1 BEFORE THE FEDERAL ENERGY REGULATORY COMMISSION
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3 ----------X
4 In Re:)
5 Draft Environmental Impact Statement for the)
6 relicensing of the City of Seattle's Boundary)
7 Hydroelectric Project No. 2144-038 and the)
8 surrender of the Pend Oreille County Public)
9 Utility District's Sullivan Creek Project No.)
10 2225-015)
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12 ----------X
13
14 PUBLIC MEETING
15 Doubletree Hotel City Center
16 322 North Spokane Falls Court
17 Spokane, Washington
18 99201
19
20
21 Wednesday, May 11, 2011
22 8:30 a.m.
23
24
25 Reported by:

1 CHARLES D. HOFFMAN

1 PARTICIPANTS

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5 JERRY BOGGS, Selkirk Conservation Alliance

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19 TOM SHUHDA, United States Forest Service

20 STEVE KERN, Seattle City Light

21 JOE MARONEY, Kalispel Tribe

22 RUSTY POAR, Washington State Department of Ecology

23

24

PROCEEDINGS

(8:35 a.m.)

MR. TURNER: All right let's get started, so everybody can get on out of here. I know you're pretty busy. As much as I like it in the Northwest, I'm sure you've got other business on hand. It's good to see all the familiar faces. Just for the record, I'm David Turner. I'm the team lead for the relicensing of Boundary and the surrender of the Sullivan Creek Project. To my left is Ryan Hansen, you haven't had a chance to meet him. He is a fisheries biologist. He's worked on the water quality section. We also have another one, Alan Kramer, but unfortunately, he couldn't be here today, so Ryan has dutifully stepped up to the plate to try to cover his issues as well.

Again welcome. A few housekeeping rules you're not too unfamiliar with. This is being recorded for the record, so we need to identify ourselves and provide our affiliation for the court reporter. We have a couple of mics. He doesn't need it necessarily for recording, but as long as everybody speaks up, I think we can all hear in here, but if not, we can all use the mics.

We'll try to break at 10:00 for a short break

if it goes that long. Go the restroom. We have the room until 2:30 I think, so if we need to go that long.

A little bit on the purpose of what this is. We're just here to get your comments on the draft EIS. Did we miss some information? Do we need to talk about some of the information and the analysis in there, that's in the document that we may have gotten wrong or we didn't consider? I want to keep this informal, back and forth, so feel free to ask questions or tell us what we need to do to address anything where we may have taken it a stride differently or considered something differently in our analysis than what you had intended.

Again, I want to make this pretty interactive, and I look forward to your comments, and we'll keep up the cordial and cooperative atmosphere we've all worked through for the last five or six years. So let's keep up the good work.

I was going to go on to pretty much how we had gotten here, but given the faces, I think that's not really necessary. So let's just kind of jump in. I don't really have a set agenda, so I'm just going to turn it over to the floor for you guys to ask questions and provide comments.

1 MS. GREENE: I'll start. Barbara Greene,
2 Seattle City Light. We believe that the draft EIS
3 was very well done and we appreciate that the
4 analysis was supportive of the settlement agreements
5 that we all worked on. It's great to see everybody
6 here today. It sort of feels like we should have
7 champagne or something, but probably not
8 appropriate.
9 Given that the resource management goals and
10 mandates of the various agencies and the tribe are
11 focused primarily on native fish restoration, all
12 parties in the settlement negotiations acknowledged
13 there was limited opportunity to make any
14 substantial resource gains in the main stem, and
15 that's why we went to the tributary approach.
16 We determined we could have accomplished a lot
17 more towards these goals by focusing on these
18 restoration efforts in the tributaries, and it also
19 provides us greater opportunity for resource gains,
20 while also being in the best interest, we think, of
21 City Light and the Pend Oreille rate payers.
22 We look forward to working under all elements
23 of the settlement agreement, including those items
24 that FERC may not have recommended in the license,
25 but we believe because of the mandatory conditions

