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BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION

- - - - -x Docket Number

IN THE MATTER OF: : P-13570-002

WARM SPRINGS DAM HYDROELECTRIC PROJECT :

- - - - -x

Harney County Community Center  
484 N. Broadway  
Burns, OR 97720

Thursday, May 1, 2014

The above-entitled matter came on for Scoping Meeting,  
pursuant to notice, at 9:02 a.m., Kenneth Wilcox FERC  
Moderator.

1 P R O C E E D I N G S

2 (9:02 a.m.)

3 MR. WILCOX: So maybe we'll get started here.

4 Welcome, everyone. Thanks for coming to this  
5 scoping meeting. I am Ken Wilcox with the Federal Energy  
6 Regulatory Commission. And we have some staff here who  
7 we'll introduce in a moment.

8 But this is a scoping meeting for the Warm  
9 Springs Dam Hydroelectric Project proposed over toward  
10 Ventura. And many of you were there yesterday for the site  
11 tour so you would know the project fairly well by now.

12 So we're here to take comments, discuss the  
13 project, hear a presentation from the proponents and so  
14 forth.

15 I hope everyone got a copy of the scoping  
16 documents on the table. We would also like everybody to  
17 sign in so we can keep track of everyone that's  
18 participating.

19 Real quick, I'll just introduce our staff here.

20 MR. CUTLIP: Matt Cutlip. I'm a fish biologist  
21 in the Division of Hydropower Licensing.

22 MS. WOLCOTT: I'm Kelly Wolcott. I'm an  
23 environmental biologist also in Licensing.

24 MS. DE CHAMPS: Cleo DeChamps. I am an attorney  
25 with the Office of General Counsel.

1 MS. NGUYEN: Kim Nguyen. I'm the civil engineer,  
2 also in Licensing.

3 MR. WILCOX: Okay.

4 Logistics here. Restrooms are out that door and  
5 down the hall. You'll find them once you get down to the  
6 end of the hall.

7 And just a little bit about the Federal Energy  
8 Regulatory Commission. We license hydro projects throughout  
9 the country. There are various jurisdictional issues when  
10 and when we do not license. But this particular project  
11 does require a license to add hydro power to an existing  
12 dam.

13 We'll let the -- Nick here discuss and present  
14 the project for us.

15 I guess I really can go right into that.

16 Is there any comment so far?

17 (No response.)

18 MR. WILCOX: Okay. Nick, go ahead and give us  
19 the presentation on the project. Thanks.

20 MR. JOSTEN: Can everybody see that okay?

21 Can you turn down the lights a bit?

22 Okay. I'll just present an overview. This is  
23 essentially what we looked at -- or we looked at the  
24 locations for the facilities in the field yesterday. And  
25 I'm just going to present an overview of what those

1 facilities look like in drawings just so that everybody is  
2 fully clear on exactly what will change out there.

3           This is the project location. And you can see  
4 most of the footprint of the project is associated with  
5 transmission line, a couple of miles from the dam site to  
6 where we're going to interconnect. And the footprint of the  
7 power plant itself is very small.

8           And then there's a small satellite about a half a  
9 mile south of the dam, which is labeled as the staging area.  
10 That's that reclamation ground with the old building; that's  
11 the area we would use for any kind of construction staging  
12 that might be necessary.

13           A closer detail of the footprint at the dam. I'm  
14 not sure what the total acreage is there inside that project  
15 boundary excluding the transmission line, but it's quite  
16 small. And most of it is currently quiet. It's going to be  
17 mostly built into the pool as opposed to taking from the  
18 shore.

19           But there's a small amount of work upstream where  
20 we have to put in a trash rack and a rock trap to keep the  
21 rocks out of the intake. There will be a penstock with an  
22 elbow in it coming from the shore-ward side outlet and going  
23 into a small 25 by 25 or so power plant that would be built  
24 on a foundation and then surrounded with a gravel pad, which  
25 will stay long term as a parking area. And there will be a

1 little substation there. And then from there the rest of  
2 the project is the transmission line.

3           The main features of the project are the trash  
4 rack at the entrance into the existing outlet. That's on  
5 the upstream side of the dam. The penstock would be about  
6 eight feet in diameter, 150 feet long. There will be a  
7 bypass valve in the penstock upstream of the power plant;  
8 simply a valve by which we can divert all of the flow back  
9 into the river if it gets rejected by the power plant.

10           The power house, a small step-up transformer.  
11 And then the 2.2 mile transmission lines.

12           Two staging areas. There will be some staging  
13 that occurs right up by the power plant site. But it will  
14 -- the extent of it will be essentially what becomes the  
15 parking area. The main staging area will be downstream near  
16 the old reclamation buildings.

17           Here's a -- the photograph on the upper right is  
18 looking down -- it must be from the dam onto the intakes at  
19 lower water. We couldn't see this yesterday, but here you  
20 can see what those intakes look like. You can see the rock  
21 rubble sitting down in front of it. That's the purpose of  
22 the rock trap and the trash rack is to as much as possible  
23 keep that and logs and things out of the intakes.

24           The lower right photograph is someone's damming  
25 inside one of the tunnels. A portion at least of that

1 tunnel is going to be lined with steel. And then we'll  
2 attach our penstock to that liner.

3           So that's what it looks like upstream and the  
4 work that needs to be done. And clearly it's going to be  
5 easier to do in low water.

6           The penstock and bypass valve, a couple of  
7 drawings. The lower drawing shows the profile of the  
8 penstock. And you can see it's going to need to be  
9 supported. I think the idea was to use penstock set  
10 vertically and set in a foundation in the bedrock to support  
11 the weight of the penstock. That could change, but that's  
12 the preliminary idea.

13           The main point is that it's got to be supported  
14 from the bedrock. And it will incline downward into the  
15 level of the powerhouse intake.

