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UNITED STATES OF AMERICA

FEDERAL ENERGY REGULATORY COMMISSION

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Great Lakes Hydro America, LLC Docket No. P-2520-072
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Mattaceunk Hydroelectric Project

Gateway Inn
1963 Medway Road
Medway, Maine 04460
Wednesday, June 5, 2013

The daytime scoping meeting, pursuant to notice,
convened at 12:30 p.m., before a Staff Panel:

- RACHEL McNAMARA, Project Coordinator, FERC
- THOMAS CHANDLER, Esq, OGC, FERC
- STEPHEN BOWLER, Aquatic Resources, FERC
- ADAM PEER, Threatened and Endangered Species,
FERC
- SEAN MURPHY, Terrestrial Resources, FERC
- MICHAEL SPENCER, Engineering, FERC

1 ATTENDEES
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3 U.S. Fish & Wildlife Service:
4 STEVEN SHEPARD
5 Maine DEP:
6 KATHY HOWATT
7 NOAA:
8 JEFF MURPHY
9 DONALD DOW, Engineer, NOAA Fisheries
10 DMR:
11 RANDALL SPENCER
12 Great Lakes Hydro America/Brookfield
13 DENNIS ROSEBUSH
14 KEVIN BERNIER
15 HDR Engineering:
16 JIM GIBSON
17 KELLY MacVANE
18 PETER BROWNE
19 Penobscot Indian Nation:
20 DAN McCaw, Fisheries Biologist
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1 P R O C E E D I N G S

2 MS. McNAMARA: Let's get started.

3 I'm Rachel McNamara, I'm with the Federal Energy
4 Regulatory Commission, and I'm the Project Coordinator for
5 the relicensing of the Mattaceunk Project. Am I pronouncing
6 that correctly?7 Okay, just want to make sure, because I'm not
8 from this part of the world, so. I'm going to go through
9 our agenda here shortly, but I'm sure you all know the rest
10 room is right behind us, there's water on the back table,
11 and also some handouts that are copies of the scoping
12 document and a few other informational documents that you
13 might want to look at if you haven't seen them already. I
14 know most of you have been involved in relicensing or
15 licensing processes before.16 So the first thing we'll do is go through the
17 introductions, and I'll give an overview of the relicensing
18 and scoping process and a description of the schedule, and
19 then folks from Brookfield, the licensee's name is Great
20 Lakes Hydro America will do a project description and talk
21 about the resource issues and studies that they've proposed.
22 And then I'll take over again and describe what our process
23 is for commenting and providing study requests and things
24 like that.25 I am, as I said, Rachel McNamara. I am an
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1 outdoor recreation planner with the Commission. So in
2 addition to doing project coordination, I'll be looking at
3 the recreation and land use issues and cultural resource
4 issues for the projects.

5 Here today we have Stephen Bowler and Adam Peer,
6 if you'll raise your hands and identify yourselves. They
7 are looking at the aquatic resources and water quality and
8 quantity issues and will be looking at they will be looking
9 at the threatened and endangered species that relate to
10 fisheries in particular.

11 Sean Murphy, who is not with us, is our
12 terrestrial resource person and also will be handling the
13 wildlife and botanical T&E species. Mike Spencer is also
14 not here; he is our engineer and developmental resources
15 person. And then here today with us is Thomas Chandler, he
16 is an attorney with our Office of General Counsel, he is
17 assigned to this project.

18 I'll give everybody a chance, since we've got
19 kind of an informal meeting going on right now, to introduce
20 yourself; just your name and your organizations.

21 MS. MacVANE: I'm Kelly MacVane, I'm with HDR.

22 MR. BROWNE: Peter Browne, with HDR.

23 MR. GIBSON: Jim Gibson, with HDR.

24 MR. MURPHY: Jeff Murphy, with NOAA's National
25 Fishery Service. My office is in Orono, Maine, and I do
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1 Section 7 constitutions under the Endangered Species Act for
2 salmon and sturgeon.

3 MR. BERNIER: Kevin Bernier with Great Lakes
4 Hydro, Managerial Licensing and Compliance.

5 MR. ROSEBUSH: Dennis Rosebush with Great Lakes
6 Hydro, Operations.

7 MR. SHEPARD: Steve Shepard, U.S. Fish & Wildlife
8 Service. I coordinate hydro licensing in Maine for the
9 Service.

10 MS. HOWATT: Kathy Howatt, DEP.

11 MR. McCAW: I'm Dan McCaw, the Fisheries
12 Biologist for the Penobscot Indian Nation.

13 MR. DOW: I'm Don Dow, I'm a contract engineer
14 with NOAA Fisheries.

15 MS. McNAMARA: And I think we have sign-in
16 sheets; and if you have them and you can pass them around to
17 our court reporter, that would be great, because I think he
18 needs to see the names. If you haven't signed in, let me
19 know real quick and we'll get you signed in.

20 PowerPoint Presentation

21 So a little bit about the procedures. As
22 mentioned, sign in. I like to run this kind of informally,
23 so if you have clarifying questions, please ask. But when
24 you speak, make sure to state your name, the entity that
25 you're representing, and if you have an unusual spelling or
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1 something that you need to report you can spell that out.
2 If you're using an acronym, try to define it. Talk one at a
3 time; and then if you have written comments with you today,
4 you can leave them with the court reporter. You can also e-
5 file your comments, and our comment filing date is June
6 29th.

7 So this is an overview of the prefiling process
8 for our Integrated Licensing Process, which is the process
9 that we're using for this particular relicense. The
10 applicant or licensee filed their pre application document
11 on March 1st. We issued the scoping document on May 1st,
12 and we're here today at the scoping meeting on June 5th.

