the process.

So after the first year, as I mentioned, there will be this -- there will be the series of meetings and requests for additional studies.

Then after the second year of studies, there will be a second report, and there will be a second round of meetings and a second round of comments.

So this -- as I said, there will be numerous opportunities to provide comments on the first study report, the initial study report, and the second study report, which is the updated study report.

Okay. We have all these study reports, all these study results, and the next step in the process is the applicant's developing a preliminary licensing proposal.

And basically, the applicant has two options: They can either provide a licensing -- preliminary licensing proposal, or they can file a draft licensing application.

The difference is the licensing proposal will have detailed descriptions of the environment, the environmental issues, impact, mitigation, but it won't include all the engineering reports that would be in the final license application.

The preliminary licensing proposal will also include a draft biological assessment under the Endangered Species Act, and will also include a historic properties management plan under Section 106 of the Historic Preservation Act. And everybody will have 90 days to provide comments on the preliminary licensing proposal.

And then once that happens, the applicant will address the comments. As part of the comments, a party can request additional studies also, which the commission will address after the application is filed.

But once the application is -- once the applicant addresses all the comments, then they'll file a final license application with the commission, which would be in September of 2011. So we're talking almost three years from now.

The commission staff will review the application to determine whether it meets the regulations, will address, as I mentioned, any requests for additional information or additional studies, again,

at that point. And once the commission feels that it has all the information, then it will issue its Ready for Environmental Analysis Notice.

And I remember I forgot to mention a couple of things.

Is there anybody from the Forest Service in --

Two things that are appropriate to the Forest Service, and to some degrees, to some of the other agencies too, and that is -- I forgot to mention -- under the study plan determinations, there is an opportunity for formal dispute resolution.

Now, the only entities that can invoke this formal dispute resolution are the mandatory conditioning agencies, the fire service, also the State's 401 agencies.

And that process is the commission would intervene -- would set up a three-member panel, including somebody from the commission, somebody from the agency who made the request, and a third-party neutral. And they'll make a recommendation to the office director, and the office director will make a final determination as to what studies need to be done. So there is that formal resolution process.

And I'll talk about cooperating agency status after I get through this ILP process, so remind me to do

that.

Okay. REA notice. Like I said, this is where the commission says we have all the information we need to proceed. This is when agencies file their conditions, preliminary conditions, prescriptions, Section 48 conditions, or just recommendations, comments, whatever. This is the opportunity to do -- to provide that information.

Based on the comments, the commission then would proceed to prepare its environmental analysis, whether it is environmental assessment or environmental impact statement.

I think we've already said that this will be an environmental impact statement for this project based on the size, but that is subject to change based on the issues that come up. And the final decision will be made after the application has been filed.

Okay. Based on the REA, the commission will -- in the need to document, the commission staff will make recommendations to the commission as to whether the license should be issued, what measures should be included in the license, what draft license articles should look like. So that will all be included in the environmental impact statement.

And the last step in the process is the

commission or, in most cases, delegate it to the office director, who will make a decision on whether to grant the license for the particular project.

So, again, this is typically a one-and-a-half-year process, but if there is a need for additional studies or other reasons, it could extend beyond the year and a half. And if it extends beyond the expiration of the license, the current terms of the license would just automatically continue until a new license is issued.

The commission has a guidance document, which is available on the Web site, which provides a little bit of a description of the process and some guidelines, some advice on how to make the process work better. So that is a useful thing to look at.

The commission also has a copy of understanding study criteria which provides a little more detail on what it is looking for under those seven different study criteria.

Before we get to this, I did want to mention cooperating agency status. That is something that the Forest Service probably needs to consider, whether they want to be a cooperating agency with the commission on development of the NEPA document.

We often cooperate with the Forest Service.

The downside of doing that is that the Forest Service would not be able to intervene.

For those who don't know the significance of intervention, in order to file rehearing on a commission decision, you have to be a party to the proceeding. And to be a party to the proceeding, you have to file officially for intervention. And that happens during the Ready for Environmental Analysis notice.

And in order to file an appeal with the Circuit Court of Appeals, you have to have first filed a rehearing with the commission.

So that is why it is important to intervene. And the commission doesn't like late intervention. So that part of the process is when the REA notice, Ready for Environment notice -- Ready for Environmental Analysis notice is issued.

Now, in terms of if the Forest Service has any interest in cooperating, that is something that really needs to be decided on, you know, as early in the process so that we can sort of work together in developing a process that works for both agencies.

That is all I want to say about the ILP process. And if anybody has any questions about the process, you know, we'll be happy to address that now or, you know, anytime during the process you can feel

free to call any of us, and we will be happy to address any questions you might have.

Not one question?

Okay. Then we'll go on to the description of the project.

MR. SWOBODA: Good afternoon. For those of you who do not know me, I'm Mel Swoboda, and I am the licensing manager for the Toledo Bend Project. I work jointly for Sabine River Authorities of Texas and Louisiana and represent their interests in this activity.

Just for purposes of letting you know that we might outnumber you guys, I want to introduce some of the key people and some of the staff that we have here at the meeting so that if the opportunity presents itself, you can go and meet those.

From Louisiana, we've got Larry Kelly, who is the president of the board for the Louisiana -- SRA Louisiana.

Jim Pratt, who is the executive director -- raise your hand, Jim. That way, we can shoot at you.

Carl Chance is on his staff with him.

Neil Thibodeaux is up here in front. He is the dam engineer, and he does a good job at it.

From Texas, we have Jerry Clark, who is the general manager.

David Montain, who is the assistant general manager.

And then let me make sure I get them all.

Jack Tatum in the back, who is handling a lot of the water resource issues.

George Sola with him. Make sure I get them.

Ann Golassi, who handles a lot of our external affairs type activities and economic development.

Donnie Henson, who is the operations, and he's the one who handles a lot of the operations directly on the project itself.

Jim -- let's see. Jim Washburn is here, who is with operations also.

And then I have Mary Vann, who has helped us in the water resources side.

Jim Brown, also.

Jamie East, in the back.

And then Mark Howard, who does those beautiful maps in the back, and the pictures.

And then John Payne, who is also with us and helps us in that group. Does a lot of water quality type activities.

So I think we're close to having an equal number on that part.

We then have the consultants that we're using,

and we're using Devine, Tarbell Associates as the consultants. And we have three members of the team that are here today.

Scott Fletcher, who is our manager, and he's the one -- Scott and I are the ones that get sent to Siberia if this thing doesn't go through. So we're the designees for that.

