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FEDERAL ENERGY REGULATION COMMISSION  
SCOPING MEETINGS  
FOR THE  
WHITEWATER CREEK HYDROELECTRIC PROJECT  
  
AGENCY MEETING

\* \* \*

September 19, 2013  
Detroit Ranger Station  
44125 North Santiam Highway SE  
Detroit, Oregon

SINEAD R. WILDER, CCR  
Court Reporter

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APPEARANCES :

For FERC:  
AARON LIBERTY  
Federal Energy Regulatory Commission  
Office of Energy Projects  
Division of Hydropower Licensing  
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Also Present: Various agency and audience members

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Agency Meeting 3

1           DETROIT, OREGON; THURSDAY, SEPTEMBER 19, 2013

2                                           9:05 a.m.

3                                           \*   \*   \*

4           MR. LIBERTY: All right. I think we can  
5 get started.

6                           It looks like it's five past the hour.

7                           Welcome to the scoping meetings for the  
8 Whitewater Creek project. My name is Aaron Liberty.  
9 I'm the project coordinator with FERC.

10                          It looks like we have a pretty small crowd  
11 here today. For my benefit, and for the court  
12 reporter's benefit, I'd like to maybe just go around  
13 the room, state your name, and if you're affiliated  
14 with an agency.

15                          We can go ahead and get started to my  
16 right here.

17                          MS. PAVONI: my name is Dani Pavoni, and  
18 I'm with the Forest Service.

19                          MS. HAMMONS: Bonnie Hammons with the  
20 Forest Service.

21                          MR. JOHNSON: Al Johnson, Forest Service.

22                          MR. NEFF: Darrin Neff, Forest Service.

23                          MR. MCMAHAN: Grady McMahan, District  
24 Ranger here at Detroit with the Forest Service.

25                          MS. KELLY: Cara Kelly, Forest Service.

26

1 MS. GRAINEY: Mary Graine, Oregon Water  
2 Resources Department.

3 MR. STINE: Chris Stine, Oregon DEQ.

4 MR. ZAUNER: John Zauner, Oregon  
5 Department of Fish and Wildlife.

6 MR. TURASKI: Mike Turaski, U.S. Army  
7 Corps of Engineers.

8 MS. KEEN: Penny Keen, Forest Service.

9 MS. MEDLEY: Lyn Medley, Forest Service.

10 MR. LEIS: Mark Leis, Forest Service.

11 MR. SHANK: Doug Shank, Forest Service.

12 MR. MEIER: Jon Meier, Forest Service.

13 MR. HIEBERT: Paul Hiebert, Forest  
14 Service.

15 MS. MIKKELSEN: Terri Mikkelsen.

16 MR. BRITT: Bob Britt, Whitewater.

17 MR. HARMON: Dave Harmon, Whitewater.

18 MR. MIKKELSEN: Mark Mikkelsen with  
19 Whitewater.

20 MS. MORROW: Ann Morrow, Whitewater.

21 MR. LIBERTY: So I think we got everybody.

22 I put together a short Power Point  
23 presentation here today, just to sort of keep me on  
24 track, and so I don't forget to talk about all the  
25 items I want to touch on.

26

1           So first, just a few housekeeping items.  
2       We do have some sign-up sheets over there on the  
3       table as you come in the door. I would ask that you  
4       please sign up at some point today.

5           I believe Penny has also put another  
6       sign-up sheet over there for emails, just so we can  
7       put together an email list for everyone that  
8       attended here today.

9           And as you can see, we do have a court  
10      reporter here today. They are an independent party.  
11      They're not an employee of FERC. And their job,  
12      basically, is to record everything that's said here  
13      today, so we can go ahead and get that into the  
14      public record for the project.

15          So speakers, I do ask that you please  
16      state your name and affiliation each time you speak.  
17      I know it's redundant. It gets old. But it just  
18      helps the court reporter out a great deal. And  
19      also, please spell your name and acronyms, if there  
20      are any questions about spelling. I also ask that  
21      you speak clearly and one at a time.

22          And I don't anticipate having any sort of  
23      time constraints here today, so anybody who wishes  
24      to speak will be given an opportunity to do so. And  
25      I would like to keep this meeting somewhat informal.

26

1       So if at any point you have any questions, just go  
2       ahead and raise your hands, and I'll try to answer  
3       those to the best of my ability.

4               So the agenda for today, I'm going to go  
5       into a short introduction on FERC, who we are, what  
6       it is we do. I apologize if a lot of this -- if you  
7       guys know a lot of this stuff. I just gave this  
8       presentation out in Ohio, where those folks aren't  
9       quite as hydro savvy as folks here in the northwest.

10              So again, I apologize for that. I'll try  
11       to go through those slides relatively quickly.

12              I'll go over an overview of the integrated  
13       licensing process, otherwise known as the ILP, which  
14       is the process that Mr. Harmon has elected to use.  
15       I'll go into the purposes of scoping, and then our  
16       request for information and studies that was  
17       included in that scoping document.

18              And also, before I forget, we do have  
19       copies of the scoping document over there on the  
20       table. So if you haven't gotten one yet, please  
21       take one. I don't want to truck those back to D.C.

22              And I will turn it over at some point in  
23       the presentation to Mr. Harmon, so he can give a  
24       short presentation on the proposed project. And  
25       then I'll go into -- a little bit into the resource  
26

1 issues that we've identified in scoping document  
2 one, which is the real reason why we're all here  
3 today.

4 Then I'll go into how you all can stay  
5 informed in the process, what you can expect moving  
6 forward in the ILP process. And then I'll open it  
7 up for any final comments or questions, if I haven't  
8 answered those yet.

9 So FERC, we're an independent federal  
10 agency that regulates interstate transmission of  
11 natural gas, oil and electricity. FERC also  
12 regulates natural gas and, most importantly,  
13 hydropower projects.

14 There are five FERC commissioners who are  
15 appointed by the President and confirmed by the  
16 Senate. And we're about ready to get a new chairman  
17 here. The President has appointed someone. But I  
18 don't believe the Senate has confirmed them yet. I  
19 think they're actually testifying before the Senate  
20 this week.

21 And the commission is supported by a staff  
22 of about 1,500 employees. The majority of those are  
23 out of the D.C. office. We do have a handful of  
24 regional offices around the country, one of which is  
25 located in downtown Portland. And those are mainly  
26

1       staffed with engineers in our division of dam safety  
2       inspections.

3               And I am one of those 1,500 employees.  
4       I'm out of the Office of Energy Projects in the  
5       Division of hydropower licensing. And the other two  
6       divisions within the Office of Energy Projects are  
7       the Division of Hydropower Administration and  
8       Compliance.

9               Most of what those guys do is, once a  
10       license is issued by us in the Division of  
11       Hydropower Licensing, they take that license, and  
12       they make sure that licensee is complying with all  
13       the terms and conditions of that particular license.

14              And then finally, the last division within  
15       the Office of Energy Projects is the Division of Dam  
16       Safety and Inspections. It's pretty  
17       self-explanatory. Those guys basically make sure  
18       that projects are constructed, maintained and  
19       operated in a safe manner. And that the project is  
20       complying with FERC's regulations on the dam safety  
21       side of things.

22              So FERC's authority derives from the Federal  
23       Power Act. Licenses are issued for a term ranging  
24       from 30 to 50 years. And approximately, right now,  
25       there are 2,600 licensed or exempted FERC projects in  
26

1 the United States.

2 So non-federal hydro projects are subject to  
3 our jurisdiction and require to be licensed, if  
4 they're located on navigable waters in the United  
5 States. If they're located on public lands or  
6 reservations of the United States, which in this case  
7 applies to the Whitewater Creek project. If a project  
8 utilizes surplus water or water power from a federal  
9 dam, they fall into FERC jurisdiction.

10 And lastly, if a project affects interstate  
11 or foreign commerce, they're subject to FERC  
12 jurisdiction.

13 So the ILP or the integrated licensing  
14 process became our default process back in 2005. And  
15 it's really founded on three fundamental principles.

16 Can I just get a show of hands of how many  
17 folks here have been involved in an ILP proceeding  
18 before? It might help me out to know what sort of  
19 detail to go into, what idea you folks have.

20 Okay. So again, the ILP's founded on three  
21 fundamental principles. The first being early  
22 identification and resolution of studies. The second  
23 is, it attempts to integrate agency and tribal  
24 permitting process needs, including NEPA, the  
25 applicant's pre-filing consultation, and federal and  
26

1 state permitting needs.

2 And lastly, as everyone hopefully knows, it  
3 has established time frames to complete the process  
4 steps. Some folks really like the ILP, because it has  
5 these established time frames. It really helps keep  
6 the process moving.

7 Then the other side of things, people who  
8 really dislike the ILP say they don't like it because  
9 of the established time frames. And it tends to move  
10 really quickly.

11 So those of you who have been -- who have  
12 experience with the ILP have probably seen this figure  
13 before. And this is -- it looks a little daunting,  
14 but it's really not. These are the prefiling  
15 milestones to the ILP.

16 And in Appendix B of that scoping document,  
17 which is on the table over there, I have the full  
18 process, plan and schedule.

19 But what I've attempted to do here is create  
20 sort of an animated slide -- so it's probably not  
21 going to work -- just to walk you through what we can  
22 expect in terms of dates and these prefiling  
23 milestones for the Whitewater Creek project. So  
24 again, this probably won't work.

25 So we're here today holding the scoping  
26

1 meetings for the Whitewater Creek project. Comments  
2 on the PAD, scoping document one and study requests  
3 will be due by October 29th. That's a pretty  
4 important date.

5 45 days thereafter, after those comments are  
6 due, Mr. Harmon will file a proposed study plan. And  
7 after that proposed study plan comes in, we'll have  
8 30 days to hold the study plan meeting.

9 So that would be on or before January 12th  
10 as of right now. That date is somewhat up in the air.  
11 That's just simply 30 days out from when that proposed  
12 study plan comes to FERC. We can all have some  
13 discussion on when we think that proposed study plan  
14 meeting should occur, when we get to that point.

15 So agencies and stakeholders have 90 days  
16 from when that processed study plan is filed to file  
17 comments on that proposed study plan. And that would  
18 be due on March 13th of next year.

19 So after that, Mr. Harmon would file a  
20 revised study plan with FERC. And that will come to  
21 us by April 12th of next year.

22 And once that document is filed with FERC,  
23 stakeholders, including the agencies and FERC, will  
24 have another comment period. And that's a 15-day  
25 comment period on the particular document.

26

1           The commission would issue its study plan  
2           determination by May 12th of next year. And then  
3           hopefully, if there are no disputes, Mr. Harmon will  
4           go ahead and conduct his first season of studies. But  
5           however, there is a potential for disputes to come in  
6           on that study plan determination.

7           Is everybody aware of what I mean by dispute  
8           resolution process? Have you guys gone through that  
9           before? Probably not.

10          I've gone through a few of these. They're  
11          not very pleasant. So if we can all avoid these three  
12          boxes here in the graph, that would be to everyone's  
13          benefit.

14          But basically, the mandatory conditioning  
15          agencies have the opportunity to file a dispute on  
16          that study plan determination that FERC issues.

17          So say, for instance, the Forest Service  
18          really wants a particular study to be done. The  
19          commission, in their study plan determination, says,  
20          No, we don't see a need for that. The Forest Service  
21          would have an opportunity to come in and dispute that  
22          study plan determination.

23          A panel would be assembled. We'd hold a  
24          meeting. And that panel would go ahead and put  
25          together their recommendation on whether or not they  
26

1 think that study should be conducted.

2 And that recommendation would go to the  
3 director of the Office of Energy Projects. And he  
4 would ultimately make a final decision on whether or  
5 not to revise the study plan determination.

6 So really all it is is it's another bite of  
7 the apple, so to speak, for the mandatory conditioning  
8 agencies.

9 And that determination on the study dispute  
10 would come in August of next year. But again,  
11 hopefully, we won't get to that point. And so we can  
12 avoid these three boxes.

13 So the first season of studies would be  
14 conducted next summer. A lot of these dates are  
15 somewhat up in the air, dependent upon whether or not  
16 we do one or two seasons of studies. So again, it's  
17 sort of -- sort of to be determined at this point.

18 Mr. Harmon would then come in with a  
19 preliminary licensing proposal contingent upon whether  
20 or not one or two seasons of studies is conducted.

21 And then at that point he would file a  
22 license application with FERC. That application would  
23 be subject to our review, to make sure it conforms to  
24 our regulations, and we have all the info necessary to  
25 make an informed decision on the application.

26

1           Once we feel we're at that point, we would  
2           issue what's called an REA notice, or ready for  
3           environmental analysis notice, along with an  
4           acceptance notice. And that notice would solicit  
5           comments, terms and conditions, and recommendations  
6           from the agencies.

7           And then we would go ahead and issue an EA  
8           for comments. And in that EA, we -- commission staff  
9           would make a recommendation to the commission on  
10          whether or not to issue a license for the project, and  
11          what terms and conditions should be included in that  
12          license.

