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UNITED STATES OF AMERICA

FEDERAL ENERGY REGULATORY COMMISSION

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- Free Flow Power Corporation : Project No. 12829-001
- FFP Project 28, LLC : Project No. 12861-001
- FFP Project 32, LLC : Project No. 12921-001
- FFP Project 41, LLC : Project No. 12930-001
- FFP Project 42, LLC : Project No. 12938-001
- FFP Project 54, LLC : Project No. 12915-001
- FFP Project 57, LLC : Project No. 12912-001

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PUBLIC SCOPING MEETING

Embassy Suites New Orleans
 315 Julia Street
 New Orleans, Louisiana 70130
 Tuesday, April 28, 2009

The public hearing, pursuant to notice, convened at 2:18
 p.m. before a Staff Panel:

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STAFF PANEL

STEPHEN BOWLER, Office of Energy Projects

ALLYSON CONNER, Federal Energy Regulatory
Commission

MICHAEL PINCUS, OGC, FERC

FRED WINCHELL, Louis Berger

TYLER RYCHENER, Louis Berger

MARTY BOWERS, Louis Berger

Also

RAMYA SWAMINATHAN, Free Flower Power

JON GUIDROZ, Free Flower Power

CHRIS WILLIAMS, Free Flower Power

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PUBLIC SPEAKERS

STAN MATHES, Plaquemines Parish Government	19
MATT ROTA, United for a Healthy Gulf	20
CASEY DeMOSS ROBERTS, United for a Healthy Gulf	24

P R O C E E D I N G S

1
2 MR. BOWLER: I'm Stephen Bowler of the Federal
3 Energy Regulatory Commission.

4 I'd like to open the public scoping meeting on
5 the Free Flow Power-proposed Mississippi River Lead Projects
6 at New Orleans, Louisiana, April 28, 2009. I apologize for
7 starting late; I just got talking and I didn't notice the
8 time, so we're starting about 20 minutes past 2.

9 We'll start with an introduction to our process;
10 a little bit about the Federal Energy Regulatory Commission
11 really quick, given the audience we have; and cover a couple
12 other topics about our process and then give the Free Flow
13 Power folks the chance to describe the project briefly; and
14 then I'll give some directions on filing information and on
15 providing oral comments, if we have any speakers today; and
16 we can take questions particularly on procedural matters and
17 questions about how our process works. The questions on
18 details of the project I would refer to the developer and
19 off-line conversations.

20 If you have written materials, you can give them
21 to the recorder, and I'll talk about those details again as
22 we move on. If you do want to speak, make sure when you
23 sign in you indicate that you'd like to speak.

24 I'm the co-coordinator of this review project for
25 the Commission. My co-coordinator is back in Washington;

1 her name is Sarah Florentino, and she's keeping things
2 running there while we're out in the field. With us today
3 we have two other FERC staff, and Michael Pincus is with our
4 Office of General Counsel, and Allyson Conner, who is
5 Recreation Resource Specialist for us. We also have other
6 members of the team and other specialties who are not
7 traveling with us. Some of them will be in Memphis and St.
8 Louis next week, including Sarah.

9 One of the ways the Commission manages its work
10 flow and covers a wide range of topics, it's through
11 consulting support; and we have three of our contract staff
12 here today. Fred Winchell, who is the Project Coordinator
13 for Louis Berger Group, and Tyler Rychener, who is a
14 Terrestrial Resource Specialist, and Marty Bowers, who is a
15 Recreation, Land Use and Cultural Specialist.

16 I don't have a slide for this, but I want to say
17 briefly what the Commission is, because some people aren't
18 that familiar with us. We're not the largest of the
19 federal agencies; but as our title implies, we're pretty
20 much a pure regulatory agency. We're located within the
21 Department of Energy, but we're actually run by five --
22 usually five; right now we have four, we have an opening --
23 presidential appointees, appointed by the president,
24 confirmed by the Senate, who make the decisions, the
25 regulatory decisions and the regulatory program development

1 decisions for the Commission.

