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APPEARANCES

DAVID TURNER, FERC

RYAN HANSEN, FERC

## 1 PROCEEDINGS

2 (6:36 p.m.)

3 MR. TURNER: Welcome. My name is David  
4 Turner, of the Federal Energy Regulatory Commission  
5 in Washington D.C.. To my left is Ryan Hansen; he  
6 is a Fisheries biologist. We're here to discuss  
7 this evening the Commission's draft Environmental  
8 Impact Statement that we issued on the relicensing  
9 of the Boundary Hydro Electric Project and the  
10 surrender of Sullivan Creek Project.

11 Before we get into that, I did want to do a few  
12 housekeeping chores. First, this is being recorded  
13 for the record for the Commission, so that we can  
14 consider your comments in addressing and preparing  
15 our final environmental impact statement in any  
16 order or decision we issue for the license or on the  
17 surrender. So, you are going to need to come up to  
18 the mic so that the court reporter can make sure to  
19 get your name and your affiliation before you enter  
20 your comments. So it's kind of awkward I know,  
21 given the kind of room that we're in, but we'll take  
22 a few minutes and come up, to make sure we get it.

23 MS. MERRILL: Maybe you could stand the  
24 mic over to the side so that people can see us as  
25 well as you can.

1 MR. TURNER: Okay.

2 MR. HANSEN: We can put it anywhere that  
3 is amenable for the entire room. I just wanted to  
4 make to make certain everyone had equal access . Do  
5 you think it would be better on this side perhaps?

6 MR. TURNER: Okay, we'll go as far as the  
7 cord will let us.

8 Okay, I don't really have a specific agenda.  
9 We're just going to talk a little bit about the  
10 purpose of the meeting and how we, kind of, got  
11 where we are, and then, kind of, open it up for  
12 comments. And basically, again, the purpose is  
13 soliciting your verbal comments. You also have an  
14 opportunity to file written comments by May 30th.  
15 The end of this month, basically.

16 And what we're looking for is any new  
17 information that we may not have considered in the  
18 draft EIS that you feel is important, what we might  
19 have misinterpreted in the data, in terms of  
20 proposed measures or the basis for those measures  
21 and our analysis; we need to clarify it. We want to  
22 make this as interactive as possible, so if you've  
23 got questions for us, in terms of how we may have  
24 reached a conclusion, feel free to ask those.

25 I want to keep this as informal as we can,

1 given the fact that we have to do this on the  
2 record, so feel free to interject comments. I think  
3 we have plenty of time. This meeting isn't  
4 scheduled to be over till 8:30, I think, so we have  
5 plenty of time, I think, given the crowd here, to  
6 get through this.

7 Kind of, how we got here. The city of Seattle  
8 filed their license application for the relicense  
9 for the Boundary project back on September 29th,  
10 2009. And then on March 10th, 2010, the city of  
11 Seattle and the Public Utility District of Pend  
12 Oreille County filed a joint settlement agreement or  
13 two settlement agreements and a request to  
14 consolidate the processing of this district's  
15 surrender and the relicensing of the Boundary  
16 Project. Because of the measures that have proposed  
17 in those and the interrelationships of those  
18 measures, we decided to, based on the complexity in  
19 the comments, we decided to prepare the draft EIS.  
20 And we've looked at those proposals and the measures  
21 contained therein, and pretty much adopted a lot of  
22 what is being recommended by various parties. There  
23 is (sic) a few things that are contrary to the  
24 Commission's policies, or we needed to add on to  
25 ensure our administration compliance of those

1 license for the surrender.

2 So we issued the draft EIS on April 8th, and as  
3 I said, the written comments are due by May 30th.  
4 And we'll also consider any comments you provide us  
5 here tonight. And we have a meeting scheduled for  
6 tomorrow at 8:30. You are also welcome to attend in  
7 Spokane, where we expect really probably more agency  
8 folks. But we did want to make sure that the  
9 communities have an opportunity to weigh in here.

10 So with that, I'm just going to open it up for  
11 any discussions, any questions or answers you may  
12 have about what's in the EIS.

13 MS. MERRILL: I'm Carol Jean Merrill; I  
14 live a mile south of the dam.

15 MR. TURNER: Which dam?

16 MS. MERRILL: Mill Pond. How can you even  
17 think of taking out a beautiful, historical site  
18 like this and a dam that is not failing, taking away  
19 campers and the money they spend that our businesses  
20 and our little towns so desperately need? A picture  
21 was taken by John Ogmundson, Forest Service. I  
22 don't know; I doubt he's here.

23 I'm disappointed in the crowd because when I've  
24 been here before there were a lot more people here,  
25 and a lot of people are really mad. I called some

1 people today to see if they were coming. They are  
2 so mad at PUC and at City Light; they've washed  
3 their hands of it.

4 At a time when we're needing more . . . when  
5 clean water is short, and we need more and more  
6 electricity. I can't believe that you'd be taking  
7 this out. What we should be doing . . . well first,  
8 I was hoping there was somebody from Washington  
9 State here. Because wasn't it three or four years  
10 ago when we were so short of water that they shut  
11 off the water to the junior water rights in Yakima,  
12 and the farmers lost their crops?

