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FEDERAL ENERGY REGULATORY COMMISSION
TOLEDO BEND HYDROELECTRIC PROJECT
SCOPING MEETING
PROJECT NO. 2305-020
TUESDAY, DECEMBER 16, 2008
7:10 P.M. - 7:51 P.M.
2000 CYPRESS BEND PARKWAY
MANY, LOUISIANA 71449

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1 MANY, LOUISIANA, TUESDAY, DECEMBER 16, 2008

2 7:10 p.m.

3

4 MR. MITCHNICK: Hi. My name is Alan Mitchnick, and
5 I see a lot of familiar faces from this afternoon.

6 In order to figure out sort of how we want to
7 go through the scoping meeting this evening, I want to
8 get a show of hands of who's new from -- who wasn't here
9 this morning -- or this afternoon and didn't hear the
10 presentation.

11 MR. SWOBODA: Let the record show --

12 MR. MITCHNICK: You know, we were planning to hold
13 the meeting a little bit differently than this
14 afternoon, and we weren't going to go through all the
15 issues, but we were going to go through the integrated
16 licensing process. So I'll leave it up to you on how
17 much you would want to hear about the integrated
18 licensing process.

19 JEFF DUNKIN: I don't need to hear anything about
20 the integrated licensing process. I've been through it
21 before. I've got the book in my backpack here.

22 I mostly came particularly to this meeting to
23 sort of hear what other stakeholders had to say, as well
24 as to learn about the project. I'm working my way
25 through the PAD. So I'm disappointed there aren't other

26

1 stakeholders here to --

2 MR. MITCHNICK: Yeah. Will the stakeholders raise
3 their hands?

4 I won't go through the presentation of the
5 ILP, but I will answer any questions that anybody might
6 have that wasn't answered earlier in the morning or
7 afternoon.

8 And let me go through these slides to see if
9 there's anything that we need to go through.

10 Okay. You know about all the study criteria
11 and everything; right? Okay.

12 And, of course, a copy of this presentation is
13 in the back.

14 Okay. Well, it's pretty much done.

15 MR. SWOBODA: Do you want me to do mine?

16 UNIDENTIFIED SPEAKER: The project --

17 MR. SWOBODA: Oh, it's back there.

18 MR. MITCHNICK: But I don't -- I don't --

19 MR. SWOBODA: Jeff, did you want to just see the
20 general presentation I had or --

21 JEFF DUNKIN: If you'd like to show it.

22 MR. MITCHNICK: Okay. We'll do that, and then
23 we'll get to any comments.

24 JEFF DUNKIN: Just an overview of the project.

25 MR. SWOBODA: Yeah. Just real quick.

26

1 JEFF DUNKIN: Does this have pictures?

2 MR. SWOBODA: Yes. It has pictures.

3 Got to get the numbers right this time too.
4 Got the numbers wrong last time.

5 MS. KORDELLA: I will get his name for you.

6 THE REPORTER: Thank you.

7 MR. SWOBODA: Okay. This is for our presentation.

8 Go ahead. Next slide.

9 I'm Mel Swoboda for the information -- and for
10 you guys over there also. Just some brief information
11 about the project, about where it is.

12 It is on the Sabine River Basin, about 560
13 miles long, a river, with a drainage of about 10,000
14 square miles of total drainage area.

15 One item of note is that where the river
16 becomes the boundary, which is -- if I can get it
17 right -- it is right along in this area right here
18 (indicating). When it gets to that point, then it also
19 comes under the jurisdiction of the Sabine River
20 Compact, which is a federal organization, compact, with
21 the chairman of it is appointed by the president, and
22 then members from both Texas and Louisiana.

23 Their mission or their responsibility is to
24 ensure that the water is shared on a 50/50 basis, which
25 was -- that's the intent from there on. It's handled as
26

1 a 50/50 split on the water.

2 The dam itself is located about 150 miles from
3 the top of Sabine Lake, about 175 miles from the gulf.
4 So it's a pretty good ways up in the drainage basin. I
5 should note about 40 percent of the drainage is actually
6 below the dam in that point.

