

1 UNITED STATES OF AMERICA
2 FEDERAL ENERGY REGULATORY COMMISSION

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6 ELK RAPIDS HYDROELECTRIC PROJECT
7 PROJECT NO. 3030-019

8

9 322 Bridge Street
10 Elk Rapids, MI 49629
11 Thursday, September 19, 2013

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13 The public scoping meeting, pursuant to notice, convened at
14 7 p.m, before a Staff Panel:

- 15 LEE EMERY, Chair & Project Manager with FERC
- 16 PATRICK ELY
- 17 ISIS JOHNSON
- 18 MARK STONE
- 19 WILLIAM 'BILL' STOCKHAUSEN
- 20 PETER DiMERCURIO, Elk Skegemog Lakes Association
- 21 KYLE KRUGER -- MDNR Fisheries
- 22 ED BOETCHER

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1	LIST OF PUBLIC SPEAKERS
2	LEE EMERY, Chair
3	WILLIAM BILL STOCKHAUSEN
4	EUGENE GENE DAWSON
5	MARK STONE
6	PATRICK ELY
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1 PROCEEDINGS

2 MR. EMERY: All right we are going to get started
3 it's 7:07 P.M. Good evening welcome to the scoping meeting
4 for the Elk Rapids Hydroelectric Project No. 3030. I am Lee
5 Emery here from the headquarters office of Washington, DC,
6 FERC, Federal Energy Regulatory Commission. It's great to
7 be back in Michigan. I'm from Michigan so it's like coming
8 home. I'm the Project Coordinator for the project and I
9 have two co-workers with me who will also be working on the
10 project and preparing the Environmental Assessment.

11 Isis Johnson right here, she will be doing the
12 terrestrial and threatened and endangered species analysis
13 and Patrick Ely will be doing the aquatic resources water
14 and fisheries resources. We also have some representatives
15 from the license applicant, Antrim County here, Mark Stone,
16 Bill Stockhausen and Gene Dawson, the County Commissioner's
17 Office. Okay. Let's put a slide, that's the sun, slide two
18 I guess. We have some sign-up sheets in the back, I think
19 you guys have already signed those, we are set for that.

20 We have the court reporter present Larry Flowers,
21 he will be taking oral comments that are made, put it in the
22 record, the public record for the project. Transcripts will
23 be available in a couple of weeks on our website, but if you
24 want it before then contact him and he will show you, tell
25 how you can get some faster if you want to.

26

1 And the speakers, when you speak, please speak
2 loud enough so we can hear you, it's a pretty small room,
3 pretty good acoustics in here this evening so we should be
4 able to hear everything quite well. Just state your name
5 and your association and if you have a different spelling of
6 a name let him know what the correct spelling is.

7 We don't come here with all the answers, it's a
8 scoping document we have our shot at what we thought the
9 issues would be on this particular project that is why we
10 are scoping to see what other people think about what we
11 have identified or whether they have some new ideas or not
12 to add to the things we need to look at, or if we need to
13 subtract some things that we already estimated would be
14 issues. Okay slide three. Next slide please.

15 This is the overview of what is going to happen
16 this evening. It will take us about twenty or twenty-five
17 minutes or so to go through this. And who is FERC Federal
18 Energy Regulatory Commission. A lot of people have never
19 heard of us. We are a small organization in the scheme of
20 government agencies anyway. We are going to go over the
21 licensing process to date and what's going to happen as we
22 go forward from tonight onward and what's the purpose of
23 scoping. The importance of the statutes of hydropower
24 licensing, several of the important ones, there's many,
25 several of the important ones. And Bill Stockhausen will
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1 present a description of how the project operates and the
2 project facilities. And we will go through the issues that
3 we have identified in scoping that will be evaluated in the
4 Environmental Assessment that we will be preparing for this
5 project. And then how to stay informed as we go along
6 through the process, there are some things you should know
7 about keeping informed on it and then final comments and
8 questions on this particular relicensing effort. Next slide
9 please.

10 So who is FERC again it's an independent agency
11 established in 1977 after the Federal Power Act that
12 regulates the interstate transmission of natural gas, oil
13 and electricity. Hydropower is a small piece of this very
14 small organization, an important one, but small. First of
15 all this is a non-federal hydropower project, this isn't the
16 Hoover Dam, the Bureau of Reclamation, TBA, of power this is
17 a small non-federal project. The mom and pops, the Troy
18 Edisons, Antrim County Commissioners project, that kind of
19 thing. FERC also authorizes state to state electricity
20 sales, wholesale electric rates, natural gas processing, oil
21 pipeline rates, and liquefied natural gas terminals. That
22 was a big push here a couple of years ago citing a lot of
23 natural gas sites, liquefied natural gas.