2 We serve as staff to those commissioners,
3 providing them analysis, recommendations, alternatives for
4 them to use in their decision-making. Almost the entire
5 staff is based in Washington, for purposes of regulatory
6 consistency. There's a little under 1500 staff, and we
7 cover a range of issues, hydropower, non-federal hydropower
8 regulation is what we're here for today, and the oldest part
9 of the Commission's responsibility. But we also do electric
10 grid regulation, wholesale market regulation,
11 interconnection regulation; we do liquid natural gas
12 terminals, gas pipelines, and some electric transmission.
13 Oil pipelines, too.

14 In this case, we're the lead federal agency
15 reviewing the proposal from Free Flow Power Corporation and
16 its subsidiaries to put a lot of turbines in the Mississippi
17 River to generate electricity. Through our process, they've
18 reserved 55 sites for three years for them to develop
19 applications, and they're not authorized until we make a
20 license decision to develop those sites, but they maintain
21 priority of application through these preliminary permits
22 that they've received from us.

23 They've come in through the pre-application
24 process in order to start developing the information for
25 there license applications, which have to come in at least

1 two years after they've filed their Notice of Intent to file
2 a License Application. They also filed, as the beginning of
3 that pre-application process, a pre-application document
4 which included an assemblage of the existing literature and
5 a description of their proposal, and essentially kicks off
6 the pre-application process.

7 Of the 55 projects, we've allowed Free Flow Power
8 to carry forth seven of them through our default licensing
9 process, which is called the integrated licensing process.
10 The Director has allowed them to use the traditional
11 licensing process, an older licensing process that we have,
12 for the other 48. The logic of this strategy is that the
13 integrated licensing process is a fairly intensive process,
14 and it is front loaded in several ways.

15 Let me introduce that process a little bit in
16 sort of one paragraph, which is that the idea is that it has
17 the standard NEPA process, but we moved scoping in front of
18 the application. Scoping occurs basically right after the
19 pre-application document is filed instead of right after the
20 application is filed. And at the same time that we received
21 the scoping comments, we also get study plan proposals, or
22 requests. And we then go through a very formal back-and-
23 forth, with an informal component built into it, process of
24 negotiating what the schedule and the study elements that
25 will be required.

1 Out of that negotiation, it should be clear to
2 all parties what the schedule is and what the study
3 requirements are in order to develop the application. So
4 that all occurs before the application; and once the
5 application comes in we notice the application, the federal
6 and state agencies that have conditioning authority put in
7 their preliminary conditions, people comment on the
8 application, and then we begin the process of developing, in
9 this case an environmental impact statement.

10 When we release the draft environmental impact
11 statement, we'll have another series of public meetings;
12 we'll also have public meetings during the study
13 determination phase, before the application comes in, but
14 we'll have meetings when the draft application is released.
15 Then we'll go through those comments and develop the final
16 environmental impact statement; and then that becomes
17 essentially the staff recommendation to the commissioners,
18 which they then use in making a decisional document which we
19 call a license order, which has articles in it which are
20 essentially the conditions if they decide to issue the
21 license. And other agencies have that as the equivalent,
22 the Record of Decision.

23 So I have pretty much covered the purpose of
24 scoping, or at least the place of scoping in the process.
25 It's part of NEPA, and we're trying to identify the issues

1 and concerns early in the process from all the parties, all
2 the stakeholders that we can get to contribute to that
3 discussion.

4 We issued a scoping document that described our
5 preliminary description of the issues on March 16th, and the
6 comments and study requests at this time are due on May
7 15th; so just a few weeks.

8 It's important to note that all the agencies have
9 an important role in our process, but in this case the Corps
10 of Engineers has a particularly prescribed role, which comes
11 from the fact that when the Federal Power Act was passed,
12 the Rivers and Harbors Act had been in place for 20 or 30
13 years. The Federal Power Act, the original version, was
14 1920. And Congress in that case actually recognized that
15 there was a potential statutory conflict, so they resolved
16 it by giving the Corps of Engineers a formal role in
17 hydropower licensing when there was an issue that fell under
18 Section 10 of the Rivers and Harbors Act, which covers
19 navigation in the waters of the U.S.

20 So the Corps of Engineers is a mandatory
21 conditioning agency in our license order. In other words,
22 they exercise their navigation authority by writing terms
23 into our license articles that we just -- we analyze them
24 but we have to include them.