7 The project is jointly owned by both River
8 authorities. They are managed through a Toledo Bend
9 Joint Operation Group. This group is made up of a
10 six-member executive committee that make the decisions.
11 The general manager from Texas, Jerry Clark, is here,
12 and Jim Pratt, who is the executive director of Sabine
13 River Authority of Louisiana, and then two of the board
14 members from each of the respective boards participate
15 in that. And they make the decisions upon the
16 Toledo Bend operations portion of the project.

17 There is their responsibility, which kind of
18 gives you an idea of the area of their coverage.
19 Primarily, the dam and associated facilities is their
20 responsibility. Anything as far as parks and recreation
21 type facilities around the dam -- around the project go
22 back to the respective states. And they are handling
23 them -- though Louisiana is their -- the parks
24 department, through their organization, or SRA
25 Louisiana. On the Texas side is predominant SRA Texas.

26

1 And they're also handling some facilities for national
2 forest -- or the Forest Service that has -- yes, Jeff?

3 JEFF DUNKIN: Can I go ahead and ask a question?

4 MR. SWOBODA: Yes, go ahead.

5 It's Jeff Dunkin from the National Park
6 Service.

7 JEFF DUNKIN: Jeff Dunkin, National Park Service,
8 Southeast Region.

9 Really, my question was if all of those
10 recreational facilities are outside the FERC project
11 boundary?

12 MR. SWOBODA: No, they're not. They are -- they
13 are -- they are within the FERC boundary, yes.

14 There are some other facilities the Forest
15 Service has that are outside the FERC boundaries that
16 SRA does not manage at this point -- SRA Texas does not
17 manage.

18 The project itself, this gives you a little
19 bit better picture of it. The main body of the
20 reservoir is 65 miles long. That's going up to right
21 around Logansport here. And then there's another about
22 20 miles of back water which is an area that when you
23 get up to the 172 level, starts to begin to have some
24 flooding in the backwater areas.

25 185,000 surface acres. About almost
26

1 1,300 miles of shoreline. And it's four billion --
2 four million, four hundred --

3 UNIDENTIFIED SPEAKER: Four and a half.

4 MR. SWOBODA: Four and a half million acre feet of
5 storage capacity. I got it wrong earlier.

6 The primary purpose for the reservoir is water
7 supply, hydroelectric, and then recreation for the one
8 that was built.

9 Project, the dam, is approximately
10 11,000 feet. That includes three dikes that go with it.

11 You will see tomorrow on the tour -- two of
12 the dikes we'll actually see, which we have project --
13 or the facilities right immediately with them.

14 It is a rolled earth with a cement-soil
15 mixture that is compacted on the upside -- upstream side
16 of the dam for erosion control. It has been very, very
17 effective, I might add.

18 One thing to note is that the dam actually is
19 running north and south, and where it was built is kind
20 of in a bend of the river, and it actually runs north
21 and south which helps it from an erosion standpoint that
22 it doesn't get the direct wave action from the direct
23 north type winds.

24 The spillway, approximately 800 feet, 11
25 tainter gates with a low-flow sluiceway. And it

26

1 discharges 290,000 CFS at capacity.

2 The hydroelectric operations, we have two
3 vertical Kaplan turbines, each of them rated about 40
4 and a half megawatts, total of 81 megawatts. It's
5 the total -- total water volume is generally around --
6 for both of them running at any given time is about
7 14,000 CFS going through. So that's 7,000 per.

8 Tomorrow on the tour, right now, we are
9 running one turbine. So it's about 7,000 CFS is what
10 you will see going down the channel.

11 The spillway, we are talking about putting a
12 mini hydrounit in the spillway. The current thought is
13 that we're going to put it actually in the low-flow
14 sluiceway is where it's going to go. It's going to be a
15 horizontal Kaplan unit, about 0.8 megawatts of power.

16 And I'm going to show you a little picture
17 just a little bit more, and you can see the sluiceway a
18 little bit better.

19 This is the sluiceway that we have, and the
20 turbine will actually be inserted inside that so it
21 really will not be visible from the outside.

22 We have an approximate discharge of about
23 144 CFS continuous through that sluiceway all the time.

24 There will also be a small 10-by-10 size
25 transformer control center that will be put someplace,

26

1 generally in the location I've shown on the map here in
2 this location.