13          And then, of course, we would get to the  
14          order stage.

15          So NEPA and scoping. National Environment  
16          Policy Act requires FERC to analyze the environmental  
17          impacts of any licensing decision. So again, REA  
18          would contain our recommendations to the commission on  
19          whether or not to license a project, and what  
20          conditions would become part of that license.

21          Basically, scoping is the first step in the  
22          NEPA process, which is why we're all here today.

23          And there really are three purposes of  
24          scoping. First, to solicit public input and comments  
25          on scoping documents, otherwise known as SD-1. To  
26

1 help us identify the issues associated with the  
2 proposed project. And also, to discuss existing  
3 conditions and potential information needs.

4 Does anybody have any questions at this  
5 point? Am I going through this stuff too fast?

6 Okay. In our scoping document we also put  
7 out a request for information and studies. So  
8 basically, we're looking for information that may help  
9 us define the geographic and temporal scope of  
10 analysis, and identify any significant environmental  
11 issues associated with the project.

12 We're also looking for any data that would  
13 help to describe the existing environment and effects  
14 of the project, and other developmental activities on  
15 environmental and socioeconomic resources. Again, any  
16 federal, state or local resource plans and any future  
17 project proposals in the affected resource area.

18 We're looking for documentation showing why  
19 any resources or identified issues should be excluded  
20 from further study or consideration.

21 And lastly, we're also soliciting study  
22 requests that would help provide a framework for  
23 collecting pertinent information on the resources  
24 potentially affected by the project.

25 So those of you who have gone through the  
26

1 ILP before, this should look familiar. But when you  
2 submit your study requests to FERC, which again, are  
3 due October 29th, it's very important that you touch  
4 on each of these seven criteria.

5 You don't have to write a novel for these  
6 particular criteria. A few sentences should suffice.  
7 But it's very important that you touch on these seven  
8 criteria. And I believe these seven criteria are also  
9 included as Appendix A to that scoping document on the  
10 table over there.

11 And I also wanted to mention, FERC has just  
12 put out a new guidance document, which I have a hard  
13 copy of here. I apologize. I didn't bring enough  
14 copies for everyone. But it's called, The Guide to  
15 Understanding and Applying the Integrated Licensing  
16 Process, Study Criteria.

17 I would recommend that if you do plan on  
18 submitting study requests to FERC, that you all give  
19 this document a read. It goes through each of the  
20 seven study -- study plan -- or study request  
21 criteria. It provides examples. It's got a good  
22 frequently-asked questions section at the back. And  
23 it's got some examples of actual study requests that  
24 have been submitted to FERC.

25 MS. KELLY: Where is that at, did you say?

26

1 MR. LIBERTY: It's actually on our  
2 website.

3 MS. KEEN: I'll make a copy.

4 MR. LIBERTY: Okay. Or if you guys want  
5 to give me your email address at some point today, I  
6 do have electronic copies on my computer here. I  
7 can send those out.

8 MS. KELLY: Okay.

9 MR. LIBERTY: But again, it's just a  
10 really good document. I think it would help explain  
11 what it is we're looking for in these criteria. And  
12 this came out -- I guess it was March of last year.

13 So these seven study request criteria, I'm  
14 just going to read through these very briefly. And  
15 if you have any questions at the end, please feel  
16 free ask me.

17 So the first one is, we ask that you  
18 describe the goals and objectives of the study  
19 proposal.

20 Explain the relevant resource management  
21 goals.

22 Explain relevant public interest  
23 considerations.

24 Describe existing information and the need  
25 for additional information.

26

1 Explain the nexus between project  
2 operations and effects and how study results would  
3 inform license requirements. That's a particularly  
4 important study criteria, that number five.

5 We ask that you describe methodology and  
6 how it's consistent with accepted practice.

7 And also describe the consideration of  
8 level of effort and cost of study, and why  
9 alternative study is needed.

10 So again, when you submit your study  
11 requests, please touch on these seven points right  
12 here.

13 Do those all sound pretty  
14 self-explanatory? Are you guys clear on the study  
15 criteria?

16 Again, a lot of this stuff is explained in  
17 a lot more detail in this document right here  
18 (indicating). So again, if after the meeting you  
19 want to give me your email address, I can shoot you  
20 a copy today, or whenever I have access to the  
21 Internet.

22 So again, comments on scoping document one  
23 and study requests are due on October 29th.  
24 That's an important date. Write that one down.

25 And when you file those comments with FERC  
26

1 or submit that electronically, please note on the  
2 first page the name of the project -- of course,  
3 Whitewater Creek -- and the docket number. That  
4 just makes sure that our dockets section can process  
5 this and get it into the record easily. And the  
6 docket number is 14383.

7 MR. ZAUNER: I have one.

8 MR. LIBERTY: Yes.

9 MR. ZAUNER: John Zauner for the ODFW.

10 Also, comments are due on the PAD on the  
11 29th?

12 MR. LIBERTY: Correct. Exactly. Comments  
13 on the PAD, scoping document one, and study  
14 requests. All three things are due to us  
15 October 29th.

16 MS. GRAINEY: This is Mary Graine --

17 MR. LIBERTY: Yes.

18 MS. GRAINEY: -- Oregon Water Resource.

19 You've been in touch with the tribes about  
20 this process? Are they participating in this part,  
21 or a separate process for their cultural --

22 MR. LIBERTY: We're going to be issuing a  
23 letter shortly. I don't think those have gone out  
24 yet to the tribes. Typically, we do that within 30  
25 days of the PAD being filed with FERC.

26

1                   But those haven't gone out. They were  
2 provided notice of this meeting, though, today.

3                   MS. KELLY: So that concern with that,  
4 then, you've already -- you've held public meetings  
5 on this?

6                   MR. LIBERTY: No. This is the FERC public  
7 meeting here today.

8                   MS. KELLY: Okay. And they're missing --  
9 you have -- you need to include the Siletz Indians.  
10 Here you have the Siletz Indians. And then the  
11 Klamath tribe also.

12                   MR. LIBERTY: Okay.

13                   MR. MCMAHAN: And yeah -- this is Grady  
14 McMahan.

15                   We were with the tribes yesterday on a  
16 public field trip. And they did not know about the  
17 meetings last night or today. So I'm wondering how  
18 they were contacted.

19                   MR. LIBERTY: Well, they should have been  
20 on the mailing list. I'll double check. So they  
21 should have been provided notice of this meeting.  
22 But I can double check on that.

23                   MR. MCMAHAN: Okay.

24                   MR. HARMON: They were both sent this.  
25 And I went personally to both tribes and handed them  
26

1 a disc.

2 MR. MCMAHAN: Two tribes or four tribes?

3 MR. HARMON: Two tribes. That was all I  
4 had in the request.

5 MR. LIBERTY: We'll also have a cultural  
6 resource expert from FERC working on the team. They  
7 didn't make the trip out. But they typically  
8 identify all the relevant tribes in the area that  
9 may be interested in the project.

10 MS. KELLY: It would be nice to get -- I'm  
11 an archeologist, and it would be nice to get that  
12 person's name from FERC.

13 MR. LIBERTY: From FERC?

14 Okay. I can do that. You can just see me  
15 after the meeting, and I'll get you in contact with  
16 her.

17 MS. PAVONI: So Dani Pavoni.

18 So there's also -- I noticed there  
19 weren't -- on the scoping document, there are other  
20 relevant interested public that would be interested  
21 in the project, too.

22 MR. LIBERTY: Okay.

23 MS. PAVONI: So I just wanted to make a  
24 note of that.

25 MR. LIBERTY: Thank you.

26

1           So FERC prefers that any comments or study  
2 requests be filed electronically. But if you do  
3 want to use snail mail, you can go ahead and do  
4 that, and send that to our secretary, Kimberly Bose.  
5 And the address is right there on the screen, and it  
6 should also be included in scoping document one.

7           So at this point I'm going to hand it off  
8 to Dave. He can give a short presentation on the  
9 proposed project, because nobody knows it better  
10 than him. I'll just go ahead and load that up for  
11 him.

12           MR. HARMON: Most of my -- I've met most  
13 of you.

14           Anyway, Whitewater is the company that's  
15 going to go build out there in Whitewater Creek.

16           What some of you don't know, and probably  
17 suspect, is in 2002 I had cancer. I had two percent  
18 to live a year. And so we went into some  
19 experimental stuff. And by -- due to that, I got  
20 hearing loss and neuropathy in my feet.

21           So if you ask a question, and I don't  
22 give -- I can give an off-the-wall answer, whatever,  
23 I probably didn't understand, or I didn't hear.

24           MR. LIBERTY: This one right here. Right  
25 there (indicating).

26

1                   MR. HARMON: Okay. This is the  
2                   Whitewater Creek. And there's -- Russell and  
3                   Sentinel and Whitewater Creek all come together.  
4                   Russell Creek is fed by the -- in the summertime,  
5                   off the glaciers of Mount Jefferson.

6                   We'll see today, when you go out there,  
7                   that we cross Whitewater Creek. We were there a  
8                   week ago, and it was about maybe two-and-a-half foot  
9                   wide with about four inches of water. Russell Creek  
10                  had 20 inches of water flowing through it. I've got  
11                  a picture of it later.

12                  Anyway, the diversion structure is all the  
13                  way up just outside of the wilderness. There's a  
14                  fantastic site up -- to put a diversion structure  
15                  up, but it's about hundred feet into the wilderness  
16                  area. So we'll stay where we're at.

17                  The creek comes there and it makes a  
18                  35-degree bend, which lets the penstock go straight.  
19                  And then we're almost immediately 300 feet away from  
20                  the creek and the penstock, everything we'll be  
21                  doing.

22                  The powerhouse is down -- the little red  
23                  dot down here (indicating). And then we're going to  
24                  connect the two roads there, 441 and -- I think it's  
25                  40. Anyway, there's a little spot there.

26

1           The reason we're doing this is that the  
2 road that we'll turn on and go today, it services  
3 the trailhead up on -- into the wilderness. And my  
4 thinking was, that way, then, we're not interfering  
5 with recreation, when we're actually having built  
6 the whole -- you know, having trucks come in and all  
7 that. It'll be unforeseen.

8           And also, the power there is in green  
9 coming out. And we're going to be right in the  
10 roadway. And then we hit the transmission line  
11 there (indicating).

12           Okay. This is how we're going to go get  
13 to the diversion structure today. On 2243 we come  
14 almost seven miles from the main highway. There's a  
15 nice trail that is surveyed in by the Forest  
16 Service.

17           Anyway, it's -- it comes in a little high.  
18 We haven't been able to figure out exactly what the  
19 surveying -- what it was done for. But anyway,  
20 that'll take us to the diversion structure.

21           Mark Mikkelsen and Bob Britt, they usually  
22 go in with me. They can go in about -- in about 35  
23 minutes. It takes me an hour. So what I was  
24 thinking is you guys could go in -- fast walkers  
25 could go in with Mark. And then I'd probably bring  
26

1 up the rear with the slow.

2 That's the trail going in. You can see  
3 the red paint mark, and then there's orange. And  
4 that denotes the trail there. The rock on the  
5 ground sometimes painted red or have a red dot or a  
6 red dot with two oranges on the outside.

7 And anyway, it was a blessing to find  
8 that. Last -- in the wintertime this last year,  
9 we'd walk in on snowshoes. And we didn't find the  
10 trail until the spring.

11 This is Russell Creek right at the  
12 diversion site. It was taken on Thursday. And  
13 that's the water on Thursday. It's glacier water.  
14 You can't see the bottom. You can't see an inch  
15 down into the -- into it. It was -- last Thursday  
16 it was 4 degrees centigrade was the water  
17 temperature. And you didn't want to stay in very  
18 long.

19 Okay. This is down at the powerhouse.  
20 There's two ways to get to the powerhouse. One of  
21 them is off of 4040 there at the U-turn. That's  
22 where the penstock's going to come in there. It's  
23 3300 feet from the -- the end of the gravel, then  
24 down to the powerhouse.

25 And walking down isn't -- isn't bad. It's

26

1 kind of a -- most park setting. There's a part of  
2 it that's been logged, and the trees are about 10,  
3 15 feet tall. And then some of it's been cleared  
4 underneath it. And anyway, it's a 3300-foot walk.

5 The problem is walking out. It's on a  
6 10-percent grade. So what we've opted today -- to  
7 do today is to go from 2023. There's about a  
8 thousand-foot walk. Some of it's a little brushy,  
9 but we can make it through. And that gets you on  
10 the opposite side of the creek to look over to where  
11 the power station will be.

12 That's what you're going to be looking at.  
13 We've put tarps -- blue tarps in all four corners of  
14 the powerhouse, hoping that we could see across the  
15 creek and actually see kind of where the pattern is.

16 And so, back up with that, that you can  
17 get about a hundred feet away from the powerhouse,  
18 and you can just start seeing little corners. And  
19 this is a little over 300 feet away. And you can't  
20 see any at all.

21 And that's the end of my presentation.

22 Yeah.

23 MR. ZAUNER: Could you provide more of a  
24 description detail -- more detail on what you're  
25 proposing to do? For example, the length of the

26

1 penstock, whether it's going to be buried, you have  
2 free new access.