13 And then they talked about making a place to  
14 store water, some place called Black Rock? Well,  
15 the last I heard Black Rock doesn't hold water, and  
16 the farmers are having to do without it and need  
17 more water.

18 What we need to do is put gates back on that  
19 and clean it up and have a nice lake that is not in  
20 danger to anyone. There would be more camping, and  
21 we would store more water. It would make a nice  
22 lake from where campers would use it. We would have  
23 water for the farmers. And what about the salmon?  
24 The Indians are screaming about more water to get  
25 the salmon down to the ocean. Even President Obama

1       said that the dams need to release more water.  What  
2       happens when they do that?  They lose electricity.  
3       And with everything going electric, it seems to me  
4       we're looking for more and more electricity.

5               When the up and coming generations short of  
6       water and short of electricity ask what were you  
7       thinking.  Where were your brains?  What are you  
8       going to tell them?

9               MR. TURNER:  Does anybody have anything  
10       else you want to say?  I can address the comments  
11       otherwise, but I thought I'd give you the  
12       opportunity.

13              MS. GRAGG:  I'm Sharon Gragg.  I live on  
14       Sweet Creek.  I really did not prepare any comments  
15       because I don't know what all is said in the  
16       Environmental Impact Statement.

17              Basically, what I do know about it is with  
18       relation to Sweet Creek.  And the residents of Sweet  
19       Creek - I guess I'm speaking for all of them - are  
20       extremely concerned about the proposed restoration  
21       of Sweet Creek.  Right now, as I mentioned to David,  
22       Sweet Creek is right now, probably under five feet  
23       of water?  The delta that goes up to the river.  In  
24       about June, middle of June, when the Montana run off  
25       starts, it will probably be under 10, 8?

1           The proposals that I've heard from the people  
2           at Seattle City Light for the restoration of Sweet  
3           Creek, as in log jams on the side - we're talking  
4           the delta of Sweet Creek, not up above - to put log  
5           jams there, to plant trees there, to put boulders  
6           there. All these things would be gone by the time  
7           the high water is done.

8           I guess my main concern is, if there's enough  
9           hands-on information, studies being done on the  
10          specific areas where this restoration is supposed to  
11          take place? I'm sorry, this doesn't have anything  
12          to do with the Mill Pond. Well it is, it is.

13                   MS. MERRILL: It's part of the project.

14                   MS. GRAGG: And I guess it's difficult to  
15          not be specific on this. If you look at the  
16          Environmental Impact Statement, it's 427 pages, and  
17          I guess, I would ask how many people from the FERC  
18          have read all 427 pages? Anybody? I mean this is .  
19          . . have you, have you really?

20                   MR. HANSEN: Yeah.

21                   MS. GRAGG: All right, I'm so happy. I'm  
22          trying, but it's a little bit difficult. I guess  
23          that's one of my main concerns, is the amount of  
24          actual hands on, being on the sites where the  
25          restoration and or the changes are to take place.

1 And if there has been a lot of discussion with  
2 people who lived in this area for ever and ever, and  
3 know about what it was back then and what the  
4 possibilities are of what is being proposed.

5 I have not read the statement, so I really . .  
6 . I've tried to look through it and figure out some  
7 of it, but I have not been too successful. I am  
8 concerned, the Mill Pond, one of the aspects of that  
9 is this cold water pipe that is supposed to take  
10 water out of the bottom of Sullivan Lake and deposit  
11 it, I'm assuming in Sullivan Creek?

12 MR. HANSEN: Into Outlet Creek.

13 MS. GRAGG: Pardon?

14 MR. HANSEN: Outlet Creek and then into  
15 Sullivan Creek, yes ma'am.

16 MS. GRAGG: Okay, that is a little bit  
17 confusing. I understand the idea is to cool the  
18 water. My question would be why has the water  
19 warmed up in the first place? I mean just like  
20 Sweet Creek. They're talking about the warmer water  
21 in Sweet Creek. Yes, it's warmer but not because of  
22 anything that's happened on the river. The reason  
23 it's warmer is because of what's happening up above  
24 the falls. You've had logging; you've had farming;  
25 you've had a scenic path that's been built up to the

1 top. The canopy is gone. The trees that they cut  
2 down to build the path along Sweet Creek, that one  
3 cedar tree is about I don't know how big around, and  
4 they chopped it down or sawed it down, and it's I  
5 don't know how many feet away from Sweet Creek.

6 It seems like it's kind of a double standard  
7 there, where we as land owners along a body of  
8 water, whether it be a creek or a river, have very  
9 strict restrictions as to how far away we have to be  
10 before we can cut a tree down. I don't particularly  
11 like to cut trees down. But then when I go there to  
12 Sweet Creek, where they have built this path and see  
13 these giant trees that were cut down. And the  
14 reason I was given was that, that would make it  
15 possible for visitors to see the falls. Well, you  
16 know it seems like there is a double standard there.