24 We also provide a monitoring and oversight of the
25 financial conduct of regulated energy companies and promote
26

1 the open market competition of energy. An example would be
2 we investigated the Enron scandal because it was associated
3 with us and rates, and we fined California market makers 6.3
4 billion dollars for their mismanagement of Enron.

5 We have five FERC Commissioners that is their
6 picture out there on the desk as you walk in, one female,
7 four males. They serve a five year term that is staggered.
8 They are appointed by the President, confirmed by the
9 Senate. Typically three out of the five will be
10 representative of the current Presidential party
11 affiliation. Sometimes we will have as few as three,
12 sometimes all five. We can function with several, not
13 necessarily all. Our current Commissioner has, the
14 Chairman, has put up a notice he is going to be leaving and
15 so we are interviewing other people to take his place at the
16 moment. Next slide please.

17 So again I said we're small, fifteen hundred
18 people is really small for a federal agency. We do have a
19 field office at five places in the United States, Chicago,
20 New York, Atlanta, Portland and San Francisco. It's the
21 Chicago office that handles this project here. We are in
22 the Office of Energy Project which has three divisions. We
23 are in the licensing division we will do an environmental
24 assessment and prepare a license for this project. We have
25 a Division of Hydropower Administration Compliance, D Act,
26

1 slang for that. Once we issue a license they will do all
2 the enforcement and follow up and the license articles they
3 have to enforce and help interpret sometimes the licensee as
4 to what they want and sometimes a license article will
5 require new plans to be filed as part of a license
6 requirement. They would review those plans to see if they
7 are acceptable. And then we have the Division of Dam Safety
8 and Inspections as the name implies they keep our dams safe
9 and inspected.

10 Our authority is derived from the Federal Power
11 Act and licenses are issued for a term of thirty to fifty
12 years. I have never seen a relicense get a fifty year
13 license. It is typically thirty to thirty-five for a
14 relicense of a project. This is a relicense of a project.
15 We have about twenty six hundred license or exempted
16 hydropower projects. Exemptions are kind of a special
17 character, you don't see many of those, you get about six
18 hundred of those out of the twenty six hundred. They are a
19 permanent issue of a license. They don't have the eminent
20 domain conditions and they have to follow every
21 recommendation that is made with the state or federal fish
22 and wildlife agencies to operate their project. We are
23 hardly involved with those things once the exemption is
24 issued.

25 We also and this is kind of exciting, it kind of
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1 keeps me around in the business, we are getting into
2 hydrokinetics, the movement of water and generating power
3 from water movement. So you get tidal waves, tides, oceans,
4 movements, water flowing down the stream, buoys bobbing up
5 and down creating energy, very exciting. We have had, not
6 thousands, but hundreds and hundreds of preliminary permits
7 being field on proposed projects using hydrokinetics in the
8 Mississippi and the Missouri and some of the larger water
9 systems in America. They would stick a post in the ground,
10 attach a little turbine to it, water would flow by and
11 generate the power. That's the proposal. We have never had
12 one of those licensed yet. Were never shown that one of
13 those would actually work but those are some of the
14 proposals out there.

15 We have licensed five hydrokinetic projects. One
16 uses a tidal board in Maine, another uses bobbars bobbing up
17 and down, buoys if you will off the coast of Oregon. We have
18 got one in downtown New York City in the East River, quite a
19 current, in the Hell's kitchen area, a giant fan sits at the
20 bottom of the river and spins around with the water moving
21 it, anyway it's a Nations business and we are kind of behind
22 the rest of the world in terms of where we are at in the
23 development of hydrokinetics. But it has some positive
24 things, I mean, with hydropower you can have a dry year and
25 have to cut back in production there's not water, with a
26

1 tide it's always there, the moon controls it, you can set
2 time tables, it's pretty darn exact. Anyway I digress but
3 it is something we are getting into, it's a small part but
4 it is related to hydrokinetics, energy production from
5 water. Next who needs a license, next slide please.