3 Just go through and provide what you're  
4 actually proposing to put in, starting at the  
5 diversion dam. I think that would be -- because  
6 looking through the PAD, I didn't see a description.  
7 At least in one place I saw a map. But I wasn't --  
8 I didn't see anything -- one whole paragraph or  
9 anything put together describing what you're  
10 proposing to do.

11 So I think it would be helpful.

12 MS. KELLY: It would be very helpful to  
13 understand the full area potential effect for this  
14 project. And without that, we can't really provide  
15 our input on this.

16 MS. PAVONI: This is Danny Pavoni. And,  
17 like, the extent of vegetation clearing, that kind  
18 of thing, too.

19 MR. HARMON: Okay. You'll see it today at  
20 the location. The penstock is in an area that -- on  
21 one side the bank's probably 10 foot. On the other  
22 side the bank is probably 20-some feet.

23 The diversion structure is made up of --  
24 of five walls. And they're just really retaining  
25 walls. And the reason that you don't have an exact  
26

1       how high the walls are going to be and all that, it  
2       depends where we find bedrock.

3               They have to be -- wherever we find  
4       bedrock, we have to excavate an extra two feet into  
5       the bedrock to support the retaining walls and to  
6       have them so that -- if we just set them down on  
7       some rocks, there's also a chance in the middle of a  
8       flood that we lose a wall or two.

9               So we're going to go down, find bedrock,  
10       and then we're going down another two foot to anchor  
11       them into the bedrock.

12              I have a couple long walls, and those are  
13       the sides of the -- of the diversion structure. And  
14       they're angled, both of them, to anchor into the --  
15       the existing terrain.

16              Then halfway across there's a section  
17       that'll actually use -- that we'll use to set up a  
18       little wheel that'll -- with a belt drive. And the  
19       little water wheel will go ahead and move the belts.  
20       And that will keep all of the small debris out of  
21       the penstock.

22              We haven't found any fish. And according  
23       to ODFW's website, the fish are about a mile away  
24       downstream.

25              MR. NEFF: Hi. Darrin Neff, Forest  
26

1 Service.

2 I'm the district fish biologist up here,  
3 and I have survey data from '76 that says that  
4 cutthroat trout are present to the wilderness  
5 boundary. And on Thursday I went out with Dave  
6 backpacking and looked at the fish there, and  
7 verified that there are cutthroat trout present at  
8 the wilderness boundary.

9 MR. HARMON: At where the --

10 MR. NEFF: Yes, past where your diversion  
11 structure would be.

12 MR. HARMON: Okay. So you went up and --  
13 okay.

14 MR. NEFF: I went up with a backpack and  
15 looked at fish there.

16 MR. HARMON: Okay. So we have cutthroat  
17 trout above us?

18 MR. NEFF: Yes, we do.

19 MR. HARMON: Okay. We'll just install a  
20 fish ladder.

21 MR. NEFF: Okay.

22 MR. HARMON: There's no big deal. But we  
23 thought that there wasn't. And especially with it  
24 being glacier water, that they would particularly be  
25 done.

26

1                   MR. NEFF: Yeah. I'm pretty sure there's  
2 probably brook trout in there, too, because of the  
3 drainage out of Whitewater Lake. And ODFW stocks  
4 Whitewater Lake periodically.

5                   MR. LIBERTY: Would it be possible for you  
6 to file something in the record saying just that,  
7 that you guys went out and did a survey?

8                   MR. NEFF: Sure. And I have the survey  
9 data from '76 as well.

10                  MR. LIBERTY: That would be excellent.

11                  MR. MCMAHAN: How do you want us to file  
12 them in the record? Is that responding to the  
13 survey or the SD-1 or --

14                  MR. LIBERTY: I would just put a short  
15 cover letter on there saying, Here's what it is,  
16 appended the data with the survey information, file  
17 that electronically with a document number. And  
18 that'll get it --

19                  MR. MCMAHAN: So separate from our  
20 responses to the SD-1?

21                  MR. LIBERTY: You can do it either/or,  
22 whatever it easiest for you guys, just so long as it  
23 makes it into the record. It would be good  
24 information to have.

25                  MR. HARMON: Also, you have a report, a  
26

1 fish study, I think, was 1999.

2 MR. NEFF: They've done what we call level  
3 two stream surveys. I'm trying remember the date.  
4 Probably -- it's older than that. It's pretty old.  
5 Nobody has done a level two stream survey of that  
6 watershed in 15 years, at least.

7 MR. HARMON: Okay. Yeah. In my research,  
8 that's what I found. And I could never find the  
9 report for it.

10 Anyway, coming out of the diversion  
11 structure, we're going to have a steel pipe go about  
12 the first hundred feet. It's -- be four-and-a-half  
13 feet wide, and it'll narrow down to four feet, to  
14 kind of give us a Venturi effect with the large  
15 going to the small.

16 From there we go into poly pipe.  
17 Polyethylene pipe in a -- comes out in 40 to 60-foot  
18 lengths. It is heated and pressed together is the  
19 process of keeping it together. We go from -- about  
20 13,000 feet -- no, about 11,000 feet in poly pipe.

21 The poly pipe is measured on the outsides  
22 of the dimension. So by the time we get down to the  
23 steel, it has a wall thickness of 6 inches. And so  
24 inside diameter is 36. So then we'll go from a --  
25 the 48-inch poly pipe, and we'll go down to 36-inch  
26

1 steel pipe. And that'll be taken all the way down  
2 to the powerhouse in 36-inch steel.

3 Yeah, John.

4 MR. ZAUNER: Is that going to be adjacent  
5 to the creek? Or are you going to bring it down  
6 through a road? Where is that going to be?

7 MR. HARMON: It's going to be on road  
8 440 -- or, yeah, 440.

9 MR. LIBERTY: Can you explain real briefly  
10 where exactly you're proposing to build these access  
11 roads?

12 MR. HARMON: The what?

13 MR. LIBERTY: The access roads. Where  
14 you're proposing to build these access roads.  
15 Because I believe there's two sections of road  
16 you're proposing to build; is that correct?

17 MR. HARMON: Yeah.

18 MR. LIBERTY: You've got some purple on  
19 the map that's hard to see.

20 MR. HARMON: In the PAD, it's a little  
21 purple line right here that is just above the --  
22 it's above the powerhouse. Road 400 -- or 45 and  
23 running into road -- Forest Service road 4041,  
24 they're the two same elevations. So it'll just be  
25 following over that.

26

1                   And then at the top, about the  
2                   intersection of 440 and 380 is where the penstock  
3                   goes from the road and turns off and goes to the  
4                   diversion structure.

5                   And so when we go off road from 440, then  
6                   we'll have a gravel section. It'll be probably  
7                   6-inch minus. And then there'll be the -- the pipe  
8                   will be along that. And the reason is for us to be  
9                   able to service it and inspect the pipe.

10                  It gives us also access to the diversion  
11                  structure.

12                  MR. MCMAHAN: Grady McMahan, Forest  
13                  Service.

14                  Do you have any plans, then, to gate that  
15                  road? Or what are your plans there? It doesn't say  
16                  in the -- in the --

17                  MR. HARMON: I've got a couple  
18                  cross-sections in the PAD. But they've -- we've  
19                  changed a little bit what we're going to do, is that  
20                  we're going to go right down the center of 440.

21                  MR. MCMAHAN: Would you put a gate to  
22                  close the road off to the public?

23                  MR. HARMON: When we're done?

24                  MR. MCMAHAN: Yes.

25                  MR. HARMON: It'll be open to the public.

26

1       During construction it'll be closed. And that --  
2       our experience out there is that we've had maybe two  
3       campers in the year-and-a-half that we've been going  
4       out there. And one of them was on the Fourth of  
5       July weekend, and another one was in late August.

6               And so I mean, that's about the only  
7       people that we saw that have gone or used the --  
8       what's there.

9               The powerhouse is going to be buried on  
10       three sides. We're actually even playing with  
11       putting a rubber roof on it, and then put in some  
12       dirt and actually have -- plant the roof.

13              There is -- and then out of the power --  
14       in the powerhouse, even with the doors open, it's  
15       our expectation that the decibels will be down to  
16       about 40, which is -- a car idling is 40 decibels.  
17       So when the door's shut, it'll even be less.

18              We're hoping that it won't even -- you'll  
19       be able to walk up within a meter of the building  
20       before you hear it.

21              So I mean, we're trying to make -- and  
22       we'll succeed making the powerhouse so it's -- it's  
23       not visible, except until you're right on top of it.  
24       Same thing with the diversion structure. There's  
25       enough forest around it that you'll only be able to  
26

1 find it when you walk right up on top of it.

2 MS. GRAINEY: So Dave, when the water  
3 leaves the powerhouse, how far does it have to go to  
4 get back to the river?

5 MR. HARMON: 20,000 feet.

6 MS. GRAINEY: From the tail -- how long is  
7 the tail race from the --

8 MR. HARMON: Oh, the tail race out of  
9 the -- the powerhouse is 300 feet. We'll put it in  
10 pipe for, I think, the first hundred, and then we'll  
11 put in a rip-rap stream for it to go down the rest  
12 of the way, to -- you know, just to make sure that  
13 we don't overflow, and kind of a speed break on the  
14 flow before it hits the -- back into Whitewater.

15 MS. KELLY: How do you plan -- this is  
16 Cara Kelly -- to get equipment into Russell Creek to  
17 create this diversion?

18 MR. HARMON: To do that?

19 MS. KELLY: Yeah.

20 MR. HARMON: That will be taken care of by  
21 the Corps. They'll give us a timetable that we can  
22 be in the water.

23 MS. KELLY: But how will you access that?  
24 How will the equipment access from where -- from  
25 where --

26

1                   MR. HARMON: It'll use the right-of-way of  
2 the penstock. Which is -- this is the end of 440  
3 (indicating). And then this is where our penstock  
4 comes out (indicating). And it's about 4,000 feet.  
5 And it'll use the penstock right-of-way.

6                   MS. KELLY: Okay.

7                   MS. PAVONI: Can you describe -- this is  
8 Dani Pavoni.

9                   Can you describe the penstock  
10 right-of-way? Is that -- how -- what's the width,  
11 and -- and what kind of clearing width is required  
12 for that?

13                  MR. HARMON: We're looking at about  
14 30 feet wide.

15                  MS. KELLY: And is that within the  
16 riparian of Russell Creek?

17                  MR. HARMON: Pardon?

18                  MS. KELLY: Is that within the riparian  
19 zone of Russell Creek.

20                  MR. HARMON: Outside the 300-foot zone?  
21 Yeah.

22                  MR. MIKKELSEN: What are you -- I'm sorry.  
23 Mark Mikkelsen.

24                  What are you calling the riparian? That's  
25 a term I've not heard.

26

1 MR. NEFF: Well --

2 MS. KELLY: It's the fish climate.

3 MR. NEFF: Darrin Neff with Forest  
4 Service. On Russell Creek, since it's a  
5 fish-bearing stream, it would be two side potential  
6 tree heighths. That is the riparian area for  
7 Russell Creek. Which -- where's Mark?

8 Is that 150 up there, do you think? Is  
9 there a click potential? You're not sure?

10 MR. LEIS: I don't know.

11 MR. NEFF: I'm guessing it's -- 150 feet  
12 is one side potential tree height. So your riparian  
13 area is 300 feet --

14 MR. MIKKELSEN: Okay.

15 MR. NEFF: -- on either side --

16 MR. MIKKELSEN: Which is what we were  
17 looking at.

18 MR. NEFF: -- of the ordinary high water.

19 MR. HARMON: Yeah, yeah.

20 MS. KELLY: So your access would be  
21 outside of that 300 feet?

22 MR. HARMON: That's why we picked the spot  
23 that we did. Because Russell Creek right there --  
24 okay. This is sitting where the -- where we'll be.  
25 That's what the stake is with that -- right past

26

1 that you'll see that the Russell Creek turns about  
2 35 degrees, runs about 4 to 500 feet, and then turns  
3 again, and then runs down.

4 So -- and the -- we'll be away -- that  
5 three-hundred foot barrier, we'll be away from it  
6 probably in about a hundred feet.

7 MS. RAMOS: Dave, I have a question.  
8 Jeanna Ramos, U.S. Forest Service.

9 It's just a question that I've had. In  
10 regards to invasive species, have you had any  
11 consideration about prevention --

12 MR. HARMON: Pardon?

13 MS. RAMOS: -- with all this -- with this  
14 project?

15 MR. HARMON: I'm sorry. I can't hear you.

16 MS. RAMOS: As far as consideration for  
17 your project, has invasive species prevention been  
18 something that you've been considering in this  
19 project?

20 MR. HARMON: Yes. The Forest Service gave  
21 us where the species were in their last study. And  
22 they're not close to us.

23 By most of the penstock going down the  
24 road -- the roadway right-of-way, we're within --  
25 we're within that right-of-way.