17 So having not prepared anything to say, I'm  
18 sure that this sounds like a conglomeration of a  
19 bunch of things. But like I tell most of my  
20 relatives, "Don't get me started." This is just a  
21 few. I just have a really big concern about a lot  
22 of this: the cold water thing at Sullivan Lake, the  
23 restoration of Sweet Creek. I've seen websites on  
24 the internet that talk about restoration, what they  
25 have done and then to go back and revisit these

1 restored tributaries and rivers to see if this  
2 restoration has really accomplished anything. And I  
3 don't know if the people who were writing this were  
4 leaning toward proving that the restoration doesn't  
5 work or what, but it was pretty impressive. Mother  
6 Nature seems to do what she wants to do regardless  
7 of what we try to do to change it. So, lots of  
8 concerns. I will have, I now know, till the 31st of  
9 May to give some more specifics, and I don't know.  
10 Anything else?

11 MR. GRAGG: You did pretty good.

12 MS. GRAGG: That's it.

13 MR. TURNER: Does anybody else want to say  
14 anything? I do want to get back to the initial  
15 comments about Mill Pond, but I want to get  
16 everybody on the record that wants to talk first.

17 With regard to Mill Pond Dam removal, I can  
18 certainly appreciate your concerns, and we tried to  
19 analyze in the EIS, based on the proposal before us,  
20 what I would hope you would recognize is the  
21 Commission only has the authority to require its  
22 licensees to do things while it is under license.  
23 And right now, the District is proposing to  
24 surrender its current license, and as part of that  
25 surrender and as part of the agreement it has with

1 the land managing agency, the Forest Service, it is  
2 part of that proposal to remove Mill Pond Dam.

3 The Commission would look at other alternatives  
4 if there is another agency out there that is willing  
5 to take over the responsibilities of managing those  
6 facilities. When we look at the positive aspects  
7 that are accrued because of the removal; that being  
8 restoration for native fisheries, providing for,  
9 particularly, bull trout recovery. And we've also  
10 looked at the negative effects of removing that dam.

11 But ultimately, one of the controlling factors  
12 is that nobody else has stepped up to say, as a  
13 state agency, "We're willing to take over the  
14 management of Mill Pond Dam. And we think that  
15 those other factors outweigh the benefits of the  
16 native fish recovery." Given that, our conclusions  
17 were to recommend the removal of Mill Pond Dam. And  
18 then once the Commission's jurisdiction ends over  
19 that facility, the State and the Forest Service will  
20 ultimately be responsible for the continued  
21 operations of Sullivan Lake Dam and its project in  
22 concert through the special use authorization. But  
23 the recovery of those lands, which the Federal Power  
24 Act requires, on a surrender would in the Forest  
25 Services terms as well as the other state and

1 federal agencies involved in negotiations be better  
2 suited, in terms of removal.

3 And based on the record that we have before us, that  
4 weighed heavily in our conclusions. So that's why  
5 we've recommended to the Commission to remove Mill  
6 Pond Dam.

7 I don't know if that, it probably does not sway  
8 your opinion one way or another, in terms of your  
9 feelings and your emotions for Mill Pond Dam.  
10 Again, I can appreciate that it is a great and a  
11 very scenic lake, but from our perspective and  
12 what's on the record, it seems like a good idea and  
13 will result in some benefits.

14 MS. MERRILL: How broadly was this  
15 advertised?.

16 MR. TURNER: Your name?

17 MS. MERRILL: Carol Jean Merrill. How  
18 broadly was this put out? I can't understand why  
19 some entity or someone in this state wouldn't be  
20 willing to take care of that, when it covers the  
21 salmon and electricity production. Every dam from  
22 Boundary clear on down to the ocean could make  
23 electricity out of the water as it was released.

24 Now surely, when we've been looking for places  
25 to store water, all the coast states, California was

1       desperately looking for a place to store water,  
2       Oregon too. And that is a place that to me is not  
3       in danger of endangering anyone, and enlarging a  
4       lake there, I would think, would be worthwhile and  
5       productive. Does the rest of the state know about  
6       this?

7                   MR. TURNER: This is David Turner. One,  
8       Mill Pond Dam has a very small storage capacity.  
9       Nobody has proposed to increase that storage  
10      capacity, and we can't reach out to say . . . if  
11      somebody else wanted to come along and recommend  
12      that, that would be something for the Commission to  
13      consider but at this point, nobody has.

14                   As far as when it became known, about the  
15      proposals, the surrender of the Sullivan Creek  
16      Project has been before the Commission for . . .  
17      gosh Mike, how long now?

18                   MS. MERRILL: At least five or six years,  
19      yeah.

20                   MR. TURNER: Five or six years at a  
21      minimum.

22                   MS. MERRILL: But that doesn't say that  
23      the people in the rest of the state know about it or  
24      understand it, although I'm thinking of writing the  
25      Seattle Times. Because when I worked in Alfreda, I

1 was amazed at the people from the west side that  
2 knew where this was. And when I told them I had a  
3 place up here, they really got excited. And I tell  
4 them that it was between Sullivan Lake and Mill Pond  
5 Dam, and they knew where I was. And they told me  
6 they liked to go camping and preferred Mill Pond  
7 because it was quieter, and they could watch their  
8 children, and the kids like to try to catch the  
9 turtles.