25 And the Corps of Engineers provided this

1 statement, from Jeff Artman, who is with the Mississippi
2 Valley Division, Hydropower Business Coordinator, I believe
3 is his title, and I'll read it into the record on his
4 behalf; he sent it a couple hours ago. But he read this at
5 our Vicksburg meeting:

6 The U.S. Army Corps of Engineers
7 supports the development of
8 renewable energy projects where
9 these projects are feasible, and
10 in the case of the Mississippi
11 River, where these projects are
12 compatible with Corps missions of
13 navigation, flood risk management,
14 environmental stewardship, and
15 recreation. The Mississippi
16 Valley Division of the Corps of
17 Engineers has provided comments to
18 FERC and Free Flow Power regarding
19 the hydrokinetic projects being
20 planned for the Mississippi River.
21 The Corps will continue to work
22 with FERC and Free Flow Power in
23 the future to resolve these
24 comments.

25 (Slide)

1 So this is the schedule which I described earlier.
2 As it stands, we're in the scoping period right now. The
3 study planning period would go from May through November,
4 and there's a detailed version of this in the back of
5 Scoping Document 1.

6 The application, as proposed, is expected in
7 December 2010. That could be affected by the outcome of the
8 study plan negotiations. And when I said we'd call for the
9 agency comments and conditions, that is what that REA notice
10 stands for -- we let an acronym slip in -- that's a Ready
11 for Environmental Analysis notice.

12 Under the current schedule, the final EIS would be
13 issued in October of 2011. So we're here to request
14 information on significant issues that should be addressed
15 in the EIS, especially ones you feel we've missed in our
16 scoping document. We're here to ask for study requests; and
17 we have seven criteria in our regulations that we ask that
18 you address in those study requests.

19 We're looking for information that can contribute
20 to our analysis that we don't have or you think we might not
21 have, about past and present conditions in the project area;
22 and we are required by statute to look at comprehensive
23 plans, and we're looking for any resource plans that we
24 might not know about. There is a formal system for
25 registering those with the Commission, but we'd like to know

1 about any plans that we haven't been informed of.

2 You can comment by speaking today, providing
3 comments to the court reporter, who is getting a record of
4 this meeting, or you can file them with the Commission by
5 mail or electronically. And I'm going to let Ramya
6 Swaminathan of Free Flow Power describe the project itself.

7 MS. SWAMINATHAN: Hi, good afternoon. I'm Ramya
8 Swaminathan, I work in the project development side of Free
9 Flow Power, and I'm coordinating our response to these
10 scoping meetings and general work on the regulatory side on
11 behalf of the company.

12 I wanted to take just a few minutes to tell you
13 about our proposed projects, to describe the turbine in a
14 little bit of detail, and then give you some sense of the
15 resource areas that have come to our attention through the
16 process of research and engaging with all the stakeholders
17 in the process of preparing for the pre-application
18 document, and thereafter.

19 We have 55 proposed project sites on the
20 Mississippi River. They extend from St. Louis, Missouri to
21 below New Orleans, Louisiana. The extent of these projects
22 ranges anywhere between 2 and 16 river miles each, and as
23 you can see, there are seven State jurisdictions that our
24 projects are in.

25 The preliminary permits issued by the FERC were

1 issued in early 2008, and as Stephen mentioned briefly, I'm
2 not going to linger on the process milestones; but the pre-
3 application document and the Notice of Intent were filed by
4 the company to the FERC in January of 2009. These scoping
5 meetings and site visits are currently being held, again as
6 Stephen mentioned, for the lead sites that we have proposed
7 to be processed under the integrated licensing process.

8 We wanted to take a brief minute to talk about
9 essentially the narrative for hydrokinetics in this area of
10 the country, and we believe that it is a very viable
11 regional alternative for renewable energy sources in this
12 area, at least partially because some of the other resources
13 like wind and solar which are more compelling alternatives
14 in other parts of the country, are less viable simply due to
15 natural conditions in the Southeast.

16 To take advantage of the resource that is
17 available in plenty in this area, the Mississippi River,
18 we've designed a turbine generator, and wanted to take a
19 minute to tell you about the turbine generator. On the
20 right hand side of this page, there's a brief description
21 and a photograph of the prototype model; it's a one meter
22 device that actually was tested in a lab in Massachusetts,
23 at Alden Lab; and it generates about 10 kilowatts of output
24 in flows of 3 meters a second.