6 Non federal hydropower project like this one is
7 subject to FERC's jurisdiction and required to be licensed
8 if it meets any one of these four criteria. Any one of them
9 requires them to be licensed. The first one is it is
10 located in navigable waters in the United States. We have a
11 special branch that examines proposed projects to see if
12 they are in a navigable water designated by I'm not sure
13 who, but they do a pretty thorough examination of that, or
14 if it is located on public lands or reservations of the
15 United States. You can't build a project in a National Park
16 by the way. If it is, the project utilizes surplus water or
17 water power from a federal dam. Recently a lot of privates
18 have come in recently of using existing dams, specifically
19 core dams, retrofit to install a small hydropower project on
20 a core dam. No dam. A dam is not even part of the project,
21 not the project facility kind of interesting a reservoir.

22 And then the fourth one is located on a body of
23 water over which Congress has commerce clause jurisdiction
24 or the project construction occurred on or after August 26,
25 1935 and or the project affects the interest of interstate
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1 or foreign commerce. A lot of hydropower projects might
2 sell energy across a state line from Canada into the United
3 States or vice versa. So those are the four criteria which
4 would require a non-federal license for a project to be
5 licensed by us, FERC. Okay next slide please.

6 Licensing process to date,. Antrim County has
7 opted to use the traditional licensing process. We have
8 three processes, traditional, integrated and the alternative
9 licensing process. Since about 2008 I think it was, anybody
10 who came in with a license application after that, had to
11 use the integrated license process unless they requested
12 from us a waiver of using that process. We have some, but
13 most of what we see today are the integrated license
14 process, which is very front end loaded, lots of things have
15 to be done upfront. Studies, a lot of things are done
16 before the application is filed with us. There are three
17 stages to a TLP that we are in right now, a traditional
18 licensing process. We have had the Notice of Intent and the
19 Pad, Pre-application document, Pad was filed with us in
20 December of 2009. We had joint agency and public meetings
21 and cite visits in April of 2010 and then the draft license
22 application was out for all of us to take a look out at.
23 And here we are now, the license was filed in December of
24 this year, the license application, December 12th so that's
25 where we are in the process. Good. The application, next
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1 slide please.

2 Now we reviewed the license application we had a
3 couple minor nits on the thing, we sent out to the
4 applicant, he is working on them now. They are due to us
5 October 25th. They were not so important as to delay this
6 meeting, the scoping meeting. It didn't halt it. Sometimes
7 it is warranted to delay the scoping nature, but for not of
8 that nature. The scoping document was issued, that's where
9 we are at now was issued the 29th of August of this year,
10 next Bill, Bill? Next please.

11 Okay yes, scoping meetings are due October 21st
12 of this year. Any oral comments made today we will put them
13 in the record. If you think of something afterwards you can
14 write us and tell us what the proposal, what your idea is,
15 but they have to be in by October 21st. And then the next
16 step in the process after scoping is over and we get all the
17 comments in we will send a notice saying, hey this thing is
18 finally ready. We get enough stuff we can start preparing
19 that Environmental Assessment. It's called a Ready for
20 Environmental Analysis Notice, REA Notice. That notice is a
21 big heads up for resource agencies who must file their
22 mandatory conditions within sixty days of the date of that
23 notice, next.

24 All right, we will prepare the document using the
25 National Environmental Policy Act, which requires FERC to
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1 analyze environmental impact for any licensing decision. We
2 will issue that EA, Environmental Assessment for public
3 comments. You have the chance to comment again, if we catch
4 it right and it makes sense, we have some corrections,
5 deletions, additions, some new thoughts. It's a great
6 opportunity to put your two cents worth in as to what, how
7 we are coming along in this process. And then the EA will
8 contain our recommendations for the Commissioners, the five
9 Commissioners, to make a decision on whether this thing
10 should be licensed and what conditions or license articles
11 should be required for this thing to operate. Next slide
12 please.

13 Great picture, I love this picture, nice. That
14 aerial oblique view is very, very pleasant. Okay the
15 purpose of scoping I think I mentioned early on, it is the
16 first step in the NEPA process and it is used to identify
17 potential issues that are associated with the proposed
18 licensing, relicensing of the project. In this case, there
19 is very little change by the applicant proposed. The
20 purpose of the scoping, next slide please.

21 Okay as I said we are here to solicit input from
22 anybody who has ideas, we are going to give you our ideas
23 that we have identified, but if they are wrong or need some
24 deletions or additions, you let us know on that. That is
25 the purpose of scoping tonight, to listen to what you have
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1 to say. If there is any information that you can provide on
2 potentially effective research that we don't have and should
3 and would help us out, please let us know. And if there is
4 something in the scoping document one that doesn't need to
5 be a concern, we are going to tell you some that we have
6 eliminated already but if you think there's something else
7 over here, let us know, next step.