Nancy Craig, who is handling recreation and culture.

And then Steve Arnold. Where is he? Steve is doing the aquatic section.

The other member of the group is the -- one of the lead partners for Devine, Tarbell -- John Devine, who could not make it. He had a commitment come up, and he apologized for not being here with us.

And then we would not be here without our lawyers. And we have two of them here.

Chuck Sensiba and Julia Woods, who are with Van Ness, Feldman out of Washington, D.C., but have been very, very helpful in the process.

I might note that we had this little event that happened down this way in September, like about the 13th or the 14th of September. It was called Hurricane Ike, and it was very, very interesting. And I really appreciate FERC having the electronic filing.

And, in fact, when Scott called me to tell me that the document had been filed -- now, you have to understand, I was vacated -- was in Livingston, Lake Livingston area, Scott's in North Carolina, Nancy's out in Arizona, Steve and some of the group are in Maine, the Web site that we have is based out of Washington state, and the document resided in Montana.

And the group out of Washington, Eureka Software, were able to publish the document. And I was standing in the middle of Home Depot buying a hot water heater when Scott called and said it has been filed.

So technology is really, really good, and I really appreciate FERC having that capability. It was really -- it played out very, very effectively. If we had had this five or six years ago, I don't know where we would have been when it came about that time. It would have been a different story.

As far as the project goes, I'd like to give you just a little bit of background on how -- what it is and how it is operated, and then basically, I'm going to turn it back to Alan, and he's going to go through the rest of the process.

The Toledo -- the Sabine River Basin actually begins up northeast of Dallas. It is about 560 miles long. With drainage area, you're looking at about --

right at about 9,900 square miles of drainage.

The water is actually -- when it reaches the boundary -- when the river reaches right in this area where the boundary is, it then comes under the jurisdiction and part of the Sabine River Compact, which is a federally designated agency or group that manages and ensures the equal sharing of water between the two states.

And at that point, then, the boundary -- the Sabine River Compact has an agreement in it that we will share the water equally. So the water from thereon is shared on a 50/50 basis with the state of Louisiana and Texas.

Toledo Bend, of course, the dam itself, that is 100- -- about 150 miles from the top of Sabine Lake to the dam itself, and about 175 miles in from the gulf, the process.

The project itself, as I mentioned, is jointly owned. It is a joint ownership between the two river authorities, and they operate it using what they call a Joint Operations Board. And that board is a six-member board. It has the two general managers, Jim Pratt and Jerry Clark, and then it will have two members from each one of the boards of the River Authorities, with equal voting on that group.

It is structured so that the engineering is done by the State of Louisiana; operations is done by the State of Texas. And that is how the organization is set up.

There are your responsibilities. They are primarily focused on the dam itself and the operations in the immediate area of the dam. The spillway, the power house, and those facilities, versus how the recreation facilities are handled. All those recreation facilities that you find on the project are handled by the respective states in the organization.

The project, it is a little one. The actual main body of the reservoir is 65 miles, and that goes up to right along in the Logansport area here. The other 20 miles is a backwater area that will -- at the higher marks, when you get up to 172, we'll have water backing up in it. But the main body of the reservoir is about 65 miles long.

185,000 acres, a little over 1,200 miles of shoreline, just a little shoreline, and a storage capacity of about 45 million acre feet of water. And, again, it is equally split between the two states.

And the primary purpose of the other reservoir was water supply and then hydroelectric followed by recreation.

The project itself, if you look at the main structures on it, of course, is the dam, 1,100 -- right at 1,100 feet -- or 11,000 feet long. That includes the dikes that are on it. You can see the other figures on it. It is a rolled earth and filled cement dam. There is cement and -- a soil-cement mixture that is rolled on the upstream side of it to control the erosion.

One of the unique features of, I guess, locationwise is the dam itself actually runs north-south versus an east and west.

With us having the hurricanes down in this area, that is a real plus in that you don't get the direct winds coming directly out of the north. The hurricane is east of there, driving the water right down on it.

Lake Livingston had that experience with Hurricane Rita and lost -- about 80 percent of the riprap on the dam was gone before the storm was over with.

The spillway, about 830 feet long, 11 gates. It has a low-flow sluiceway, and I'll show you a picture of that in a minute. You can see it a little bit better. It has a design capacity for 290,000 acre feet of water to go out per second. I hope we never get to that. Very -- very big.

The hydroelectric part of it is two vertical units utilizing Kaplan turbines. We have an authorized installed capacity of about 81 megawatts.

The spillway itself -- this is another picture. You can see the spillway. But in our proposal, you will see that there is a mini hydro that has been mentioned in there. It will be designed to capture some of that energy associated with the continuous discharge that we have from the spillway through the sluiceway.

The sluiceway is right there, and you're going to see another picture of it, but that is it. It is discharging approximately 144 CFS continuously from it. And so what we want to do is capture that energy.

It will use a horizontal Kaplan turbine machine that will be inserted in the sluiceway with -- well, there is your capacity. A little less than a one megawatt, and annually between 4.5 and 7 million kilowatt hours produced.

This is a little bit closer picture. You can see where the turbines are going to be. It'll be up in that channel that you see there. There will also be a transformer and control system, about a 10-by-10 building that will be built over on the south side of the spillway, which will handle the controls for the unit.

As he mentioned, just some of the other specifics of what we are. We began operation in 1963 building the thing. 1968, actually started operations. And then the other dates, pretty much, Alan just went through.

For those of you who have not been there, there is a public Web site. If you go to that location, to www.tbpjo.org, and there is a link to the public Web site for the relicensing. And we are putting all the documents on there. The scoping document is on there, a full copy of the PAD, which is -- there is one sitting up here, that thick. So it is some light reading for at night when you don't have anything to do. And then my numbers, if you need to get ahold of me or e-mail me.

With that, any questions on the project itself right now?

Thank you.

MR. MITCHNICK: Okay. Before I pass the baton to Lesley to talk about the issues, I just want to point out that there is a revised process plan on the back table. Some of the dates in Appendix A of the scoping documents are incorrect. So hopefully, this revised schedule is correct.

MS. KORDELLA: Okay. Thank you, Alan.

Well, he mentioned earlier what the purpose of

this meeting is, and it is to gather existing conditions and resource management objectives, and we just discussed the process plan and mentioned the cooperating agencies and if they want to participate. And we're going to go over existing information and make a preliminary determination of information and study needs.

And he mentioned the resource issues, and we will be introducing them now. And if you have anything to add or subtract or you want us to specify in our analysis, now is the time to bring it up.