26

1 MS. RAMOS: What I'm asking is, the  
2 machinery that's going to be brought into the area  
3 to be able to construct this project is -- there's  
4 a -- what these machineries actually do sometimes is  
5 that they go through some areas of invasive species.  
6 And they can be brought into this area that seems  
7 very sensitive, especially because we're dealing  
8 with riparian areas.

9 Which is my question. Have you had any  
10 consideration or any techniques or skilled -- or  
11 thought process to prevent those invasive species  
12 from entering those areas that you'll be working on?

13 MR. HARMON: Well, we're totally out of  
14 the -- where they are. We're not even close to  
15 where they are.

16 MR. MIKKELSEN: No, uninvasive.

17 Yes, we have discussed that. Are we  
18 specialists at it? No. But we know people we can  
19 call, you guys being one of them. That is a -- you  
20 know, getting the equipment in there and making it  
21 available to bring in and not -- you know, it's kind  
22 of like my boats and stuff. You know, all those  
23 have to have permits for that. So the same thing.

24 MS. KELLY: Yeah. This is Cara Kelly.

25 There are guidelines and requirements that  
26

1 the Forest Service does require with regard to  
2 invasive species. And those would need to be  
3 followed.

4 MR. MIKKELSEN: Okay.

5 MR. HARMON: Yeah, yeah, yeah.

6 This is Bob Morrow, Multnomah County.  
7 He's going to be the general contractor. And he's  
8 working in Yosemite Park and worked with peregrine  
9 falcon --

10 MR. MORROW: We were bringing it in --

11 MR. HARMON: -- birds and --

12 MR. LIBERTY: Guys if you could just speak  
13 one at a time. Slow down. One at a time. Yes.

14 MR. MORROW: I'm Bob Morrow from Mocon.

15 And we're experienced in working in  
16 Yosemite National Park, where we bring the equipment  
17 into the government facility cleaned, and then --  
18 and there it's inspected by the government,  
19 stickered, and then we bring it into the parks.

20 So we're aware of how to deal with -- with  
21 that.

22 MR. LIBERTY: This is Aaron Liberty with  
23 FERC.

24 If I could just make a suggestion. Dave,  
25 I heard you say at one point that one of your  
26

1 proposed project facilities have changed since the  
2 PAD.

3 I realize some of this stuff is subject to  
4 change. So if you do end up changing your project  
5 proposal in any way, changes to project facilities,  
6 those sorts of things, you need to get that into the  
7 record ASAP; ideally, before filing your proposed  
8 study plan.

9 So if you do have changes, please, get  
10 that into the record, for the benefit of everybody  
11 here, to make things a lot easier on us.

12 MR. HARMON: Yeah. Chris.

13 MR. STINE: Chris, Oregon Department of  
14 Environmental Quality.

15 Just a quick question regarding the  
16 penstock route. Is that crossing other tributaries  
17 or known wetland areas?

18 MR. HARMON: No.

19 MR. STINE: So there are no water  
20 crossings from the diversion down to the powerhouse?

21 MR. HARMON: There is one full-time creek  
22 that we know of. And the hunters have been up  
23 there, and they made a little bridge over it. We  
24 can take you up there.

25 But there's -- there's culverts in the --

26

1 in the roadway for water in the wintertime. We'll  
2 go underneath the culverts, so that we'll take the  
3 culvert out and go under it and install the pipe,  
4 and then put the culvert back. And probably even  
5 enhance it. Because we don't want any wash-outs.  
6 Because we're going to use that road as access into  
7 the -- the diversion.

8 John.

9 MR. ZAUNER: We have -- the ODFW has a  
10 similar question, and it has to do with the new  
11 access roads. And one of the things we will be  
12 looking at or asking for is are there wetlands there  
13 as well.

14 MR. HARMON: Yeah.

15 MR. ZAUNER: So that's a question we'll  
16 have.

17 MR. HARMON: Yeah, Grady.

18 MR. MCMAHAN: This is Grady McMahan,  
19 U.S. Forest Service.

20 Aaron, I have a question for you, just  
21 procedure for today, this morning. I have a fair  
22 number of comments on -- on the SD-1.

23 MR. LIBERTY: Sure.

24 MR. MCMAHAN: And some of this stuff's  
25 starting to bleed into that, I think, when we go

26

1 through it. And I'm wondering, is this the time to  
2 just jump into all of this, or is Dave still  
3 presenting the overall picture?

4 MR. LIBERTY: I would hold off on that --

5 MR. MCMAHAN: Okay.

6 MR. LIBERTY: -- just now.

7 As soon as Dave concludes with his  
8 presentation and answering everyone's questions  
9 about the proposed project, I'm going to work  
10 through different resource service sections in the  
11 scoping documents. So that would probably be a  
12 better time to address those comments.

13 MR. HARMON: Yes.

14 MR. JOHNSON: Al Johnson, Forest Service.

15 Can you go into a little more detail about  
16 just what the penstock -- how it will be built? You  
17 know, where -- you know, where would it be, you  
18 know, buried potentially?

19 And does the clearing limits you talked  
20 about, does that include the width of the road to be  
21 constructed, or the existing road?

22 MR. HARMON: It's the existing road. And  
23 it'll be buried in the -- we went out and surveyed  
24 the existing road. And for -- for width, to find  
25 out if even -- if this idea was possible. And so we  
26

1 went up every 200 feet on the road and measured  
2 across how far we get across the road by -- and not  
3 remove any tree larger than a six-inch.

4 So there's a bunch of brush. You drive up  
5 Road 440 with a regular car, and you're going to get  
6 it keyed on both sides, because the brush has come  
7 in that far.

8 And so we're saying that by going up there  
9 and surveying, we were looking beyond that brush to  
10 where the six-foot tree -- or the six-inch trees  
11 were, and saying, We cannot remove those. But we  
12 can -- so this is the width that we can work in.

13 And so that survey was completed about a  
14 week-and-a-half ago. And it shows that there --  
15 that the width of the -- of the right-of-way, they  
16 are -- from ditch to ditch is a little over 25 feet.  
17 And that's what we're going to work in.

18 MR. MCMAHAN: A question: Earlier you  
19 said that the clearing limits would be about  
20 30 feet, and now you're saying you have a 25-foot  
21 area to work in, but you're not going to cut any  
22 trees bigger than 6 inches. So --

23 MR. HARMON: That's in -- that's in the  
24 roadway is -- is the 25-foot. The question before  
25 was what is the section that you're going to take to  
26

1 build the new -- new from off of the Forest Service  
2 road into the penstock. And that's 30 foot.

3 MR. MCMAHAN: Okay.

4 MR. HARMON: But the -- but the 25 is from  
5 ditch to ditch inside 40 -- 4044.

6 MR. MCMAHAN: So -- this is Grady again.

7 So then are your plans to not cut any  
8 trees above six inch in diameter?

9 MR. HARMON: On the two -- not on -- on  
10 where we are within the right-of-way of Forest  
11 Service Road 4040.

12 MR. MCMAHAN: Okay.

13 MR. HARMON: Okay. When we're outside of  
14 that, we'll have to lay it out, and we'll find out  
15 what trees --

16 MR. MCMAHAN: Okay.

17 MR. HARMON: -- we'll look at them, and  
18 we'll identify them.

19 MR. MCMAHAN: Thanks.

20 MR. HARMON: Yeah.

21 MR. TURASKI: Mike Turaski, Corps of  
22 Engineers.

23 I just had a couple of general comments  
24 and then a question. First of all, I wanted to  
25 clarify the record. The Corps will not design your  
26

1 in-water work. We would condition the permit to  
2 identify the appropriate in-water work window.

3 MR. HARMON: Right, right.

4 MR. TURASKI: The Corps has regulatory  
5 authority for the discharge of dredge or gum  
6 material in waters and wetlands. And that includes  
7 temporary fills and more permanent fills.

8 So just for your awareness, the trenching  
9 of the penstock -- I assume you'd be trenching it  
10 under those tributaries -- that would require a  
11 Corps permit, as well as the construction of the  
12 powerhouse, and the tail race, and any new roads  
13 that may cross waterways or wetlands.

14 In terms of constructing the facility, do  
15 you envision cofferdams and temporary bypasses for  
16 the creek? How do you envision actually  
17 accomplishing construction of the new intake  
18 facility?

19 MR. HARMON: Well, bypass is what we'll do  
20 at the culvert crossing. First of all, if we're in  
21 any type of -- well, winter or spring, when we get  
22 some rain off -- rain, we'll definitely have  
23 bypasses. The summer, we'll look at the weather  
24 window and see if we have to. But they'll be  
25 designed for each culvert.

26

1                   As far as wetlands, there's one small  
2                   area. And right now we're -- we're not even close  
3                   to the area. But if we end up having to move  
4                   into -- into that, then we'd address the wetlands.  
5                   We'd either go to a wetland bank or try and redesign  
6                   out of it.

7                   MR. TURASKI: I had a --

8                   MR. HARMON: Yeah.

9                   MR. TURASKI: So again, constructing the  
10                  actual intake facility, would that be -- you would  
11                  bypass Russell Creek around -- how long would that  
12                  take, the construction of the new intake?

13                  MR. HARMON: It'd take about four months.

14                  MR. TURASKI: Okay.

15                  MR. HARMON: And yeah, we'd go ahead and  
16                  bypass it. We'd build it in stages. And within  
17                  those stages, then, we'd be able to go around -- you  
18                  know, put a bypass in it. Work on one wall with the  
19                  by-pass, get all that wall done. And then go over  
20                  and move it back over to that -- to the other side,  
21                  and then finish out the walls.

22                  So it's probably a two or -- two- to  
23                  three-stage process.

24                  MR. TURASKI: And then once the new  
25                  facility is operational, I noticed there would be a  
26

1 small pool above the intake, something like 2,500  
2 square feet of impoundment?

3 MR. HARMON: Yes.

4 MR. TURASKI: Do you envision -- I mean,  
5 it's a fairly high-gradient stream coming off a lot  
6 of unconsolidated material. Do you envision there  
7 would be maintenance dredging of that -- of that  
8 intake pool? And if so, where would that material  
9 be disposed?

10 MR. HARMON: We -- you know, that -- we  
11 haven't crossed that point yet. The stream doesn't  
12 look like it carries much rock, other than just what  
13 is in this glacier flow -- flow now. It doesn't  
14 produce -- I don't think it produces gravel.

15 The main thing is that it -- with the  
16 stream banks, with the way they are, is trees are --  
17 you'll see that there's just a lot of trees that are  
18 down. And so that'd be the main focus of any type  
19 of maintenance up there.

20 With trees, as far as washing into it, the  
21 design of the actual retaining wall, that'll act as  
22 the dam. It -- from the design of one in BC Canada  
23 is that from the top of the wall is one meter down  
24 to the top of the penstock. And then from the  
25 bottom of the penstock, it goes down a

26

1 meter-and-a-half.

2                   And as long as we have a half-a-meter  
3 underneath the pipe, then that's what we'll do. But  
4 if it comes down that we create that, then yeah,  
5 we'll have to go dig it out. And as far as placing  
6 it, I don't -- we haven't gotten that far.

7                   MR. TURASKI: Thank you.

8                   MR. ZAUNER: For the record, the ODFW's  
9 response for establishing the in-water work period,  
10 we also oversee it through the Corps and the DSL  
11 permitting process. And every stream in Oregon has  
12 an in-water work period, and that's based on the  
13 fish that are present in that creek.

14                   So Russell Creek will have an established  
15 in-water work period. That is when the least  
16 harm -- you can go in the creek and work it, or do  
17 whatever you have to do --

18                   MR. HARMON: Right.

19                   MR. ZAUNER: -- where the least harm would  
20 occur to the fish.

21                   So I just wanted to make sure you knew  
22 that, ODFW's responsible for the in-water work  
23 period. And we'll -- there will be an in-water work  
24 period established at that creek. And you'll have  
25 to work around the in-water work period.

26

1 MR. HARMON: Yeah. I understand. And I  
2 have worked --

3 MR. ZAUNER: Okay.

4 MR. HARMON: -- worked through an in-water  
5 work area.

6 MR. ZAUNER: Right.

7 MR. HARMON: Yes.

8 MR. STINE: Again, Chris with the Oregon  
9 Department of Environmental Quality.

10 And for the record, in response to a 404  
11 permit that Mike described, Oregon DEQ does regulate  
12 water quality certifications for -- to maintain  
13 water quality in response to issuance of those  
14 permits as well.

15 MR. HARMON: Okay.

16 MR. STINE: So they would all go together.  
17 In terms of construction of the project, we would be  
18 addressing all of that.

19 MR. HARMON: Yeah.

20 MR. LIBERTY: This is Aaron. Just to add  
21 to that, we can't issue a license until we get that  
22 401 from the State.

23 MR. HARMON: Right.

24 MR. LIBERTY: And what happens when we get  
25 that 401 is we append that to any order -- license  
26

1 order that's issued. And so anything that's in that  
2 401 is mandatory. And you'd be required to do  
3 whatever is in that 401.