8 Cumulative impacts, cumulative impact is tough,
9 we usually don't require an applicant to prepare cumulative
10 impact analysis that falls on us. We supposedly have a
11 bigger picture out there, we know all the projects that are
12 in the area, but there are a lot of things when you are a
13 local person you may know about some water inlets upstream
14 that could affect you taking water for hydropower and it may
15 affect that water inlet use by taking water out of a water
16 supply or some other purpose, so a lot of times we will have
17 back to back hydropower projects in the stream, four or five
18 upstream from them. That could have a cumulative effect, it
19 could kill some fish there, next one some more fish, the
20 next, pretty soon you are at the last place and it doesn't
21 have many fish left. Or a fish is trying to swim upstream.
22 It has to get past your dam and the next four. Those are
23 the kind of cumulative issues that we look at.

24 And whether the scope should be a twenty mile
25 section of stream, the whole stream basin, a state, no that
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1 doesn't make sense, it's too big, but anyway, today we
2 haven't identified in our minds a resource of cumulative
3 impact, our research of cumulative impact. We may get
4 something if we receive comments or if we think about it
5 some more but right now the scoping document says we haven't
6 identified anything that would cumulatively affect any
7 resource. And then after we issue this scoping document,
8 get your comments in, if we have to tweak it or change it we
9 will issue scoping document number two. SD2. That doesn't
10 require any comments from you, but we put it out to show you
11 that we have heard your message, we are going to tweak this
12 thing, we add or subtracted some resource issues, or did
13 something to change it worthy enough to let you know right
14 now, SD2. We'll get that and that is what we will be using
15 as we prepare our environmental analysis SD2. Again comments
16 are due October 21st. And now we are going to have Bill
17 give us some words of wisdom on project operation, project
18 facilities. Bill Stockhausen.

19 MR. STOCKHAUSEN: You skipped a couple. I don't
20 know if it matters.

21 MR. EMERY: I did. Okay I'm sorry. Let's go to
22 the next one then, for the statutes?

23 MR. STOCKHAUSEN: Yes.

24 MR. EMERY: I'm sorry. My slides are mixed up
25 here, but there are several statutes that affect hydropower
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1 licensing, one is NEPA, we talked about we have to prepare
2 environmental analysis as to what this project would do to
3 the environment. The Endangered Species Act typically comes
4 up, there are threatened and endangered species in many
5 cases and we would have to look specifically what the
6 project would do to that. And of course you cannot issue a
7 license for this project unless you have either a Waiver or
8 a 401 Water Quality Certificate issued for the project. And
9 whatever that Clean Water Act or the 401 Certification says,
10 those become mandatory conditions of the license and would
11 be attached to the license that the applicant has to do
12 everything they say. If they want picnic tables, you got to
13 have picnic tables. I have seen some extremes on the 401,
14 nothing we can do about them. You would think that the 401
15 would be specifically for water quality, but I have seen
16 lots of different things in the Water Quality Certificate.
17 Next slide please.

18 Section 10A it's important. It means we have to
19 look at comprehensive plans, many states, counties, public
20 areas, have comprehensive plans on how they are going to
21 handle resources, whether it is water for boating,
22 terrestrial resources or whatever. We have to look at those
23 plans and make sure this project isn't going to interrupt or
24 be in opposition to what those plans and programs are doing.
25 So we look at a comprehensive plan for improving, developing
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1 or conserving our waterway in our analysis. And then a
2 really tough one that last bullet there. The Federal Power
3 Act requires FERC to undertake a "balancing act", power
4 production and the environment. We want lights and heat and
5 electricity but we also have to be cognizant that there is
6 an environment out there. Trees, fish, birds, water
7 quality, somehow we have to weigh these things and try to
8 give equal consideration and balance them. Is environment
9 more important than energy or is energy more important than
10 the environment? Tough, tough job, tough job, but we have
11 to do it, we will make our best effort and it has to be what
12 is in the best public interest. This isn't just the
13 applicant, it's all of us. And what's the next slide show,
14 is that your show Bill?

15 MR. STOCKHAUSEN: Yes.

16 MR. EMERY: Okay, thank you.

17 MR. STOCKHAUSEN: All righty, basically what I
18 will be going over today ---

19 MR. EMERY: Can you hear him alright? Can you
20 hear him alright? You may have to speak up just a little
21 more Bill.