10 MR. TURNER: It offers some recreational  
11 benefits; that's true.

12 MS. MERRILL: A few more stupid ideas like  
13 this and our towns are going to dry up, and we're  
14 not even going to have a school. I mean they  
15 desperately need something.

16 MR. TURNER: With regards to Sweet Creek,  
17 they're in the very preliminary stages, and we  
18 looked at their concepts for doing improvements and  
19 environmental enhancements. And we've looked at the  
20 benefits that might accrue. It doesn't mean that  
21 those things are yet set in stone. There's still a  
22 lot of details to be worked out, to figure out how  
23 to best implement those. But overall, the suite of  
24 measures that are put forth, we tried to analyze  
25 those benefits and carry forth and we found in the

1 draft EIS that they will offer some benefit. But  
2 it's yet to be actually worked out as to exactly  
3 where and when and what exactly will be done. But  
4 the concepts are there to recommend them.

5 MS. GRAGG: And those are in the EIS now?

6 MR. TURNER: Yes.

7 MR. HANSEN: Yes, ma'am. They discuss,  
8 specifically, Sweet Creek on page 152, if that's  
9 helpful. It mentions the proposed measures, and  
10 then there is more discussion.

11 MR. TURNER: Well, it's contained  
12 throughout the discussion. I mean they're all  
13 discussed, probably more the suite of measures than  
14 specifics to Sweet Creek. In general, we found  
15 those to have a lot of positive benefits in concept,  
16 in terms of achieving some of the objectives that  
17 the state and federal agencies had chosen for the  
18 area, as well as fitting it in with the operational  
19 flexibilities that we found for the public good.

20 MS. GRAGG: Okay, this is Sharon Gragg  
21 again. I have questions concerning bull trout. In  
22 the Environmental Impact Statement, I know I've read  
23 some of it. I've read a lot of the parts on  
24 fisheries, et cetera. And I can't remember how many  
25 actual bull trout were caught or trapped or whatever

1 in this study. I remember a few, I mean like nine.  
2 For some reason nine sticks out in my mind at the  
3 time.

4 MR. HANSEN: They are very rare in the  
5 project area. They are an endangered species, and  
6 that's, I think, one of the reasons that the state  
7 has put so much priority in various habitat  
8 enhancements that can improve the habitat to improve  
9 the stocks of the native fish. You know a lot of  
10 the fish that currently inhabit this project area  
11 are not native fish, and that's one of the reasons  
12 that native fishes are in trouble. And the state  
13 puts a lot of weight into having stocks of native  
14 fish rebounding. And a lot of these measures  
15 proposed on the creeks are aimed at improving  
16 aquatic habitat and connectivity in the entire area,  
17 to benefit that species as well as other native  
18 species.

19 MS. GRAGG: So when you speak of bull  
20 trout, and you speak of the ones that actually were  
21 caught for instance, I guess on the north side of  
22 Box Canyon. All of these are for sure bull trout,  
23 because the DNA testing was done on them to make  
24 certain they are bull trout? I mean I've heard a  
25 lot of fishermen, a few fishermen in the area

1 saying, "Yeah I caught a bull trout way back when,  
2 and na, na, na, na, na." But my understanding is  
3 that unless the DNA testing was done, they don't  
4 know whether it was a bull trout or a dolly varden.  
5 Is that accurate?

6 MR. HANSEN: I don't want to speak 100  
7 percent. I know they can hybridize. I think that  
8 the documentation we have on bull trout in the area  
9 are accurate. The data we have on bull trout in the  
10 area, the limited numbers that there are, don't come  
11 from hearsay or fisherman's tales. They come from  
12 agency collections with trained field personnel, who  
13 certainly know what they're looking for.

14 MS. GRAGG: And so, we're not speaking  
15 strictly of bull trout when we're talking about the  
16 cold water that's going to be piped out of Sullivan  
17 Lake?

18 MR. HANSEN: Yes ma'am. The cold water  
19 from Sullivan Lake that will enter out of the creek  
20 and then Sullivan Creek and then eventually into the  
21 Main Stem Pend Oreille. That cold water is  
22 beneficial for all native trouts, yes ma'am.

23 MS. GRAGG: And those are?

24 MR. HANSEN: The native ones versus the  
25 ones that have been introduced?

1 MS. GRAGG: The bull trout is native?

2 MR. HANSEN: Yes, ma'am.

3 MS. GRAGG: Dolly varden doesn't seem to  
4 be ever mentioned, so that is not of interest, or  
5 that's not a fish that?

6 MR. HANSEN: If Dolly Varden is a commonly  
7 found fish here, it certainly is one that would be  
8 managed for. There's a whole number, if you want me  
9 to pull the list of trout out of here and get them  
10 for you, I'd be happy to do so.

11 MS. GRAGG: Is it in this statement?

12 MR. HANSEN: Absolutely.

13 MS. GRAGG: Just tell me what page it's  
14 on, and I'll find it.

15 MR. HANSEN: I will have it for you in a  
16 moment.

17 MS. GRAGG: Anything else you guys? I  
18 don't want to climb out of there.

19 MR. TURNER: You need to recognize what  
20 we've done is considered a whole suite of measures  
21 that will help, hopefully, recover any native trout  
22 in the area, which is the objective of state and  
23 federal and local agencies. So what we've done,  
24 we've tried to enhance those conditions and offset  
25 some of the effects that the project has on those,

1 at least we tried to improve that. With endangered  
2 species, a lot of our focus has been on bull trout  
3 recovery.