1 that the various agencies exercised, that we're
2 obligated to do that, and we're fully committed to
3 implementing all of those measures that were in the
4 settlement agreement.
5 While we're continuing to review the draft EIS
6 in detail, we have a couple of areas that we may
7 provide written comments on. That would include
8 some of the filing timeframes for the management
9 plans. The settlement agreement time frames were
10 different that those in the draft EIS, and we
11 believe that through the negotiations we really
12 arrived at a time frame that would allow all of the
13 development of the plans and the consultation that
14 will be required. So we will probably provide
15 written comments to go back to those original
16 timeframes.
17 There is also some questions, I think, about
18 some of the acreage values. We're drilling down on
19 that and will provide a little bit more clarity for
20 the Commission on what we think might be some errors
21 in the acreage cited in the draft EIS.
22 But overall, I think you guys did a fabulous
23 job. You took what I think we estimated to be some
24 37,000 pages from all the 7 filings and worked it
25 down to 420 some, with very few errors. I'm sorry

1 there were a few, but we'll put those in our errata.
2 But anyway, I want to thank you guys for doing a
3 great job and thank all the parties for the
4 settlement. Again, it's good to see everybody.
5 MR. TURNER: Do you know which ones we
6 missed the time frames on? Are you in a position to
7 talk about that now? Or do you want to do that
8 just-
9 MS. GREENE: I'll do it. Steve, you can
10 help me if I misspeak. The Tributary Management
11 Plan in particular, we have determined we would
12 submit to FERC for approval within 12 months of
13 license issuance. And we thought that, that was
14 necessary in order to gather all the information we
15 need to make that a viable plan. And then we
16 anticipated quite a bit of consultation with the
17 Fish and Aquatics Work Group.
18 I believe the draft EIS suggested submitting it
19 within six months of license issuance. So we'll
20 comment that we prefer to go back to the 12 months.
21 Were there others mentioned?
22 MR. PADULA: There were several, I think
23 that had ended up on the six month time frames -
24 Steve Padula - and you're looking at that table 2
25 point-

1 MR. TURNER: Yeah, we're looking at page A
2 5 in the appendix. It's our 401 article, basically,
3 requiring plans be submitted for Commission
4 approval. And there was quite frankly a lot of
5 plans embedded inside of plans, embedded inside of
6 plans in this thing. So when we looked at them,
7 this was actually coming from the Water Temperature
8 Attainment Plan, and you've cross-referenced there,
9 and we were looking at that as well. And I think we
10 may have misinterpreted where that component of that
11 plan was being put in. It was not intended to be
12 the Tributary Management Plan, as per se, but the
13 monitoring plan, we wanted to have our fingers in,
14 since compliance to understand what was being done
15 and when and how. So you're right. I think that
16 probably should come out of that table and that time
17 frame on that one in particular.
18 MS. MANGOLD: If I could mention the QAPPS
19 that we proposed to do. I believe the draft EIS
20 suggested that we submit those to FERC within six
21 months of license issuance.
22 And while we're happy to submit them for FERC
23 approval, what we would like to avoid is submitting
24 them to FERC and to ecology at the same time, which
25 would put us in the situation of receiving

1 conflicting feedback from the agencies. So, what
2 would make more sense and what we'd like to propose
3 is that we submit them to Ecology first and receive
4 their feedback, and then adjust the timeframe, when
5 we would then submit it to FERC for approval.
6 MR. TURNER: One Minute. That's fine, if
7 you have something that fits, but keep in mind we
8 need to be concrete in terms of when we could be
9 expecting it.
10 MS. MANGOLD: So we should propose a time?
11 MR. TURNER: Yeah, give us a time frame
12 that we can include, in terms of the license, not
13 something that's flexible. You'll get it later when
14 we tell you it's ready. And then in that regard, in
15 that particular article that you're talking about,
16 the Tributary Management plans per se, and then the
17 Water Quality Habitat Improvement Monitoring Plans.
18 If you go back into the FANT, there's a couple of
19 places in that article where in your proposed
20 article, in the appendix, where you refer to the
21 Terrestrial Management Plan, where you are referring
22 to site specific plans. They are a little
23 confusing, in the sense were all these referring to
24 the same plan? The Terrestrial Management Plan, or
25 are there other plans being embedded in here?