3 That is the current plan or the current
4 thought is that that would be the methodology we would
5 use. That will be subject to further development later
6 on in the process.

7 NOLAN RAPHELT: Is there a requirement for that
8 144, or agreement or --

9 MS. KORDELLA: Could you --

10 MR. SWOBODA: Ask the question.

11 MS. KORDELLA: State your name.

12 NOLAN RAPHELT: Nolan Raphael, R-a-p-h-e-l-t.

13 It's just a simple question. Is there a
14 requirement or an agreement, or is this the way it is
15 for that 144?

16 MR. SWOBODA: It is part of our licensing right now
17 that we have the 144 CFS release from that location.

18 This is just some stuff that, really, kind of
19 gives you an idea.

20 The project was originally initiated in
21 October of 1963. Came on line in 1968. And currently,
22 our license expires in September of 2013.

23 We did file on September the 22nd, and, again,
24 I'll add my compliments to FERC on their electronic
25 filing. It worked great.

26

1 After the hurricane, Hurricane Ike, I was in
2 the middle of Home Depot buying a hot water heater when
3 this was filed. So the system works very, very good.
4 And I really recommend, you know, use it as max when you
5 can.

6 We are scheduled to prepare a relicense
7 application, 2008-2011, and submit that and file the
8 license application in September of 2011, that before
9 the September 2013 was finalized.

10 Again, there is a public site which has all of
11 the documents so far that have been generated -- are on
12 there. And they are available to anybody that needs to
13 use them.

14 Also, there's my contact information, if
15 anybody has any questions.

16 Are there any other questions?

17 MS. KORDELLA: Resource-based question.

18 JEFF DUNKIN: Actually, one question is resource
19 based and one is process based.

20 MS. KORDELLA: Would you state --

21 JEFF DUNKIN: Jeff Dunkin, National Park Service.

22 I don't think it's -- I'm not sure if it's a
23 FERC process question or if it's a joint operations
24 question. But it's how are the resource working groups
25 going to be utilized within the process?
26

1 MR. SWOBODA: We're going to use them as we need.
2 If we identify the need for one, we will have one.

3 I've got a list in the back that, if you will
4 sign in, tell me which groups you want to work with,
5 we'll be happy to put you on them. But it will probably
6 be as an as-need basis.

7 There's no reason -- if we define one and
8 there's nothing to do, there's no reason for us to have
9 a lot of meetings.

10 The current plans are probably for any of
11 those types of meeting are going to happen probably at
12 our Orange facilities, our offices down in the Orange
13 for SRA Texas. It's a little bit better located for
14 transportation in and out of the area in that you can
15 fly into Houston, then it's two hours over from Houston.
16 Or from Baton Rouge it's, what, about three hours, three
17 and a half hours. So it will be a little bit better
18 location for some of those types of meetings.

19 JEFF DUNKIN: Can I ask my resource question?

20 MS. KORDELLA: Yes.

21 JEFF DUNKIN: Diadromous fish may be in the PAD,
22 but I haven't gotten there yet.

23 Do you have the diadromous fish that are in
24 the lower Sabine?

25 MR. SWOBODA: There are what's -- there are

26

1 really -- it is on the edge of the American Eel's range,
2 and there are only like -- help me with the word, Scott,
3 I'm looking for.

4 Steve, it's more of an occasional type visitor
5 versus a constant population coming up and a known type
6 route that they take.

7 So we get them -- if the current is right, we
8 might get some. If it's not right, we won't see them
9 for a period of time. So it's kind of that kind of
10 thing.

11 No striped bass populations are standing in
12 that area that we're aware of. And those are the only
13 two that I know of that really kind of came up that we
14 were even -- that were on the list, from that
15 standpoint.

16 MS. KORDELLA: I know you had something you wanted
17 to say, Mr. Dodson.

18 JAMES DODSON: I thought you wanted me to hand that
19 to him.

20 MS. KORDELLA: Well, thanks for shortening and
21 abbreviating stuff. We went over a lot of these issues
22 earlier, so they're sort of up there for any other
23 talking points you might have.

24 MR. MITCHNICK: Can I say something?

25 Just something I forgot to say earlier, and
26

1 that is introduce the rest of the FERC team.