4 MS. GRAGG: Right.

5 MR. TURNER: And we have that obligation  
6 under section 7 of The Endangered Species Act  
7 conditions, it carries a lot of weight.

8 MS. GRAGG: So, this is because of The  
9 Endangered Species Act?

10 MR. TURNER: In large part, it does carry  
11 a lot of weight. But it's bigger than that; it's  
12 more about the recovery of native fish.

13 MS. GRAGG: And so the nonnative fish will  
14 be killed? Will be taken out of the Pend Oreille  
15 River?

16 MR. TURNER: Not out of the Pend Oreille.  
17 The tributaries, contributing tributaries. There is  
18 a program that is being proposed to suppress or  
19 eradicate some of the nonnatives from the  
20 tributaries.

21 MS. GRAGG: Because the largest reason  
22 that the native fish are no longer here is because  
23 of the environment or because of nonnative fish  
24 eating the baby native fish?

25 MR. TURNER: I think it's a mix.

1 MR. HANSEN: It's a combination of both.

2 MR. TURNER: A combination of a couple of  
3 those things.

4 MR. HANSEN: And habitat degradation as  
5 well as competition.

6 MS. GRAGG: So the nonnative fish will  
7 have to be eradicated or reduced?

8 MR. HANSEN: That certainly would be  
9 helpful in establishing and re-establishing native  
10 populations that have been outcompeted, yes ma'am.

11 MS. GRAGG: Okay.

12 MR. TURNER: And that is part of the  
13 program.

14 MR. GRAGG: What is the size of the  
15 population?

16 MR. TURNER: Sir, you have to come down to  
17 the microphone.

18 MR. HANSEN: Ma'am, the list of fish  
19 species is on page 110 and 111.

20 MS. GRAGG: Okay.

21 MR. HANSEN: The trout are all at the  
22 bottom. The native trout in the area, if you want  
23 to know while we're here: cutthroat trout, redband  
24 trout, the mountain white fish is in the same  
25 family. Brown trout, I'm sorry, that's nonnative.

1 Bull trout is native. And then the nonnatives  
2 include the lake trout, the eastern brook trout,  
3 brown trout and the hatchery stocked rainbow trout  
4 as well.

5 MS. GRAGG: So if the DNA is so close  
6 between bull trout and dolly varden-

7 MR. HANSEN: Apparently dolly varden-

8 MS. GRAGG: Is there another name for dolly  
9 varden in there? Like is dolly varden also known  
10 as?

11 MR. HANSEN: No ma'am, that's a distinct  
12 trout variety. There's no reports of dolly varden  
13 in the project area. So that's not a part of the  
14 record that I'm aware of.

15 MR. GREGG: This is Larry Gragg. I have  
16 several things I'd like to talk about. Mainly,  
17 we've focused on bull trout; a lot of time and a lot  
18 of money, time and expenditures have been made by a  
19 few.

20 I've been a resident of this area since 1954  
21 and never heard of bull trout. Knew a lot of people  
22 who resided here, never talked about bull trout. So  
23 I don't know where they came from. That's first  
24 and I'm a new person to that. And I'm basing that,  
25 my comments, on what older people who have lived

1 here since the 1920's, '30's, and I've found nobody  
2 who has ever experienced catching a bull trout,  
3 except one of the gentlemen who attended the meeting  
4 that the PUC hosted a week or two ago and is younger  
5 than I. He told me about all the bull trout that he  
6 had caught. I find that is somewhat of a fantastic  
7 study, catching them in the river. I don't know  
8 anybody else that's ever said that. So I think  
9 we're spending a lot of money on bull trout.

10 I am an outdoors person. I believe in  
11 conservation. I believe in trying to protect our  
12 environment, our fisheries, our habitat, our animals  
13 and so forth, but we're getting ready to spend a lot  
14 of money and efforts to satisfy, I think, the whims  
15 of several people, maybe one or two. Enough said of  
16 that.

17 We are right now getting ready to introduce  
18 another project called the Cold Water Project, to  
19 take cold water from the bottom of Sullivan Lake and  
20 spew it over the embankment through an area in which  
21 it has never flowed in its history, because that  
22 creek that connects the dam and Sullivan Creek is  
23 man made. So I don't understand why we're going to  
24 take and spend a lot of money and flush colder water  
25 to flow down to Sullivan Lake into a warm river. I

1 understand the need or some desire to try to take  
2 this bull trout - where it is, I don't know - you've  
3 never found one up in the Sullivan Lake area that I  
4 know of. And we're all of a sudden going to  
5 introduce bull trout into that area, and they'll  
6 live there happily ever after? I don't know, but I  
7 have a lot of concerns about that, and I think it's  
8 a project that is satisfying somebody's personal  
9 desires, not to recoup the habitat of fisheries.  
10 That's all I have right now.