25 Based on this first generation device, the test

1 results, and feedback from a variety of stakeholders
2 including environmental impacts, we designed a next
3 generation device which is about 3 meters in outside
4 diameter, and it generates 10 kilowatts of output in 2.25
5 meters a second flow.

6 I'll get into the key design features a little bit
7 later on, but I wanted to point out just a few of them.
8 There's a single moving part, no chemical lubricants, an
9 expanded shroud, and very low RPM and tip speed. This slide
10 really gets at some of the things that were presented in the
11 exploded view and the rendering on the previous page. The
12 low tip speed ratio was designed to eliminate fish injury
13 from mechanical strike, and because this operates in a
14 natural ambient flow environment rather than a high head
15 environment, there are really no high velocity regions to
16 cause turbulent stress.

17 Similarly, the distance between the fixed and the
18 moving parts of the turbine generator are designed to be
19 about a meter apart, and therefore there are no small gaps
20 that would cause grinding injury to fish. There's a de
21 minimus pressure gradient and, in response to concerns from
22 the Army Corps that have been voiced consistently through
23 the process of gathering information from stakeholders, our
24 intent is to deploy these below the navigational channel off
25 the river bed.

1 There's minimal onshore equipment, that largely
2 will be onshoring cables and substations, and we have quite
3 a bit of discretion in situating them, given the
4 environmental concerns at any point in the terrestrial areas
5 of our footprint. And as I mentioned previously, there are
6 no chemical lubricants, and the bearings are hydrodynamic.

7 Our intent is to deploy these in a flexible manner
8 in areas such as New Orleans where in the deep draft part of
9 the river we are able to, we believe, stack these
10 vertically, as you can see in the top right hand part of
11 this page. But in shallower areas of the river we
12 understand and are committed to other deployment
13 alternatives where you really might be looking at more
14 lateral arrays, or being suspended from the surface.

15 There are standard marine equipment and procedures
16 for installation and maintenance, and we intend to follow
17 sort of the standard wisdom and procedures on this. And the
18 idea really is that all of these would be serviced from a
19 barge, which would make its runs up and down the river, lift
20 a sleeve of turbine arrays off of the piling, service them,
21 take out any ones that are defective, replace them and go
22 along.

23 I wanted to also take a minute, and I'm hoping
24 that you can see this -- although I'm having trouble myself
25 -- I just wanted to pause for a minute and give you a sense

1 of the deployment. There are small green dots on this page,
2 which perhaps you can see now in lower light. This is
3 intended to be just a rendering, to give you a sense of
4 scale, of Site 8, Greenville Bend. Those are two rows,
5 parallel rows of turbines situated 75 feet apart laterally,
6 50 feet apart horizontally, so to speak, and I believe there
7 are 36 pilings.

8 I wanted to just give you a sense, all of this
9 information is from the pre-application document, and so I
10 apologize for the small type and the dense writing. But the
11 seven lead sites have characteristics that are intended to
12 be representative of the total portfolio of 55 project
13 development sites; so there are some sites that are in
14 heavily industrialized and commercial areas, there are some
15 sites in more rural areas; there are sites in the deep draft
16 part of the river, there are sites in the shallower part of
17 the river, with different habitat characteristics; and as I
18 mentioned, all this information is available in the pre-
19 application document, which is available on our website.
20 This presentation is also available on our website.

21 This slide really just gets to the last two sites,
22 which are up in the St. Louis area.

23 Finally, selected resource areas, I don't want to
24 go into this in too much detail, but obviously we are
25 through the process of consulting with all the stakeholders

1 and various research methodologies into the deployment of
2 these projects. We've identified a number of resource areas
3 that are of concern and interest to various agencies;
4 navigation, water quality -- obviously species information
5 including aquatic and terrestrial species, and cultural and
6 historic sites.

7 Thank you.

8 MR. BOWLER: Thank you, Ramya.

9 So to wrap up my presentation, we made a
10 preliminary estimate of the scope of the cumulative effects
11 in our scoping document, and we described the resource
12 issues as water quality, fishery resources, wetland and
13 terrestrial resources, commercial navigation and recreation,
14 and the geographic scope is generally the middle and lower
15 Mississippi for water quality, fisheries and terrestrial
16 resources; the scope of navigation extending to the limits
17 of significant commercial navigation in the drainage.