13 Scoping is a process that's driven by NEPA, the
14 National Environmental Policy Act, our regulations and other
15 federal regulatory requirements. We hold scoping so that we
16 can have participation from federal, state and local
17 agencies, tribes that may have interest in the area, and any
18 other interested persons, members of the public.

19 During this process, we try to identify any
20 environmental or socioeconomic issues that we need to
21 address as we do our environmental analysis; helps us to
22 determine the depth of analysis that we'll be doing; and
23 we'll address cumulative effects if there are resources that
24 would be cumulatively affected by the projects.

25 We'll look at any reasonable alternatives to the
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1 project; those that those are proposed, and then we'll also
2 eliminate from study any areas where there aren't issues.

3 So continuing into the future, the comments on
4 the PAD and the scoping document are due on the 29th. We
5 did issue the first scoping document and had a deadline that
6 was incorrect of July 2nd. We're correcting that to the
7 29th, and we understand that people might be using the old
8 deadline. So we'll look at comments that are filed past the
9 29th. But we're trying to get back on the correct schedule.
10 And if you pick up a hard copy of this, it will have the
11 revised schedule. We'll also be issuing a Scoping Document
12 2 that has the correct schedule in it.

13 So between August and December we'll be doing the
14 study planning processing, determining what studies will be
15 conducted as far as the relicensing, with two study seasons
16 in the spring and summer of 2014 and 2015. And this is all
17 in anticipation of the filing of a preliminary licensing
18 proposal in April of 2016.

19 The license application would be due two years
20 before a license expiration to August 2016, with the current
21 license expiring August 2018, so we would then go through
22 the environmental analysis process with the hope of having a
23 license ready by the time the current license expires.

24 I'm going to turn it over to folks from Great
25 Lakes Hydro America for their description of project
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1 features and project operations.

2 MR. GIBSON: Like Rachel said, what we're going
3 to do is just go over the project, go over some of the
4 information that was presented in the PAD, and then talk
5 about some of the resources of interest as well as studies
6 that have been proposed at this point.

7 I think most folks in the room are pretty
8 familiar with the watershed, what we're showing here is the
9 Mattaceunk Project relative to other projects upstream and
10 downstream. And this will show a little bit better where we
11 are today.

12 Where we are sitting right now is in this area
13 (using pointer). So if you're not familiar, for those that
14 drove up 95, you came right up here, you drove over a part
15 of the impoundment. Where we're sitting right now is in
16 this location. You see the county lines; it says in the
17 PAD, in the scoping document, the project is actually
18 located in two counties; and between the powerhouse and the
19 impoundment, spread out over four townships.

20 This figure also shows pretty well the
21 transmission line. So you see a reference in the PAD and in
22 the scoping document regarding the nine mile transmission
23 line right-of-way. That's this along here. And when we go
24 out for the site visit later today, we'll just go right down
25 157, cross over a part of the impoundment again, and we'll

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1 be parking right over here by the powerhouse.

2 And just a little bit closer, this shows you
3 aerial over the project, spillway section, upstream fish
4 ladder, powerhouse, substation.

5 Just an overview of the project. As we know,
6 it's located on the Penobscot River. The total length of
7 the dam is 1,060 feet. Now that's not the spillway; that is
8 all six sections of the dam itself. So looking downstream
9 in the PAD and in other documents, we'll routinely refer to
10 river left and river right. So if you're looking
11 downstream, river left would be the powerhouse side. On
12 that river left you have the earthen embankment; that's one
13 section. You have the powerhouse itself, that's a second
14 section. You have the combination of the fish ladder and
15 log sluice, that's the third. You have the roller gate, the
16 fourth; the spillway itself; and then lastly, the river
17 right abutment.

18 So just make clear that it's not that this
19 spillway is over 1,000 feet, it's each of those six sections
20 combined.

21 The maximum height of the dam, 45 feet. And then
22 at spillway crest, it's elevation 236 feet, USGS. 240 feet
23 with the 4-foot high flashboards. So you'll see those
24 today. I think when folks have been out there in the past
25 you've seen those flashboards in place, so it's usually at
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1 240 feet.

2 The powerhouse, we have four vertical shaft
3 turbines, two of them are Kaplan and two of them are fixed
4 blade, with an authorized installed capacity of 19.2
5 megawatts. On average, then, that provides 128,904 megawatt
6 hours. That's what's coming from the plant.

7 For the folks going on the site visit today,
8 you'll get a chance to see the substation, which is directly
9 adjacent to the plant; it would be over in this area here if
10 the photo extended further. And I referred to earlier the
11 nine mile long transmission line; it's a 34.5 kV line.

12 So what you're seeing in this photo here is, once
13 again you're seeing the spillway. There is some spillage
14 going on in this photo. you see the flashboards up here,
15 you see that river right abutment, and then you're seeing
16 the tailrace with the back side of the powerhouse here.

17 The impoundment, it's a combination of the West
18 Branch and the East Branch of the Penobscot; a smaller part
19 of the East Branch, just downstream of Medway there, You
20 can see in this photo here, you're looking back upstream --
21 so once again, seeing the roller gate, seeing the spillway,
22 seeing the powerhouse. Here's the impoundment back
23 upstream.

24 As I mentioned earlier, the normal maximum
25 surface elevation is 240 feet; that's with the flashboards
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1 on. And you're looking at approximately 39 miles of
2 shoreline when you look at everything upstream here as well
3 as around the islands.