4 MR. HARMON: Okay.

5 Yeah, Mary.

6 MS. GRAINEY: Dave, when you were talking  
7 about the diversion structure, were you saying both  
8 that it's designed to pass the trees that come over  
9 it and pass the water underneath? Is that --

10 MR. HARMON: No.

11 MS. GRAINEY: -- what you're trying to  
12 say?

13 MR. HARMON: We'll have a boom upstream.  
14 And there's -- there's a boom upstream. And that  
15 will -- hopefully, that'll catch the trees. We --  
16 we're going to inspect it -- the diversion structure  
17 at least once a week, when it's operating, just to  
18 make sure that everything is not harming what --  
19 what we have.

20 MR. LIBERTY: Any other questions for Dave  
21 at this point? Hopefully, some of this stuff will  
22 be clarified when we go out to our site visit this  
23 afternoon.

24 MS. KELLY: Will all this be -- I mean,  
25 are we going to get a more detailed proposal that  
26

1 addresses many of these questions?

2 MR. LIBERTY: I would suggest, if you have  
3 questions for Dave about his proposed project, you  
4 go ahead and submit those to us by October 29th, I  
5 believe.

6 MS. KELLY: Okay.

7 MR. LIBERTY: And it would be in his best  
8 interest to respond to those questions or comments.  
9 FERC will definitely be submitting comments by  
10 October 29th as well.

11 MS. KELLY: Okay.

12 MR. LIBERTY: So hopefully, as we move  
13 along in the process, some of this stuff will start  
14 to gel a little bit more.

15 MR. HARMON: Yes.

16 MR. TURASKI: Mike Turaski from the Corps.  
17 Earlier, Dave, you mentioned that if you  
18 impacted a wetland, you would develop a compensatory  
19 mitigation approach, which could be a mitigation  
20 bank or other types of mitigation.

21 I would just make you aware that we -- the  
22 Corps also has the authority to require compensatory  
23 mitigation for impacts to other types of resources.  
24 So it may be that, as your project develops, you  
25 should give some consideration to how you would  
26

1 mitigate for the direct or indirect impacts to the  
2 stream itself, from the fill footprint of the new  
3 facility, or from the direct impacts of impounding  
4 the stream, things of that nature.

5 And that'll be a conversation we can have  
6 as this process unfolds.

7 MR. HARMON: Yes.

8 Yes.

9 MR. JOHNSON: Al Johnson, Forest Service.

10 So my understanding is that you really  
11 don't know the depth of the bedrock. So given --  
12 given that the diversion structure will be anchored  
13 into bedrock, will you, perhaps, propose a new  
14 design, based on information that you obtain related  
15 to the depth to bedrock or other factors?

16 MR. HARMON: The bedrock issue is that --  
17 I suspect, that we'll have to be inside the window.  
18 And we'll redesign -- we'll set up where we think it  
19 is as far as plans in our process.

20 But when construction starts, and we do  
21 the bypass, then we'll find where the bedrock is.  
22 And we'll redesign the walls, if we have to, to be  
23 within that bedrock.

24 So I can give you John Dave River Bridge.  
25 They're on, what, I-80? They didn't put that down

26

1 in bedrock. And -- in the '64 flood. And they lost  
2 the bridge because of it.

3 There's a bridge in Keno, Oregon. They  
4 thought that -- the same thing. And they went down  
5 into a mud layer that was about -- it was inside a  
6 cofferdam. But it went down about 15 feet in the  
7 cofferdam, and they went about a foot into the mud  
8 layer. They lost that bridge.

9 So as far as saying where this -- this  
10 layer is, we're not going to find it, until we go  
11 out there and start excavating for those walls.

12 We can guess where it is. There's some --  
13 where the penstock goes straight, there's a lava  
14 flow there -- or it was a flow. And so by looking  
15 at that, we can estimate where we believe that --  
16 where that rock is in the -- in the diversion  
17 structure itself.

18 But as far as -- you know, we'll design  
19 the walls for where we think they are. But when we  
20 get in there, and we find bedrock is only six inches  
21 down, you know, that's -- and also, it's going to  
22 affect the size of the pond.

23 I mean, there are so many things that  
24 it -- you know, where you find this rock keeps  
25 moving things back or -- you know, the wall heights  
26

1 will move to get down to that one-and-a-half meters  
2 below the penstock.

3 So if we find it exactly where we think it  
4 is, I mean, it'll be fine. But I'm not going to --  
5 I can't stand here and tell you, This is the  
6 concrete way it's going to be, and we're not going  
7 to move from it.

8 Because when we go out there and start  
9 digging around in the general in-water work area, I  
10 mean, it may be right there, and it may be down  
11 another two foot. But we've got to go bury the  
12 diversion structure into that rock.

13 MR. MCMAHAN: So this is Grady with the  
14 Forest Service.

15 What you're saying there, it sounds to me  
16 like you're not planning on doing any kind of  
17 explorational drilling or anything before you  
18 actually are out there to build the diversion  
19 structure.

20 And I have a concern that, you know, you  
21 may have Russell Creek diverted and done all kinds  
22 of work to get it ready, and then find out that the  
23 bedrock is a hundred feet down, and plans need to  
24 totally change.

25 MR. HARMON: No. We're -- we have --

26

1 we're going to have a geology report. That's one of  
2 the studies that we want. And he's going to drill  
3 holes on both sides -- or on one side where the  
4 walls are, and then in front of where we are. And  
5 we're going to try and go find it. But it's still  
6 just a best guess.

7 MR. MCMAHAN: Okay.

8 MR. LIBERTY: This is Aaron Liberty with  
9 FERC.

10 If Mr. Harmon gets to the point where he  
11 files a license application with FERC, he'd be  
12 required to file a supporting design report with us.  
13 And a lot of that information is required in that  
14 report. So that would be taken care of.

15 MR. MCMAHAN: Thank you.

16 MR. HARMON: Yeah. It's just one of our  
17 studies.

18 MR. LIBERTY: Why don't we take a  
19 five-minute break here, so I can load my  
20 presentation, and so the court reporter can have a  
21 little rest here. And then we'll jump right into  
22 the scoping document and get into some of the issues  
23 that we've identified.

24 (A recess was taken from 10:13 a.m. to  
25 10:25 a.m.)

26

1                   MR. LIBERTY: So I guess we can probably  
2 go ahead and get started again. There's probably a  
3 few stragglers still out in the hall.

4                   But at this point what I want to do is  
5 walk you all through, specifically, section 4.1  
6 and 2 of the scoping document. And that's where we  
7 really lay out the preliminary list of environmental  
8 issues that we'll address in REA. So basically,  
9 sort of sets up just an outline, of sorts, of what  
10 we'll be analyzing in that document.

11                   Again, hopefully you all have a copy of  
12 the scoping document, and you can follow along.

13                   So I'd like to just start at section  
14 4.1.2, Geographic Scope. And I'm just going to read  
15 verbatim what it says here. At the end of each of  
16 these sections, I'll open it up for comments or  
17 questions.

18                   And then, depending on what sort of  
19 comments we get here today, and the comments that  
20 you file with us by October 29th, we may -- or  
21 most likely we'll have to go out with a scoping  
22 document, too. And all that is is, basically, a  
23 revised scoping document one, where we'll take your  
24 edits and incorporate those into a new scoping  
25 document.

26

1                   So let's go ahead and start with section  
2                   4.1.2, Geographical Scope. So we have tentatively  
3                   identified the watersheds of Russell Creek,  
4                   Whitewater Creek -- and I'm probably going to  
5                   pronounce this incorrectly. So I apologize. I'm  
6                   not from the Northwest. Is it North Santiam? Is  
7                   that how you pronounce it?

8                   All right. I'm good with the northeast  
9                   rivers, but the west coast rivers, not so much -- as  
10                  our geographic scope of analysis for cumulatively  
11                  affected water quality and fisheries resources. And  
12                  the activities within these basins that may be  
13                  cumulatively affected include construction and  
14                  operation of dams for flood control and other  
15                  purposes, water quality degradation due to timber  
16                  harvest, and land use practices.

17                  Yes, ma'am.

18                  MS. KELLY: So I see that you've  
19                  identified a geographic scope of analysis for those  
20                  two resources.

21                  MR. LIBERTY: Mm-hmm.

22                  MS. KELLY: Where in here are you doing  
23                  that for cultural resources, defining an area of  
24                  potential effect for those?

25                  MR. LIBERTY: I'll agree to take your  
26

1        comments on that now or when you file your comments  
2        with FERC by October 29th.

3                MS. KELLY: Well, just, for the record I  
4        would like to say that an area of potential effect  
5        does need to be identified for cultural resources in  
6        consultation with the Forest Service, SHPO, and the  
7        tribes.

8                MR. LIBERTY: All right. And of course,  
9        we'll be undergoing our 106 consultation.

10               MS. KELLY: Okay.

11               MR. LIBERTY: And again, at the end --

12               MS. KELLY: Before any kind of inventory  
13        work can be done.

14               MR. LIBERTY: Sure.

15               MS. KELLY: Okay.

16               MR. LIBERTY: Any other comments on  
17        geographic scope?

18               So section 4.1.3 under, Temporal Scope,  
19        this is pretty standard. FERC typically looks at a  
20        period of 30 to 50 years in the future, which is the  
21        duration of any license that would be potentially  
22        issued. So again, that's pretty standard.

23               Typically, this is cut and paste, and in  
24        each scoping document it really never changes.

25               Do you guys have any questions on that?

26

1 It's pretty straightforward, that section.

2 So next we'll jump into the actual  
3 resource issues themselves. I'd like to start with  
4 geology and soil resources. And again, I'm just  
5 going to read through these bullets. And I'd  
6 welcome any comments or questions on any of these  
7 that you may have. Because again, that is the  
8 reason why we're having this meeting here today, or  
9 part of -- a big reason why we're having this  
10 meeting.

11 So under, Geology and Soil Resources,  
12 we've identified the effects of construction and  
13 operation of all project facilities, including the  
14 diversion, penstock, powerhouse, transmission line  
15 and access road on the potential for soil impacts,  
16 including erosion in the project area.

17 And the second bullet is, Effects of  
18 project construction and operating on the potential  
19 for sedimentation of Russell and Whitewater creeks.

20 MR. MCMAHAN: This is Grady with the  
21 Forest Services.

22 I'd like you to include -- in addition to  
23 erosion, I'd like you to include compaction.

24 MR. LIBERTY: Okay.

25 MR. SHANK: Doug Shank. Soils and  
26

1 geology.

2 And stability.

3 MR. LIBERTY: Okay.

4 MR. SHANK: And that's slope stability or  
5 the lack thereof.

6 MR. LIBERTY: If I failed to mention this  
7 earlier, I apologize. My background is aquatic  
8 resources. We'll have a team working on this  
9 project, a terrestrial biologist, an attorney,  
10 cultural resources expert, a rec specialist.

11 Because of budgetary issues, which you're  
12 all probably familiar with, they only sent me out to  
13 this meeting today.

14 So if you guys do ask a question about one  
15 of these resource areas, it's not necessarily my  
16 area of expertise. I might have to get back to you.  
17 So I'm just throwing that out there right now.

18 So any other comments or questions on  
19 geology and soil resources?

20 MR. SHANK: Yeah. Doug Shank.

21 It doesn't say that there is just going to  
22 be a general definition and discussion of what's  
23 there to start with. I mean, it's kind of inherent.  
24 First you define what's there --

25 MR. LIBERTY: Right.

26

1                   MR. SHANK: -- how it got there, and the  
2 geomorphology, geomorphic history. Then we go into  
3 the effects discussion, based on what's there.

4                   MR. LIBERTY: Right. And typically,  
5 that's exactly how we structure our environment  
6 assessments. We'll start with what's called an  
7 affected environment. That's what's there now on  
8 the ground. And then we'll move into environmental  
9 affects. And then our analysis is exactly what you  
10 just said.

11                  MR. SHANK: Thank you.

12                  MR. LIBERTY: So that's pretty standard.

13                         So we can move on to water resource -- oh,  
14 yes.

15                  MS. KELLY: So I don't even know if this  
16 is time to ask this question. But how -- who will  
17 be doing all the surveys?

18                  MR. LIBERTY: The applicant. All the  
19 surveys and the studies that you guys request that  
20 FERC puts together in their study plan  
21 determination.

22                         I mean, ultimately, it's all going to boil  
23 down to that study plan determination. In there,  
24 we'll tell the applicant, based on what you guys  
25 say, what we think are, you know, necessary studies

26

1 to be conducted. We'll tell them, All right. You  
2 have to go out and conduct a fish survey, a water  
3 quality study.

4 And then these guys are responsible for  
5 going out, hiring consultants, whatever it is they  
6 do, and completing these studies as they're outlined  
7 in the study plan determination.

8 So, I mean, FERC doesn't go out and  
9 conduct these studies. The Forest Service doesn't  
10 go out and conduct these studies. It's on the  
11 applicant to go do these studies.

12 MS. KELLY: Okay. So maybe -- this is  
13 Cara. I'm sorry. I forgot.

14 For cultural resources -- I'm an  
15 archeologist, so I'm speaking to that -- you must  
16 have a person who meets the Secretary of Interior  
17 Standards in Archeology to do any of the surveys.  
18 So it will require that you hire somebody to do  
19 those surveys that meets those qualifications.