And just to briefly go over what they are, these are what the issues are. And what I'm going to do is I'll introduce one, and then I'll offer you the information that you can see in the scoping document. And then I'll ask if any of you want to take the microphone and add to it or if you had something you want to introduce to the meeting.

And just remember, as a reminder, to state your name and spell it, if it is a difficult spelling, so the court reporter can get it down before you introduce whatever you brought to the meeting today.

So we'll start off with geology and soils, and what the scoping document had in it was effects of continued project operation and maintenance or project

O&M and recreational boating on shoreline erosion.

And that is what is in the scoping document now. So if anybody has anything to add to that, if they brought anything today that has to do with geology and soils.

Yes. You do, sir.

JAMES DODSON: Yes, ma'am.

MS. KORDELLA: Would you mind taking the mike and introducing yourself?

JAMES DODSON: James Dodson, D-o-d-s-o-n.

I would like to add to that facility problem that we have is -- on Toledo Bend Lake, and it is nothing new. As y'all know, there has been about 400 dams that have already been refused and has had to be destroyed because the silting problem was totally ignored.

And our -- our problem on this lake -- we've got a young lake. And as y'all know, we've got lakes like the Edwards Dam, and all of them that were only 80 years old, and they're gone now.

And I thank you. And we'll talk some more later.

MS. KORDELLA: Thank you very much.

Okay. This one actually takes up two slides, is always a bigger issue. So I'll just go through them,

and I'll try to abbreviate a little bit, and then you guys can add to it.

So effects of project operation on water quality in the reservoir, and also in the project tailrace in the lower Sabine River, including dissolved oxygen and water temperature.

Fishery resource issue within the reservoir, or rare aquatic species within the reservoir.

And potential effects of continued project operation on the growth of nuisance aquatic vegetation, specifically hydrilla, water hyacinth, and giant salvinia, fish and mussel communities downstream of the dam, and rare aquatic species downstream of the dam as well.

So this is a bigger resource, so if anybody has any aquatic issues to bring up right now.

Yes, sir. Remember to spell your name, if you can.

JUN XU: My name is Jun Xu. I'm a hydrology professor with Louisiana State University.

One of the concerns --

MS. KORDELLA: Sir, could you spell your name?

JUN XU: Oh, okay.

MS. KORDELLA: Speak into the microphone.

JUN XU: All right. Okay. Can you hear me now?

MR. MITCHNICK: Spell your name.

JUN XU: Jun Xu. J-u-n, first name, and X-u is my last name.

I'm a hydrology professor with Louisiana State University.

So one of the concerns with large water, like a dam reservoir, is about new change and toxic elements, accumulation, such as mercury.

So we are concerned about the long-term water quality, like mercury accumulation in the bottom of the lake and new trend accumulation, including nitrogen and phosphor.

So I think this should be added into water quality issue. Yeah.

MS. KORDELLA: Okay. Do you have something to add?

JAMES DODSON: Again, James Dodson.

I got you some pictures here that was taken this past week.

MS. KORDELLA: Thank you.

JAMES DODSON: And this is stuff that was requested by the commission in Washington.

MS. KORDELLA: Here you go, Alan.

Thank you, sir.

Anybody else have something they want to bring up?

DAVE PETERSON: I'm Dave Peterson, P-e-t-e-r-s-o-n, fisheries biologist with the Forest Service.

I just want to add that here we are more concerned about the fish and mussel communities upstream, particularly our national forest where it is our scope under regulation and law to provide quality habitat, particularly for protected species, and we have a fish and five mussels in particular that we know of that were there prior to the reservoir. We also know, based on the River Authorities' recent studies downstream, that the fish is there.

And our question is, is the dam and the reservoir impacting the migration of these species and making it to where they're unable to get to the habitat we provide on the forest?

MS. KORDELLA: Thank you.

Just a reminder, I know we said this a couple times, but if there is something up there that you think really doesn't need to be there, we want to know that too, so we can evaluate it in our analysis later.

Okay. Terrestrial issues. And, Alan, I don't know if you had something you wanted to add to this or not, but I'll go on.

Effects of continued project O&M --

KEVIN MAYES: Ma'am, excuse me.

MS. KORDELLA: Oh, you weren't done yet. I'm so sorry. I should have expected that.

KEVIN MAYES: My name is Kevin Mayes, M-a-y-e-s, with the Texas Parks and Wildlife Department.

And I think another aquatic resource issue includes not only the fish and mussel communities but the habitat on which they depend and also the rare aquatic species. And then, I guess, kind of a question is how does FERC define downstream of Toledo Bend Dam?

TOM PHILIPPS: Hi, my name is Tom Philipps, P-h-i-l-i-p-p-s.

The safety you have up there, the growth of nuisance aquatic vegetation, specifically hydrilla, water hyacinth, and giant salvinia, yeah, that is a really -- a great issue, and we need to look at that.

But I would also like the commission to look at also Chinese tallow. And as we all know, Chinese tallow is a water-loving species, produces thousands of seeds that spread along waterways, floats downstream, and is prolific on the shorelines. And part of the analysis should include Chinese tallow.

Thank you.

MS. KORDELLA: Okay. I don't want to rush ahead. So thank you for not throwing a shoe at me.

Does anybody else have anything they want to

add to aquatic resources? Anyone?

Okay. Well, I can always go back.

Okay. Deja vu, take two.

Terrestrial resources, effects of continued project O&M on reservoir wetlands and bottomland hardwood communities downstream of the project. Special status terrestrial species, affects recreational use. And consistency of the project with National Bald Eagle Management Guidelines.

Alan, did you have something you wanted to say about this?

MR. MITCHNICK: First, I get -- where did he go? -- the question about how do we define downstream? There you are.

You know, I think that is sort of part of the mission of the study phase of the project is to determine what the extent of the project's influence on downstream in terms of water quality, in terms of flow, in term of effects on habitat downstream, and that is often a difficult question to answer.