4 Upstream fish passage, this photo shows the
5 ladder. It's a pool and weir design consisting of a total
6 of 36 pools with a drop of approximately 14 inches between
7 the pools. Fish are able to up the fishway by either the
8 submerged orifices or the weir notches over the top. And
9 this fishway has been there for sometime and was designed in
10 consultation with agencies.

11 A gravity fed pipe provides auxiliary water for
12 additional attraction flow; that's down in this area. And
13 there's also a fish trap located at the upstream exit.
14 Folks will have a chance to see that today, and I think most
15 folks are familiar with that. That gives Great Lakes Hydro
16 the opportunity to capture fish as they come over the
17 fishway. And this is typically operated from May through
18 mid-November.

19 In addition to the upstream passage, the facility
20 has downstream passage. This was a result of the last
21 relicensing. There are single surface inlets integral with
22 trash racks at two of the four turbine forebays for passing
23 fish. These are at intakes three and four.

24 Just jumping ahead here, from there the fish pass
25 through a 42-inch pipe which transports fish down to the
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1 tailrace. And the inlets are covered with trash racks with
2 one inch spacing in the top 16 feet, and below that top 16
3 feet it's 2 5/8ths inch clear spacing.

4 So the photo that you're seeing here, this is
5 back toward the powerhouse. You see the upstream ladder
6 profile, but what you're really seeing in the focus of this
7 photo is the outlet to the downstream passage. This
8 downstream passage includes a trapping and monitoring
9 station that's been used for a variety of purposes in terms
10 of studies and monitoring how well the downstream passages
11 worked. And this is operated typically from October 17th to
12 December 1st for kelts, and April 1st to June 15 for smolts
13 and kelts.

14 Just in general with regard to project
15 operations, the operations really have been defined by the
16 previous relicensings. the initial license was issued, it
17 was 1967; relicense in 1988. So what we're starting is the
18 third round for this facility.

19 Coming out of the last relicensing and the
20 subsequent amendments, minimum base flows have been
21 established. So 1,674 cfs or inflow year round continuous
22 minimum flow from the project; and there are also daily
23 averages from July 1st through September 30th, and also
24 October 1st through June 30th. So it's 2,392 cfs during
25 that July to September time frame, with 2,000 cfs from
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1 October through June.

2 In the impoundment inflow -- you saw that earlier
3 photo; there's a number of upstream facilities --
4 impoundment inflow is regulated through those upstream
5 projects.

6 Impoundment fluctuation, which was also defined
7 by the past licensing effort, there's one foot of
8 impoundment fluctuation from the crest of the dam when the
9 flashboards are not installed. So once again that would be
10 236 feet; when the flashboards are not on, the project is
11 allowed to fluctuate 1 foot down from crest. When the
12 flashboards are on, once again that's 240 feet, they're
13 allowed to fluctuate 2 feet down.

14 It's typically operated closer to crest, given
15 the fishway operations and with ice cover, but it is used
16 for maintenance activities and it's also used at times when
17 there is fluctuation in the pond; this allows for compliance
18 activities.

19 I'll talk briefly here about recreation
20 facilities. There are some recreational facilities directly
21 associated with the project. You'll have a chance to see
22 that today. Immediately downstream of the project, on river
23 left, there's this angler access area and a parking area
24 which includes a covered picnic area and then the park
25 itself.

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1 So as you go down 157, you pass the entranceway
2 to the project. Just drive a little bit further, one can
3 pull in here and then there's stairs down to the river which
4 allows for angler access and also provides for car-top boat
5 launch, because you could launch a boat right from there.

6 In addition to this downstream access, upstream
7 access is provided back in the town of Medway by the town
8 itself. So there is a boat launch in the town of Medway;
9 it's maintained by the town. And in addition to that
10 there's canoe portage, so there's a canoe portage takeout.
11 So if you're coming downstream you would take out here,
12 there's a little trail that takes you through the woods,
13 enters on to this right-of-way area, and then the trail
14 continues along this area and then the put-in is right back
15 here.

16 It's hard to see on this photo, but when the boat
17 balls are installed for public safety purposes, the boat
18 balls would be right in this area. So you're taking out
19 upstream of the boat balls and putting back in downstream of
20 the dam.

21 So those are the recreational facilities that are
22 currently associated with the project.

23 So what we did in terms of preparing the PAD,
24 folks probably saw a PAD questionnaire sometime last year.
25 We received responses on that; we also had a chance to have
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1 a couple smaller meetings just to get input from folks in
2 terms of the resource areas of interest. And based on that
3 feedback between the PAD questionnaires and other
4 consultation activities, these were the general resource
5 areas of interest.

6 First of all, water quality. DEP communicated
7 that they needed the water quality information necessary to
8 issue a 401 water quality certificate. So as you look in
9 the PAD, you look in the scoping document, and you start
10 looking at the studies that Brookfield has proposed at this
11 point, you see those activities and those studies associated
12 with, obtain the information necessary for the DEP to issue
13 a water quality certificate.

14 With regard to aquatic wildlife, upstream and
15 downstream fish passage of Atlantic salmon, river herring
16 and American shad are of interest to parties. And as most
17 folks are aware, this project is also the subject of an
18 ongoing biological assessment, ESA Consultation Section 7.
19 So that's what -- a lot of that's being addressed under the
20 Section 7 process.

21 American eel as well has been a topic that's been
22 brought up by parties as well as the potential effect of
23 water level management on mussels, particularly in the
24 impoundment.

25 So that's the aquatic wildlife areas of interest
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1 that have been identified to this point. On the terrestrial
2 side, as we did outreach to Fish & Wildlife Service, looking
3 for potential threatened and endangered species, it was
4 identified that there is potential habitat for Canadian lynx
5 associated with the transmission right-of-way.