16           And the valve -- I think this is the valve right  
17 here -- that's just upstream of the power plant where all  
18 the water can be diverted and bypassed around the  
19 powerhouse. But under normal operations it would go into  
20 the powerhouse.

21           And then the draft two -- probably the main point  
22 here is to see the depth of that draft two. It's fairly  
23 deep below the turbine generator. And it's going to make a  
24 -- it's going to enlarge that pool downstream of the dam,  
25 the deepwater portion of that pool.

1           The location of the powerhouse roughly is  
2 indicated in this photograph. This is after water is shut  
3 off. You can see there's nothing coming out of the outlets  
4 and water drains back. And this is kind of what it looks  
5 like after October.

6           And the location, as I've indicated, is my best  
7 estimate of about where the powerhouse will sit. You can  
8 see it's almost entirely within the tailrace, the dam  
9 tailrace. And it will be a small simple building, 25 by 30,  
10 25 by 25, something like that, maybe 15 feet tall. And  
11 that's really all that you'll see in front of the dam.

12           Transmission line, there is an existing single  
13 phase line that runs the exact same route that we need to  
14 run from the dam to the Harney Electric three-phase line.  
15 And we're going to replace that line with a three-phase line  
16 on a slightly different alignment, but for the most part the  
17 same.

18           The main difference is that instead of being up  
19 on the bluff below the dam, we're going to be down along the  
20 river. And then the power to the control house will come  
21 directly from our powerhouse. We'll just swing a cable up  
22 there.

23           So that single phase line, which you can see in  
24 the upper photo on the right on the skyline, that will be  
25 non-functional. And we offered to remove those poles; if it

1 doesn't matter, we'll leave them there.

2 MS. GRAINEY: So have you talked to Bonneville  
3 Power about crossing under their power lines? Has that been  
4 an issue?

5 MR. JOSTEN: I don't think we've brought that up  
6 with them yet, have we?

7 MR. WILCOX: For our court reporter, please state  
8 your name --

9 MS. GRAINEY: Mary Graineey.

10 MR. WILCOX: -- every time you make a comment or  
11 ask a question. I would appreciate it.

12 MS. GRAINEY: Mary Graineey with Oregon Water  
13 Resources.

14 So is there some flexibility in terms of where  
15 the route is based on where you have to cross Bonneville's  
16 power line?

17 MR. JOSTEN: We've done environmental studies  
18 over a corridor about 300 feet wide along that whole  
19 proposed alignment. And so anything within that, it could  
20 be moved. If we have to move outside of that we might have  
21 to do -- we might have to do a little work to check for  
22 cultural or if there's some botanical resources out there  
23 we'd have to look for.

24 But there's a lot of flexibility. You saw, it's  
25 wide open country. We just want to stay out of --

1 MS. GRAINEY: Can you use most of the existing  
2 routes for the transmission lines?

3 MR. JOSTEN: You mean exactly the same?

4 MS. GRAINEY: Yeah.

5 MR. JOSTEN: We could. The answer is we could.  
6 We're not planning to, but we could.

7 The line that was laid out was laid out by Harney  
8 Electric as being the ideal location for the line.

9 MR. SORENSON: I believe the -- My name is Ted  
10 Sorenson. I'm with Warm Springs.

11 And the line that was put together by Harney --  
12 and I'm sure they coordinated with BPA so they had the  
13 proper clearances. All BPA is going to be interested in is  
14 if we have the proper clearances going out. So I'm sure  
15 that's all in hand.

16 MS. GRAINEY: Okay.

17 MR. JOSTEN: But there is flexibility in this --  
18 the detailed location of this line within the corridor about  
19 300 feet wide.

20 MR. SORENSON: A further comment, Mary.

21 We talked about just leaving it on top. But  
22 Harney wanted to move it down because they get lightning  
23 strikes up on top. They wanted it down lower.

24 It was their preference to move it lower. We  
25 were fine leaving it on top where it was. They wanted to

1 re-route so it would be less prone to lightning strikes.

2 MR. JOSTEN: The staging areas.

3 One of them would be right up tight where the  
4 powerhouse location would be just because there will be a  
5 lot of work up there. There will be some things staged just  
6 off of that. There's not a whole lot of ground there. You  
7 can see on the right side of the upper photo is a little bit  
8 of ground that's available up near the powerhouse.

9 So the main area where materials would be staged  
10 and probably a trailer for special management would be down  
11 around the old construction camp, which are those buildings  
12 that you saw there yesterday.

13 And everything there would be temporary and no  
14 long-term disturbance.

15 Just some specifications for the project ahead.  
16 As the reservoir goes up and down, it ranges from about 45  
17 to 79 feet. The hydraulic capacity of the power plant is  
18 425 cfs. The dam can discharge more than that, but our  
19 assessment of the long-term hydrology is that's about the  
20 sweet spot for hydro power, 425.

21 The mode of operation is run of reservoir. We  
22 don't make any calls on how much water is released; it's  
23 released for irrigation now and it's going to be released  
24 for irrigation in the future. And whatever they release,  
25 we'll take advantage of.

1           Generating unit is 2700 kilowatt. I think it's  
2 settled that it's going to be a Kaplan turbine and a  
3 generator.

4           The estimated annual energy is 7400 megawatt  
5 hours. As you can guess from just looking at the conditions  
6 of the reservoir now, this is going to be a highly variable  
7 site. It's a desert reservoir. And so it's going to have  
8 good years, it's going to have bad years. But over 40 years  
9 the average came out about 7400 megawatt hours.

10           Fenced off length is about 150 feet; diameter  
11 about eight feet and the power line is 2.2 miles long.

12           MR. STINE: Question.

13           MR. JOSTEN: Yes.

14           MR. STINE: This is Chris Stine with Oregon DEQ.

15           Can you go back? You said that the maximum  
16 capacity of your turbine is 425. Do you have a low range  
17 for that? What's the lowest operating range for the  
18 turbine?