And -- but there certainly can be an effect -- I mean, it is certain that impacts of the project does not end at the dam. I mean, impacts do extend downstream, and that is going to be an issue to be worked out, just, you know, how far do you need to look

1 downstream to determine the influence of the project on
2 those resources and, you know, the potential impacts of
3 those, of that operation on resources. So that
4 certainly is a critical question that needs to be --
5 needs to addressed.
6 And just quickly about the terrestrial issues,
7 the applicant in the PAD has addressed these issues and
8 made cases that operation of the project, because of
9 lack of reservoir fluctuations during the growing
10 season, has an effect on wetlands, and there is a little
11 bit of connection between operate -- reservoir
12 fluctuations and groundwater levels within the
13 bottomland hardwood communities.
14 We certainly would want to hear from you as to
15 whether or not you agree with the applicant's analysis.
16 Have they provided sufficient information to conclude
17 that there are, in fact, no effects on wetlands and
18 bottomland hardwood communities?
19 The other issue which is not there, and
20 somebody just sort of hinted on it with the Chinese
21 tallow, I mean, we talked about aquatic weed species,
22 but are there any terrestrial weed species that need to
23 be addressed? I don't think there is not that much
24 mentioned, I don't believe, in the PAD. But, I mean,
25 are there any weed concerns in terms of the spread of
26

weeds by operation of the project, by maintenance of roads, rec facilities, those type of things, and other potential disturbances that might have effects on upland weed species?

So we certainly would like to hear from you on that issue also.

MS. KORDELLA: Does anyone have anything they want to add to this? Okay.

JASON ENGLE: Jason Engle, E-n-g-l-e. I'm with the Forest Service.

And I know the study that you have is -- I think it has already been done, but it is looking at bottomland hardwood communities downstream. That is -- I applaud you for that. It is a good study. But we are also concerned, especially the Forest Service, bottomland habitat upstream along the lake.

And two things, really, the loss of bottomlands that have occurred as a result of the lake, and then what is left in the fragmentation in that bottomland habitat.

And I may be getting ahead of myself, but in relation to that, real closely related to the bottomland is our threatened endangered species concerns associated with Louisiana black bear.

That was -- you know, in the PAD, they

discussed it as though the critical habitat is in the far eastern Louisiana. Well, critical habitat, as you know, does not mean that is the only habitat. And the bottomland habitat is very critical to the Louisiana black bear, and it doesn't refer to -- the PAD doesn't refer to the numbers of sightings of Louisiana -- not necessarily Louisiana black bear, but black bear that have been sighted through East Texas over the last several years.

So there is a concern there, I think, we ought to be looking at. And I think that would be -- there are other species, but that is really the main one.

MS. KORDELLA: There is a slide coming up for a Chinese species.

JASON ENGLE: Well --

MS. KORDELLA: Okay.

Did you have something, sir?

JAMES DODSON: No.

MS. KORDELLA: No?

Does anybody else have anything to add?

Okay. Rare, threatened and endangered species. Any potential effects of continued project O&M and recreational use on federally listed aquatic and terrestrial threatened and endangered species, including the red-cockaded woodpecker, and you also mentioned the

Louisiana black bear.

Can anybody else add to that, or are there any other concerns you want to bring up at this time?

No? Okay.

And with recreation, effects of continued project O&M on public access and recreational opportunities within the project area, and the quality and availability of flow-dependent river recreation opportunities, including canoeing and kayaking, fishing and swimming, and the adequacy of existing public access and recreational facilities within the project area and the ability to meet demand over time.

And I think that is the only slide we have for recreation.

Does anybody have anything to add?

Yes, sir?

JAMES DODSON: Me again. There are pictures of -- howdy, James Dodson.

Those are pictures of how the silting has affected getting in and out of the lake on the north end of Toledo Bend. We have businesses that have had to shut down because they no longer have access to the lake. The silting has silted up out on the outside, and the erosion has come up and washed -- you can see pictures of where bulkheads used to be. You can see

where boathouses used to be. That is no longer -- year-round is no longer being able to do it.

And in places we are bushhogging, cutting the grass, where we had 12 foot of water before there was ever a lake, and it is all due to the silting that has been allowed to happen over the last 35 or so years.

It has to be addressed. Y'all have addressed it all across the United States. There have been 465 dams that have been decommissioned in the U.S. due to silting. There was 29 alone in the year 1998.

Dr. Charles F. Rabeni, Missouri Cooperative Fish and Wildlife Research, Unit USGC, in his report to the commission states silting problem has to be nipped in the bud before any relicensing can occur.

We are not against relicensing for anything on Toledo Bend. We're for it. But we think that the commission has got to step forward and tell the people who are monitoring and taking care of the facility that you got to maintain it.

If you don't, we are going to be right with the rest of the statistics. And I can give you a list, if you want them, of dams just recently that had to close due to silting because people were totally in denial that it was happening.

MS. KORDELLA: Thank you for giving us the

pictures.

Does anybody have anything they want to add to that?

No?

Okay. This is the second -- third to the last, I think.

Land use and aesthetics, effects of continued project O&M on land uses adjacent to the FERC project boundary and within the watershed, as well as shoreline buffer zones and aesthetic resources.

Does anybody have anything to add, other than what this gentleman just talked about with recreation, aesthetics, land uses around the project?

Yes, sir.

JASON ENGLE: Jason Engle.

I notice the PAD discusses the water use for Dallas-Fort Worth, Northeast Texas. It has some discussion of that. And I think it is 750,000 acre feet potential that could go toward those purposes for water use and -- but I don't know there is a lot of clarification on that issue.

And I'm curious about what -- it is more of a question, really, than a comment. What -- is there any -- what are the plans of that, and should this be part of this licensing process -- more formally, as part

of this licensing process?

And also, the downstream flows issues, I know Sabine Lake, there is going to be some issues there where they may be acquiring more water downstream.

Is there really going to be any changes to this water level? I mean, right now, it is stated that it won't change. But I'm wondering with the water use demands that is going to increase in the lake, surely in the next 30, 50 years, expect that water level may not be exactly where it is today. And that is kind of my question. It is more of a question than a comment.

MS. KORDELLA: Thank you.

Anybody else?

Yes, sir.

JUN XU: Jun Xu.

So we believe Atlantic has a huge impact on sediment and erosion, surface erosion and sediment runoff. And the sediment runoff is very important for toxic element inflow into a lake and reservoir.

So this study looking into land use and effect on surface runoff, sediment runoff, and also due to especially if you look at the development of urbanization during the past 40 years here, on the Louisiana side, is very clear. And besides, it is more densely populated compared to Texas side.

So I think we can really have a good study to look at the role of forest surface protection and sediment runoff potential. So yeah.

JEFF BUHLIG: Hello, my name is Jeff Buhlig, B-u-h-l-i-g. And in order to -- I would like to talk about the project boundary or the 175 line.

In order to do a study request, I need some clarification on if you take -- the Forest Service has plats that date back to 1962, and those plats show an elevation of the 175, but then there is a straight line connecting those 175 elevations.