6 So when you look at the pre application document
7 you see some reference to that in the document, and that's
8 been identified here.

9 With regard to recreation, there were really
10 items that were raised. One was recreation access and
11 fishing opportunities, more of a general statement. And
12 then also beginner/intermediate whitewater boating
13 downstream of the project. So once again, this has been
14 referenced in the PAD; it was a comment that was received
15 during pre-consultation activities.

16 Then lastly on the cultural and tribal resources
17 side, we received feedback regarding prehistoric and
18 historic archaeological sites in the project area, making
19 sure that those are identified and evaluated through a phase
20 one survey. And also State of Maine SHPO with a request to
21 define the area of potential effect. So as a part of the
22 study, the area of potential effect will be identified.

23 As I mentioned earlier, under ESA Section 7
24 consultation, there's been a fair amount of work been
25 performed prior to the initiation of consultation activity
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1 and continues today under the Section 7 consultation.

2 So I think if there's a take-home message with
3 regard to this slide and this topic, there's been a fair
4 amount of study performed, going back to 1983. And in
5 particular, fish passage counts, upstream fishway counts of
6 Atlantic salmon have been conducted at the Weldon facility
7 since 1983. Data has also been collected on downstream
8 migrating Atlantic salmon smolts at the downstream fishway
9 trap.

10 In addition to that, downstream passage
11 efficiency studies have been conducted between 1987 and
12 2005, as well as through studies coordinated with the
13 applicable agencies and University of Maine; GLHA has
14 performed studies of smolt migration since 2010.

15 In 2012 a mussel study was conducted in the
16 impoundment; and then in addition to the aquatic resources
17 such as fish and mussels, there's been a fair amount of
18 water quality monitoring in this stretch of the river; in
19 particular DEP in the Penobscot River including the reach
20 below Weldon Dam most recently in August of 2011; and the
21 Penobscot Indian Nation water quality monitoring in the
22 upstream building impoundment.

23 So once again, in this concept of using the
24 Integrated Licensing Process and what we did in the PAD was
25 we tried to build upon the study activities and the
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1 information that's already known. So you should see that in
2 the pre application document.

3 So in terms of proposed studies, a couple things
4 here. One is, referring back to the Section 7 ESA
5 consultation, based on that process, GLHA is in the process
6 of preparing for refurbishing the upstream fishway and then
7 evaluate its efficiency. So that's something that's
8 currently proposed.

9 On the downstream side, continue supporting the
10 USGS and the University of Maine research in 2013 to provide
11 site-specific information on downstream passage survival
12 through the project. So that's something that is already
13 planned and is going to be ongoing.

14 Downstream fish passage facility is to be
15 evaluated to identify potential improvement opportunities,
16 and then based on these results GLHA will develop and
17 implement a plan and schedule through agency consultation
18 for potential modifications to the downstream fish passage
19 facility.

20 And then lastly, it will be conducting additional
21 study -- expected to use radio transmitters -- to evaluate
22 downstream passage of smolts at the project to further
23 determine the effectiveness of the downstream fishway. So I
24 think if the Section 7 ESA consultation process was not
25 ongoing, these would be things that, over the course of this
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1 scoping process, we would be planning these studies and
2 preparing for these studies. But these are things that
3 through the consultation process with ESA are already
4 planned to occur.

5 Outside that ESA Section 7 consultation process,
6 proposed studies that you see referenced in the PAD -- and
7 this relates directly back to the resource areas that
8 parties have shown an interest in, are first of all with
9 water quality.

10 We had a chance to talk with the DEP, and there
11 are six areas in particular that DEP is interested in.
12 We've had a chance to look at the existing information
13 relative to those six study areas. Based out of that, data
14 that still needs to be collected is associated with the
15 following:

16 Impoundment trophic state data collection;
17 Impoundment aquatic habitat study;
18 Benthic macroinvertebrate monitoring; and
19 Outlet stream aquatic habit study.

20 So those are things that you see in the PAD and things that
21 Brookfield is proposing to do.

22 On the cultural and tribal resources side, plan
23 on doing a Phase I cultural resource survey that takes those
24 areas located within the project boundary that have not
25 previously undergone such a survey. Still plan on doing

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1 consultation to show that the project boundary in the APE
2 are consistent; and then once that consultation is complete,
3 perform that Phase I Cultural Resources Survey.

4 And then lastly, during the summer of 2013, GLHA
5 is going to take advantage of the maintenance activities
6 that are going to take place this July and August and
7 perform the Impoundment Aquatic Habit Survey and do some
8 preliminary work to support the Benthic Macroinvertebrate
9 Study.

10 So it's understood, going back to Rachel's
11 schedule, that you look at the June 29th deadline.
12 Eventually there will be a proposed study plan, a revised
13 study plan. There will be a study determination letter
14 issued by FERC. That will be happening after this summer
15 2013 activity; however, it makes sense to take advantage of
16 this maintenance activity and collect that data at that
17 time. So that will be ongoing concurrent with the scoping
18 activities.

19 Yes, Kathy.

20 MS. HOWATT: Could you talk a little bit about
21 your proposed schedule for that so that the Department can
22 prepare comments on those issues for you prior to the June
23 29th schedule for comments on the document?

24 MR. GIBSON: Yes. I think the date right now is
25 early July, July 7th or July 9th. It is when maintenance is

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1 going to start.

2 MR. BROWNE: It's when we start the drawdown.

3 MR. GIBSON: So what we're going to be doing is
4 really focusing on that top 2 to 4 feet, so when the
5 drawdown starts is when we'll be out there collecting this
6 type of data. With regard to the aquatic habitat survey
7 around the shoreline.