19           MR. JOSTEN: About 30 percent of that.

20           MR. STINE: Okay.

21           MR. JOSTEN: So right around 120 cfs.

22           MR. STINE: Below that it's...

23           MR. JOSTEN: Below that we may be in cavitation  
24 issues. We might have to shut down. Every turbine is  
25 different. Once you get it there in general it's like 20 to

1 30 percent. So just say around 80 to 100 cfs we're about to  
2 blow down the air shutoff.

3 Also, Chris, it would depend on how full the  
4 reservoir was.

5 MR. STINE: Sure.

6 MR. JOSTEN: If the reservoir was full then we  
7 might be able to go a little lower. But if it's at the end  
8 of the season and the reservoir is low, then we will have  
9 more cavitation issues. And the problem with shutdown goes  
10 from 120 if the reservoir was low.

11 MR. STINE: But a good guess or rule of thumb of  
12 about 30 percent is --

13 MR. JOSTEN: Thirty percent is --

14 MR. STINE: -- plus or minus?

15 MR. JOSTEN: Plus or minus, that's what I use.

16 There are a few environmental enhancements that  
17 we're proposing as part of our project. We're going to take  
18 over the funding of stocking of Warm Springs Reservoir.

19 And we are going to prepare, upgrade or replace a  
20 fish passage barrier in the river -- I'm not sure how far  
21 upstream, but a ways upstream of the reservoir. And I'll  
22 show you a few pictures of that. But it's an area where  
23 there are consistent fish passage barriers in the summer  
24 during irrigation season. We're going to replace one of  
25 those main barriers with a modern fish-friendly diversion.

1           And then, of course, the whole point of this is  
2 to create energy. And the energy that we create is  
3 renewable and it's clean and there's no emissions. And I  
4 still think that's valuable.

5           Barrier removal. This is a photograph of the  
6 barrier in mid-summer.

7           And, Randy, how far upstream are we from the  
8 reservoir?

9           MR. KINNEY: I guess almost 30 miles.

10          Randy Kinney with Warm Springs Irrigation  
11 District.

12          I believe we're at least 30 miles-plus.

13          MS. MOATS: This is Elizabeth Moats from ODFW.

14          My understanding is that the -- that the site is  
15 about 30 miles upstream, you're correct.

16          MR. JOSTEN: It's quite a ways upstream, but it's  
17 far enough upstream when the water's cold the water quality  
18 is good and some of the protected fishery is vigorous. And  
19 so this is an area where the benefits to the fishery are  
20 immediate.

21          A number of these kinds of diversions are  
22 operated up there. And what we plan to do is to replace  
23 that with what's called a -- I don't know what it's called  
24 -- but it's a rock rubble diversion. Essentially -- it was  
25 just shown in the lower drawing where you build up a rock

1 weir over a part of the channel, which backs up water to  
2 divert into the canal. But it provides a pathway for direct  
3 movement of fish upstream or downstream. And that's  
4 something that we worked out with ODF&W and that's part of  
5 our project proposal.

6 MR. KESLING: I have a question.

7 Jason Kesling with the Burns Paiute Tribe.

8 Have you guys done a site suitability for that  
9 rock weir to see if it's feasible? Just knowing our  
10 diversion dam down below that, you would have had to go 500  
11 feet upstream to make that feasible to put that type of  
12 structure. And I would assume it's in the Jersey Valley, so  
13 you guys might have radiant concerns.

14 MR. JOSTEN: Yeah, we did a survey of the site.  
15 So we're confident that we can do it.

16 MR. KESLING: Okay.

17 MR. JOSTEN: And this is a sign of the times in  
18 Warm Springs. That's what it looks like when things are  
19 good in the Malheur River.

20 That's all I have. That's the whole review of  
21 the project.

22 MR. WILCOX: Ken Wilcox speaking.

23 Any other questions about the project for Nick or  
24 his group there?

25 MS. NGUYEN: This is Kim Nguyen at FERC. I have

1 a clarification.

2           So the project features that you just presented  
3 to us, Nick, this is not what was in the license application  
4 -- just so everybody's aware of that -- right? It was  
5 changed from the license application. Then I believe they  
6 filed an amendment to Exhibits A and G, correct?

7           MR. JOSTEN: That's correct.

8           MS. NGUYEN: Okay. So just so everybody's clear.

9           And then the other question I had was -- or  
10 comment: do you have this presentation printed out that you  
11 can give to the court reporter to also make it part of the  
12 record?

13          MR. JOSTEN: No, I don't have it.

14          MS. NGUYEN: Can he email it to you?

15          MR. JOSTEN: I can do that.

16          MS. NGUYEN: Yeah.

17          MR. JOSTEN: Sure.

18          MS. NGUYEN: So that would be good, so it will be  
19 part of the record, too.

20                 And then my last question was about the dam  
21 removal or dam barrier proposal that you just mentioned. I  
22 don't see it in the license application or in the scoping  
23 document one. Is that something new that you've just come  
24 up with?

25          MR. JOSTEN: Well, the reference in the license

1 application was that we were working with ODF&W on a  
2 project. And I think at the time of the FERC filing it was  
3 not yet approved. That's been approved now by ODF&W.

4 We have a fish passage waiver for this project.  
5 In lieu of fish passage we're going to do this diversion.  
6 So, you know, we're going to do it. But you're right: It's  
7 not spelled out in the FERC --

8 MS. NGUYEN: So maybe do something off-license?

9 MR. JOSTEN: That would probably be the easiest  
10 way to do it.

11 MS. NGUYEN: Okay.

12 MR. JOSTEN: But it is part of what we're going  
13 to do, so we wanted to present it.

14 MR. CUTLIP: I have a question.

15 This is Matt Cutlip at FERC.

16 Is the fish stocking going to be part of your  
17 proposed action? And was that part of the amendment, or is  
18 that not on the record?