18 As temporal scope, we identified past, present and
19 foreseeable future actions to 30 to 50 years into the
20 future, which is the time range of a FERC original license.

21 A couple other things just to wrap up things I
22 said earlier; when I said that we are allowing this lead
23 site concept, I think I forgot to mention that the logic of
24 authorizing the traditional licensing process sites is that
25 that process is more back-loaded, whereas the integrated

1 process is more front-loaded; so the theory is that using
2 the front-loaded process to consult and develop study
3 concepts that can be applied later, as we move into the more
4 back-loaded traditional process, might give us some
5 efficiencies in terms of going through seven sites and
6 expanding our knowledge and using that process to give a leg
7 up on the other 48 sites; whereas it would be a real burden
8 to do them all together.

9 I also want to mention that we had a site visit
10 yesterday at Greenville Bend here in New Orleans, and we are
11 putting in the record some graphics and other data that Free
12 Flow Power provided to the people who participated in that
13 site visit; and finally, we have additional scoping meetings
14 this week and next week, and the site visits north of here.
15 This week will be at Scotlandville, Baton Rouge; and next
16 week we'll have four site visits and four more scoping
17 meetings in the Memphis, Cape Girardeau and St. Louis areas.

18 And we have a notice on the back table that gives more
19 details on that.

20 This is the point where we move into speakers; and
21 today we only have three signed up so far, so there won't be
22 any specific time limit.

23 Please provide your name, including spelling of
24 your name. Please try to say out any acronyms, especially
25 if you're a federal employee. And again, you can leave

1 written comments with the recorder.

2 Our three speakers, and if there's anybody else
3 who wants to speak, we can add you at the end; but the three
4 we have are Stan Mathes, and then it will be Matt Rota, and
5 Casey DeMoss.

6 Stan Mathes.

7 MR. MATHES: My name is Stan Mathes, I'm the
8 Director of Economic Development for Plaquemines Parish.
9 And for those of you that aren't familiar with geography in
10 Louisiana, Plaquemines is the last parish in Louisiana; it's
11 where the Mississippi River meets the Gulf of Mexico.

12 We have met with Free Flow Power and some other
13 folks, and I'm speaking for the parish president, William
14 Nungesser. And his feeling and my feeling, and the people
15 in Plaquemines Parish' feeling is that we are in total
16 support of hydrokinetic power. If you would issue a license
17 to these people, we would do a trial project this afternoon.
18 We believe in this project. We have an awful lot of water
19 moving through Plaquemines Parish and would like to harness
20 it in some way, shape or form.

21 We really feel that this is the time for this,
22 this is the right time, the right place, the right
23 conditions. I know the word currently is well overused,
24 'stimulus'; but in our parish, we're still recovering from
25 Hurricane Katrina. It was allowed, I believe, that there

1 are currently three proposed sites in the parish. It would
2 be an economic stimulus for us, it would be another way for
3 us to get green power; and again I can't say -- we're in
4 total support.

5 The last thing is, God forbid but it's going to
6 happen, there's going to be another hurricane. And with
7 this system being in the Mississippi River under the water,
8 it would help us recover and regain power much faster if
9 that's possible.

10 So on those notes, as I said, if they had a
11 license, we're ready to start this afternoon. It's
12 important to us, we hope that we can move forward with this.
13 If you need anything from Plaquemines Parish, we're a phone
14 call away. We will allow you to use our port boats to do
15 any type of surveying; we're in total support, all the way.
16 That's all I have. Thank you.

17 MR. BOWLER: Thank you.

18 Matt Rota?

19 MR. ROTA: My name is Matt Rota, I am the Water
20 Resources Program Director for the Gulf Restoration Network.
21 We are an environmental nonprofit organization based in New
22 Orleans with offices also in Texas and Florida; and we do a
23 lot of work with water quality, wetlands work, and smart
24 energy throughout the Gulf of Mexico and also with issues
25 having to do with water quality and other issues with the

1 Mississippi River.

2 I'd first like to say that we are definitely
3 supporters of sustainable, green energy, but we also do want
4 to make sure that all of the environmental protocols and all
5 environmental safety measures are taken with these projects.
6 A few things that I would like to put on the record that we
7 would like to make sure that are looked at and properly
8 analyzed before we move forward with any of these projects
9 include making sure that endangered species and threatened
10 species are truly protected for; in some of the scoping
11 documents that you handed out today you mention some of the
12 species, Brown Pelicans, Least Terns, Louisiana Black Bear.