1 So if you can clear that up in your filings.
2 My interpretation is it's all the same. Terrestrial
3 Management Plans would include the suite of specific
4 actions, and we cover various facets of both
5 monitoring and your implementation, those measures,
6 but it's not real clear.
7 MR. DUCH: Just for clarity. You keep
8 saying, "Terrestrial Management Plan." I think you
9 mean tributary.
10 MR. TURNER: Tributary Management Plans,
11 sorry. So when you go back and look at that and you
12 want us to correct that time frame, kind of draw
13 that conclusion, so we can be clear too in our
14 license part. Marcie, do you want to say something?
15 MS. MANGOLD: I have a question and a
16 comment.
17 MR. TURNER: You're Marcie Mangold, with
18 Ecology.
19 MS. MANGOLD: Thank you. I wasn't aware
20 that it had been past practice for FERC to approve
21 QAPPS. Usually it's just the Department of Ecology
22 that approves QAPPS. I wasn't sure if that is what
23 you intended to do or if you're thinking it was a
24 different kind of a plan? Usually, it's just the
25 Department of Ecology that approves those. And

1 that's fine if that's something that you want to do,
2 but it does kind of put a crunch on our timeline.
3 So, I didn't know if that's something . . . you
4 wanted to add extra work for yourself or, you know?
5 MR. HANSEN: David would have better
6 institutional knowledge as to if FERC normally wants
7 to approve QAPPS. I know that upon seeing the
8 proposal to draft these QAPPS and send it to
9 Ecology, it was my direction from management that
10 they should come to FERC for approval. If there is
11 a reason why, if it's just a time crunch reason that
12 Barbara has talked about, perhaps, request a
13 different timeframe to work in that time. I'm sure
14 the Commission would be amenable to changing that
15 timeframe, as long as it's concrete, as Dave said.
16 But then as far as in the past, if the
17 Commission has traditionally wanted to see these
18 quality control documents . . . Dave, do you have a?
19 MR. TURNER: I don't have a good feel for
20 whether we would do it or not, but the main thing
21 about it is, it's from a compliance perspective.
22 It's a requirement of the license for you guys to do
23 it. We're approving the plan that had it in it as
24 an element. It's a way for the Commission to
25 understand that it's been completed, and I don't

1 really foresee us doing things that's not consistent
2 with Ecology. But it's again more of a, you
3 fulfilled your obligations, and if there ever
4 becomes a question of whether or not you fulfilled
5 the obligation, we have something on record to go
6 back and say, well this is what Seattle was supposed
7 to do. Did you do it? And this is what the data
8 said. And or give us data in the future if there's
9 changes, so.
10 MS. MANGOLD: Marcie Mangold again. They
11 are quality assurance for water quality monitoring.
12 So it seems like maybe, if we can give you a letter
13 showing that they did fulfil that or that step,
14 rather than having you approve it, on top of us
15 approving it. It seems like it's kind of overkill.
16 And again, that hasn't been past practice for FERC
17 to approve those in my other projects.
18 MR. TURNER: We'll go back and take a look
19 at it and talk about it. But again, I think it's
20 really, we took it from the approach of, here are a
21 bunch of steps that are going to be done. If
22 there's something that needs to be done, we were
23 left out of that. It's been our approach to try to
24 keep the Commission in the loop, so that we
25 understand what's going on. But we'll go back and

1 look at it.
2 MS. MANGOLD: Another comment that I was
3 going to make was about the appendices. It seems
4 there may be confusion about what a water quality
5 protection plan or attainment plan is, and in the
6 QAPPS they are kind of melded together. I'm going
7 to comment on that. The wording of them is a little
8 bit odd, and there is an "And" and an "Or", where
9 they are kind of together. And I'll comment on that
10 in the comments. I don't have that in front of me,
11 but they are combined, and they are separate plans
12 in the project, and I was reading where they are
13 combined together. I'll specifically comment on
14 that.
15 MR. TURNER: Okay. Anything else? This
16 could be a really short meeting. Oh, I'm sorry?
17 MR. GEDDES: Bob Geddes, from Pend Oreille
18 PUD. I want to take the opportunity to piggyback on
19 some of Barbara's comments here. To thank all of
20 you around the table. Early and often you heard me
21 in the whole preprocess that we needed to find a
22 solution that worked not only for the environment
23 and all that but also for our ratepayers, in a way
24 that was economical and not going to put a heavy
25 burden on them financially.