And I need to know is it the 175 elevation -- it is going to -- if you took an "S" -- if you made an "S" on a piece of paper, you're going to have the 175 above and below those straight lines, if you can -- if you understand what I'm saying. And it is really to the 175 contour; is that correct? Can someone answer that for me? For the project boundary?

MS. KORDELLA: I'll give Alan the mike.

Alan, do you want this?

MR. MITCHNICK: I don't know the answer to your question.

JEFF BUHLIG: Did you understand the question?

MR. MITCHNICK: I mean, I think so. I mean, I was going to pose it to the applicant to address.

I mean, it is possible that the entire project boundary does not follow a particular contour, and there might be reasons why it doesn't, but I would reserve --

DONNIE HENSON: Donnie Henson, H-e-n-s-o-n, with Sabine River Authority of Texas.

In answer to the location of the project boundary, when the project lands were purchased, we tried to purchase the land to the 175 main sea level elevation or at least 50 feet horizontally from the 172 elevation, which supposedly would give you a 50-foot buffer strip between the top of the pool and the project boundary.

Now, you mentioned adjacent to the Forest Service lands. The Forest Service land continues -- the Forest Service continues to own land below the 175 down to the 172. We only purchased Forest Service land up to the top of the pool. So the boundary is somewhat different adjacent to the Forest Service lands.

Does that make sense?

JEFF BUHLIG: And that boundary is 175; correct?

DONNIE HENSON: No. Where the Forest Service land comes to the project boundary, they actually -- the Forest Service actually owns the land down to the 172.

JEFF BUHLIG: But the 175 is the project.

DONNIE HENSON: The 175 is considered the project

boundary. But we do not have ownership of the Forest Service lands between the 172 and the 175.

MS. KORDELLA: Okay. Yes? Okay.

Thank you for answering the question.

MR. MITCHNICK: We have talked a little bit about what the action of -- the proposed action is, and the question on the -- I guess the future flow deliveries to different places as of Dallas or otherwise. I just want to get a little more -- zero in a little bit more on that in terms of, you know, is that something that is purely speculative at this moment, is the possibility that may be invoked at some time in the future as needs develop, or is this something, you know, beyond that?

And before you answer that question, also getting back to the low-flow turbine, in the PAD it is -- I believe you said you get a study of the feasibility of a low-flow turbine, and you looked at -- or you were going to look at two different options.

I mean, have you reached any sort of decision on the low-flow turbine? And is the low-flow turbine going to be evaluated as part of the other studies or as part of the licensing process, or exactly sort of when the decision is going to be made and how it is going to relate to, you know, studies and information?

MR. SWOBODA: Let me see if I can take them in

order.

It is Mel Swoboda.

As far as the Dallas-Fort Worth water, I think it is a long-term type issue at this point. There is nothing -- nothing absolutely firm at this point. It is -- the project itself was built with water supply. And so from that standpoint, that is still in -- there is still a need.

At the current time, it is not filling a need for them. It is potentially in the future.

Most of the planning that they do right now is a 50-year horizon for planning for water. So it is still out -- out in the range. But there is nothing actually been signed that said, you know, "We want the water right now."

So it is still part of the water supply available for the state of Texas and for water use there, as well as anything that Louisiana does from that standpoint.

That kind of get the nut of it?

Yes, sir.

MR. MUDRE: I've got a question. Would that water be diverted before it gets into the lake; right?

John Mudre, M-u-d-r-e.

Or it wouldn't go into the lake and then come

back.

MR. SWOBODA: It would probably come into the lake and probably from a standpoint of the lines and whatnot, it would come into the lake and, at some point on the lake, go back then to the north. And that is a need for the north side.

UNIDENTIFIED SPEAKER: Do you have any idea where that pipeline would go?

MR. SWOBODA: Not at this time. That is -- that would be strictly -- you know, if I gave you a mark on the ground right now, my son might be able to tell you when he gets up to be about 50 where it would finally go. It is so far in the planning process. It would be just right now for me to just throw a dart at the line would be the best way.

UNIDENTIFIED SPEAKER: But it would be probably 99.9 percent chance it would draw Forest Service land?

MR. SWOBODA: I can't say that. I could not say that.

UNIDENTIFIED SPEAKER: It would have to almost.

MR. SWOBODA: I don't know. Is that --

UNIDENTIFIED SPEAKER: At some point.

MR. SWOBODA: -- from something that y'all looked at? I don't think it was. I don't know. If we get to that bridge, I'm sure we'll be crossing it.

The second part of your question was around the mini hydro unit.

We do have a scoping for two different kinds. One is the one that I showed you in there.

There is another one potentially that would be something that would come over the edge of the spillway, adjacent to the spillway, in that general vicinity, probably between the spillway and where we show right now the -- conceptually the control room.

But that is still very, very preliminary, and how we handle that in the future. We would probably, in the licensing, consider it in there as a piece that we would use that power. But I think the leaning right now that we have would be that it would be inside the spillway. The sluiceway itself is where we would go with it.

UNIDENTIFIED SPEAKER: Mel --

MS. KORDELLA: Wait.

MR. SWOBODA: Yes.

MS. KORDELLA: Just a moment.

MR. SWOBODA: I'll let her have it.

MS. KORDELLA: I'm sorry. She needs to catch everything. Otherwise, it may not make it in the transcripts.

UNIDENTIFIED SPEAKER: Mel, the other question is

the downstreams flow issue. I know you're doing the instreams flow. I know that is in early stages also. But is that any play here as far as changes in water level associated with the demands going with that?

I mean, I've heard talks of Sabine Lake requiring more water. And there is -- if that is the case, then that could change our lake, Toledo Bend. So that is something I'm just curious about.

What is that going to mean?

MR. SWOBODA: I don't know. I really don't know. That is in the preliminary stages. There is a lot of discussion around what that water need is actually going to be and whether -- you know, if it is for the lake and how that is going to be played.

I think it is still -- and Kevin Mayes and some of the others can tell you, some of those studies are 2015 before they are getting through.

So we really don't know where the final numbers are going to be. All we can do is really go on what we have now. And hopefully, with the design that we're putting in, we may -- the mini hydro, we may have some flexibility, a little bit of flexibility on the amount of water that we can release from there.