13 I did not see any mention specifically about the sturgeon
14 that live in the river; and make sure that they are properly
15 accounted for, especially since these will be sited near the
16 bottom of the river, and that's where the sturgeon's main
17 habitat is; so I want to make sure that there are proper
18 technologies employed to make sure that the sturgeon and all
19 other aquatic species will be kept out of these turbines.

20 I also saw in some of the documents that I found
21 on-line that the U.S. Fish & Wildlife has expressed some
22 concerns about these; I think a lot about endangered species
23 to make sure that all the agencies are properly consulted.

24 A few other things are making sure that the
25 effects of sedimentation are properly taken into account

1 with these projects. As we know, we have a lot of sediment
2 that's flowing down the river, and making sure that they
3 basically don't get covered up or get clogged up and
4 basically become a nuisance.

5 With sedimentation, as hopefully everybody knows,
6 we are also in the process of coastal restoration throughout
7 Louisiana, and that very hopefully will involve large scale
8 diversions of the Mississippi River into our coastal
9 ecosystems. And I want you to make sure that you are
10 consulting with the Corps of Engineers, not just the
11 Mississippi River Valley Division, but also with all of the
12 local districts and divisions that are having to do with
13 coastal restoration. Also talking to the State Office of
14 Coastal Protection and Restoration to make sure that these
15 aren't being placed in areas that are going to be affected
16 by river diversions and river reintroductions; because we
17 don't want to be working at cross paths.

18 My last two concerns at this hearing are, I want
19 to make sure that all due diligence is given to reduce or
20 hopefully avoid all riparian impacts, local riverside
21 wetlands and other flood plains, make sure that they are not
22 being impacted both for habitat reasons but also for reasons
23 of water quality and storm and flood retention.

24 And also I saw that in the presentation today --
25 and forgive me, I'm not a mechanical engineer -- that it was

1 stated that these are going to be placed in areas that you
2 won't have extremely high velocity, or you wouldn't have a
3 lot of variable velocity. And hopefully I can talk to
4 somebody about this later as well, but just making sure that
5 they are going to be equipped for major storm events such as
6 the floods that we had last year that we had to open up the
7 Bonny Carrie Spillway. We had some pretty high flows of
8 water because of our levee system down here, that it gets
9 confined, basically gets channelized, and the flow can vary
10 quite a bit.

11 And in the same way, thinking about global climate
12 change that there also might be years of very low flow, and
13 making sure that that is being taken into account, both for
14 supplying energy but also for navigation and habitat
15 reasons, making sure that they are equipped for both the
16 high flow and the low flow.

17 I would just like to close by again saying that we
18 are supporters of clean energy as long as the environmental
19 concerns are properly addressed, and I am glad to see that,
20 in this process that the consultation begins before the EIS
21 process even happens, which is very important to get all the
22 players at the table at the beginning, so corrections can be
23 made, changes can be made in order to make sure that these
24 technologies really are going to be both good for energy
25 production but also good for making sure that we aren't just

1 trading one environmental problem for another, and that's
2 what we want to make sure that doesn't happen.

3 Thank you for having these hearings, and I
4 appreciate the time.

5 MR. BOWLER: Thank you very much. One thing that
6 I didn't mention that I often do in the introduction is that
7 the Commission's decision, sort of order under the statute
8 is a balancing role, which I think meets some of your
9 message there.

10 Finally, on the signed up speakers, Casey DeMoss?

11 MS. DeMOSS-ROBERTS: Good afternoon. I'm also
12 with Gulf Restoration Network. You can see we're a very
13 active and engaged nonprofit here locally.

14 I don't know that I have much to add to what Matt
15 said; I just has a question, actually. I saw that you have
16 seven lead projects. Is that a different term for a pilot
17 project?