20 And those people will need to submit for  
21 an Archeological Resource Protection Act permit in  
22 order to conduct any of those surveys. And they get  
23 that through us. That --

24 MR. HARMON: Do you have an approved  
25 consultant list?

26

1 MS. KELLY: Yeah. SHPO does. The State  
2 Historic Preservation Office has an approved list of  
3 contractors who meet those specifications.

4 And then they submit to us their inventory  
5 plan to conduct any of those surveys.

6 MR. HARMON: Could you email me a list --

7 MS. KELLY: Yes. I can do that.

8 MR. HARMON: -- an approved list?

9 MS. KELLY: Sure.

10 MR. HARMON: Okay.

11 MR. LIBERTY: We will get to cultural  
12 resources also towards the end here.

13 MS. KELLY: Okay. There's --

14 MR. LIBERTY: Not to cut you off or  
15 anything.

16 MR. SHANK: Doug Shank, Soils and Geology.

17 The same general thing would apply with my  
18 resource. It's not as formal. But you need --  
19 through state law and regulation, you need a  
20 certified geologist and/or engineering geologist  
21 certified with the State of Oregon to conduct the  
22 appropriate surveys and analysis.

23 MR. LIBERTY: Right.

24 Okay. So moving on to water resources,  
25 we've identified the effects of project construction  
26

1 and operation on water quality of Russell and  
2 Whitewater creeks, including water temperature,  
3 dissolved oxygen, pH and turbidity. And also the  
4 effects of project diversions on the existing flow  
5 regime of Russell and Whitewater creeks.

6 And again, typically how we structure this  
7 is we have -- the aquatic resources are a little bit  
8 separate from the water resources issues. As you  
9 can see, we'll jump into those right after water  
10 resources.

11 MR. TURASKI: Mike, from the Corps.

12 I guess, either in water resources or  
13 aquatic resources, the Corps would be anticipating  
14 some discussion of the direct and indirect effects  
15 on wetlands and waterways; not just on hydrology and  
16 water quality, but on the -- on the actual waterway  
17 or wetland itself.

18 MR. LIBERTY: Okay. I'm sorry. I'm  
19 trying to make some notes here as we go on. I  
20 realize this will all be captured in the record.  
21 But it's helpful for me to take notes as we move  
22 along.

23 Anything else to add to water resources?

24 MR. ZAUNER: I mean, just overall  
25 hydrology. I mean, how much flow, just -- just how  
26

1 much flow is there, pretty much --

2 MR. LIBERTY: Okay.

3 MR. ZAUNER: -- natural variation. And  
4 that's also part of the aquatics, of course, too.  
5 But it's something that's going to have to be --

6 MR. LIBERTY: Sounds like a good study  
7 request to me.

8 And again, if after today's meeting you  
9 guys go home, and you realize, Hey, something else  
10 needs to be looked at, again, just file those in  
11 your comments with us. And when we go out with the  
12 revised scoping document -- or scoping document two,  
13 we'll include that in there.

14 So under aquatic resources, we've  
15 identified the effects of project streamflow  
16 diversions on aquatic habitat availability, the  
17 resident fish, including cutthroat trout, in the  
18 bypassed reach of Russell Creek.

19 The effects of intended ramping during  
20 project startup and shutdown, and unintended ramping  
21 during emergency events on fish and aquatic habitat  
22 in Russell and Whitewater creeks.

23 And lastly, we have identified the effects  
24 of project construction and operation on the  
25 potential for resident fish entrainment and

26

1 mortality.

2 Yes, sir.

3 MR. NEFF: This is Darrin Neff with the  
4 Forest Service.

5 And this is kind of a complex issue. With  
6 the biological opinion issue for the operation of  
7 Big Cliff and Detroit dam, there is a reasonable and  
8 foreseeable future action of bringing upper  
9 Willamette steelhead above the dams and into the  
10 watershed.

11 And it is -- the habitat of Whitewater  
12 Creek is certainly conducive for upper Willamette  
13 steelhead. We have hatchery rainbow trout migrating  
14 three miles from the North Santiam up.

15 So I think we should also look at -- to  
16 see if --

17 MR. LIBERTY: Okay.

18 MR. NEFF: -- habitat availability for  
19 steelhead in that, and how it might effect them, if  
20 and when they are reintroduced above the dam.

21 MR. LIBERTY: And for my own purposes, do  
22 you have any information, I guess, from NMFS or the  
23 state indicating what their plans are in the future  
24 in regards to --

25 MR. NEFF: The National Fishery Service  
26

1 did issue a letter to Mr. Harmon saying that they  
2 didn't think there was anything --

3 MR. LIBERTY: Right.

4 MR. NEFF: And I subsequently, upon  
5 receipt of that letter, have contacted with NMFS and  
6 discussed with them my difference in their  
7 assumptions.

8 They never contacted the Forest Service  
9 about habitat. We do have some stream surveys that  
10 were conducted 15 years ago that point to, you know,  
11 it being appropriate gradient, and having no  
12 barriers, and appropriate stream flow and water  
13 temperature. All the criteria are there.

14 MR. LIBERTY: Okay.

15 MR. NEFF: It's just, since the fish have  
16 not been in the basin for 50 years, you know, nobody  
17 can say for sure whether they would use it or would  
18 not use it.

19 MR. LIBERTY: Okay.

20 MR. NEFF: So we definitely need to  
21 evaluate that.

22 MR. ZAUNER: And there is a biological  
23 opinion available that actually describes the plans  
24 for reintroduction of winter steelhead above Big  
25 Cliff and then Detroit.

26

1                   Right now they recently redid the Minto  
2 trap below Detroit Dam. So they theoretically could  
3 beginning introducing winter steelhead, maybe before  
4 the ten- or fifteen-year period that is specified  
5 for winter steelhead to be reintroduced above --

6                   MR. LIBERTY: Right.

7                   MR. ZAUNER: -- Detroit. And so --

8                   MR. LIBERTY: Okay. I'll definitely take  
9 a look at that.

10                  MR. ZAUNER: -- that information is  
11 available.

12                  MR. LIBERTY: Okay. Excellent. Thank  
13 you.

14                  MR. ZAUNER: I just -- to add to ODFW's  
15 aquatic resource concerns, since there are cutthroat  
16 trout, their state statute does require screening of  
17 the intake. So we will be requiring that the intake  
18 be screened, so that fish aren't impinged or harmed  
19 as they go through the pipeline, through the  
20 turbine.

21                  And then the other state statute will be  
22 to provide upstream fish passage at the structure.  
23 And with our state statute, you could either provide  
24 fish passage or apply for a fish passage waiver  
25 through our Oregon fish commission.

26

1           The waiver requires mitigation, and it has  
2           to actually provide a net benefit over providing  
3           passage at the dam structure.

4           So those are the options. But we will be  
5           requiring a screening and passage -- upstream screen  
6           for downstream migrants or fish use, as well as  
7           upstream -- providing upstream passage.

8           MR. LIBERTY: Okay.

9           MR. ZAUNER: And then the other thing is  
10          we need to look at minimum flows. The 6 CFS  
11          provides -- or recommended in the PAD is not going  
12          to be adequate for cutthroat trout.

13          So we need to have a study conducted to  
14          determine what the appropriate minimum flow would  
15          be.

16          And that's -- that's something that ODFW  
17          does with all hydro projects. So that will be a  
18          study request that we -- we need to have done.

19          MR. LIBERTY: Sure. That's pretty  
20          standard on any --

21          MR. ZAUNER: Yes.

22          MR. LIBERTY: Yeah. So moving on, at  
23          terrestrial resources -- again, they stuck this all  
24          on the fish guy. So hopefully I can answer any  
25          questions that you might have that pertain to these  
26

1 remaining resources.

2 So section 4.2.4, we've identified the  
3 effects of construction, operation and maintenance  
4 of all project facilities, again, including a  
5 powerhouse, access roads, penstock, and transmission  
6 line on wildlife habitats, wetlands and wildlife use  
7 of these habitats.

8 We have identified the effects of all  
9 project facilities, including the powerhouse, access  
10 roads, penstock and transmission line and project  
11 streamflow divisions on the distribution and  
12 quantity of riparian habitat along Russell Creek.

13 The effects of construction, operation,  
14 and maintenance of the powerhouse, access roads,  
15 penstock, and transmission line on the establishment  
16 and spread of noxious weeds.

17 And lastly, on terrestrial resources, we  
18 have identified the effects of construction,  
19 operation and maintenance of the powerhouse, access  
20 roads, penstock, and transmission line on sensitive  
21 species.

22 Yes, sir.

23 MR. LEIS: This is Mark Leis with the  
24 Forest Service.

25 We also need to look at the effects of  
26

1       vegetation, or what vegetation will be removed, or  
2       any vegetation that would be planted.

3               MR. LIBERTY:   Okay.

4               MS. MEDLEY:   Lyn Medley, Forest Service.

5               Also, for information, this area is  
6       identified as a late-successional reserve in the  
7       Northwest Forest Plan, which is means that it is  
8       managed for late-successional and old-growth forest  
9       species.  So we'll have to make sure that that's  
10      covered in the --

11              MR. LIBERTY:   Okay.

12              MR. MCMAHAN:   This is Grady with the  
13      Forest Service.

14              And to tag on to what Lyn said, in  
15      Mr. Harmon's PAD, he talked about that this -- this  
16      land is -- is designated as timber production land,  
17      which is not correct.

18              MR. LIBERTY:   It's not?

19              MR. MCMAHAN:   No.  Well, because it's  
20      late-successional reserve.

21              MR. LIBERTY:   Okay.

22              MR. MCMAHAN:   I mean, we can produce some  
23      timber.  But it's not the focus for this piece of  
24      ground.  Just there's some confusion on that.

25              MR. LIBERTY:   Right.

26

1 MS. PAVONI: So this is Dani Povani.

2 I'm not sure what sensitive species, but  
3 we also have our -- what are call surveyed and  
4 managed species that need to be also surveyed for  
5 what's called the Region 6 Forest Service survey  
6 managed species.

7 MR. MCMAHAN: And so from Daryl Whitmore,  
8 our wildlife biologist, that includes mollusks and  
9 pristiloma. There also is bald eagle activity in  
10 the area, so there would need to be bald eagle  
11 surveys. If trees are removed, there would need to  
12 be a red tree bald surveys.

13 And the turbine is currently located in a  
14 core area for spotted owl, as far as our records  
15 show. But there would need to be spotted owl  
16 surveys.

17 And those requirements under the Northwest  
18 Forest Plan are six visits per year over two years.  
19 So I know the schedule right now says one year; then  
20 we're done. But it can't --

21 MR. LIBERTY: Sure.

22 MR. MCMAHAN: -- because of the Northwest  
23 Forest Plan. It's going to have to be a two-year  
24 period for these surveys.

25 MR. LIBERTY: Right. And that's subject  
26

1 to change, again, all depending on what the study  
2 requests look like when they come into FERC and, you  
3 know, what exactly we also think should be done.

4 So --

5 MR. MCMAHAN: Okay.

6 MR. LIBERTY: And that's sort of  
7 preliminary at this stage one, versus two years  
8 of -- but understood.

9 MR. MCMAHAN: Okay.

10 MR. ZAUNER: For terrestrial, you need to  
11 look at State Sensitive Species. And in the PAD  
12 there's a list and -- just provided. And that's  
13 good. A desktop review will be required.

14 But looking at the PAD, there are a number  
15 of species on that list that shouldn't be there.

16 MR. LIBERTY: Okay.

17 MR. ZAUNER: So that definitely needs to  
18 be reviewed and revamped.

19 And you can go to the Oregon biodiversity  
20 website. And that actually has all our State  
21 Sensitive Species there. And you can go through and  
22 get an idea by county of what you can expect to  
23 occur in this area.

24 So we'll need to review that.

25 MR. LIBERTY: Okay.

26

1           MR. ZAUNER: Also in the PAD, it says that  
2 there was no sensitive species present. And that's,  
3 I think, very unlikely. So that should be changed.

4           And also, ODFW will be requiring a visual  
5 survey of State Sensitive Species in the project  
6 area, the proposed areas. It's going to be a  
7 walk-through. I will provide the protocol and  
8 methodology and all of that. But that is something  
9 that ODFW will be asking for.

10          MR. LIBERTY: Okay.

11          MR. ZAUNER: And also, it will be really  
12 helpful in the PAD -- and I'll provide these  
13 comments later on the 29th. But clarification of  
14 both the State Sensitive Species list and also the  
15 federal list provided would be really helpful.

16                 It's difficult to understand what are --  
17 what are vulnerable, what the different status and  
18 all that. And it's a pretty easy exercise, but it  
19 needs to be done, just for clarity's sake.

20                 And I just also wanted to mention another  
21 thing on -- in the PAD. And I'll bring this up,  
22 too.

23                 But looking at the various terrestrial  
24 surveys that are going to be -- or are proposed to  
25 be done, it's very difficult to get your hands on  
26

1        what exactly is being proposed, especially for the  
2        time frames, the frequencies, how often surveys will  
3        occur.