11 MS. MERRILL: Carol Jean Merrill. Are  
12 fish supposed to go over the precipitous that is  
13 left when you take out Mill Pond Dam?

14 MR. TURNER: Well the proposal is to, when  
15 they remove the dam, they're going to restore the  
16 stream channel back to the natural channel. So-

17 MS. MERRILL: The natural channel drop  
18 there, I don't know, I've only been up here 30 some  
19 years, of course the dam was there. Because I  
20 understand it from old-timers that there is quite a  
21 drop there naturally. Are they going to blast that  
22 out too?

23 MR. TURNER: Well the proposal is to  
24 restore the channel so that it's a connecting  
25 channel that fish can move freely from one end to

1 the other.

2 MS. MERRILL: As I understand from the  
3 old-timers, it was not that way. A neighbor said  
4 her boy used to go down there fishing and there is  
5 enough of a natural drop that she says, "I was  
6 scared to death for him to go down."

7 MR. TURNER: That may be a problem. Right  
8 now the current data suggests that there isn't an  
9 impedance up to Mill Pond Dam. The bull trout  
10 should be able to get there. What occurs  
11 afterwards, it may be a difficult issue, and we may  
12 have to consider that later, or maybe additional  
13 measures will be necessary. But anyway, with the  
14 stocking at least, there will be some connection  
15 down stream in terms of improving those habitats.

16 MS. CORY: Good evening, Ms. Cory, 26 Mile  
17 LeClerc Road. With the comment on the  
18 re-establishment of the bull trout, it has still not  
19 been presented as to the historical time line  
20 exactly what population are you seeking as a goal  
21 and restoring it to what era? The 1890 era, the  
22 1850 era, the 1920 era, et cetera?

23 And I have attended several meetings and  
24 received master plans. I've looked at the 2007  
25 draft master plan for wildlife management along the

1       Pend Oreille River. I understand the cold water  
2       temperature necessary for spawning for the bull  
3       trout. I also look at the population of the pike on  
4       the river itself, and whether or not those  
5       fingerlings would be viable if they would survive,  
6       the existing pike, even after the electroshocking  
7       and the poisoning process. Currently, the Eastern  
8       Brook poisoning and electroshock process on LeClerc  
9       Creek is removing them, but there is no restoration  
10      of native fish that is synergistically occurring.  
11      The pike are not allowing that.

12             The thought that has gone into the restoration  
13      efforts, I think is well meant and well lobbied in  
14      Olympia as well as Washington D.C.. However, it's  
15      very fuzzy if you will, with regard to actuality of  
16      the practice of both the restoration, the time line  
17      and the goals and the objectives of that process.

18             The white pygmy fish are almost nonexistent  
19      now, the perch fish. I go back to the family  
20      histories in our family to the 1880's, 1890's,  
21      1900's. My extended family is six generations on  
22      the Pend Oreille River, before the county was  
23      established in 1911. And it's inconsistent with  
24      some of the written words that I'm seeing being  
25      gleamed out and published in these reports. And

1 that is a concern.

2 It's also a concern: the siphoning process to  
3 be utilized for the cold water drop in those areas  
4 that are down water when the Sullivan Dam is  
5 decommissioned; looking at existing vegetation  
6 there, existing habitat that's in a particular  
7 temperature, that a drop to 43 degrees is going to  
8 significantly impact; and the silt that cools off at  
9 the bottom of the lake, and how it's going to be  
10 deposited downstream of that activity.

11 When we asked these questions at the Public  
12 Utilities Commission in Ione on the 26th of April,  
13 other than saying there were two fish monitoring  
14 stations that were going to be in place, there was  
15 no discussion of the actual process of monitoring of  
16 the other effects. And that is also a concern.

17 I'm a person that is very concerned with  
18 community health, with the viability of the  
19 community economically and culturally. I'm also an  
20 educated park ranger, Back Country Boat Patrol. I  
21 worked with fisheries for almost 35 years  
22 professionally, when I worked in that field, and I  
23 identify inconsistencies that are troubling. The  
24 absence of the clear goals and objectives and the  
25 timeline of restoration and the definition of what

1 we are going to restore to is not clear. Thank you.

2 MR. TURNER: Anybody else?

3 MR. GRAGG: I've got one more thing. This  
4 is Larry Gragg again. I'm not trying to be  
5 confrontational in any way. I just want to set  
6 forth some of our personal opinions, our thoughts,  
7 things to be considered by the U.S. Government, by  
8 the local government, by local members and so forth.  
9 As well my wife has said earlier that we have been  
10 contacted to support and participate in efforts to  
11 try to conserve Sweet Creek itself in the delta.  
12 Sweet Creek enters into the Pend Oreille River.

13 That's been done twice, several times before.  
14 There's some merit to some of the things that are  
15 probably being proposed, although it's all been in  
16 generalities to this point. We have had some  
17 interaction with the Boundary Dam people and Seattle  
18 City Light to try to gather with our community to  
19 deal with some of the issues on how we may better  
20 protect that particular area, this part of the  
21 state. We intend to do that, and we will support  
22 it.

23 The thing is, I ask that those who are members  
24 of the federal government, the state government, the  
25 local government and the Seattle City Light itself.