22 MR. STOCKHAUSEN: Alright, basically what I am
23 going to be going over for everyone tonight is the
24 description of the project facilities and the mode of
25 operation. The project is located in the Village of Elk
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1 Rapids, Michigan, on the Elk River in Antrim County, Grand
2 Traverse and Kalkaska Counties. The projects' physical
3 structures are located on a 3.7 acre parcel and that is
4 right around the powerhouse right here on land owned by
5 Antrim County which extends from the west edge of Dexter
6 Road which is shown going right through there back here, to
7 Grand Traverse Bay and the Grand Traverse Bay is on the left
8 side. Um, it includes basically a narrow strip of land on
9 either side of the Elk River which comes in right here and
10 is otherwise known as the north channel. The project
11 occupies itself on .46 acres on the land parcel. The
12 remainder of the parcel is leased from the Village of Elk
13 Rapids under a ninety-nine year lease for use as public open
14 space and recreation. So the .46 acres is right around the
15 powerhouse and the larger parcel extends along the
16 boundaries of the headways and the tailways. The Elk Rapids
17 Project was given a twenty year lease by the Commission in
18 '81 and was extended in 1999.

19 MR. EMERY: Was that a lease or a license? Was
20 that a license?

21 MR. STOCKHAUSEN: I'm sorry?

22 MR. EMERY: The twenty year extension was a
23 license?

24 MR. STOCKHAUSEN: Yes.

25 MR. EMERY: Okay. I thought you said lease.
26

1 MR. STOCKHAUSEN: No.

2 MR. EMERY: Okay.

3 MR. STOCKHAUSEN: The license was extended in
4 1999 until 2014.

5 MR. EMERY: Okay.

6 MR. STOCKHAUSEN: The Elk Rapids Project consists
7 of the following facilities. One big impoundment and two
8 lakes, which is Elk Lake of 7730 acres and Skegemog Lake of
9 2560 acres. A hundred and twenty-one foot long by fifty-two
10 foot high by sixty feet wide powerhouse, um, that is
11 existing where it stands in the north channel on the Elk
12 River and an operating pad of ten and a half feet, a
13 twenty-four foot high one story superstructure. A
14 substructure that includes the intake and turbine pits which
15 are about thirteen feet high. A thirteen foot high concrete
16 foundation located below the substructure and incorporates
17 the draft tiers. You see the substructure along the tail
18 right here, this is the basement foundation which includes
19 the turbines and the turbine pit and the superstructure up
20 here which contains the generators. Four intake bays, each
21 twenty-two feet wide with sliding head gates at the front
22 part of

23 MR. EMERY: Do you want to continue? Larry, are
24 you okay? Are you covering this?

25 MR. STOCKHAUSEN: Two Francis turbines, each with
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1 an installed capacity of 350 kilowatts, intake trash racks
2 having a one and three quarter inch clear bar spacing. A
3 fourteen foot wide overflow of spillway located four hundred
4 feet south of the powerhouse and that is shown down here
5 again it goes under Dexter Street with stop logs on the
6 right hand side that the south channel where the Elk River
7 feeds into. It goes through a couple of culverts and then
8 out into the kids pond there.

9 The two turbine gates used to spill excess water
10 through the intake bays that do not contain turbines and
11 generating units, those are the south bays. A 4160 volt
12 line that extends about thirty feet from the powerhouse to a
13 twenty foot by thirty foot substation enclosure, and you can
14 see that that enclosure is located here at the south end of
15 the powerhouse. A fifty foot long underground twelve and a
16 half kilovolt transmission line that connects that
17 substation to the local utility distribution lines and you
18 can see that right here, going through the substation to a
19 utility pole right on Dexter Street about fifty feet away.

20 The project operates in the run of the river mode
21 and the water surface foundation of Elk Lake is maintained
22 at 590.8 feet. Elk Rapids Dam gauge datum from during the
23 summer of April 15th through November 1st and it's dropped
24 .8 feet down to 590.2 during the winter and that is from
25 November 1st through April 15th. The annual generation is
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1 about 2,422 megawatt hours of electrical energy. Antrim
2 County is not proposing any new construction or any changes
3 to the project operations.

4 Now in terms of the operation itself, the Elk
5 Rapids Project is operated as a run of the river facility
6 using water from the Elk River, that includes water flowing
7 through the Elk River chain of lakes and exiting into Grand
8 Traverse Bay of Lake Michigan. The project is manually
9 operated by the Elk Rapids Hydroelectric Power Company
10 personnel, which you are hearing from right now. The
11 powerhouse operation is checked two to three times a day,
12 seven days a week and that is by Gary Sutter, who I think
13 that you probably know.