19 MR. JOSTEN: I think that's off-line, too.

20 MR. CUTLIP: Okay.

21 MS. HART: Pam Hart, BLM.

22 On your fish diversion -

23 MR. WILCOX: Excuse me, Pam. We're having a hard  
24 time picking up your voice. So if you could move closer to  
25 one of these two mikes -- I think there's one by Nick and

1 one up here at the front table.

2 If you don't mind, anyone who wants to speak  
3 here, if you'd come up right about here where Pam is, that  
4 should be fine right there.

5 MS. HART: On the fish diversion, could I get who  
6 the surface manager of that property is?

7 MR. JOSTEN: This is Nick Josten.

8 It's a private individual. And we can tell you  
9 his name.

10 MS. HART: Is it on private land, or does he have  
11 a right-of-way for the diversion.

12 MR. JOSTEN: It's private ownership.

13 MS. HART: Okay. Because we recently had one  
14 where the ODF&W went in and put a fish diversion and screen  
15 on the gentleman's right-of-way, but it was actually BLM  
16 land and there was no coordination with BLM. So I wanted to  
17 be sure that that wasn't this case.

18 MR. JOSTEN: No. It's 100 percent private.

19 MS. HART: Okay.

20 MR. WILCOX: I think if you speak toward the mike  
21 that seems to help. So if you turn around and talk to Nick  
22 you sort of lose the audience.

23 In the back there.

24 MR. KESLING: This is Jason Kesling with Burns  
25 Paiute Tribe again.

1           I was wondering what the recreation impacts and  
2 access to below the dam for the fisheries resources, how you  
3 guys have addressed that with the powerhouse. Are you guys  
4 going to close a certain area off or are you guys -- it's  
5 definitely going to impact that recreational fisheries below  
6 the dam. So I was wondering how you guys are addressing  
7 that.

8           MR. SORENSON: I think that we will allow access  
9 to the tailrace fisheries. And that would be part of the  
10 FERC. But we all have to remember that one party that's not  
11 here today, and that's called the Bureau of Reclamation.  
12 They currently do not restrict access to --

13           MR. WILCOX: We're having a hard time picking you  
14 up here.

15           MR. SORENSON: Where do I need to go?

16           MR. WILCOX: Just speak toward one of the mikes.

17           MR. SORENSON: Oh. Okay.

18           Is there a mike here?

19           Ted Sorenson with Warm Springs.

20           There is -- To my knowledge, there is no  
21 restriction to the dam today. Okay? We, as part of the  
22 project, wouldn't put any restriction on. We would -- you  
23 know, that access to our powerhouse door, we would probably  
24 have that. But the tailrace we would leave open for a  
25 tailrace fishery.

1           But there's one party here that owns the dam,  
2 controls the dam, and that's the Bureau of Reclamation.  
3 They currently do not restrict access to the dam.  
4 Oftentimes they do on other projects that I'm on -- Arrow  
5 Rock, Tiber, other dams are restricted.

6           For example, at Tiber, as we came in to do the  
7 project, at Homeland Security -- this was right after 9/11  
8 -- then they fenced off and they could not fish the  
9 tailrace.

10           The tailrace fishery is the premium thing for  
11 recreation. And this will be the same, coming through the  
12 turbine: That's premium. We as the proponents will not  
13 restrict it.

14           I don't -- it would be up to FERC whether it's  
15 restricted; I doubt they would be. But Reclamation may.  
16 They have not done to date; I cannot predict what they would  
17 do.

18           MR. KESLING: This is Jason Kesling, the Burns  
19 Paiute Tribe again.

20           Could you explain the ownership of the dam?  
21 Because I was under the assumption that you guys, Warm  
22 Springs Irrigation District, owned the dam. BLM owned the  
23 land underneath. And the Bureau of Rec owned half the  
24 storage.

25           MS. HART: Can I -- Pam Hart -- add some

1 clarification to that? I work for the BLM.

2           The dam is under a right-of-way to the Warm  
3 Springs Irrigation District from the BLM. And there is no  
4 record of the Bureau of Reclamation having any interest in  
5 the dam itself. They have some land they own under the  
6 reservoir. And there are parcels around that and just below  
7 the dam that were part of the Vail project and are under a  
8 Bureau of Reclamation withdrawal from the BLM. But the dam  
9 itself is under a right-of-way to the Warm Springs  
10 Irrigation District.

11           MR. SORENSON: Okay.

12           MS. HART: And the Bureau of Reclamation has  
13 responsibility for dam safety.

14           MR. SORENSON: Okay. Well, that's where it comes  
15 in because our designs are being reviewed by the Bureau of  
16 Reclamation. And that's probably clarified. Thanks.

17           MR. KINNEY: Randy can't unfortunately be with  
18 us. That is correct, Pam. And the Bureau of Reclamation  
19 also has the control of flood control.

20           MS. HART: Which would be safety.

21           MR. KINNEY: It would be safety, the dam safety  
22 as far as the gate works and the structure of the dam. But  
23 as far as flood control, I communicate with Brian Stower of  
24 the Snake River office out of Boise, Idaho during those  
25 situations, yes.

1 MR. SORENSON: So did we answer your question?

2 MR. KESLING: Yeah, I think so.

3 (Laughter.)

4 MS. GRAINEY: Mary Graineey from Oregon Water  
5 Resources.

6 So my question is: You going to upgrade the  
7 bridge across. So who has authority over who has access to  
8 the bridge -- or the new bridge? When do we know we'll be  
9 getting public input into that issue about the bridge?

10 MR. SORENSON: Well, as I understand it, the  
11 bridge is owned by the Irrigation Company.

12 MR. KINNEY: That's correct. Randy Kinney of the  
13 Warm Springs Irrigation District.

14 It's Warm Springs Irrigation District's  
15 responsibility to replace that bridge. We are looking into  
16 the county accessing there.