But that, again, it is very subjective at this point on what that water needs, and how that water is

1 going to need to be released is the other part of that
2 too.
3 MS. KORDELLA: Does anybody have anything they want
4 to add or ask at this time?
5 Okay. Well, I'll move on to the next thing.
6 In regard to cultural resources, effects of
7 continued project operations and maintenance on
8 cultural, historic, archeological, and traditional
9 resources in the project area of potential effect and
10 their eligibility to be included in the National
11 Register of History Places.
12 Does anybody have any issue -- yes, sir.
13 BILL MARTIN: My name is Bill Martin. I'm from the
14 archaeology division of the Texas Historical Commission,
15 which serves as the Texas State Historic Preservation
16 Office.
17 I would like to make about 10 comments to
18 clarify some of these issues, note some problems that we
19 saw in the PAD, and some proposed solutions.
20 I can't speak for the Louisiana SHPO, but I
21 have discussed these ideas with them, and they were very
22 supportive, as were the archaeologists from the
23 U.S. Forest Service.
24 With regard to the term area potential effect
25 that you see there, for this project, the area of
26

potential effect would include, maybe not necessarily just the 175-foot take line, it would include anything affected by wave action and shoreline erosion.

As Mr. Dodson pointed out, the erosion and silting problem is a problem not only for recreation. It is a problem for archaeological sites because there are numerous Caddo archaeological sites that include human remains that are washing into this lake.

The archaeology that was conducted in the 1950s and '60s before the lake was built does not meet current survey testing or excavation standards and was done on a shoestring budget.

So the hit-or-miss surveys that were done only found a tiny fraction of the sites that are sure to have been in the lake, and we know for a fact that there is ongoing looting of Caddo burials on both the Louisiana and Texas sides of the lake. So the management plan is going to have to take that into account.

Under state law in Texas and Louisiana, damage to archaeological sites, where particularly human burials are protected under the Antiquities Code and the counterpart in Louisiana, there are also some historic cemeteries and isolated graves that are known to be beneath the lake and are also others threatened by shoreline erosion.

In Texas, at least, it is -- desecration of graves is a violation of the Health and Safety Code, and that includes intentional disturbance or, I believe, even erosion. So if -- if you allow it to continue.

The proposed study in the PAD document accounts only for the known archaeological sites, with a minimum amount of survey being requested. There could have been at least -- who knows, but given the density of known sites in Texas and Louisiana along the Sabine River, there may have been 10,000 sites that were intact when the lake was first inundated.

A lot of those are totally gone now, but there are an unknown number of sites that remain to be recorded and tested and evaluated for national register eligibility.

The PAD actually mentioned that a management plan would be developed, quote, if deemed necessary, and in our opinion, it is critical to have a well-formulated management plan that takes into account the current state of knowledge of the resources, and that can only be obtained through a comprehensive survey. And this is going to involve substantial long-term field work over an extended period.

Under Section 106, there is an appropriate solution for this, and that is the development of a

programmatic agreement. The regulations that were developed from the National Historic Preservation Act came up with the concept of a programmatic agreement for projects with long-term ongoing effects and projects that have unknown effects, both of which apply in this case.

The programmatic agreement would be between the Texas and Louisiana SHPO's, the Texas and Louisiana SRA, and probably the Forest Service, since they own land along the lake.

And one possible solution to how to handle the long-term nature of the studies would be for the Sabine River Authority to hire a professional archaeologist on their staff that could serve as the person who actually develops the management plan and then executes the plan over the course of several years.

We've successfully done this through programmatic agreements, both with the Forest Service and with the Corps of Engineers on their East Texas lakes, and they hired an archaeologist, who was able to address looting and to address various small-scale construction projects that would have otherwise affected mounds or graves.

In keeping with the federal regulations, Indian tribes and other consulting parties would have to be

included in the consultation process. And the Caddo Tribe, at a minimum, must be involved because this is the heartland of the Caddo area.

The PAD mentions somewhere in there that Indian tribes were sent letters and didn't respond.

Just for the record, this is not considered adequate consultation with Indian tribes. They generally will not respond to letters, and they prefer personal contact, and particularly government-to-government contact. And I know that is the case with the Caddo. I'm sure that they would be very interested, not only in the archaeology, but also traditional cultural properties.

So that is the approach that we propose, and hopefully, we can move forward from here.

MS. KORDELLA: Thank you for bringing that up.

Yes, sir.

JAMES DODSON: James Dodson.

As a member of the Sovereign Cherokee Nation of Oklahoma and Louisiana precinct, I want to let everybody know that we are in total agreement with what he said.

And our burial grounds and stuff that has been desecrated, and when this lake goes down, stuff washes up, people pick it up, and it is not returned to the Indian tribes. It is taken home and done what they want

to do, which is totally against the law.

Thank you.

MS. KORDELLA: Thank you.

Does anybody have anything else they want to add?

Yes.

BARBARA WILLIAMS: Barbara Williams with the U.S. Forest Service.

We totally support Bill's proposal. I would also like to recommend or suggest in this study that a means of regulating the looting that is going on be included in the proposal.

There needs to be a study done on that, on the archaeological sites that have been damaged, and also to consider the depth of -- and extent of the erosion that is occurring along the lakeshore. That continues to be a problem with archaeological sites.

Thank you.

MS. KORDELLA: Thank you.

Yes.

BRYANT CEOESTIE: Bryant Ceoestie, B-r-y-a-n-t C-e-o-e-s-t-i-e, Alabama Coushatta Tribe of Texas.

I just want to address and recommend -- stand behind and recommend the agents by the SHPO's office. I also want to comment that the position of the Historic

Preservation officer for need for the recognized tribes is that we are bombarded by a lot of requests, reviews, and this being one of them, along with several other agencies.

But just to contradict one thing he had said, that we did respond. I did respond to mailings that we received from Toledo Bend.

As for other tribes, I cannot stand up for them. But I know their positions, that they are busy.

But, you know, Toledo Bend also needs to make an effort to not only contact them but follow up with it and make sure that they're getting the kind of stuff they need from not only Alabama Coushatta but Coushatta tribe, the Caddo tribe. I've been to several meetings, and I have yet to see representation from any one of those.

MS. KORDELLA: Thank you.

Yes, Alan.

MR. MITCHNICK: Just to comment a little bit on the commission's attempts to initiate government-to-government consultation with the tribes, or at least to set up an initial meeting with the tribes.

We did attempt to do that earlier this year. The tribes did not want to meet with us at this point. But we certainly recognize the importance of the tribes

in the studies in developing appropriate measures, and we will attempt to involve the tribes to the extent practicable throughout this licensing process.

MS. KORDELLA: Thanks, Alan.

Does anybody have anything they want to add?