1 We may need to be looking differently, trying to put  
2 in some wood pilings, rock pilings, better drainage,  
3 whatever. That may or may not have merit, but I do  
4 know that in the past 50 years that I've been in  
5 this immediate area, is that a lot of the trouble  
6 that is created has been created by logging up in  
7 the higher mountains. And so I think . . . don't be  
8 so short sighted at saying solve it here, because  
9 that won't solve it. Because when the winter snows  
10 melt, it becomes a big torrent and all kinds of  
11 things flush down Sweet Creek from the top where  
12 they have logged not just once, twice, but many  
13 times in the past. And some of it has not been very  
14 well erosion or conservation considered.

15 So maybe those in federal government, those  
16 with Boundary, work together to try to solve the  
17 issue, not just in one locale. And this probably  
18 applies not only to Sweet Creek, but to the other  
19 tributaries that are being selected to try to  
20 conserve as well. Thank you.

21 MR. TURNER: Anything else from anybody  
22 else? Anybody from Seattle? Well, we thank you.

23 MS. CORY: Ms. Cory, from LeClerc Road. I  
24 just have to say it's unsettling to me that there  
25 will be a meeting in Spokane that's going to be

1 primarily, as you say, agency people. The  
2 interactive communication between people that are  
3 individual residents, that this is their home, has  
4 been minimal. And I don't know whether it is the  
5 strategy of outreach for public comment and  
6 interaction, or if it's just these times are hard,  
7 these last several years, and people haven't looked  
8 at it as their first priority in their time  
9 management.

10 But if Seattle City and Light has no comments  
11 for this meeting, I find that disturbing as well. I  
12 would like to see an interactive discussion, an  
13 interactive planning with vested interests for both  
14 the commercial aspects of power, vested interests  
15 for fish and wildlife, for wildlife restoration, et  
16 cetera, and vested interests of the actual cultural  
17 and social aspects of these communities that are  
18 being affected. And I don't see that interactive  
19 communication, and I don't read about it. Thank  
20 you.

21 MR. TURNER: Let me say that we've been  
22 working on this relicensing for, well, we filed the  
23 application in 2009, and I know they started the  
24 relicense application three years earlier than that,  
25 so we've been working on this thing for five years.

1 We've noticed that we've held scoping meetings here  
2 to get those inputs.

3 I recognize that some of the measures that have  
4 developed over that time are still being developed,  
5 and the details need to be vetted further and fully  
6 developed out before the implementation.

7 I didn't mean to imply that the meeting  
8 tomorrow was strictly for agencies; it isn't.  
9 Anybody is welcome. We noticed both of these  
10 meetings, and you are welcome to attend. It's not a  
11 closed door to anybody. It's just been my  
12 experience over the last 16 years with the  
13 Commission that we try to accomodate the public by  
14 holding an evening meeting, because we recognize  
15 that you guys have jobs that will not allow you to  
16 participate. And the agencies typically come during  
17 the day, when it's part of their jobs. So that's  
18 who attends those daytime meetings. We try to  
19 accomodate that issue as well, so it's not that  
20 anybody is being closed out. It's just the facts of  
21 the situation, in terms of how we express them. So-

22 MS. CORY: I recognize the logistics, but  
23 I also am a veteran of very distant locations that  
24 require distance communication. In the arctic of  
25 Alaska, in the South Pacific and with the advances

1 in technology over the last 15 years, interactive  
2 video conferencing. There's ed centers in Ione at  
3 the new community center; there are additional  
4 opportunities for synergistic communication that  
5 could be pursued, rather than rote physical presence  
6 and rote written comment that do not allow for  
7 interactive discussion with respect and courtesy on  
8 both sides. For all sides, I mean it's not a two  
9 sided issue; it's a multiple dynamic, but a round  
10 table discussion, if you will.

11 MR. TURNER: Well, like I say, It's been  
12 occurring for the last seven years with  
13 opportunities.

14 MS. MERRILL: Weather was a problem for me  
15 this winter. I wasn't about to go to Spokane.

16 MR. TURNER: Anybody else? Any comments?  
17 Questions?

18 MS. GRAGG: Sharon Gragg. One of the  
19 questions, I guess specifically, on the Sullivan  
20 Lake Project. It's my understanding that people  
21 volunteered to be a part of the negotiations on the  
22 Sullivan Lake Project, correct? Okay, I had total  
23 trust in the people that went to all these meetings.  
24 One of the things though that bothered me about the  
25 meetings that were held in Spokane, and that so many

1 of them were held in Spokane. And I really did not  
2 know why rather than, I mean, the Mill Pond is here,  
3 Sullivan Dam is here, but yet the meetings were held  
4 in Spokane. That's one thing. The other thing is  
5 that it was my understanding that the meetings in  
6 Spokane, if you wanted to go you had to show up or  
7 did you have to sign up ahead of time to attend  
8 them? No?

9 MR. TURNER: I'm not sure what you're  
10 referring to-

11 MS. GRAGG: Well, I remember receiving  
12 something about or reading something about if you  
13 wanted to attend the meetings, you had to sign a  
14 nondisclosure clause or something like that. Is  
15 that the case? Or am I getting the wrong  
16 information?