17 We're not 100 percent exact that that was a  
18 county road coming in from the closed bridge sign where we  
19 met yesterday to the bridge. They believe that that  
20 actually ends there, and that it could possibly be. But  
21 we're still researching that. But we're pretty sure that it  
22 will possibly be the BLM back up to the cofferdam.

23 So I'm getting mixed reviews on that. They're  
24 not really telling me who owns what there. So that's where  
25 I'm at on that.

1 MS. HART: Pam Hart.

2 When I checked with the county road department,  
3 Malheur County, they said that was their road. But whether  
4 it's the county road or BLM, any bridge over 20 feet there  
5 are specific requirements that that bridge must meet. So  
6 I'm sure you'll be meeting those, and working -- well, if  
7 the County says it's not their road in the future, then  
8 you'd work with the BLM engineers for them.

9 MR. WISE: Ted Wise, Oregon Department of Fish  
10 and Wildlife.

11 Back on the issue of the access to the tailwater  
12 fishery, I guess it would be interesting -- I'd be  
13 interested in having some clarification on the ownership to  
14 the tailwater fishery. Is that BLM or BOR? Who owns that  
15 stretch of land just below there that gets utilized and  
16 would be considered part of the tailwater fishery?

17 MS. HART: All of the river is on BLM -- Pam Hart  
18 -- All of the river is on BLM. But there's an 80 acre  
19 parcel of Bureau of Reclamation land that comes close to the  
20 river on the west side. And so if people were using that it  
21 would be Bureau of Reclamation.

22 But do you have a map showing --

23 MR. JOSTEN: No.

24 MS. HART: -- ownership? So --

25 MR. WISE: So maybe -- This is Ted Wise -- maybe

1 within the aspect of the scoping that can be clarified  
2 because I would assume that ODF&W's -- one of our charges is  
3 to provide and maintain recreational fishing opportunity.  
4 So if at all possible we'd like to see that pursued.

5 MR. WILCOX: Ken Wilcox of FERC.

6 And I think, you know, from the licensing  
7 perspective, we're going to need some clarity on these  
8 ownership issues and the interests of the various entities.  
9 So the more that the Irrigation District can provide in  
10 terms of documentation and the record there, that's going to  
11 be helpful in moving the process forward.

12 Any other comments or questions about the project  
13 itself? And we'll get into more on potential effects here  
14 in a minute.

15 (No response.)

16 MR. WILCOX: Okay. Let's move on a little bit.

17 Again, the purpose of our meeting is to take your  
18 comments to try to understand fully what concerns might be,  
19 what the issues are, the effects that this project could  
20 have on the environment and resources generally. So we're  
21 going to open up to that discussion here.

22 Just briefly, the scoping document -- and again,  
23 they're on the table if you missed it -- on page 11 it  
24 begins a discussion of proposed environmental measures. And  
25 just reiterates some of the things that Nick mentioned in

1 his presentation and gets into some other details and some  
2 of the various resource areas. So take a look at that and  
3 make sure that the bases are covered.

4           The SB-1 summarizes our preliminary findings. So  
5 when we reviewed the application this is what we came up  
6 with as potential issues that need to be addressed in an  
7 environmental assessment. And, of course, the EA is  
8 required to continue through this process.

9           As Kim said, the project did change a little bit  
10 a while ago. But the current scoping document does reflect  
11 his proposal as it stands today. At least that's my  
12 understanding. I don't think we've had any changes since  
13 this has been issued.

14           Is that correct?

15           MR. JOSTEN: No.

16           MR. WILCOX: Anything substantial, I guess?

17           MR. JOSTEN: No.

18           MR. WILCOX: All right. Just so, you know,  
19 you're looking at the right project description here.

20           So I think we'll just move right into -- Oh,  
21 cumulative effects.

22           We want to also consider cumulative effects. And  
23 that's, of course, actions in association with this proposal  
24 that could be past, present or future foreseeable actions  
25 that may create effects that may not otherwise occur. And

1 we want to be sure that we've covered those.

2 At this point I don't believe that we have  
3 identified any cumulative effects. It doesn't mean they  
4 aren't out there. So if you have concerns about that,  
5 please let us know.

6 MR. KESLING: Is this the time right now to do  
7 it?

8 MR. WILCOX: Sure, if you have --

9 MR. KESLING: I think the -- This is Jason with  
10 the Burns Paiute Tribe again.

11 I think the Ferc Hells Canyon relicensing process  
12 would be -- should be analyzed in that as cumulative  
13 effects, the potential future passage of anadromous fish.

14 MR. WILCOX: And in concert with what other  
15 actions? I just want it to be clear.

16 MR. KESLING: I'm unclear --

17 MR. WILCOX: The relicensing -- Oh, relicensing,  
18 you said?

19 MR. KESLING: Yeah, the FERC process right now,  
20 Hells Canyon relicensing --

21 MR. WILCOX: Oh, I see.

22 MR. KESLING: -- process is going on currently.

23 MR. WILCOX: Okay.

24 MR. KESLING: And has been going on for 15-plus  
25 years.

1                   MR. WILCOX: So how this relates to the broader  
2 Snake River watershed?

3                   MR. KESLING: Right. The cumulative.

4                   MR. CUTLIP: Okay. So it's specifically effects  
5 of this project together with --

6                   MR. KESLING: Well, if there was --

7                   MR. CUTLIP: -- Snake River relicensing and other  
8 actions of the Malheur River Basin on anadromous fishery  
9 introductions? Okay. I just wanted to make sure I captured  
10 that.

11                   MR. WILCOX: That was Matt Cutlip.

12                   MS. GRAINEY: This is Mary Graineey.

13                   So I guess the concept would be if the National  
14 Marine Fisheries Service reserves their authority for fish  
15 passage at Hells Canyon, Oxbow, and Brownlee. But later  
16 they decide to require fish passage at those, then the fish  
17 are eligible to be up here in the Malheur River, you know,  
18 possibly.