Okay. Lastly, our developmental resources, those are the economics of the proposed project and alternatives, and the economic effects of any recommended environmental measures on the proposed project and alternatives.

Does anybody have anything they want to add to this? I'm seeing blank faces.

No? Okay.

Also, something that we're going to be looking for that you can file with us or if you brought something today, any updated comprehensive plans from the states that you think should be included in our list of plans that we use, if there are ones that are updated, ones that are new, now is the time to bring it to our attention so that we can include them in the analysis, as well as any updates to the existing mailing list, which I think is in the back of the scoping document so -- which is also in the back of the room.

So you should look at that, and you can see the lists for both of these on there.

For filing with us, if you're going to be sending a paper copy, the address is up here, with our secretary's name. And be sure to actually mention the project number and the subdocket. So the project number is 2305, and the subdocket is 020. And there was a typo in the scoping document that was, I think project 349, which I think is the Martin Dam project. Don't use that, please. Use that (indicating).

And as Alan said earlier, we're stressing the importance of all the dates in the ILP process. It actually is not January 20th. It will be -- yeah, January 20th, it will be January 21st. January 20th is Inauguration Day. Nobody in D.C. is working that day, unless they're working on the inauguration. So January 21st, which is a Wednesday.

Anything else?

Just to -- oh, sorry.

DAVE PETERSON: Is there time to jump back?

MS. KORDELLA: Absolutely, there is time to jump back. What -- would you like me to go to a slide or --

DAVE PETERSON: No. I want to go back to aquatics real quick. Peterson.

I forgot to mention or had a second thought about migration. There is, effectively, the dam or reservoir, big river fishes, puddle fish, eels, things

like that, and then the particular slide on threatened and endangered. You also had the term "rare."

We have another criteria called sensitive, which is an official term, and it is based on a global or "G" rank, which is an international ranking, a peer-reviewed ranking, based on a number of populations remaining.

This is a mandatory thing for us. Anything with a global rank of one or two, we have to protect.

And so I would like, maybe, that designation be in there too because that involved the species that we are concerned about.

MS. KORDELLA: Thank you.

Yes. So you can jump in anytime if you forgot to say something, even at the end.

What I was going to say was that e-filing is a great way to go, and Mel mentioned it earlier about how wonderful the technology is.

On the previous slide, you know, you have this address, if you have something that you need to send to us. But if it is something that you can file online, like a Word document, or if they're just comments, you know, we highly recommend e-filing.

And you can also get e-subscriptions so that you don't have to just, you know, check it all the time.

You can sign up for e-subscriptions under the project number and subdocket, again, 2305-020. And you can get e-mails that tell you anything that has been filed.

We actually all subscribe to it for the various projects we work on so that is a good way to keep track of who is filing what and what has been filed.

And that is the web address for e-library where you can do searches and you can have links right there for the e-filing and for e-subscriptions as well.

So, at this time, if there are any other questions or comments or things that we missed, that you forgot or we forgot --

JUN XU: I was just going to ask if you have certain format requirement for study request like instructions and page limits or certain requirement, the format of how this study request should be constructed.

MR. MITCHNICK: We don't have any standard format or template, but I can get you examples of study reports, study plans that have been accepted, and you can sort of follow that format.

Is that what you're talking about?

JUN XU: Could you send the form to --

MR. MITCHNICK: Give me your information after the meeting, and I'll put together a few of the similar studies. I don't know if we have any mercury studies,

but water quality studies, and you can take a look at that.

This is my only copy, but I'll give you a copy of understanding study criteria, and you can follow that.

JUN XU: Thank you.

MS. KORDELLA: Alan, this gentleman here.

JAMES DODSON: James Dodson.

When I talked to Washington the other day, they asked me to get some information and pass it on to y'all. I got some documentation off of their Web site, plus I've also got in there where the State had funded a program to start reclaiming Toledo Bend Lake.

And the SRA of Louisiana refused to accept the money and sent it back to the State instead of doing what was required by law. And it is in here. They wanted a copy of it. And there you are.

MS. KORDELLA: Thank you.

Do you have any other comments that you wanted to say, Alan?

Anybody else have anything they wanted to add?

Yes, Mel?

MR. SWOBODA: I just have one thing.

MS. KORDELLA: Yes.

MR. SWOBODA: I just wanted to add one thing, that

on the back tables I put some forms there for study groups, and they're available to mark off. If there are some study groups that you're specifically interested in, please fill those out, and we will be -- as we need, we will be forming study groups. They're starting to fill them out. Yeah.

If you haven't, go ahead and include your information in there. And as we have a need for study groups, depending upon how the studies come out or the need for studies or how they -- we are needing to develop a study more, we will be calling on you to get together.

As far as locations for it, I'm tending to lean that we will probably have most of those meetings down in Orange, Texas. It is a little bit easier to get to -- no offense; this place is great -- but it is a little bit easier for people to get to because you're coming I-10 or coming, you know, down some of the major routes there. And we have some facilities down there.

That is the plan right now, but that can change, depending upon what the conditions are and the situations develop.

But that is what -- we do have a list back there for the individual study groups. Please, you know, add your names to them as we're needing as much

help as we can on this process.

I'll give it to Alan.

MR. MITCHNICK: We'll give everybody one more opportunity. So apparently, we haven't.

EDDIE TAYLOR: Eddie Taylor, T-a-y-l-o-r, U.S. Forest Service.

It is just a question --

MS. KORDELLA: Can you say that one more time?

EDDIE TAYLOR: Eddie Taylor, T-a-y-l-o-r.

It is just a question for FERC, mainly.

Does the issue of the 172, the 175, that Forest Service owns become a problem in the license process? Since it is not owned by Sabine River Authority and it is U.S. Forest Service ownership, is that an issue at all?

MR. MITCHNICK: No.

EDDIE TAYLOR: No?

MR. ENGLE: That is owned by Forest Service --

MS. KORDELLA: Repeat that question for the court reporter.

MR. MITCHNICK: Okay. I'll repeat it.

First of all, the question was, does it matter that the area in between 172 and 175 is owned by the Forest? No, there is no problem with that.

You know, much of -- much of project boundaries

are made of up of federal land, so that is not an issue.

Issue, though, of fact of the project is located within a wilderness area, is that a problem?

And that is certainly a legal issue which we've had to deal with with a number of projects, and it depends on the legislation that was used to create the wilderness area, whether it was specifically mentioned, excluded, or included, those types of things.

If it is not -- if it wasn't mentioned in the legislation, I believe the commission is sort of assuming that -- that -- let me get this correct.