2 Lesley Kordella is the assistant project
3 coordinator for this project.

4 Dr. John Mudre is handling the water resources
5 and fisheries resources areas.

6 I'm doing the terrestrial resources.

7 And we have two more members on the team.
8 Carolyn Templeton is doing the REC, visual land use and
9 cultural, and Jim Fargo, who is doing the engineering
10 and economics.

11 The only other thing is there is a revised
12 process plan. Some of the dates in the scoping document
13 are incorrect. So we have that revised plan.

14 And now I'll turn it over.

15 MS. KORDELLA: Okay. I'm just going to flip ahead
16 real fast, and then I can open it up if anybody wants to
17 add on to something they might have said earlier or
18 touch on some high points so that this gentleman can
19 maybe capture some of it. You said you wanted to hear
20 what people have to say.

21 So, again, if you have some high points that
22 you brought up earlier or you want to touch on -- or
23 anything new, this is a good time.

24 I mentioned earlier that we're also looking
25 for any updated comprehensive plans. If you want to be

26

1 added to the mailing list or if you think something is
2 missing from the mailing list, that is all in the
3 scoping document, and you can file it.

4 And when filing, project number and subdocket
5 020 is very important to indicate that. So I don't mind
6 re-stressing that to all of you again. Because the
7 notice -- was it the notice? -- or something had the
8 incorrect project number in it. It was 349. So just
9 try to remember, it is 2305. And that is for mailing.

10 And then comments and study requests need to
11 be filed, actually, by January 21st, since the 20th is
12 Inauguration Day and we won't be there.

13 And I will just reiterate and emphasize what
14 Mel already said about the wonders of e-filing. Please
15 e-file if you can. It's fast. It's quick. There's no
16 paper. It's great.

17 E-subscription is very good for keeping track
18 of everything that has been filed with us. We all
19 subscribe to all the projects we work on. It's a much
20 more efficient way to keep track of everything that is
21 coming in.

22 And that is the Web site for e-library, if
23 you're unfamiliar with it. You probably know it. Okay.

24 So, at this point, if anybody did have some
25 things that they wanted to add from earlier or something

26

1 new, then I'll just run around again, like I did
2 earlier.

3 No?

4 Wow. Quiet group.

5 Or, Mel or Alan, if there's anything left over
6 that you want to emphasize to anybody?

7 MR. MITCHNICK: Are there any questions? I mean,
8 you don't have this opportunity very often to have three
9 FERC people in front of you wishing you had questions
10 for them. Believe me, that never happens.

11 So I mean, we're here. This is -- I mean,
12 there will be lots of opportunities to ask questions
13 through this whole process and -- but certainly, if you
14 have any questions tonight, we will be happy to try to
15 address them.

16 So any questions? Last opportunity for
17 questions.

18 KEVIN MAYES: Can we have a discussion?

19 MR. MITCHNICK: Can we have a discussion? That is
20 sort of like a comment. It's sort of like a string of
21 comments. Sure.

22 KEVIN MAYES: Okay. My name is Kevin Mayes. And I
23 want to go back to the -- I want to go back to the
24 discussion about the impact area and how far downstream
25 and what criteria do y'all use to determine the extent
26

1 of the impact? And I'm sure it varies by discipline
2 that you're looking at.

3 Hydrology, you know, you can look at various
4 USGS gauges and say, "Okay. Well, we still see some
5 signature of hydropower operation in a gauge REC."

6 Does that mean wherever you continue to see
7 that signature pattern, then that is the extent of it,
8 or do you have to weigh various other disciplines,
9 whether it be geomorphology or biology or water quality?

10 I mean, I'm just trying to get a better feel
11 for how y'all go about making that decision.

12 The PAD right now says basically -- my
13 interpretation of it is basically down to about 15 miles
14 down, 30 miles down. But we see -- in other gauges, we
15 still see the signature hydropower signal.

16 So maybe if you could elaborate on that, it
17 would kind of help us maybe define this issue.

18 MR. MITCHNICK: Done.

19 It's -- certainly is -- and certainly, I'd
20 like to hear from the applicant, too, on sort of how
21 they came up with the extent of the downstream effect
22 that they did in the PAD.

23 You know, a lot of times it's easier -- I
24 mean, with water quality, I mean, it tends to be a
25 little bit easier. You can, you know, look at D.O.