1 I thank Seattle for stepping up to be a part of
2 that, helping us find a solution, the Department of
3 Ecology, with water exhale, and all the rest of you
4 around the table that worked really hard to come up
5 with the other measures that became part of that
6 package.
7 Our ratepayers probably will never fully
8 appreciate the effort that was all put into the
9 that, to make that the viable solution for them.
10 They never saw the cost, so they don't know what
11 they were looking at. But all of you did a great
12 job in participating and helping us find a solution.
13 I think many times Grant Pfeiffer from Ecology got
14 us over the hump when we were at some critical
15 struggling points, where we needed to find
16 solutions, and he helped push us one way or the
17 other. But I just want to take the opportunity to
18 say thanks to everybody, and for FERC in helping us
19 move this process forward. So we look forward to
20 the next phase of doing the work and making the
21 commitment to do our best on those things. I don't
22 know how Mark does this without getting gray hair,
23 but it continues to go on and on, and he gets the
24 burden of a lot of that stuff going on. So anyway,
25 thank you all for helping us get to this point. We

appreciate it very much, and we'll do our best to inform the ratepayers of what you all have done for them at this time. Thanks.

MR. TURNER: Well, I know we didn't do a great job on this thing, but there's got to be something else.

MR. DACH: This is Bob Dach, from BIA. There were three issues that were left off of the staff alternative that were formed as part of the settlement agreement. So we're going to try to provide you additional comments to sort of fill in some of the gaps. You can have another look at whether or not you could actually include those in the license. And I think you know them. They were the Sullivan Fund, the tissue monitoring and the recreational fish stocking. So we are trying to pull together some information to make those ones, I would say, more structured. Not to change the terms of the settlement agreement at all, but just to try to give you more information as to what the intent and purpose and use of those are. Of what it is, rather than try to spit off the numbers and stuff here, we'll just send them to you.

MR. TURNER: Sounds fine.

MR. SHUHDA: Tom Shuhda, Forest Service.

1 To piggyback on what Bob just said. There was also
2 one other license article that was missing in the
3 FERC staff analysis, and that was the cost of
4 reimbursement to the Forest Service. And we are
5 also concerned about those other three license
6 articles that Bob just mentioned being missing from
7 the FERC staff alternative. But since they are in
8 the FERC staff alternative with mandatory
9 conditions, we're not concerned that this is a
10 material modification.
11 Other things we found, and this will also be
12 sent in our formal response. In the analysis of the
13 cold water siphon pipe, there is an ancillary
14 structure that will be built to house the pump and
15 we feel that the effects on cultural resources, the
16 construction of that building were not really
17 analyzed by FERC in the draft EIS. It's in a
18 historic district that has historic Forest Service
19 buildings nearby.
20 Also, there was, and I don't have the exact
21 wording, but we will send this to you formally.
22 When there was discussion of the downstream effects
23 from the construction of the cold water siphon pipe,
24 there was a discussion that the design did not have
25 all of the erosion control measures. And so there

1 seemed to be a lack of an effects analysis on
2 downstream from the cold water siphon pipe, that the
3 design you had received was lacking in what the
4 erosion control measures would be during the
5 implementation. And we found that same kind of
6 language in the removal of Mill Pond Dam, that there
7 seemed to be a lack of discussion of the details of
8 how erosion was going to be controlled, to limit
9 effects downstream, within the DEIS.
10 MR. TURNER: So the DEIS did not portray
11 the level of detail that the record shows, in terms
12 of what has been filed? Because there is a . . . it
13 is my understanding and what we're recommending is
14 that files soil erosion control plans be filed with
15 the Commission as part of those construction
16 activities.
17 MR. SHUHDA: No, I was just talking
18 specifically about the document.
19 MR. TURNER: Right, but is there
20 information in the record that we could draw upon to
21 talk about those effects? Because I don't think all
22 those final designs have been developed yet.
23 MR. SHUHDA: That's correct.
24 MR. TURNER: And that thought, that's what
25 we portrayed, is that use of best management