19                   So how does that work?

20                   MR. CUTLIP: This is Matt Cutlip again.

21                   I mean we'll just look at it from sort of our  
22 perspective. Just, you know, if we -- so we hear your  
23 comment and we need to consider that internally. And then  
24 when we issue the SD-2 then again the EA will be further  
25 addressing cumulative effects as we receive comments.

1           So we'll need to just think about that and make  
2 sure that's reasonable to FERC that we consider that as a  
3 likely, you know, potentially foreseeable action.

4           They're saying that real things are going to  
5 happen at Hells Canyon that could cause fish passage, it  
6 wouldn't necessarily just be a reservation authority. So  
7 we'd probably just keep it water in scope and just leave it  
8 at that: Effects of potential anadromous fishery  
9 introductions at Hells Canyon complex on anadromous fish in  
10 the Malheur River Basin.

11           And we would look at the effects of the project  
12 together with other things -- presumably irrigation  
13 withdrawals, maybe entrainment or downstream diversions,  
14 whatever, water quality would also affect our resource  
15 probably from the project, Warm Springs Dam location  
16 downstream to Hells Canyon.

17           Does that make sense? And is that kind of what  
18 you're getting at?

19           MS. GRAINEY: Uh-huh.

20           MR. CUTLIP: Good.

21           MS. MALTZ: Erica Maltz from the Burns Paiute  
22 Tribe.

23           It's my understanding that NPS has already  
24 reserved their authority for Hells Canyon. That occurred  
25 quite some time ago.

1           MR. CUTLIP: Yeah. I mean without getting into  
2 the specific merits of that project -- I don't really know  
3 the record; I haven't worked on it -- but again we could  
4 just take a broader perspective and evaluate whether or not  
5 we think that's a reasonably foreseeable action. It may  
6 make sense to do so. I mean I don't see a problem with it.  
7 So we'll definitely take a look at that and consider it when  
8 we do the ST-2.

9           MR. WISE: Ted Wise.

10           So when you say -- Will you actually then look at  
11 some more specifics of that process as it is moving forward  
12 to say that reservation is in place; will you, you know,  
13 delve into that process a little bit more closely, or will  
14 you just kind of gloss kind of generally?

15           MR. CUTLIP: I mean -- Yeah. Again, we need to  
16 go back to consider it. But I mean it seems reasonable to  
17 me.

18           Right now I don't want to say like, 'Yeah, that's  
19 for sure a cumulative effect.' I mean that seems reasonable  
20 to me, so, yeah, I'll probably delve into it a little bit  
21 more and look at the NEPA document for Hells Canyon; just  
22 kind of see the record. I'm not really that familiar with  
23 it, to be honest with you.

24           But, yeah, we'll take a good hard look at it.  
25 And, like I said, it seems reasonable to me.

1 MR. WILCOX: Ken Wilcox.

2 Anything else on cumulative effects?

3 (No response.)

4 MR. WILCOX: We'll move on to resource issues.

5 And, of course, you're all invited to submit  
6 written comments, you know, as a follow-up to this meeting.

7 So if you think of something later you'll still have an  
8 opportunity to put it out there.

9 We'll run through the various resource areas  
10 beginning with geologic and soil resources. And I will ask  
11 Kim to jump in there.

12 MS. NGUYEN: This is just the effects of the  
13 project construction on any erosion, sediment around project  
14 lands and waters. It's a very general resource issue that  
15 comes up all the time in our NEPA.

16 MR. WILCOX: Are there other specific effects  
17 relating to geologic and soil resources that we maybe need  
18 to highlight here to be sure they get addressed in the EA?

19 Mary.

20 MS. GRAINEY: I guess the angle of the discharge,  
21 you know, is that going to change things on the opposite  
22 bank, and how does that, you know, when we talk about going  
23 from two outlets that are both eight feet in size to one  
24 eight foot and one four foot, you know, emergency valve, you  
25 know, how does that change the impact upon the shore where

1 it's pointing for erosion.

2 MR. WILCOX: Okay. Thank you.

3 I'll move on to aquatic. And again if you -- if  
4 there's items here that you don't think really are  
5 pertinent, let us know. And if we've missed something then  
6 we want to know about that as well.

7 Matt.

8 MR. CUTLIP: So we'll go ahead and get started  
9 here. I'm going to go -- I'll just read through them. And  
10 if you have any questions or comments about each issue, feel  
11 free to make your comment or you can always wait until the  
12 end, until we're done reading through all of them.

13 So the first one there is effects of project  
14 construction activities, such as in-water work and  
15 excavation on water quality, specifically including  
16 temperature, dissolved oxygen and turbidity levels around  
17 project construction site;

18 Effects of project construction activities on the  
19 potential release of contaminants into project waters;

20 Effects of project construction activities on  
21 fisheries and aquatic habitat downstream of the project  
22 construction site;

23 Effects of discharging flow through the proposed  
24 powerhouse on dissolved oxygen in the Malheur River  
25 downstream of the dam;

1           Effects of project operation, including ramping  
2 during start-up and shut-down, on fisheries and aquatic  
3 resources in the Malheur River;

4           And effects of project operation and facilities  
5 on downstream fish passage, including entrainment and the  
6 potential for turbine mortality.

7           MR. STINE: Chris Stine, DEQ.

8           I just wanted to make a comment on the first --  
9 on the effects that relate to construction activities. And  
10 Oregon DEQ will be evaluating that under a separate 401 --  
11 or separate 401 authority related to in-water work and will  
12 not be addressed in the 401 per se related to the operations  
13 of the hydroelectric facility. Although we will address it,  
14 we will consider it, we will acknowledge it.

15           But there will be a -- for work within the water  
16 the applicant will need to obtain an Army Corps permit under  
17 404, which will be certified separately by DEQ for water  
18 quality effects related specifically to construction  
19 activities.