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1 levels downstream and you can look until it gets to some
2 point where that difference doesn't make a whole lot of
3 difference biologically.

4 Now, it's going to depend on the system, you
5 know, but what is a small enough incremental change in
6 D.O. where you don't care about it anymore or
7 temperature or whatever you're talking about.

8 So, I mean, to some degree, it's a biological
9 question and it's also, you know, a chemical question.
10 Just, you know, what is the magnitude of the changes and
11 what is the biological significance of those changes?
12 At some point, it's no longer biologically significant.

13 And with flow-related effects, you know, for
14 example, habitat, you know, at some point you're going
15 to get very small changes in habitat as a result of
16 flow-related changes. And -- but at what point does it
17 become biologically insignificant?

18 And I can't provide a whole lot of insight. I
19 mean, obviously, as you mentioned, it is, you know, case
20 specific. But those are the types of things that we
21 would look at. You know, at what point do these changes
22 become biologically insignificant?

23 And that could be, you know, a difficult call
24 to make, and it may just be, you know, what is the
25 consensus of the biologist involved. You know, at what
26

1 point do we no longer care about the changes?

2 I don't know if Mel or somebody would like to
3 talk about how that is addressed in the PAD. Because I
4 know that it goes to some creek down there, upcreek or
5 something.

6 MR. SWOBODA: Let me -- I'm going to slide back
7 this way because I'm going to be standing closer to
8 Steve and Scott so they can jerk my chain if I'm totally
9 off base.

10 But essentially, there were two things that
11 really drove us to look at and evaluate where the end of
12 the project impact.

13 Probably one of the most significant was the
14 work that Dr. Phillips did in a couple -- two or three
15 of his papers where he talked about the geomorphology of
16 the stream. And it's heavy in the geology section of
17 the PAD. But he identified a series of change points.

18 One of the ones that he identified was that at
19 approximately the Burr Ferry, in that vicinity, right in
20 that immediate area, he made the comment -- he said that
21 was the last that he really saw of the impact
22 hydrologywise of the project.

23 From there on, his comment was the river acted
24 like the Sabine River always acts, from a geomorphology
25 standpoint.

26

1 He then -- one of the next major transitions,
2 if I recall, was going to be down close to what I call
3 the Big Cal Creek area. It's mile -- about 70, 71
4 downstream. There is a transition that the river goes
5 through from being more of a sandbar-type stream with
6 lots of sandbars and whatnot, ripples, to more of the
7 Delta-type stream with gases where you had -- it slowed
8 down, it flattened out, and it changed the
9 characteristics more to just the lower type of streams
10 that you'll get down there.

11 So when we looked at the data, what we saw was
12 from a biological impact index is we had good data from
13 about Burr Ferry going downstream. And if you look at
14 some of it, what you see is from a biological index, you
15 get very -- the numbers stayed pretty much the same
16 through that area. And there is a change right around
17 that mile marker 70 where there's a shift in the change
18 in the river, in the characteristics of the river.

19 So there is a change right here in the
20 biological index. And that was one of the things that
21 drove us to look at how we did it.

22 The other problem that we had, though, was we
23 ended up with a data gap between Burr Ferry and the dam.
24 There was very limited data in that area, and that was
25 the reason that we proposed the study is because we just
26

1 don't know enough about that section of the river. We
2 had about -- I think about three pieces of data is all
3 we really had, if I recall. And so it was very limited
4 in the scope of the data that we had in that area.

5 And that is part of what was driving us to
6 say, you know, we need to further define that.

7 But the hydrology was one of the main things
8 in his discussion, and he did it in a couple different
9 papers that he described to say that that was in the
10 area where we saw the transition. And that is where we
11 were saying -- that is where the impact of the project.

12 From there, it's pretty much the Sabine River
13 of old. It's just that you get a little bit of rise and
14 fall. And we didn't see the overbank flooding type
15 conditions downstream. So we weren't seeing any of
16 those kind of activities, either, from the project
17 during routine-type operations.