18 MR. BOWLER: No, it's not the same term. The lead
19 project term is really a term that we created for this
20 arrangement where we're handling 7 of the 55 sites that have
21 the preliminary permits through the integrated licensing
22 process, and because it's sort of the front-loaded process,
23 we're calling them the lead project sites. And then the
24 others, we're calling them the traditional licensing process
25 sites right now.

1 So it's really a matter of just process. We also
2 have a concept in our hydrokinetic program called a pilot
3 license, and that is -- it's not considered to be -- not
4 defined as a commercial scale license as much; it's a short-
5 term license for a smaller project with an adaptive
6 management strategy that helps you manage uncertainties in a
7 little bit more direct way than through the long term
8 commercial license, which is on the order of the 30 to 50
9 years. We might use adaptive management, but we try to deal
10 with as much of the uncertainty as we can deal with in the
11 studies and the license review for that type of project.

12 MS. DeMOSS-ROBERTS: I guess my follow up then to
13 that would be, if you do discover problems in the field, how
14 are you going to study those problems, first of all; and
15 then how would you correct the problems in the field?

16 MR. BOWLER: For a standard license, a commercial-
17 scale license, we -- and of course most of our history is
18 with conventional hydropower with those types of licenses;
19 but the issues to the maximum extent possible, we need to
20 have enough information for the Commission to make a
21 licensing decision.

22 And if there are issues that we can handle through
23 adaptive management, it is a strategy that the Commission
24 uses. If there is an issue that we do the analysis on and we
25 write a license article based on the best available

1 information and then future research or some surprise comes
2 along and we find that there's something we didn't
3 anticipate; essential we generally would have to reopen the
4 license, and then reevaluate it, or either the applicant
5 would come in for an amendment or an agency that had opening
6 authority could come in to ask to open the license or we
7 could, ourselves.

8 So the idea is to avoid that, to get as much
9 certainty and get the studies done ahead of time and really
10 scope it for 30 to 50 years; but of course in this world
11 there can be surprises, and any hydropower license,
12 conventional or otherwise, there's always the possibility of
13 reopening. But the goal is not to do that, and to manage,
14 if there are uncertainties that we can incorporate into the
15 license to manage them through adaptive management.

16 Does that answer your question?

17 Is there anybody else who wants to speak who
18 hasn't signed up.

19 Are there any other questions along these lines of
20 process or the way license articles are written, general
21 outlines of our program or specific process issues related
22 to this?

23 MR. ROTA: This is Matt Rota again, from the Gulf
24 Restoration Network. And my question is: What agencies are
25 required to be consulted with and get responses from

1 throughout this process?

2 MR. BOWLER: The process; actually, Allyson helps
3 maintain our initial consultation list. Basically the
4 regulations at least require that the developer try to
5 contact every stakeholder that could have an interest in the
6 project; and there are some specific requirements that I
7 can't remember off the top of my head for municipalities
8 that touch the project; and I don't know all those details,
9 but there's basically an obligation to reach out to any
10 stakeholder that can be identified that would -- stakeholder
11 group, in particular, that would have an interest in the
12 project and to make the project known through public notices
13 and that type of thing. And then there are specific
14 requirements that certain municipalities be contacted; and
15 then later in the process there are certain agencies that
16 have certain standing in the process based on either the
17 Federal Power Act or the Clean Water Act or that type of
18 thing, and that can get into a list that could take some
19 time to describe; but obviously they're consulted in a very
20 formal way.

21 Does that answer it?

22 MR. ROTA; Not specifically, but --

23 MR. BOWLER: I think we almost have to look at the
24 regs to describe it exactly, but we have an initial
25 consultation list on our website that people are expected to

1 use to get started; and then there are state-by-state
2 listed, and then they're expected to look harder than that
3 for other parties that would be interested.

4 And we make an effort ourselves, both as required
5 in the regs, and in this case we've done some other things
6 like making phone calls to localities and that type of thing
7 to get people out, to get these issues out.

8 Any other questions?

9 Any other speakers?

10 Anything I'm forgetting? Anything I should
11 correct?

12 VOICES: No.

13 MR. BOWLER: If that's the case, then I will close
14 the meeting and thank everybody for attending, and for your
15 comments.

16 (Whereupon, at 3 p.m., the scoping meeting
17 concluded.)

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