14 MR. FLOWERS: What is the spelling of Gary
15 Sutter? S-U-T-T-E-R or one T?

16 MR. STOCKHAUSEN: Correct. S-U-T-T-E-R. Water
17 flows to the project facilities by way of the impoundments,
18 the Elk and Skegemog Lakes. They are connected by a quarter
19 mile five foot deep section of water known as the narrows.
20 The narrows does not restrict flow between the two lakes and
21 therefore does not cause a surface level difference, so the
22 impoundments can be considered as one large impoundment.
23 And again the lake levels were established by a Court Order
24 in 1873 by the Circuit Court in Antrim County. There is a
25 semi-annually lake level change, and again that is in April
26

1 and November. The generation of water flow is adjusted
2 gradually over a period of two weeks to achieve the required
3 lake levels. The projects normal operating head is about
4 ten and a half feet. On the intake side of the powerhouse
5 the impoundment level is dictated by that legally
6 established lake level. At the powerhouse, the two north
7 bays contain operating turbines and generator units, and the
8 two south bays which don't have turbines or generating units
9 and are used to spill excess water and provide flows when
10 one or both of the generating units in the north bays are
11 out of service for maintenance.

12 The project tail rays is connected directly to
13 Grand Traverse Bay and as a result the water levels and the
14 tail rays are the same as water in Lake Michigan, and so the
15 projects net head varies as Lake Michigan rises and falls.
16 Flows greater than the capacity of the two operating turbine
17 and generator units are accommodated by opening one or both
18 of the two non-generator overflow cases. The same two
19 non-generator bays are used when the generators are down for
20 maintenance, or the electric grid is shut down or is
21 otherwise needed to maintain a run of the river operation.

22 Water flows in the Elk River are too low to
23 operate one unit, the smaller overflow generating unit is
24 used with a decreased gate opening to maintain a run of the
25 river.

What is shown here is a cross

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1 section through the turbine generator power train where we
2 have Elk River coming in on the right hand side and the
3 trash racks here it flows into the turbine pit area and
4 through the wicket gates that's uh, on the peripheri of the
5 turbine. That water spins the runner and then exits through
6 the draft tube down below. It is connected by a shaft up to
7 a gear box which then gears the hundred RPM turbine speed up
8 to 900 RPM horizontally to run the generator up here.
9 Because of the actively flowing water at the intakes, ice
10 generally does not form in the projects far bay area,
11 however during very cold weather ice sheets can form in the
12 far bay and sometimes these ice sheets will break up and
13 become submerged and block flows to the trash racks. When
14 these ice sheets prevent the project operation, different
15 units are opened and started and closed and shut down
16 simultaneously to shift that ice within the far bay so it
17 becomes fractured and it disburses among the four intake
18 bays and melts due to the flowing water.

19 The project has a total installed main plate
20 capacity of 700 kilowatts and a hydraulic flow capacity of
21 one thousand six hundred and seventy-five cubic feet per
22 second. Consumers Energy, which is the local utility,
23 connects to the project by ease of the underground 4160 volt
24 transformer. The project's average annual energy produced
25 during the period from 2001 to 2011 ranged from a low of two
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1 million one hundred and sixty-two thousand kilowatt hours to
2 a high of two million seven hundred and eleven thousand
3 kilowatt hours.

4 There is no new construction proposed or any
5 changes in the project operation. I just wanted to close
6 with this final slide which I don't know if anybody here
7 caught it, but yesterday's sunrise was absolutely gorgeous.
8 It lit up half the sky and so we ran out in the back there.
9 This doesn't do justice to it, I don't know if you can see
10 it on the laptop screen where it is a lot more red and it
11 was beautiful.

12 So are there any questions from anybody?

13 MR. ELY: Real quick question. What did you call
14 this section again?

15 MR. STOCKHAUSEN: This is called the Kid's Pond.

16 MR. ELY: Okay so is that whole bottom part
17 called the Kid's Pond.

18 MR. STONE: Just the Kid's Fishing Pond is the
19 section from where the culverts empty, you know, under
20 Dexter Street to that bridge that we walked over. That's
21 the Kid's Pond.

22 MR. ELY: Okay, and then

23 MR. STONE: Below that it's called the Elk River.

24 MR. ELY: Okay, so this right here, that's the
25 Elk River?

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1 MR. STONE: You are looking at, that is the Elk
2 River from that bridge downstream.