18 Have I kind of covered it, guys?

19 STEVE ARNOLD: Yes. I think it's important to
20 make --

21 MR. SWOBODA: Wait. Wait.

22 STEVE ARNOLD: Steve Arnold.

23 I just want to reiterate that it's important
24 to make the distinction between hydrology and
25 geohydrology. And I think the geology -- geological
26

1 evidence of scour and so forth is down to about Burr
2 Ferry.

3 Hydrology is different than measured by the
4 USGS gauges, and that can be tracked at various
5 dampening effects all the way down the river. But I
6 think the key we came up with was the physical scour
7 evidence of the hydrology's effect on the river bank
8 geology. The channel was more linear there. It showed
9 signs of scour.

10 By the time you get below Burr Ferry,
11 Dr. Phillips' conclusion was that it really took on the
12 characteristics of an unregulated river in that type of
13 coastal plane area. So the scour area kind of coincided
14 with the data gap, and we decided that that was the area
15 that needed to be looked at.

16 MR. SWOBODA: I might add that there's very little
17 drop. For those of you that haven't been out there,
18 there's very little drop in distance. It is a very,
19 very slow drop that you see from below the dam there on
20 down the river.

21 MR. MITCHNICK: It is a very important question
22 that you raised, and it is something that needs to be
23 agreement on, you know, through this process to make
24 sure that all the potential effects are captured.

25 JEFF DUNKIN: Jeff Dunkin, Park Service.
26

1 Was the -- Dr. Phillips' study, is that a
2 recent study or is that, like, the 1991 thing that is in
3 the PAD?

4 UNIDENTIFIED SPEAKER: This is 2007, 2006.

5 MR. SWOBODA: Yeah. They are, like, 2007, 2008.
6 They were done -- they were done, in part, for what
7 Texas is known as the SP2, which is an instream flow
8 study, that the final results are due out, like, 2015,
9 -16.

10 UNIDENTIFIED SPEAKER: Well, we think three to five
11 years from now. Once we get the study design down,
12 three to five years --

13 MR. SWOBODA: But it was a preliminary study for
14 that kind of a --

15 MR. MITCHNICK: Are there any other questions? I'm
16 not leaving until eight o'clock so...

17 MR. SWOBODA: Here, Kevin.

18 KEVIN MAYES: Well, I -- you know, if we talk about
19 what is significant biologically, is the -- you know, if
20 we're losing species in the lower Sabine or if we're
21 seeing negative trends in their population, is that, you
22 know, biologically significant from a FERC relicense
23 perspective?

24 You know, there has been the loss of one
25 native species that we know about, that we knew occurred

26

1 downstream, and now it is gone. And then we have
2 information that indicates some downward trends in other
3 species for the whole lower river. I mean, so -- and
4 that is just one that we know about.

5 So how do you weigh that in terms of that
6 project area impact analysis?

7 JOHN MUDRE: Well, I think, you know, one thing
8 that you would need to do -- John Mudre -- is, you know,
9 come up, postulate some connection between, you know,
10 the operation of the dam or maintenance activities and
11 how -- you know, how is the project affecting the fish
12 downstream? I mean, the fish could be disappearing
13 downstream for any number of reasons.

14 If it is because of the project, then it is of
15 interest in this proceeding. If it is unrelated to the
16 project, then, you know, it is something that we don't
17 like, but it is really not -- doesn't fall under this
18 relicensing procedure.

19 So you need to identify -- you know, first,
20 you got to know what the effect is: Are you seeing fish
21 go? But then you have to sort of come up with, well,
22 how can -- you know, what is the mechanism and how does
23 it relate to the project?

24 And then, you know, once you establish a
25 relationship like that, then you could devise ways,
26

1 maybe there's something we can do about it if we did
2 this differently than we are doing now, and then, that
3 is -- you know, that is perfectly acceptable and
4 something -- again, if it is project-related, that it
5 would be something that we would want to address in the
6 proceeding.

7 JAMES DODSON: James Dodson.

8 Some of the things that have changed -- like
9 I've told most of y'all in here before, I've been raised
10 on this river for 66 years, and I know it, and the river
11 has changed.

12 For one thing, before we had a dam, the grass
13 shrimp, which was a major food supply for the fish, has
14 depleted. You don't find them anymore because they have
15 to have a constant flow of water to exist. Once the dam
16 was put in, this stopped the process. You can't find
17 them anymore. Once in a while, you'll find some.