8 We can continue that activity as the drawdown
9 continues, but we really want to focus on that fluctuation
10 zone, that top two feet; so that's when we're going to be
11 doing most of the work.

12 MS. HOWATT: And when do you anticipate that
13 you're going to need to put together those sampling plans?

14 MR. GIBSON: That will be occurring here over the
15 course of the next month.

16 MR. BOWLER: Jim, are those going -- those echo
17 through compliance?

18 MR. GIBSON: Oh, the maintenance activity is.
19 The maintenance activity itself. But the actual getting on
20 getting this data, no; we were not planning on putting that
21 through the compliance group.

22 The second part of this is, during the latter
23 part of the drawdown, what we were planning on doing was
24 being out on the impoundment really just looking for the
25 best places to collect macroinvertebrate data in 2014.

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1 So I guess to elaborate on what's going to be
2 happening here in 2013, we're going to be doing the
3 shoreline assessment around the impoundment. And when it
4 comes right down to it, the reason why that is we really
5 want to take advantage of the drawdown. We believe we can
6 do the shoreline assessment without a drawdown, but we think
7 it's just going to provide better data for everyone to do it
8 during the drawdown.

9 So once we are taking advantage of the drawdown,
10 particularly the earlier part of the drawdown to get that
11 data; the second part is really just going out there during
12 the drawdown. We'll have a better indication of some of
13 those deep areas so that when we go back and do this work in
14 2014, we will have identified or just have a better idea
15 where to collect this data in 2014. So there's the two
16 things in 2013.

17 So that is just an overview of the project,
18 overview of the information that was in the PAD, and then
19 the proposed studies at this point in time. Thanks.

20 MS. McNAMARA: So picking back up where I left
21 off, I pulled this slide in just so you all are aware, and
22 this is from the scoping document. At this point the
23 Commission Staff has not identified any issues relating to
24 geology and soils, terrestrial resources with the exception
25 for Canada lynx, aesthetics or socioeconomics.

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1 And so at this point we would not be addressing
2 those in any great detail in an environmental analysis; but
3 we have identified water quality and dioecious fishery
4 resources for a cumulative effects study. Obviously the
5 resource issues that are outlined in the scoping document
6 are the ones that we have already identified, and we welcome
7 your comments on changes to those or additional resources
8 that we should be looking at as we begin thinking about our
9 environmental analysis.

10 So at this point in scoping, we are looking for
11 as I mentioned the significant environmental issues that we
12 should be address; we're looking for study requests, and I'm
13 going to present in just a minute the seven study criteria
14 that you should address if you do have a study request. Any
15 information or data that you have that describes past and
16 present conditions of the project area.

17 So if you have data that you'd like us to
18 reference or you'd like to have available to the licensee,
19 that should be filed with the Commission so that it's part
20 of our record. Comments on the PAD or on our scoping
21 document, so any comments that you have; and TPH en any
22 comprehensive plans, resource plans, proposals in the
23 project area, anything that we should be aware of as we're
24 going through this process.

25 So those are all things that you can file with
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1 the Commission as part of your comments by the comment
2 filing date.

3 As I was mentioning, we're looking at the study
4 criteria, so you have the general rough outline of studies
5 that are being currently proposed by Great Lakes Hydro, and
6 you also have the opportunity to present additional studies.
7 We'll have more meetings regarding the study plan; I guess
8 the meeting for that would be in September; and you'll have
9 additional times to comment on the studies, but if you are
10 proposing a study, the study proposals are due also on June
11 29th. And they should describe the goals and objectives of
12 the study; explain the resource management goals of your
13 agency or your organization or the public interest
14 considerations if you're not part of an agency or
15 organization.

16 Describe what the existing information is and the
17 need for the additional information. This is a main one:
18 The nexus between project operations and the effects, and
19 why the study is necessary. That's one that we look a lot
20 at, as to what the nexus is between the project and the
21 study request.

22 You should describe the proposed study
23 methodology and the effort and level of cost. And those are
24 all things that we try to identify when we're looking at
25 doing our study plan determination. So it's really -- at
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1 this point this would be your first kind of cut at a study
2 request, and then we move through and Great Lakes Hydro will
3 provide us a preliminary study plan and then we'll have
4 comments on that, and then they'll file with us a revised
5 study plan that we'll make a determination on. So this is
6 just the beginning of that process. But if you do have a
7 study you want, it's important to look at the seven
8 criteria, and those are also included as an appendix in the
9 back of the scoping document.

10 So as I was mentioning, there are many
11 opportunities for public comment. You have a chance today
12 to speak on the record. On the 29th the comments are due;
13 we'll issue a second scoping document on August 13th which
14 will have your comments integrated into it as well as the
15 revised schedule. There will be a proposed study plan filed
16 by the licensee, also on the 13th, and a study plan meeting
17 relating to that study plan sometime in mid-September. The
18 date, according to the schedule, is the 12th. We'll notice
19 that meeting when we have it set up.

20 And in December -- I know -- right at the end of
21 the year when it's not a great time, but we'll have comments
22 on the revised study plan, and then we'll issue the study
23 plan determination at the beginning of January.

24 The process for written comments, you can provide
25 written comments today to the court reporter; you can mail
26

1 them to FERC or our preference is that you e-file. If
2 you're not familiar with eLibrary or e-filing, I'd be happy
3 to walk you through that this afternoon and make sure that
4 you're using the correct docket for the project. This one
5 is P-2520-072; that's the docket and subdocket for the
6 Mattaceunk relicensing.

7 So at this point I'll open it up for questions or
8 comments. Please remember to state your name and the entity
9 you're representing. Define your acronyms that you're using
10 in your discussion.