4                    And a good example would be, on the PAD  
5        for -- just wildlife distribution says, The survey  
6        will occur once, and then it gives a time frame from  
7        May to September. Like, I have no idea what that  
8        means. Does that mean once during that time frame?  
9        Or is it once during the -- each month listed?

10                   Same with amphibians. I don't know if  
11        you're surveying for egg masses or tadpoles,  
12        juveniles or adults. And that's going to have to be  
13        clarified.

14                   And one of the things that ODFW's going to  
15        require for the study plans -- and this is something  
16        we require of all applicants, and we want to make  
17        sure that when the study plans are developed, that  
18        the species that are going to be evaluated are  
19        included in that study plan -- that a clear  
20        description of the methodology is included,  
21        frequency, duration, what the expectations are, as  
22        well as a reporting time frame. All that needs to  
23        be included in a study plan. And that's -- that's a  
24        typical study plan.

25                   A study plan can't be just one paragraph  
26

1 that says you're going to do something, look at it,  
2 and call it best practices available.

3 It actually needs to be written out, so  
4 that we can understand, what is being proposed,  
5 what's being looked at, what you're trying to  
6 accomplish, so that we can review it and make  
7 whatever conditions we believe we need to make. So  
8 I just wanted to make that clear.

9 MR. LIBERTY: Sure.

10 And I'll add, I will agree with you. I  
11 had a lot of questions myself on some of the stuff  
12 that's in the PAD. At this point it's all very  
13 preliminary. So hopefully, when it comes time for  
14 the proposed study plan, a lot of this stuff will be  
15 described in more detail.

16 And again, what you just described, I  
17 think you just touched on several of those seven  
18 study plan criteria that need to be in there. You  
19 know, a detailed methodology, reporting  
20 requirements, all that stuff is required to be in  
21 there.

22 So again, I think as we move through the  
23 process, a lot of this stuff will become a little  
24 bit clearer.

25 MR. ZAUNER: Thanks.

26

1                   MR. LIBERTY: Any other questions for  
2 terrestrial resources?

3                   So we just identified one bullet under  
4 threatened and endangered species, and I think this  
5 has already been mentioned. But the effects of  
6 construction, operation, and maintenance of all  
7 project facilities, including the powerhouse, access  
8 roads, penstock, and transmission line on the  
9 federally-listed northern spotted owl and its  
10 critical habitat.

11                  MR. MCMAHAN: This is Grady with the  
12 Forest Service.

13                  So we would be adding other species under  
14 there, like -- like the -- you know, surveying a  
15 manner of species, mollusks, a list of all of those  
16 kind of things should be added.

17                  MR. NEFF: This is Darrin Neff with the  
18 Forest Service. There's a potential that when this  
19 project is done, the spotted frog will be added to  
20 the endangered species list as well.

21                  MR. LIBERTY: That's a candidate species  
22 right now?

23                  MR. NEFF: It is.

24                  MR. LIBERTY: Okay.

25                  And we will be getting an updated list

26

1 from the Fish and Wildlife Service. But this is all  
2 good information to have. This helps me out.

3 So under recreation and land use, we've  
4 identified the effects of project construction and  
5 operation on recreation resources in the project  
6 vicinity. And based on the PAD, we identified those  
7 as hiking, camping, hunting and fishing.

8 The effects of new access roads on  
9 recreational use in the project area.

10 And lastly, under recreation and land use,  
11 the effects of project construction, operation, and  
12 maintenance on other last land use activities in the  
13 vicinity of the project.

14 MR. MEIER: This is Jon Meier with the  
15 Forest Service.

16 This is -- I would like to include the  
17 direct or indirect effects on wilderness and wild  
18 and scenic river under specific acts, under the  
19 Wilderness Act and Wild and Scenic Rivers Act. Both  
20 of those need to be addressed independently.

21 The third bullet, operation and  
22 maintenance on other land use activities, is sort of  
23 vague and general. I'm not really sure what that is  
24 getting to. Maybe some clarification needs to --

25 MR. LIBERTY: I would tend to agree with  
26

1       you.  As I was reading that, I realized that was  
2       pretty generic and general.  I'd have to give it to  
3       my rec person, what, actually, that means.  It would  
4       have been nice to perhaps have some examples there  
5       after land use activities.

6                 But yes, I'll make sure we correct that in  
7       the scoping document, too, provide a little bit  
8       of -- provide some specifics there.

9                 MS. PAVONI:  I'd like to add, too, the  
10       areas also within a view shed.  And so I noticed  
11       that -- I noticed that the document said that an  
12       aesthetic report or study would not be done.  But it  
13       does need to be considered and looked at and  
14       reviewed and analyzed.

15                MR. LIBERTY:  Okay.  I think that's  
16       actually right below that, that --

17                MS. PAVONI:  Oh.  Okay.

18                MR. LIBERTY:  -- effects of the project  
19       construction and operation on aesthetic resources,  
20       including views in the project vicinity.  Does  
21       that --

22                MS. PAVONI:  Yeah.

23                MR. LIBERTY:  -- capture this?

24                MS. PAVONI:  I'm sorry.  Read that again?

25                MR. LIBERTY:  Of course.

26

1                   Effects of project, construction and  
2                   operation on aesthetic resources, including views  
3                   and the project -- or excuse me, in the vicinity of  
4                   the project.

5                   MS. PAVONI: Yeah, that's pretty general.  
6                   We could probably add more to it.

7                   MR. LIBERTY: Okay. Yeah. I mean,  
8                   typically, that scoping documents are usually pretty  
9                   generic, for lack of a better word. And then as we  
10                  receive comments from folks, we can try to narrow  
11                  this down a little bit more.

12                  MS. PAVONI: Yeah. And other land uses,  
13                  too, are -- it's right along -- the project comes  
14                  down to the West Cascades National Scenic Byway. So  
15                  that needs to be considered.

16                  MR. LIBERTY: Okay.

17                  MS. PAVONI: And also, there are adjacent  
18                  land uses relatively close. There's a special use  
19                  permitting. There's Chemeketa cabin. They're  
20                  downstream.

21                  MS. KEEN: We need to know the effects on  
22                  their special use permits. They have a permit that  
23                  is fairly close to this project.

24                  MS. PAVONI: And then the other thing for  
25                  our directives, too, is that we need to do an  
26

1 analysis of the potential wilderness areas. There's  
2 a process for that as well. That will probably --  
3 we'll submit with the study plan --

4 MR. LIBERTY: Okay. That would be  
5 helpful.

6 MS. PAVONI: -- and scoping document.

7 MS. MEDLEY: Lyn Medley, Forest Service.

8 There's also the immediately-adjacent  
9 identified inventory road list area, that the  
10 effects of that will be need to be addressed also.

11 MR. LIBERTY: Okay.

12 MR. MCMAHAN: This is Grady with the  
13 Forest Service.

14 I'd like to request that you develop a  
15 separate section, maybe 4.2.11 or something, and  
16 call it recreation -- I'm sorry. Call it wilderness  
17 and wild and scenic rivers. Often wilderness is  
18 thought of as a recreation resource, and we talk  
19 about it that way.

20 But it's really not. It's much more than  
21 just recreation. There's -- it's a baseline for all  
22 of our resources. So I'd like to see it dealt with  
23 separately.

24 MS. PAVONI: Usually, it falls under that  
25 land use in a lot of the FERC --

26

1                   MR. LIBERTY: I don't think that would be  
2 a problem, to separate that out that way. Why don't  
3 we do that.

4                   Of course, I'm promising you something I'm  
5 not going to write. So we'll see what our guideline  
6 specialists say. But --

7                   MR. MCMAHAN: And there is -- also, it  
8 should deal with the impact from a handicapped trail  
9 construction into Jefferson Lake, which would be  
10 impacts directly to wilderness character.

11                  MR. LIBERTY: Right. Yeah. I saw that  
12 proposal on the PAD. And to me, it's a little bit  
13 preliminary to have -- I mean, that's essentially  
14 what we call a PM&E, more, a protection, mitigation  
15 and enhancement measure.

16                  So typically, those are included later on  
17 when we get to the point of a license application.  
18 But it seemed a little preliminary, I guess, to me  
19 to have that in there. I had a lot of questions. I  
20 don't even know where Jeff Lake is. That wasn't  
21 described that well in there.

22                  MR. MCMAHAN: I don't see it as a  
23 mitigation measure.

24                  MR. LIBERTY: Right.

25                  MR. MCMAHAN: I see it as a negative to a  
26

1 wilderness. So --

2 MR. LIBERTY: Understood. Okay.

3 MS. PAVONI: I was going to say, that the  
4 Wilderness Act prohibits, like, new installation of  
5 structures. But it doesn't meet the requirements of  
6 administration of the area, so -- and it's also a  
7 pristine primitive area for unconfined recreation.  
8 So new developments. It's an area that a new  
9 development, such as that, would not be allowed.

10 MR. LIBERTY: Right.

11 MS. PAVONI: The other thing, Mr. Harmon  
12 mentioned about a trail that Forest Service put in.  
13 That was not a Forest-Service-authorized trail. So  
14 it must be a fisher -- fisherman's trail or somebody  
15 from the public. Somebody had probably put that in.

16 MR. MIKKELSEN: You'll notice today when  
17 we go out there, it's a well-used trail. And it's  
18 been -- it's been in effect for years.

19 Like, Penny's the one that asked that, you  
20 know, when we do walk into these areas, we use  
21 different -- I think, different routes. And we'd  
22 been doing that with some difficulty.

23 And then all of a sudden we just thought  
24 we'd try and go upstream. And all of a sudden,  
25 wham, here's this well-worn trail.

26

1                   And like he mentioned, it's dotted.  
2           It's -- the trees are marked and -- yeah -- lanced,  
3           is that the word?

4                   MS. KEEN: They did do some further  
5           resource --

6                   MR. MIKKELSEN: It's right -- it's right  
7           down the wilderness boundary. The trail goes in and  
8           out of that. So that was our assumption only, that  
9           that's where it came from. Because we don't know  
10          anybody else that would -- I mean, it could be  
11          anybody.

12                   MS. KELLY: It sound likes a historic  
13          trail. The area's never been surveyed.

14                   MS. KEEN: We also have a special use  
15          permit for consumer power in that location. And  
16          what is the effects on adding power to their line?  
17          Are they going to have to upgrade the existing  
18          facility that they have in the area?

19                   MR. LIBERTY: Okay.

20                   MS. KEEN: Because currently, they go to  
21          Marion Forks. And additional power in that grid  
22          is -- can it handle that?

23                   MS. KELLY: Yeah. And if they -- Cara.  
24          If they do have to do that, does that mean removal  
25          and then reconstruction? You know, if their power  
26

1 pulls and --

2 MR. MCMAHAN: This is Grady.

3 Also just a changed site condition that  
4 should be brought forward as we -- in looking around  
5 out there, we found, like, a trespass bridge  
6 structure that was constructed maybe by a hunter or  
7 something. We'll be removing that soon. It's  
8 definitely not a --

9 MR. LIBERTY: And where is that,  
10 specifically?

11 MR. MCMAHAN: It's on the -- is it the 435  
12 spur?

13 MR. MIKKELSEN: Is that the one with the  
14 two-by-fours that are put across there?

15 MR. MCMAHAN: Yes.

16 MR. MIKKELSEN: We found that. We didn't  
17 know if was a special kids' project or something out  
18 there. Because --

19 MR. MCMAHAN: No. Because those kinds of  
20 bridges need to be, you know, engineered and  
21 upgraded and all that stuff.

22 MR. MIKKELSEN: We were very interested  
23 that that was -- we don't go up to that area  
24 anymore. But we had been up there.

25 Just so you know, on -- your question, a  
26

1 couple of you, about Jeff Lake, when we looked at  
2 that, one of the things that we -- that David had  
3 mentioned, when we'd looked at it, and so I checked  
4 it out, was the idea that -- you asked for  
5 recreational land use. So we looked at it -- we  
6 looked at it as a plus of adding an access for  
7 handicapped, to give them the wilderness. That's  
8 from our point.

9 When I walked up there, absolutely not an  
10 option, for two reasons -- probably some that you  
11 said. But from us, you get to the top, and that's  
12 as far as you could, under our eyes, build a  
13 wheelchair ramp or accessible. You can't see  
14 Jeff Lake from up there. Well, you can, but there's  
15 just a little spot of blue through the trees.

16 So it's absolutely -- for us, it was  
17 coming off the table anyway. That was just a -- a  
18 thought option plan.

19 MR. MCMAHAN: Yeah.

20 Just for the record, it's Road 20 -- it's  
21 road 2243. The 343 spur is where that wooden bridge  
22 is that we'll be removing.

23 MR. MIKKELSEN: And that's way above where  
24 the penstock comes back.

25 MR. MCMAHAN: Yeah. It's a very -- it's a  
26

1 strange location.