17 SPEAKER FROM AUDIENCE: It was a  
18 confidentiality statement.

19 MS. GRAGG: Confidentiality statement?

20 MR. TURNER: And who asked you to sign  
21 that?

22 MS. GRAGG: If you wanted to attend the  
23 meetings in Spokane, that is what you were expected  
24 to do.

25 MR. TURNER: As far as settlement

1 negotiations?

2 MS. GRAGG: I have no idea.

3 MR. TURNER: Can anyone speak to this?

4 MS. CORY: I just have to say the agency  
5 people are over here; the residents are over here.  
6 They are quiet; nobody steps up, and it's really  
7 dissettling.

8 MR. LARSON: Rick Larson from Ione, Pend  
9 Orielle County PD Commissioner. On the negotiation  
10 process as I remember it, and Barbara, if it's  
11 something else let me know if I'm speaking wrong  
12 here. That they were asked to sign a document so  
13 that the negotiations would go forward.

14 What they were concerned about was part way  
15 through the negotiations a bunch of information that  
16 hadn't been completed to land out in a newspaper, or  
17 something like that, and to hurt the negotiation  
18 process. It was a negotiation and hadn't been  
19 settled yet. Once it was settled, or once there was  
20 something in black and white, then of course it hit  
21 the papers and stuff like that.

22 MS. GRAGG: The one in Spokane was-

23 MR. LARSON: That I can't tell you. My  
24 opinion, it's because of the agency folks. They  
25 were flying in, hitting the meetings and leaving.

1                   MS. MERRILL: We were railroaded by the  
2 upper hand.

3                   MR. GRAGG: Barbara, would you agree,  
4 disagree?

5                   MS. GREENE: No. Barbara Greene, with  
6 Seattle City and Light. That nondisclosure  
7 agreement was for the negotiations that the Pend  
8 Oreille PD was holding, which we participated, and  
9 we moved those meetings between Newport and Spokane.  
10 At some point after that process went on for a  
11 while, Seattle City Light began our own negotiation  
12 process. And at the end of that, we merged a lot of  
13 the issues into one document.

14                   Mostly because most of the people . . . she  
15 asked why the meetings couldn't have been up here.  
16 The majority of people who were attending those  
17 meetings were from Spokane and the Seattle City  
18 Light people were flying in from Seattle. So we  
19 asked everybody where it was most convenient for us  
20 to meet, and they said Spokane. We did some  
21 meetings up here. We held public meetings up here  
22 from time to time, but the negotiations were all  
23 held in Spokane. And there was a huge investment in  
24 cost for us to continue that on for a year, so we  
25 did come up here, periodically, to report.

1                   MR. TURNER: And let me add that, that's  
2 not uncommon from a settlement negotiation point of  
3 view. But your opportunities to comment have been  
4 afforded through the Commission's process, through  
5 scoping, through our notices, through this notice of  
6 a meeting here. And it will be considered as we  
7 prepare a final EIS. So that's where we are  
8 ensuring that we here your concerns. Thank you.

9                   MR. LARSON: Rick Larson. A couple of  
10 things jumped out at me. Letters, written letters,  
11 you said that we've got till the 30th. Does a  
12 letter weigh in value as much as a spoken comment  
13 here?

14                   MR. TURNER: Equally.

15                   MR. LARSON: Okay, I just needed that.  
16 Now, a comment on the gentleman sitting here. And  
17 you said about the Mill Pond Dam removal and taking  
18 back to the stream beds so that fish could pass. Is  
19 that what I caught from you?

20                   MR. HANSEN: That is the proposal, is to  
21 remove the dam and restore Sullivan Creek to its  
22 natural channel.

23                   MR. LARSON: To it's natural? That's not  
24 what you said the first time.

25                   MR. HANSEN: I'm sorry. What did I say the

1 first time?

2 MR. LARSON: You said so the fish could .  
3 . . what happens if there is a barrier, a seven foot  
4 barrier there? So they have to take it back and  
5 remove that seven foot barrier, so fish can pass?

6 MR. HANSEN: I don't think that was part  
7 of the proposal, and that's not what I was  
8 suggesting. We'll have to look at it and see what  
9 happens with the remediating objectives for Mill  
10 Pond Dam. We may consider those future  
11 enhancements. Who knows? But it's not in the  
12 proposal as I understand it.

13 MR. LARSON: Right, and that's not how I  
14 remember it. Okay.

15 MR. TURNER: Well, unless there is  
16 anything else, I want to thank you for your time and  
17 comments and let you know we will be considering  
18 them when we produce our final Environmental Impact  
19 Statement and our recommendations to the Commission  
20 on how to proceed with the licensing and the  
21 surrender. So licensing the Boundary and surrender  
22 of Sullivan Creek.

23 You guys have been pretty quiet. Anything from  
24 there?

25 (No response.)

1           All right, with that I'll adjourn and thank you  
2           very much and again remind you that anything you  
3           want to put on the written record, you have till May  
4           30th, or May 31st, the 30th is a Sunday I think.

5           (WHEREUPON, the proceeding were concluded at 7:32  
6           p.m.)

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