11 Does anyone have comments or questions?

12 MR. McCaw: Dan McCaw, M c C a w with the
13 Penobscot Indian Nation. I have just a couple of quick
14 questions with regard to the PowerPoint and also the scoping
15 document.

16 You said that FERC had identified no issues with
17 regards to aesthetics and/or socioeconomic issues. And I
18 find that a bit confusing. On one front, on the aesthetic
19 front, we are in the northern part of Maine, which is a very
20 beautiful place and still a very wild place. However, we
21 have this large structure that impounds miles and miles of
22 river. So certainly from some people's perspective, there
23 is the potential that aesthetically it would be unpleasing.
24 Whereas a free-flowing river in this stretch would be maybe
25 more aesthetically enticing.

26

1 The second part was the socioeconomic portion;
2 and I'm also a little bit confused as to why that is not an
3 issue. The river in its current configuration, with the
4 large impoundment in this area, certainly the recreational
5 opportunities and potential money that would be associated
6 with that, they are altered and I think there would be
7 people who would say they are diminished, from a free-
8 flowing section to an impounded portion of river.

9 And one other comment I would make on the scoping
10 document. The Penobscot Nation will be filing, submitting
11 written comments, but these are just some things -- there
12 are more questions than comments at this point.

13 This would be on page 11 of the scoping document,
14 Section 3.4.3, it says: Project decommissioning. The
15 second paragraph says, "No party has suggested project
16 decommissioning would be appropriate in this case. We have
17 no basis for recommending it. We do not consider project
18 decommissioning a reasonable alternative to relicensing the
19 project with appropriate environmental measures."

20 Again, I'm a bit confused by that. Certainly
21 there would be people in the United States and in the State
22 of Maine and within the Penobscot Nation who may agree with
23 that, but I think there would be others as well who would
24 think that decommissioning and potential removal on the back
25 side of that would be more enticing than continuing the
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1 operation and the existence of the project.

2 I'm guessing that comment was made because no one
3 stated up front that "Hey, why don't you just take it out or
4 decommission it?"

5 MS. McNAMARA: That is correct. Unless we have -
6 - and someone else from the Commission can correct me if I'm
7 wrong -- unless we have a comment and really an interest
8 from someone who could manage and maintain the resource of
9 looking at decommissioning, we don't address that as an
10 option.

11 There needs to be a --

12 MR. BOWLER: I would say if there's information
13 or a proposal or work that's been done on that topic or, you
14 know, bring it in to your filing so that we can know about
15 it and consider it.

16 MR. McCAW: Okay.

17 MR. BOWLER: And all three or four of the topics
18 you mentioned, any information that you have will inform the
19 SD2 and ultimately the NEPA document. And of course the
20 studies needed to prepare the NEPA document. So this is the
21 time to get those -- if there are studies, if there are
22 descriptions of the issues that, you know, people with
23 knowledge about the issues that you can get into the record.
24 Whatever information to support those points, this is the
25 time to get it in there.

26

1 MR. McCaw: So sort of the answer to my question
2 with regards to those several topics is: because no one has
3 mentioned it up to this point, FERC doesn't recognize it as
4 something that is important and needs to be studied more or
5 looked into more.

6 MS. McNamara: Correct. We base the scoping
7 document off of the issues raised in the PAD. So at this
8 point we're looking for those types of issues to be filed.

9 MR. McCaw: All right. Thank you very much.

10 MR. Bowler: The PAD is a compilation of existing
11 information by the applicant, and now we're saying, 'What
12 other existing information or new information can you bring
13 to the process to help shape it?'

14 MR. McCaw: Okay.

15 MS. McNamara: Other comments?

16 MR. Gibson: Just a point of clarification, Dan.
17 Are your comments a clarification as to why this isn't in
18 the scoping document? Or are you requesting that these
19 things be in the scoping document.

20 MR. McCaw: I think it would be more of the
21 previous, just curious as to why they're not there. The
22 Penobscot Nation, because this facility sits within what the
23 tribe would consider their reservation, they probably have
24 different issues with regard to the project itself, the
25 effect it has on the environment and that sort of thing,
26

1 then maybe other agencies would or the public may have.

2 But the comments that the Tribe will file by the
3 29th will be a combination of different aspects, from
4 aquatic resources to cultural to -- all those kinds of
5 things; history and the ties that the Tribe has to the
6 river.

7 So it was more that, I wasn't trying to say that
8 the Nation is prepared to say XYZ, it was more that I was
9 confused as to how the processed worked and to why those
10 things were sort of stated that 'okay, there is no issue
11 here.' And the understanding I have now is that is because
12 no one has said 'this is an issue.' Up to this point.

13 Mr. BOWLER: Okay. Thanks.

14 MR. McCAW: Oh, sure.

15 MS. McNAMARA: We had a question, from the
16 Commission, about the description of project operations, in
17 particular using the term, 'run-of-river with pondage.'
18 Because we typically see that description used in peaking
19 operations, and we understand you're not peaking with this
20 project.

21 So I think it would be helpful for us in any
22 future filing or here to get a better description of the
23 project operations so that we understand the 'run-of-river
24 with pondage' terminology. And maybe the question is, what
25 is driving the hour-to-hour fluctuation, if it's just what's
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1 coming down from previous releases on upstream projects.

2 MR. MURPHY: This is Jeff Murphy with NOAA's
3 National Fisheries Service. I don't have any specific
4 comments now, but we will be filing a comment letter as well
5 by the 29th.

6 MS. McNAMARA: Great. And just so -- I remember
7 the 29th, I believe, falls on a weekend. So we need them by
8 the Monday following the weekend.