3 MR. ELY: Okay, got you.

4 MR. EMERY: It's also the Elk River from the
5 powerhouse downstream, north channel vs. south channel.

6 MR. ELY: Right, right.

7 MR. EMERY: Thank you Bill. Next slide please.
8 Okay, I am going to talk now about the issues that we have
9 identified that we will be evaluating in the Environment
10 Assessment that we will be preparing on this project. It's
11 a fairly short list. I will go through all of them first
12 and then we'll ask you if you have something to add to that
13 list or some things that this may stimulate to think about
14 that you think we may need to analyze in the Environmental
15 Assessment for this project.

16 The first one is aquatic resources and that is
17 the effects of the municipal s water withdrawals when they
18 do occur, on water quantity within the project boundary.
19 You know would this project operation affect that. The
20 effects of the project operation on the existing lake levels
21 within the project boundary and outflows from the project,
22 it's a very important one to all the people who live around
23 this lake, and then next slide please.

24 My favorite fish walleye, effects of project
25 operation and impingement, entrainment and turbine abuse and
26

1 fish mortality. Impingement is when the fish is caught up
2 against the screen, he can't move. Entrainment he goes for
3 a wild ride, through that turbine and out, hopefully without
4 getting snipped. Next slide please.

5 That's zebra mussels on there and that clam
6 shell, the effects of project operation and maintenance on
7 invasive and aquatic species. We have had a positive in
8 fact, to date of the dam for the project preventing invasive
9 species from moving upstream. Next slide please.

10 Terrestrial resources, effects of project
11 operation and maintenance on the terrestrial invasive
12 species within a project boundary. We just had the aquatic
13 terrestrial one and the effects of project operation and
14 maintenance on migratory bird habitat and nesting. Next
15 slide please.

16 The effects of the project operation and
17 maintenance on bald eagles and common loons nesting within
18 or in the vicinity of the project boundary, next slide
19 please.

20 Recreation and land use, another nice picture.
21 The adequacy of existing recreation facilities in the
22 proposed project boundary to meet current and future
23 recreational demands. As we look at hydropower pressure
24 across America, a growing recreational demand, many of them,
25 some are filled to capacity, and we analyze that and say
26

1 well maybe the output needs to prepare another access point
2 for recreation or maybe it's not fully used and there will
3 be no changes made. But anyway it's something we look at an
4 area of concern. Next slide please.

5 Coastal resource issues, the effects of licensing
6 the properties that are included in, or eligible for
7 inclusion in the national register of historic places. So
8 that's the issues that we have identified that we want to
9 look at to date for the EA. Is there anything that these
10 ideas have stimulated on you that we need to look at in
11 terms of any of these resource issues, or other resource
12 issues for the project at the moment? And if you think of
13 them later, you can always write in to us in writing as
14 well. Okay not hearing anything let's go to the next slide.
15 These are some of the issues that we identified that were
16 not identified for we are not going to evaluate these
17 things. We didn't think they were relevant.

18 Number one aesthetic resources, next page please.
19 Developmental, these are the construction of the operation
20 and development kind of thing. There has not been any
21 changes made here and operations or new construction, we
22 didn't include that one. Geologic and soil resources, we
23 are not digging anything else, we aren't moving anything. We
24 didn't put that one in there. Socioeconomics we didn't see
25 any change in socioeconomics with the community with the

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1 proposal going forward.

2 Threatened and endangered species, we didn't see
3 any specific things that threaten and endanger species at
4 this time. And the next slide please.

5 Anything we need to remove? Are we okay so far
6 with what we've got? Okay. How to stay informed okay. You
7 can get on our mailing list, it's a great way to get every
8 bit of information that comes out about this project,
9 sometimes maybe you're overwhelmed, but some people want
10 that. So you can do that and that is Section 9 of the
11 scoping document tells you how to become a part of the
12 mailing list for this project. Or you can sign one of the
13 sign-in sheets, check that box and we will put your name on
14 the mailing list. Or you can go to the e-library and
15 subscribe to getting project information, very helpful.
16 E-subscription and then if you have any questions, I'm
17 available. My number is there. My email is there. You can
18 call me as well with any questions you may have. Next step,
19 slide.