20           MR. CUTLIP: So that's typically something that's  
21 done after licensing then?

22           MR. STINE: Correct.

23           MR. CUTLIP: Whereas the operation will be done  
24 before.

25           MR. STINE: That's correct.

1 MR. CUTLIP: 401.

2 MR. STINE: Correct.

3 MR. CUTLIP: Okay.

4 MR. STINE: So parallel -- well, not quite  
5 parallel processes, but similar for -- to serve different  
6 purposes: One for the Army Corps permit, one for the FERC  
7 license. And the FERC license will address specifically  
8 water quality effects that are attributed to the project  
9 during operation. And I just wanted to make that  
10 clarification.

11 MR. CUTLIP: Okay.

12 Anything else on aquatic resources?

13 (No response.)

14 MR. CUTLIP: Okay. We'll move on to terrestrial.  
15 Kelly.

16 MS. WOLCOTT: All right. This is Kelly Wolcott  
17 at the FERC. And again, same with Matt's area, if you guys  
18 have any specific comments about terrestrial you can either  
19 jump in as we go along or hold off until the end.

20 So at first blush, this is what we've identified  
21 as potential impacts or effects to terrestrial resources:

22 The effects of project construction and operation  
23 on the introduction and spread of noxious weeds;

24 Effects of project construction on wildlife  
25 disturbance;

1           Effects of project construction on the Malheur  
2 Princess Plume, which is a BLM-sensitive species and which  
3 may be present in the project area;

4           And then lastly, effects of disturbance from the  
5 project construction on wildlife, specifically Golden Eagle,  
6 Peregrine Falcon, Swainson's Hawk, California Bighorn Sheep,  
7 and wild horses. I think those were specifically mentioned  
8 in the final license application as being species of  
9 specific concern for effects. So we have wildlife generally  
10 and then these specifically.

11           MR. WILCOX: Any comments on terrestrial?

12           (No response.)

13           MR. WILCOX: Okay.

14           Moving on to recreation. This is getting into my  
15 area. We have effects on project construction and operation  
16 of public access, boating, river and lake fishing, and other  
17 recreational use in the project area. And also adequacy of  
18 existing recreation facilities and public access within the  
19 project boundary in meeting current and future recreation  
20 demand -- and 'future' meaning over the term of the license  
21 there.

22           So have we captured everything for recreation  
23 effects here?

24           Yes, in the back.

25           MR. KESLING: This is Jason.

1                   I just want to make one comment that the  
2 powerhouse is going into the spot where the most use of  
3 recreation occurs in downstream. So that would be -- just  
4 analyze it in that sense, I guess, that the powerhouse is  
5 where most people fish.

6                   MR. WILCOX: Oh, is that right. And most people  
7 fish in -- are you saying from, say, the bridge to the dam,  
8 or --

9                   MR. KESLING: Well, specifically right where that  
10 road ends, and right where the powerhouse, people stand  
11 there and fish the tail waters.

12                   MR. WILCOX: Okay.

13                   Anything else on recreation?

14                   (No response.)

15                   MR. WILCOX: We often combine recreation with  
16 land use. And we didn't identify any land use issues. But  
17 if you believe there are some that we need to take a look  
18 at, you can certainly raise those now.

19                   MR. WISE: This is Ted Wise, Oregon Fish and  
20 Wildlife.

21                   And it kind of goes on the back of the last  
22 comment -- the last commenter is that it would be  
23 interesting to see several alternatives to the placement of  
24 the powerhouse to maybe address that issue of the impacts on  
25 that recreational fishery, maybe some other thoughts on

1 that.

2 MR. WILCOX: Okay.

3 MR. KINNEY: This is Randy Kinney with Warm  
4 Springs.

5 Nick's going to pull up a picture here. In the  
6 past, Jason's right, there's a good area right there. We've  
7 witnessed several waders going across, float tubers.

8 One thing we're going to go back up here where  
9 the penstock comes out throughout holding dam maintenance  
10 last fall we improved that road to the base of the outlet  
11 gates. And we feel that we're going to have a little bit  
12 better access and safety for the public to be able to fish  
13 that area below the gate works. There again, you'll  
14 probably see lots of fishing wire over the penstock; I'm  
15 sure people get pretty wild there.

16 As Ted was mentioning earlier, we're not going to  
17 have any restrictions there unless safety from FERC or  
18 Bureau of Reclamation tells us otherwise. We did go one  
19 step farther.

20 I'm sure there's going to be some bells and  
21 whistles on that in case the turbine goes off-line that one  
22 of those gates will automatically open up. So there's going  
23 to be safety there for the public.

24 The one thing we don't want to do is be out there  
25 and get caught, you know, in an unsafe situation. So the

1 actual -- from the powerhouse back towards the base of the  
2 dam will actually be a better access for the fishermen to  
3 access that than it was before. It was quite dangerous  
4 before.

5           We actually began our own construction last fall.  
6 So I remember people actually walking up there and it would  
7 be a very dangerous cutoff. And they would try to get right  
8 to the base of those tubes coming out. I witnessed several  
9 fishermen trying to fish that right there.

10           So there again, I don't think we're going to  
11 restrict access to the fishermen whatsoever. And then  
12 obviously the tailrace down below, there's a lot of  
13 fishermen fish that also. I fish it myself.

14           MR. SORENSON: This is Ted Sorenson with Warm  
15 Springs. I have a comment for Ted Wise.

16           The way the road is configured now and where we  
17 have the powerhouse is the ideal location to get to the  
18 tailrace fishery in the new power plant. That's going to be  
19 where the premium fishing is. So as far as we're concerned,  
20 we're going to move the road right up to the edge of that  
21 and jump off and jump down and fish along the tailrace.

22           We considered putting the power plant on the  
23 other side of the dam. There is no roads over there. And  
24 then you have the outlet of the dam is on this side, and so  
25 you're almost locked into staying on this side. There is no

1 other side because that's where the outlet.