9 MR. BOWLER: I just wanted to encourage people,
10 that we have the opportunity with the publicly-noticed
11 meetings, with a court reporter here to discuss things and
12 get issues out on the table to include them in the process,
13 and start thinking about things we need to be addressing
14 through the process, and we all are here from various
15 distances; so if there's any topics to get into the record,
16 now is a good opportunity and maybe we should do a couple of
17 questions that we were thinking of on the trip to talk about
18 now.

19 MR. MURPHY: I had a question, a few questions
20 actually; mostly regarding some of the data that are
21 currently available at or near the project. First one is
22 regarding the flow data. It appears from the PAD that
23 currently there's only data from 1941 through 1991. Is that
24 correct?

25 MR. GIBSON: That is what we based the flow
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1 duration curves and percent exceedance tables on. It just
2 comes from the USGS gauge that existed there at that time,
3 and has since been removed.

4 MR. MURPHY: Right. Are there any data at or
5 near the project that are more recent?

6 MR. GIBSON: We can look into that. Yup.

7 MR. SHEPARD: While Adam is thinking, Steve
8 Shepard with the U.S. Fish & Wildlife Service. I guess I
9 would just say for the FERC staff that some of us have the
10 benefit of our second time on this relicensing.

11 MR. BOWLER: Yes.

12 MR. SHEPARD: As well as some of the licensee's
13 staff. So we're very familiar with the resource issues
14 related to the project. And also because of the ongoing ESA
15 process, there's already been some level of vetting of
16 issues and discussion of appropriate studies, and some work
17 on that. So again we have the benefit of having given some
18 thought to these; that doesn't help FERC staff in coming up
19 to speed on these issues. However, the resource agency
20 staff are generally pretty familiar with them at this point.

21 MR. BOWLER: And that will help us through the
22 process, to work together. I think most of these are
23 appropriate when we're looking at the facilities, but I just
24 wanted to make sure there's no other, nothing else that
25 anybody wants to start a thread on while we have this brain
26

1 trust here, the opportunity.

2 MR. SHEPARD: Well, I guess continuing in that
3 vein -- again Steve Shepard -- the minimum flows that are
4 current license requirements are not only related to amount
5 of habitat, discharged primarily from the West Branch where
6 there are many regulated projects, but also important in the
7 determination of MPDES permits downstream. So in other
8 words, that contribution of flow out of storage, the higher
9 and the base is part of the assessment of allowable
10 discharges, permitted discharges, including paper mills,
11 municipalities, waste treatment and so on downstream.

12 So it's very important for those MPDES and other
13 permits that they not be reduced that minimum flow, stay as
14 it is currently. I just point that out for FERC's interest
15 in one resource area.

16 MR. BOWLER: Is that captured in the PAD, or is
17 there --

18 MR. SHEPARD: I don't know, was that captured in
19 the PAD?

20 MR. GIBSON: We talk about inflow, talk about
21 regulated -- because for the most part, it's back to
22 Rachel's comment; this almost a run-of-river facility, so
23 what's coming in is going out. I don't think we go into
24 great detail about the MPDES permitting downstream and how
25 it goes up; allowances are based on what's coming down

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1 river.

2 MR. SHEPARD: Certainly important from the
3 cumulative effects analysis.

4 MS. McNAMARA: I think in the presentation, you
5 all did a good job of explaining what studies were ongoing
6 and what were proposed to happen early on. That to us I
7 don't think was necessarily clear in the PAD. So I just ask
8 that in your study plans that you be very explicit about
9 what's happening when and under what process, whether it's
10 part of relicensing or if it's part of a separate, ongoing
11 ESA consultation, or related to the drawdown.

12 MR. SHEPARD: Perhaps one more question. Again,
13 Steve Shepard from Fish & Wildlife Service. Not a question,
14 maybe -- well, a question for you, Rachel, perhaps, and sort
15 of the edification of those at the table.

16 Because of the 30-year old relicensing and the
17 importance of issues in this part of the Penobscot, there is
18 a lot of information that's already available. So certainly
19 our study request will not reflect any sort of cookie-cutter
20 resource-based studies; that information is already
21 available.

22 But I wonder if you might comment on the intent
23 of the ILP process in capturing resource issues rather than
24 like I say, cookie cutter data requests that might have been
25 more typical of a, say a three-stage consultation done 30

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1 years ago like this one was.

2 MS. McNAMARA: I think at this point identifying
3 the issues is the kind of primary purpose of where we are in
4 our process. So that we know what's happening. It's
5 important for us to understand what data is available and
6 what you're not going to need to do as part of the study
7 planning process. It's difficult for us to make a
8 determination no study requests if we don't have a full
9 understanding of what's available and what's being done, and
10 what's already been done.

11 MR. BOWLER: In the end, what's called a study is
12 a fairly wide use of the term. There are studies that are
13 essentially data compilation efforts and there are studies
14 that are more sort of scientific investigations of the
15 issues; so there's really a range, and I would encourage you
16 to pose that your studies, as they serve the information
17 needs anywhere on that spectrum.

18 MR. SHEPARD: I guess what I was going to was the
19 expectation that most of that data is already available. So
20 some sort of baseline study may not be needed because you
21 already have the information -- or may not have been
22 provided yet, been linked into the PAD. I know Brookfield
23 went to the effort of extensive questionnaires, trying to
24 get that kind of information; but there do not need to be
25 study requests per se, but could in fact be information

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1 provided, even though it wasn't included in the previous PAD
2 requests, so it might be out there, could be sent in by the
3 agencies or other parties.