1 practices, what we have in there is reflected on
2 what we have on the record.
3 MR. SHUHDA: I guess for the record, I'm
4 just making note that, not because there's something
5 that is available that you didn't use for your
6 analysis, but that the information isn't totally
7 there.
8 MR. TURNER: And I thought we acknowledged
9 that?
10 MR. SHUHDA: Yeah, you did.
11 MR. TURNER: Maybe I'm missing the point.
12 What do you want us to correct in the final?
13 MR. SHUHDA: That's difficult to say. I
14 guess we were just going to make note that there
15 wasn't enough information to make the determination.
16 MR. TURNER: To make what determination?
17 MR. SHUHDA: Of effects downstream from
18 the proposed . . . to build the cold water pipe. I
19 can see I am confusing you.
20 MR. TURNER: Yes. Are you saying that
21 there needs to be more detailed erosion control
22 plans developed? That we acknowledge and agree, to
23 insure that the effects are minimized?
24 MR. SHUHDA: Yeah, acknowledging that you
25 don't have all the information is fine. And we

1 didn't have a problem with that, because we realize
2 that the details are not there. It still would have
3 been, I think I was expecting there to be some sort
4 of final determination on what the effect would be,
5 even with the limited information you had. And it
6 seemed like you just left that open.
7 MR. TURNER: All right, I'm going to wait
8 and see what you guys provide. I'm not getting the
9 picture.
10 MR. SHUHDA: No, I'm sorry. I'm not
11 clearly communicating that.
12 MR. CAUCHY: I guess I have a follow up
13 question for Tom. This is Mark Cauchy from Pend
14 Oreille PUD. In talking about flows below Sullivan
15 Dam, the impacts of that. Is that what you're
16 talking about or the construction?
17 MR. SHUHDA: No, the actual construction
18 of the cold water pipe. The design was, I think
19 FERC staff recognized that the design didn't have
20 all of the specific erosion control measures that
21 would be put into place during the construction.
22 MR. CAUCHY: In the lake?
23 MR. SHUHDA: Yeah, yeah, correct. And
24 while we understand. I'm sorry for being so
25 unclear, but I kind of expected FERC staff to come

1 up with some determination of effects even with not
2 having all of the data. It seems like you just left
3 it open. "Well we don't have all the information,
4 thank you."
5 MR. TURNER: I didn't walk away with that
6 picture.
7 MR. SHUHDA: Okay.
8 MR. TURNER: We can certainly go back and
9 look at it, in terms of . . . I thought we pretty
10 much said that with the deployment of appropriate
11 practices, effects would be minimal. But we can go
12 back and look.
13 MR. CAUCHY: Yeah. Again, Mark Cauchy.
14 In developing that plan that you submitted and filed
15 with FERC, we actually had - I'm not sure if you
16 were involved in that call - we had a conference
17 call with the Forest Service as well as Fish and
18 Wildlife Service, talking about how the timing of
19 construction and the permitting process and the
20 discussion of how we are going to deal with when the
21 pipe gets installed. It's not totally been vetted
22 out yet, because one of the big decisions when you
23 go for the permit process, it was decided that it
24 depends when we are allowed to do the construction.
25 And that's going to depend on what type of . . . if

1 we are going to do a coffer dam or whatever, silt
2 screens.
3 And since we won't know when the timing of the
4 construction will be, if it will be in the summer or
5 in the fall. It's going to determine what kind of
6 measures will be used. So that is sort of open
7 ended. That's what came out of that call. So
8 that's why what was filed is sort of that way,
9 because we don't have all the answers.
10 MR. SHUHDA: Okay, thank you.
11 MR. CAUCHY: And that won't be known until
12 we actually file for the permits. That's my
13 understanding. I don't know if that helps or not.
14 MR. SHUHDA: No, it does help. Our
15 concern here is that the Forest Service will be
16 issuing a special use authorization, and our concern
17 is that the FEIS is sufficient, NEPA wise, for us to
18 tier to, to issue that special use authorization and
19 to not have to go through a separate environmental
20 analysis for the issuance of the special use. So
21 I'm trying to make it as clear as possible, our
22 concern about why we are concerned about the fence.
23 MR. TURNER: I can certainly appreciate
24 it. I would just encourage you in making your final
25 written comments that if you think the analysis