18 There used to be the sandbar effect you were
19 talking about. Used to go all the way through Orange.
20 I could take you down out of y'all's office down there
21 and I can show you places at Deweyville, which was --
22 which was a big sandbar. Down at Indian Lake -- I know
23 you know where that is -- there were several big
24 sandbars there. There was one at Sabine Island that
25 went all the way down towards -- the last one that I can
26

1 remember was just before you went into Sabine Lake. And
2 as you know, the river runs all the way through Keith
3 Lake where it joined in with the Neches River.

4 And the river has changed; some of it for the
5 better. In the '50s, we had a massive flood that
6 flooded Deweyville. When you -- we had to walk just
7 miles in the water just to get to our houses.

8 So I know what would happen before the dam was
9 in and what is happening now. And there are pluses and
10 minuses on both sides. But the dam has done wonders to
11 control the flow down. Then it has done terrible for
12 some of the habitat.

13 And, you know, as man, we just have to find
14 some happy medium that we can all live with: The
15 habitat, the fish, the man. Everything has got to learn
16 to exist.

17 And like I told y'all before, if we go --
18 we're going to take over from the natural elements to
19 change the flow, then we've got to be big enough to
20 realize that we will have to take care of it.

21 MR. MITCHNICK: Just one last comment on these
22 questions.

23 I mean, as part of this whole analysis has to
24 be the differentiation between, you know, perhaps what
25 were effects of original causal construction versus, you

26

1 know, what are the effects of continued operation of the
2 project.

3 Obviously, construction of the project may
4 have had a significant effect but that is not
5 necessarily germane to what we're doing here today, and
6 that is relicensing the project and trying to figure out
7 how, you know, operation -- with the project in place,
8 how operation of the project is affecting those -- those
9 downstream resources.

10 So that is sort of the more narrow look that
11 we take on relicensing.

12 JOHN MUDRE: He mentioned baseline.

13 MR. MITCHNICK: Yeah. I mean, in line with the
14 baseline, I mean, sort of the starting point is the
15 project as it exists today. You know, that is just the
16 baseline.

17 So in terms of relicensing the project, you
18 know, where we go in the future, how does that look
19 compared to the baseline of today's environmental
20 conditions?

21 Okay. I won't hold you any longer. I just
22 want to leave with one comment, and that is January 21,
23 2009, that is when we are looking for comments on the
24 PAD, comments on the scoping document, and study
25 requests. Those are all due by January 21st.

26

1 And it is now the 16th --

2 MR. SWOBODA: Tour?

3 MR. MITCHNICK: Okay. Tomorrow will be a site
4 visit of the lower part of the project, which will begin
5 at -- try to leave at about 8:00 or so. If you're still
6 interested, see Mel.

7 I hope the weather will be a little bit better
8 than today, and we'll be able to see a lot.

9 I'd just like to thank -- I think that is it.
10 I just want to thank everybody for coming and sitting
11 through the second of these two meetings.

12 And, you know, the ILP is a lot of work ahead
13 of everybody and tight deadlines and -- you know, as I
14 mentioned this afternoon, you know, the commission staff
15 has to abide by the same guidelines and dates as
16 everybody else does. So, you know, we feel your pain,
17 because we suffer the same -- the same thing.

18 So, again, I just want to thank you for
19 coming.

20 MR. SWOBODA: Thank you.

21 JOHN MUDRE: Sorry to keep you here any longer, but
22 I guess I just want to point out that if you think of
23 some more things, we're going to be on the tour also
24 tomorrow, and we can discuss anything else you'd like to
25 about the project.

26

1 It won't necessarily be in the official
2 record, but you can get your ideas across to us, and
3 we'll keep them in mind as things move along. And if we
4 have a suggestion, well, maybe you should file this or
5 something, you know, we'll try to give you as much
6 advice and discuss things with you as we can.

7 JEFF DUNKIN: Meeting right out here?

8 MR. SWOBODA: Yeah, right out front.

9 MS. KORDELLA: Yes. We're meeting right out front.
10 Okay.

11 MR. MITCHNICK: Thank you.

12 (At 7:51 p.m., the meeting was concluded.)

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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.

ANN BONNETTE-SMITH

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