20 Okay this is what we see going forward this is
21 the important ones and the dates of what's going to happen.
22 We had a scoping meeting today, the next step would be
23 scoping two if there is one, there may not be one, but you
24 will comment on that even if there is one. But then the REA
25 notice in November means everything we get all the

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1 information we need, we can start preparing that EA we put
2 that notice out and resource agencies have to provide the
3 mandatory conditions at that time. And then in February of
4 next year will be the deadline for filing comments,
5 recommendations, and agency terms and conditions and
6 prescriptions for this project. In August of next year the
7 Environmental Assessment will be issued. Comments are due
8 thirty days after the EA is issued and then shortly
9 thereafter, typically a license would be issued next slide.

10 Any questions, anything we've said that
11 stimulates some comments? A pretty short clean yeah answers
12 a lot of questions I think. Alright, if there are no
13 questions, we'll adjourn the meeting. Thanks.

14 MR. STOCKHAUSEN: Just one thing. It's not a
15 question, but I want to enter something into the public
16 record if I can.

17 MR. EMERY: Sure, sure.

18 MR. STOCKHAUSEN: This morning I acknowledged the
19 Elks Skegemog Lake Association folks that were in the room.

20 MR. EMERY: Right.

21 MR. STOCKHAUSEN: And it occurred to me
22 afterwards, that I don't want to, by omission, Dean Branson,
23 for instance, who was there this morning is a Board Member
24 of the Three Lakes Association.

25 MR. EMERY: Okay.

26

1 MR. STOCKHAUSEN: Which is essentially their area
2 is Torch Lake, Clam Lake and Lake Bellaire which is still
3 part of the navigable lower channel ways. There was
4 actually Three Lakes Association I remember that did a lot
5 of the water quality monitoring, they have had that program
6 going for a couple of decade, at least and so anyway, but I
7 just wanted to bring attention to the fact that we have had
8 our two meetings today. They weren't heavily attended and
9 of course part of me says well the absence of any
10 controversy over this project is a wonderful thing, but I
11 also wanted to make it clear that this isn't an absence of
12 support because one of the most important letters that was
13 attached to our application was the sign-on letter that was
14 done and just to read this one paragraph, "In our view the
15 continued operation of the hydroelectric facility at the Elk
16 Rapids Dam will insure that the structure will receive the
17 daily care and routine maintenance necessary to keep the dam
18 in good condition. The Elk Rapids Dam Hydroelectric
19 Facility generates clean electricity without carbon
20 emissions and minimal impact on the aquatic eco system.
21 Everything possible should be done to preserve this facility
22 as long as it continues to be managed in a sustainable way
23 according to relevant rules and regulations such as the run
24 of the river flows."

25 MR. EMERY: Can you give this to the reporter,
26

1 the court reporter, that particular copy.

2 MR. STOCKHAUSEN: Sure this is right out of our
3 application.

4 MR. EMERY: Yeah, but he doesn't have the
5 application.

6 MR. STOCKHAUSEN: Sure, I'll give it to him.

7 MR. EMERY: Okay.

8 MR. STOCKHAUSEN: This was written in June 15,
9 2009.

10 MR. EMERY: Wow, long time.

11 MR. STOCKHAUSEN: This is before the application
12 was ever filed and to sign that letter, okay, the
13 organizations that all signed on to this, Grand Traverse
14 Water Conservation District, the Antrim Conservation
15 District, the Friends of Clam Lake, the Tip of the
16 Watershed Council, the Three Lakes Association, the Northern
17 Michigan Environmental Council, the Torch Lake Protective
18 Alliance, the President of Elks Skegemog Lakes Association,
19 the Chairman of the Skegemog Wilderness Area Stewardship
20 Committee, which oversees the property on the east side of
21 the lake, the Intermediate Lake Association and the Six Mile
22 Lake Association.

23 And they addressed this letter to all the
24 pertinent agencies, asking them for support of the facility
25 so try to understand for them that was the peak of their
26

1 involvement, they signed off on it, they felt it was a
2 settled matter and they moved on. That's the only reason
3 why everybody is not crammed into this room. I just wanted
4 to make sure that --

5 MR. EMERY: Right, that's good, that's good to
6 put that on the record, officially and give him a copy of
7 that. I'm glad you recognized the Three Rivers, correct
8 that for us, the Three Lakes Association. With that I think
9 we are going to conclude the meeting. Thanks for coming
10 this evening, thanks for helping out, Mark, Bill.

11 MR. STONE & MR. STOCKHAUSEN: Of course.

12 MR. EMERY: Have a good evening. Hope to see you
13 again soon.

14 (Whereupon, at 7:52 pm the Scoping meeting was
15 adjourned.)

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