1 needs to be beefed up, explain where. Give us the
2 information on how to do that. I mean, right now
3 that analysis is based on what we have on the
4 record. And as Mark was talking about, if there's
5 something else we need to consider, or if you've got
6 different opinions on that, please include that. I
7 encourage you to include that in your comments.
8 MR. SHUHDA: Thank you.
9 MR. CAUCHY: This is Mark Cauchy again.
10 In raise of the . . . the compressor housing, and
11 you were talking about how this is going to be part
12 of the project with the cold water pipe. Again, in
13 that discussion, I thought we put in the plans that
14 the outside of the building is going to be
15 consistent with the time period and so, maybe that
16 could be put in. But I thought it did, that it
17 would be consistent, similar building materials that
18 are currently in that district.
19 MR. TURNER: And those types of things
20 should be included too, in terms of what you wanted
21 to see be required or included. And we did have a
22 recommendation in there to complete the management
23 plan and consider other elements that are going to
24 be taken out of the federal oversight. So if there
25 is something else that needs to be included in the

1 management plan, let us know. But again, it's based
2 on what we have for us in the record. Anybody else
3 got anything?
4 MR. BOGGS: Jerry Boggs, with the Selkirk
5 Conservation Alliance. Within the general
6 narratives, perhaps a minor point, but conceptually
7 for SCA, an important point is that fish passage
8 Albeni Falls Dam is not yet an accomplished feature;
9 it's a work in progress. So you'll be needing to
10 make those corrections, and of course, those will be
11 within my comments and perhaps others.
12 MR. TURNER: I think we acknowledged it
13 that way, that it was being projected.
14 MR. BOGGS: No, the wording, basically,
15 portrays it as being a done deal. I'll look again.
16 MR. TURNER: Not that it's provided, but
17 it is being provided? So that's kind of-
18 MR. BOGGS: Well, it's being negotiated.
19 MR. TURNER: Oh, okay.
20 MR. BOGGS: It's still in negotiations.
21 MR. TURNER: It's not certain that it will
22 occur? Okay.
23 MR. BOGGS: We hope it is.
24 MR. TURNER: All right, well, we may have
25 mischaracterized that.

1 MR. DACH: I want to talk a little bit
2 more about the Sullivan funding, since no one else
3 is. This is Bob Dach. I just want to get a couple
4 of things on the Sullivan funds. Basically, you
5 guys had trouble establishing the project nexus. Is
6 that right?
7 MR. TURNER: To Boundary.
8 MR. DACH: To Boundary. And then you
9 acknowledged that you couldn't analyze it because
10 there wasn't any description of the type of project
11 that would be done with it. If my memory serves-
12 MR. TURNER: It's basically a fund set
13 aside to do good things, recognized to do good
14 things. But one; when, where, how, how do we
15 analyze those things? How do we understand what
16 those measures are? How would those measures relate
17 to the resources affected by the Boundary Project,
18 benefit the resources?
19 For example, you're doing a lot of tributary
20 stuff off-site already. But our reasoning was that
21 we can relate those benefits to those resources
22 because they use the deltas and the reservoir. They
23 move back and forth, they potentially move back and
24 forth. Anything you do up in Hardy Creek, there's
25 not going to be that connection to resources,

1 between Boundary and Hardy Creek. Sullivan Creek
2 Dam is always going to be there. It won't translate
3 downstream to the project.
4 MR. DACH: So just to get in that a little
5 bit. We had looked, and we can address that issue
6 separately, with respect to downstream G flow or
7 what not. But we're looking, I think more
8 specifically, at the idea of replacing lost habitat
9 value in the Boundary Reservoir with tributary
10 restoration wherever we could get it. Some of that
11 tributary restoration was above Sullivan.
12 So, I mean you may not see a direct connection
13 between the restoration work and Boundary, but the
14 intent was to offset some of the effects of Boundary
15 with that restoration work. Is that a legitimate
16 approach, as you guys see it? So it's an on-site, I
17 would say an in kind but out-of-sight restoration
18 effort.
19 MR. TURNER: Make your case. I mean our
20 approach has always been that we prefer to see
21 things done at the project first.
22 MR. DACH: Right.
23 MR. TURNER: Where that can't be done,
24 then it becomes, "Well what's the balance of that?"
25 You're well aware that the Commission does not