I mean, I think if the legislation is silent on the issue, the commission will assume that it is not an issue for that project to be within that wilderness area.

And I believe that is the case here. The commission issued a number of decisions within the last year that addressed this issue. And I can get you a copy of that -- those -- those decisions. But I believe I am correct, absent any specific language in the legislation to the contrary.

JAMES DODSON: Can I make one more statement?

I just want everybody in the room -- James Dodson. I just want everybody in the room to understand that me or my group are not against the

relicensing of this project. What we do want is we do not want to lose our dam due to mismanagement, which has happened to other dams.

We would like for y'all to consider -- they've got until 2013 to make a good-faith effort. We would ask y'all today to ask the two bodies, government bodies of the dam, to look at making a good-faith effort to start reclaiming the dam and to start on the north end where the biggest problem lies.

We are very much for hydroelectric power. We are very much for water sales. But we will not have either one if we allow our lake to completely silt up, like the dams in other states have done where they were totally inefficient to license to generate power.

And that is all -- I just wanted everybody to understand. We're not against the relicensing process. We're not again the relicensing. But we are asking that both of the government bodies be required to maintain and to control the silting.

Silting is something that is a natural process that was put into the system by somebody way above us. The silt was designed to flow downstream. It was designed to go out the mouth of the river where the gulf or the ocean, whichever river you're on, will pick it up and help to reclaim our barrier reefs and our

shorelines.

We have altered this process. So it is up to the people, now that we have took charge of the process, to control it.

And as you know, off of y'all's Web site, one of the main concerns that y'all have is with the lakes ahead of the dams of silting up, which causes lower water quality, less recreation. It stops generation power, and it goes the whole nine yards.

Everything downstream starts with upstream. We can't control downstream if we cannot control the upstream side.

If we're going to take over the authority of the man up above that designed the system, let's do it right. Let's try to control the silting.

MR. MITCHNICK: Tell us who you're with.

JAMES DODSON: I'm with the Citizens for Reclaiming Toledo Bend Lake.

KEVIN MAYES: Kevin Mayes with Parks and Wildlife.

In the scoping document of November 2008, y'all state that you didn't find any resources that would have cumulative impacts.

I was wondering if you could, one, provide some examples of projects that do have cumulative projects, or is this a typical response for a FERC relicense?

And then also how you -- it seems like one of the key characteristics is what is meant by project O&M in terms of defining your resource issues.

And if you could kind of outline -- you know, one interpretation is that anything to do with the dam is part of project O&M, but the other interpretation is simply whenever you turn on turbines or not O&M.

So if you could help us clarify that thinking there.

MR. MITCHNICK: The way we, I think, consider O&M is sort of the collection of all activities that are needed to maintain the dam, facilities, REC trails, roads, whatever. If it is mowing, if it is clearing trees, if it is, you know, painting facilities, repairing facilities, at least under maintenance, that would be all under maintenance.

Operation, we're talking about -- at least real generally, we're talking about reservoir fluctuations. We're talking about effects of changes in flows downstream, whether it is turning the project on and off, whether it is altering the flows downstream.

Generally, those types of things that -- at least in terms of environmental resources, those are the things that are most relevant under O&M. I mean, O&M probably includes a lot more. But generally, when we

deal with the environmental issues, those are the things that we tend to look at to sort of expand the scope a little bit of the project and not just look at the impacts that, you know, most people would be aware of, but some of the impacts that are often overlooked. And, you know, like I mentioned, mowing and trimming and road repairs and things like that, and that could have environmental impacts but are often overlooked in the development of the application.

In terms of cumulative impacts, that is sort of where we rely a lot on people more familiar with the local area. We didn't identify, at this point in time, any resources, but we certainly want to know from you, you know, what activities are going on or are expected to go on in the area that could, in combination with this project, have a cumulative effect on the environment.

Are there development projects in this vicinity that would contribute to environmental impacts?

So we're looking for a number of types of information. One is what are those development activities going on in the basin or expected to go on in the basin?

Which resources could potentially be affected?

What is the scope? The temporal scope,

apparently, would be the term of the new license. But what would the geographic scope be in order to capture these cumulative effects?

So those are the types of things that we're looking for as part of the comment period.

And I can get you examples of scoping documents where we did have a number of cumulative resource areas. You know, generally, we don't have a whole lot of information in the scoping document, but at least we would identify the resource, why we selected the resource, and the scope.

And we can talk later about getting that information.

Are there any other questions?

Before we leave, I just want to stress a number of things.

Most importantly is that, as you heard a number of times, January 21st, the second day of the Obama administration -- and I'm sure the new president won't be thinking about the comments on the Toledo Bend scoping document, but you should be -- and we're looking for comments on the PAD. We're looking for comments on the scoping document. We're looking for, perhaps most importantly, study requests that meet, of course, the seven criteria that I outlined before.

So, you know, the next step in this process is study requests, and there is a lot -- if you look at the process plan, there are a lot of short deadlines. And this is probably the worst of all the deadlines, since it is basically 30 days from the scoping meeting, or roughly 30 days.

So -- plus, it is Christmas and New Year's, and I apologize for that in advance, but I had nothing to do with that.

So we understand your pain, and we have to come up with study requests ourselves too, so we're under the same -- you know, same time frames as you. So, you know, we certainly understand.

Anything?

Just remind everybody there will be another public meeting tonight at seven o'clock. We'll go through the ILP process, but a lot shorter version of it. We won't go through all the issues. Basically, we'll just give people an opportunity to come up to the podium and make some comments and answer questions.

And tomorrow is a site visit starting at eight o'clock and meeting here, if you're interested. If you haven't indicated your desire to participate, you know, I believe there is still opportunity, so talk to Mel or somebody with River Authority, and you'll be able

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to go on the site visit.

If there is nothing else, I just want to thank everybody for coming. Appreciate the input. And we'll be looking forward to your input on January 21st.

Thank you.

(At 3:22 p.m., the meeting was adjourned.)

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C E R T I F I C A T E

I, ANN BONNETTE-SMITH, RPR, CMRS, CSR, CLR, Certified Shorthand Reporter in good standing in and for the State of Louisiana (Certification Number 85135), do hereby certify that said proceedings were taken before me at the time and place therein set forth and was taken down by me in shorthand and transcribed into computer-generated text under my direction and supervision; and I hereby certify the foregoing transcript of my shorthand notes so taken.

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.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 19th day of December, 2008.

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ANN BONNETTE-SMITH

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