2 MS. PAVONI: One other comment, too.

3 There is a trailhead off of -- it's the Woodpecker  
4 Road. And I noticed that it was omitted in the  
5 discussion, the 040 road. At the end of that road  
6 is a trailhead.

7 MR. MIKKELSEN: There is?

8 MS. PAVONI: Mm-hmm.

9 MR. MIKKELSEN: May I look at the map?

10 MR. LIBERTY: So do we have other comments  
11 under this particular section?

12 MR. ZAUNER: Yes. Just a comment in  
13 general. So ODFW stocks high lakes in the Cascades,  
14 and we stock a number of lakes in the area adjacent  
15 to the project area. We stock Russell Lake. We  
16 stock Bay Lake, Scout Lake. We have stocked  
17 Whitewater Lake in the past.

18 And there is significant fishery  
19 recreational use of at least Russell Lake and  
20 Scout Lake, that we know of. So we want people to  
21 be aware of that.

22 And also, in the -- the PAD, there are elk  
23 in the area. So we do have elk hunters that do come  
24 out here and recreate for that. So that was it.

25 MR. LIBERTY: So moving on, under cultural  
26

1 resources, we have identified potential effects of  
2 project construction, operation and maintenance on  
3 historic, archeological, traditional and tribal  
4 resources.

5 MS. KELLY: And with the potential effects  
6 on project construction, operation, and maintenance,  
7 I noticed you've included more details under other  
8 areas. You know, like, you've actually mentioned  
9 the powerhouse, the access roads, penstocks, you  
10 know. We probably should put all that under  
11 cultural also.

12 What about disposal sites? That should be  
13 also included. If there are any disposal sites, we  
14 need to survey those, the effects.

15 MR. LIBERTY: Okay. I understand.

16 MS. KELLY: And do access roads include  
17 temporary access roads, that they may just be going  
18 from to take their machinery in? I want to make  
19 sure access roads include all.

20 MR. LIBERTY: Permanent and temporary  
21 roads, would that be a better way of --

22 MS. KELLY: Permanent and temporary  
23 access?

24 MR. LIBERTY: -- phrasing that?

25 Okay. And you said you're going to be  
26

1 filing comments with us?

2 MS. KELLY: Yeah. So --

3 MR. LIBERTY: I know you don't want to.  
4 But it really helps out.

5 MS. KELLY: And then as far as the study  
6 plans, we'll get to that next; right? I know people  
7 have been mentioning that, but --

8 MR. LIBERTY: Yeah. We can talk about  
9 that. Yeah. I have just one more bullet point  
10 here, and then we can get into that a little bit  
11 more.

12 MS. KELLY: You bet.

13 MR. LIBERTY: Okay.

14 MR. ZAUNER: Can I just say one more  
15 thing --

16 MR. LIBERTY: Yeah.

17 MR. ZAUNER: -- for recreation?

18 It's really not ODFW's purview here. But  
19 there is the Pacific Crest Trail that runs through  
20 here. And there's not a lot of mention of that in  
21 the PAD.

22 And that -- that's for recreation. That's  
23 pretty significant. And that's how people access  
24 the high lakes for -- for fishing opportunities, for  
25 example.

26

1                   So -- and actually, in the PAD, on  
2 page 43, number four, regionally or  
3 nationally-important recreational areas, it's -- it  
4 says that there are no federal or state trails in  
5 the area. So that -- that should probably be  
6 corrected, I think.

7                   MR. LIBERTY: Okay. Again, yeah, I would  
8 suggest you guys get all these comments on the PAD.  
9 If something needs clarification, or something is  
10 flat-out incorrect, you know, file that into the  
11 record. And then these guys will respond.

12                  MR. ZAUNER: Okay.

13                  MS. KELLY: I also want to make sure that  
14 geo studies -- any studies prior to, just to see if  
15 they can go in there. Really, surveys should be  
16 done prior to those also.

17                  MR. LIBERTY: Sure. Okay.

18                  MS. KEEN: There's also land -- private  
19 landowners up there. Marion Forks Investment and  
20 Freres Lumber Company also have some private land in  
21 that area. And so we would want to know the effect  
22 on their land also. And I'm not sure if they were  
23 invited to this meeting, or they received a letter,  
24 or --

25                  MR. LIBERTY: I don't know offhand. I'd  
26

1 have to check on that.

2 MR. SHANK: Four times.

3 MR. LIBERTY: If they're on the mailing  
4 list, they would have been.

5 MS. KEEN: Yes. Yeah, I think they are.

6 MR. LIBERTY: So I think we kind of  
7 already touched on aesthetic resources. If you guys  
8 don't have anything further on that, we can move on  
9 to the last resource area, which is socioeconomic.  
10 And we've identified the effects of the project,  
11 mainly energy costs and project-related recreation  
12 on the local economies of Marion and Linn counties,  
13 Oregon.

14 That's a pretty standard bullet we have in  
15 most of our scoping documents.

16 So moving on, I just wanted to speak very  
17 briefly about how you all can stay informed in the  
18 process. There's many ways to do that. The first  
19 of which is to be added to the FERC mailing list on  
20 this project. And the instructions on how to do  
21 that are in section 10 of the scoping documents.

22 That basically consists of just sending an  
23 email or letter to FERC saying, Hey, I'd like to be  
24 added to that mailing list. When you're on that  
25 mailing list, anytime FERC issues a letter or a

26

1 document, you will get a copy of that in the mail.

2 However, if a stakeholder or another  
3 agency files something into the record, you wouldn't  
4 necessarily get that document. It's only issuances  
5 from FERC that you'd get a copy of, if you're on  
6 that mailing list.

7 If you want to get both FERC issuances and  
8 filings from all the stakeholders, I would suggest  
9 you sign up for our e-subscription service, which is  
10 on our website, which is [www.ferc.gov](http://www.ferc.gov). And all that  
11 is is anytime something is entered into the record  
12 for this project, you'll get an email notifying you  
13 that, for instance, scoping document two was just  
14 issued by FERC. Or the Forest Service filed  
15 comments. Just a great way to stay informed.

16 And then of course, we have our e-library  
17 service also on our website. Again, you need  
18 that -- the docket number, the project number,  
19 14383, to access that. And you can access all the  
20 documents pertaining to this particular project or  
21 proceeding. It's all online.

22 FERC attempts to have a pretty transparent  
23 process and makes everything available to everyone.

24 And then, of course, lastly, you can contact  
25 me. My business cards are on the table over there.

26

1 That's my email, my phone. Feel free to send me an  
2 email, pick up the phone.

3 Unfortunately, I'm always in my office. So  
4 if I'm not there, by chance, you can just leave me a  
5 message. And I'll get back to you as soon as I can.

6 So moving forward in the process, I would  
7 suggest that you make sure you all understand the  
8 process.

9 Again, to end here, we can open it up for  
10 general questions you might have about the process  
11 regarding study plans or things of that nature.

12 Again, I would really recommend you all take  
13 a look not only at this guidance document here  
14 pertaining to the study plan criteria. But there's  
15 also another excellent document, which I have a copy  
16 of on my computer. It's Ideas for Implementing and  
17 Participating in the Integrated Licensing Process.

18 And all that is really is a lessons-learned  
19 type document for folks who have been through the ILP  
20 before. It's got some pretty good suggestions, like I  
21 said, lessons learned. So I'd encourage you to take a  
22 look at that.

23 MS. KELLY: And that's on your website?

24 MR. LIBERTY: All on our website.

25 Actually, what I'll do is I'll get a copy of all the

26

1 emails addresses on there, and I can send those two  
2 documents out to everybody. If you don't want to  
3 look at them, you can delete them. Otherwise, I  
4 would suggest you just give them a quick read.

5 So it's real important to pay attention to  
6 the process plan and schedule. Again, that's  
7 included in the scoping document, under the ILP.

8 Like I said, everything moves real  
9 quickly. So it's important that you know where we  
10 are in the process. So just pay attention to what  
11 the next step is or next milestone.

12 But in this case, again, I know I've said  
13 this, like, six times now. But comments and study  
14 plan requests are due October 29th.

15 And lastly, I would encourage you all to  
16 get involved early, work together, keep the lines of  
17 communication open. Hopefully, Mr. Harmon and the  
18 agencies can get together, have meetings, talk to  
19 one another.

20 It's a collaborative process. And the  
21 more talking you guys do up front, the greater  
22 likelihood there is we won't get it to a dispute  
23 resolution. And the take-home message on that is,  
24 it is not fun. We don't want to go there, if we can  
25 avoid it. So just keep the lines of communication  
26

1 open.

2 And that's basically all I had. I can  
3 open it up now to any general comments or questions  
4 about the process.

5 MR. TURASKI: Yeah, Mike from the Corps.

6 So the scoping document lays out pretty  
7 clearly that FERC intends to be the lead agency for  
8 NEPA?

9 MR. LIBERTY: Mm-hmm.

10 MR. TURASKI: Does FERC also intend to be  
11 the lead agency for ESA consultation and National  
12 Historic Preservation Act?

13 MR. LIBERTY: Yes. I don't think we had a  
14 request in the PAD that the applicants be designated  
15 as the rec. So FERC would be handling that, yes.

16 Oftentimes the applicants come to us and  
17 request to be -- you know, essentially act as FERC  
18 with the lead agency. But they didn't in this case.  
19 So FERC would be the lead on that, on both ESA and  
20 section 106.

21 MS. KELLY: And for tribal consultation  
22 also --

23 MR. LIBERTY: Right.

24 MS. KELLY: -- correct?

25 MR. LIBERTY: Yeah.

26

1                   MR. TURASKI: Okay. So we -- as you and I  
2 were talking last night, when we get to sort of  
3 memorializing some of these roles, we'll want to  
4 capture that as well --

5                   MR. LIBERTY: Right.

6                   MR. TURASKI: -- for the record --

7                   MR. LIBERTY: Okay.

8                   MR. TURASKI: -- and for our future use.

9                   MR. LIBERTY: And you were saying last  
10 night, the Corps was -- potentially wanted to be a  
11 cooperating agency underneath the document, when or  
12 if we get to that point?

13                   MR. TURASKI: I would think so.

14                   MR. LIBERTY: Okay.

15                   MR. TURASKI: As well as involved in  
16 section 106 consultation --

17                   MR. LIBERTY: Sure.

18                   MR. TURASKI: -- and at least aware of the  
19 ESA consultation.

20                   MR. LIBERTY: Okay.

21                   MS. PAVONI: This is Dani Pavoni.

22                   I just want to tag on what Jon said about  
23 the Wild and Scenic River Act. It wasn't noted that  
24 the North Santiam River is an eligible wild and  
25 scenic river. So if the agency identifies study  
26

1 rivers. So --

2 MR. LIBERTY: Okay. There was a little  
3 disconnect there.

4 MS. PAVONI: -- I just wanted to clarify  
5 that.

6 MR. LIBERTY: Thank you.

7 MS. PAVONI: So that's why I mentioned  
8 that wild scenic river.

9 MR. LIBERTY: Do you guys have any other  
10 comments or questions?

11 I'm sorry. Dave had one more thing.

12 Sorry. I totally forgot.

13 Go ahead, Dave.

14 MR. HARMON: Yeah. I know some of you  
15 guys know that we're neophytes, especially when we  
16 get to studies and that. If there's a bridge, we  
17 could do it.

18 So we're in contact with three  
19 consultants -- one in Portland, one in Idaho, one in  
20 Centralia, Washington -- to give us help in the  
21 process and make sure to review what we're doing  
22 before we send it in. So anyway, I was thinking  
23 that might help.

24 MR. LIBERTY: Thank you, Dave.

25 Any other comments or questions?

26

1                   MS. KEEN: Well, just a comment. Special  
2 use permit will be required for the surveys being  
3 done. So once the lessons learned -- once the  
4 surveys -- the plans are developed and approved,  
5 then we'll issue a special use permit for the  
6 studies --

7                   MR. LIBERTY: Okay.

8                   MS. KEEN: -- to be conducted. And until  
9 that time, you know, there's no need to have a  
10 permit out there.

11                  MR. LIBERTY: All right. Makes sense.

12                  Okay. So I guess, going forward, what I  
13 had anticipated -- we were hoping to get to the site  
14 visit in today. Like I said, I'm supposed to fly  
15 out of here tomorrow. So hopefully we have enough  
16 time today to get that done. I don't even know what  
17 time it is.

18                  MS. KELLY: It's 11:15.

19                  MR. LIBERTY: Okay. So I was just  
20 anticipating assembling in the parking lot. Maybe  
21 we can follow Dave and his crew to the first stop on  
22 our site visit? Does that sound like a good plan,  
23 everybody?

24                  I'm probably going to change out of these  
25 clothes, and I'll be out there in ten or fifteen  
26

1 minutes, maybe.

2 MS. KEEN: Do you want to meet out here at  
3 noon?

4 MR. LIBERTY: Yeah. Let's say that.  
5 We'll meet at noon in the parking lot.

6 So with that, thank you, everybody.  
7 Again, if you have any questions, feel free to give  
8 me a call.

9 And with that, I guess we can conclude the  
10 meeting for this morning.

11 (The meeting concluded at 11:15 a.m.)

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