1 necessarily require full mitigation for all effects.
2 What we're talking about here is basically restoring
3 or enhancing conditions that are outside the
4 reservoir. When we start looking at enhancements,
5 we really do want to see some connections to the
6 resources that are being affected or are at the
7 project. That fluid type of connection makes it
8 much more palatable, if you will.
9 MR. DACH: Yeah, that was the thought
10 process going into that, and incidentally, we're on
11 the same page, with respect to wanting to see
12 improvements at the project, prior to moving
13 off-site. This is a good example of a project where
14 that was going to be monumentally expensive and
15 substantially less effective. So we're with you,
16 and that's our preference, our first stop, and then
17 we move on after that.
18 And I'm asking this not only for this project,
19 but for a few other projects. Because sometimes we
20 are disconnected and off-site, but the reason we are
21 there is because of the effects of the project. So
22 we'll try to establish that a little bit more
23 clearly. After all, Seattle wouldn't agree to pay
24 for it if there was no connection at all to what
25 they thought their interests were down at Boundary.

1 So we, we're sufficiently convincing to Barbara
2 which means we should be able to sell it to you
3 guys.
4 MR. TURNER: I appreciate that. Make your
5 case. Off-site stuff has always been a problem.
6 It's difficult. I just have to say it's a difficult
7 beast to put our arms around. And the closer you
8 can make those connections and again, some of those
9 measures if they are even like one-time actions, it
10 may be even more palatable, versus continuing type
11 things. But funds in particular are a big problem
12 and a big hurdle because we can't really put our
13 arms around a lot of the benefits that are going to
14 accrue associated with those funds. And then,
15 giving us a listing of the types of things it would
16 do, for instance, is still kind of difficult.
17 Because one, how can you say that amount is correct,
18 that amount is what needs to be set aside to achieve
19 those objectives. Therefore, how is it in the
20 public interest to set that fund aside?
21 That's just one aspect of it, but when would
22 the benefits accrue? How are they related to the
23 project? What would be done? What are the effects
24 of those benefits?
25 These are all good ideas and good concepts, we

1 don't take issue with that. But again, trying to
2 make that connection to the Boundary relicensing,
3 when we have essentially another project in between,
4 becomes a little bit more continuous in our opinion.
5 MR. DACH: So is the fund issue more
6 problematic or is the nexus issue more problematic?
7 MR. TURNER: I think they go hand in hand.
8 I think it's both issues. Funds are problematic in
9 their own right, because it's hard to describe the
10 benefits. Even once you talk about those benefits
11 to those resources, trying to make that benefit
12 relate to the project and project effects becomes
13 the next step. Does that make sense?
14 MR. DUCH: Yep, yep, I got you.
15 MR. TURNER: Anything else? Well, I
16 appreciate you guys taking the time to come out here
17 and give us your feedback. We'll look forward to
18 getting your comments. The notice said May 30th,
19 that's Memorial Day, so May 31 any written comments
20 are due to us, and we'll consider what you gave us
21 here today and what we heard last night at Metaline
22 Falls and turn around the final EIS.
23 Just, kind of the heads up on schedule issues.
24 I know we were late in getting out the EIS. The
25 time frames for your commenting and stuff were

1 fairly well laid out, and when modified, mandatory
2 conditions would be in place. But just kind of a
3 heads up, our intent is still to get the final EIS
4 out under the original schedule. So, we lost some
5 time due to certain circumstances at the Commission,
6 but we do intend to make that up in getting out the
7 final.
8 MR. BOGGS: And what's the process after
9 that, toward the decision document and license?
10 MR. TURNER: The final EIS is going to lay
11 out staff's recommendations to the Commission, and
12 once we have all the other things in place, like ESA
13 consultation, 401 water quality search, we'll move
14 forward with the license decision.
15 We will try to issue these things concurrently.
16 At least that's our plan.
17 MS. GREENE: Your original schedule was
18 moved to different days for the final EIS.
19 MR. TURNER: Our original schedule is for
20 September 15th, if memory serves. All right, well
21 with that, I'll adjourn and thank you for your
22 insights, and it's been a pleasure working with
23 everybody.
24 (WHEREUPON, The meeting was concluded at 9:13 a.m.)