4 MS. McNAMARA: What we're really looking for is
5 to make sure that by the time the license application is
6 filed that it's clear and that the information that's stated
7 is defensible based on either existing information or
8 studies that have been conducted. To that extent, whatever
9 needs to be studied or whatever existing information is
10 there, should be on the record with us so that can fact
11 check.

12 MR. SHEPARD: For example, some University of
13 Maine studies were noted in there, telemetry work, and then
14 acoustic telemetry and so on. I know NOAA has funded a lot
15 of that work, but I'm not sure it's part of the record for
16 this project at this time.

17 MR. BOWLER: Just out of curiosity, is the ILP
18 old hat for most of the agency staff here?

19 MR. SHEPARD: Well, personally, I worked on the
20 St. Lawrence project, Portland General Electric's Sandy and
21 Clackamas River Projects where FERC and licensees were
22 defining that process, and the categories of study request
23 information come from those proceedings, so I'm intimately
24 familiar with the ILP.

25 MS. HOWATT: I have a question. Kathy Howatt
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1 with the Maine DEP.

2 In Section 4 of the PAD there is a reference
3 under Section 4.3.8 talking about the turbines, that GLHA
4 may conduct additional assessments and propose a revised
5 authorized installed capacity for the project. And I
6 wonder, because I'm not that familiar with this whole
7 process, just being new to hydropower for me; when in this
8 process would that occur and how does that affect the
9 studies and the proposed studies? Because increasing
10 capacity or changing the turbines would have a lot of
11 impacts with regard to what studies would be requested or
12 whether additional studies might be needed after that
13 proposal is made. Where does that fit?

14 MR. BERNIER: Kevin Bernier with Great Lakes
15 Hydro America. There's nothing planned at this time. I
16 think that the intent was to keep that as a placeholder in
17 case there is something down the road that we find. There
18 may be opportunities for additional power there that we're
19 not pursuing at this time.

20 MS. HOWATT: And if that were the case, and I
21 would assume that that would be in the license application,
22 but would that open up an additional opportunity for studies
23 related to the impact? I don't know in the FERC process if
24 that creates an extension in the middle to accommodate
25 studies appropriate for identifying issues related to
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1 increased capacity.

2 MR. BOWLER: So in this process there will be an
3 initial study report at the end of the first year of studies
4 and another one at the end of the second year of studies.
5 When those reports come out, there's a period of time to ask
6 for study modifications or additions, and there's a bias at
7 that point that, in things that were existing issues, you
8 should have brought them in at the beginning, because that's
9 the point of the process, that too much certainty is
10 possible. We recognize that new information comes up; like
11 if the proposal changed you could request the study to
12 address that change in the proposal.

13 So on the other hand for the applicants, it
14 behooves them to make sure that their study designs cover
15 the range of possible proposals in their application. So
16 that's the way, there is an opportunity if either new
17 information arises from the studies or something changes
18 about the proposal that actually comes in, there's a
19 mechanism for requesting -- we're getting now to drafts.
20 But if it's covered in the studies, they could cover a range
21 of issues the final proposal already studied.

22 MS. HOWATT: Thank you.

23 MR. GIBSON: If I can add to that, like Kevin
24 said, if there was a plan right now to upgrade a unit or to
25 do something definitive, that would be in the document and
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1 we'd be talking about that today.

2 Great Lakes Hydro as well as Brookfield in
3 general is continuously re-looking at their fleet from the
4 perspective of investment tax credits, production tax
5 credits, other things that are out there that may become
6 advantageous to upgrade a unit.

7 So we don't want to at this point in time say
8 that there's no possibility in the next three years, four
9 years, that an upgrade would occur; but if that were to
10 occur, I think to your point we would want to get together
11 with this group, talk about such that type of upgrade, and
12 then see if the studies cover that.

13 MR. BERNIER: And if there was a significant
14 upgrade, it would trigger a license process and we'd be here
15 again, going through this process of agency consultation and
16 getting your input.

17 MR. SHEPARD: Steve Shepard again. Just to expand
18 on Steven's comments, one of the problems or difficulties of
19 the ILP is that it really is incumbent on the agencies at
20 the outset to identify issues and get those study issues on
21 the table and develop plans to address them. And that was
22 kind of what I was going to when I asked about comparing it
23 to traditional licensing processes of 30 years ago with the
24 traditional licensing processes of the past of just kind of
25 general, cookie-cutter studies proposed at the outset and
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1 then this iterative process of "oh, some new information has
2 come up, we'll study that now, and we'll study that," and
3 licensing proceedings stretched on to 8, 10, 12 years. I
4 worked on one that spanned more than 20 years, in Vermont.

5 The intent of the ILP is to avoid those and get
6 the studies identified up front as issues and not simple
7 data requests, then develop studies later.

8 MS. McNAMARA: Any concluding comments? I don't
9 want to close this while we have the opportunity.

10 Yes.

11 MR. McCaw: Dan McCaw, again, with the Penobscot
12 Nation.

13 Rachel, is it possible to get a copy of the
14 PowerPoint that you presented today?

15 MS. McNAMARA: Yes.

16 Normally these are put on our eLibrary, but I can
17 also make you a copy.

18 MR. McCaw: If they're on the eLibrary, that's
19 fine. Thank you.

20 MS. McNAMARA: Well, at this point then I will go
21 ahead and close the record. The site visit, we're leaving
22 from the parking lot here at 3:30. It's 1:30 now.

23 I would say we would just go over now and be done
24 with it, but in case people have seen the schedule and are
25 planning on showing up at 3:30, we'll go ahead and wait

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1 until then.

2 (Whereupon, at 1:30 p.m., the daytime scoping
3 meeting concluded.)

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