2 At one time we were talking about putting -- and  
3 it was in our initial application -- we were going to put a  
4 new penetration through the dam. We were going to put a new  
5 penstock through the dam. And we met with the Bureau of  
6 Reclamation, and that was a thumbs-down.

7 MR. WISE: Right. I understand.

8 MR. SORENSON: So we've been through that  
9 information. We feel like the powerhouse is where it needs  
10 to be. And it is also an ideal location, Ted, for access to  
11 the fishery because to me the best fishing is going to be in  
12 the tailrace at the power plant.

13 MR. CUTLIP: Matt Cutlip, FERC.

14 Yeah. In the ST-1 here it says that you are  
15 contemplating or potentially going to use two different  
16 types of turbine, either a Francis or a Kaplan unit. Have  
17 you selected that in final?

18 MR. SORENSON: Kaplan.

19 MR. CUTLIP: Kaplan? Okay.

20 MR. WILCOX: Ken Wilcox.

21 The location of the powerhouse came up in  
22 discussion at the site visit yesterday, and it has come up  
23 here as well. And so I think it would be helpful if you  
24 could kind of address the, you know, why that location is  
25 important and maybe some adjustment that may or may not be

1 feasible and, you know, how to -- just kind of answer that  
2 question, that concern.

3 MR. SORENSON: Okay.

4 MR. WILCOX: Well, I mean at least on the record,  
5 if not here.

6 Go ahead. I'm sorry.

7 MR. SORENSON: Was that a question to me, Ken?

8 MR. WILCOX: For the applicant team.

9 MR. SORENSON: Okay.

10 The powerhouse is on -- as you look downstream,  
11 it's on the right-hand bank. That's the drawing where it's  
12 shown there. That's because that is where the current  
13 outlets of the dam are.

14 And as Kim pointed out, our initial application  
15 was for a new penetration through the dam. Reclamation was  
16 not in favor of that at all. So we went back to using one  
17 of the existing outlets for the dam. And that dictated  
18 which side of the river we were on.

19 And we located the powerhouse far enough  
20 downstream that it will allow us to get away from the  
21 discharge of one bypass gate and put in the second  
22 discharge, which we call the bypass valve. And so that's  
23 where it basically got.

24 I think one of the things that we could have  
25 input from anybody is kind of how we orient the tailrace

1 pool. We need to orient it so it's downstream. But if we  
2 go parallel with the axis of the river or we rotate it out  
3 so it's headed toward the center of the river, I think we're  
4 open to that.

5 I don't think there's any issues of bank erosion  
6 by which way it's aimed because it's all rock down in there  
7 anyway. So we're going to have to blast or dig or break  
8 rock to get out tailrace down.

9 But orient it so it runs parallel with the axis  
10 of the river or slightly toward the center of the river, if  
11 anybody has any idea as to how that -- if there's any  
12 advantage of doing it one way or another, we're open to it.

13 MR. WISE: Ted Wise again; Oregon Fish and  
14 Wildlife.

15 Just following up on that, would you look at the  
16 -- if you could leave that up there, yeah. So my  
17 understanding -- and I have to admit I'm not overly familiar  
18 with the specifics of the fishery up there.

19 But my understanding is right now it's right  
20 there where all the -- the flume comes out, the aeration and  
21 the flume. And so you're moving the powerhouse down. And  
22 it seems like the public is going to have limited access to  
23 the area where they typically fish. And now the discharge  
24 from the power plant is going to be directed directly  
25 downstream or in the center of the river.

1           And from being out there yesterday, it seemed  
2   that the geology of the stream bed is much less shallow  
3   there. And so we might be able to attract fish in there.  
4   But to hold them in there like you would in a pool that's  
5   deeper -- because I think Nick was saying this powerhouse  
6   structure is going right at the deepest part of the pool.

7           And so I would imagine that might have some  
8   degree of effect on that, on the fish being attracted to  
9   that discharge or their holding ability. I'm just --  
10 thoughts in my head.

11           MR. SORENSON: What we've got there, if you see,  
12 the access, the way we've got it designed right now, we've  
13 got the tailrace coming out at about the same angle as it  
14 comes up the dam. Instead of pulling center right here, the  
15 same as it is right there.

16           And that's going to be deep, Ted. That's going  
17 to be a deep pool. So it's going to be the same effect as  
18 it is upstream; there will be a deep pool.

19           MR. WISE: Okay.

20           MR. JOSTEN: This is Nick Josten.

21           Yeah, I don't know exactly what I said, Ted. But  
22 the powerhouse footprint is not in the deepest part of the  
23 tailrace.

24           MR. WISE: It's in a shallow spot.

25           MR. JOSTEN: Yeah, it's --

1 MR. WISE: Because we surveyed.

2 MR. JOSTEN: Currently the deepest area is out in  
3 here. And we're not in that location.

4 MR. WILCOX: Anything else on recreation?

5 (No response.)

6 MR. WILCOX: Okay.

7 We'll move on to cultural resources. And I will  
8 cover this one as well.

9 Effects of project construction and operation on  
10 historic, archeological, and traditional resources that may  
11 be eligible for inclusion in the National Register of  
12 Historic Places. And I believe the dam itself has been  
13 identified as a historic property -- or eligible.

14 Any comments on that?

15 (No response.)

16 MR. WILCOX: Cultural?

17 (No response.)

18 MR. WILCOX: Okay.

19 And then finally, aesthetic resources. It's  
20 generally the effects of project features on aesthetic  
21 resources in the project area. So that's about as broad as  
22 you can get. So if you have something more specific there  
23 we'd like to know about that.

24 Anything on aesthetics?

25 (No response.)

1 MR. WILCOX: Okay.

2 Anything further on the various resource issues  
3 and effects of the project that we've just gone through over  
4 the last little bit?

5 (No response.)

6 MR. WILCOX: Okay.

7 MR. STINE: I have one question. Chris Stine,  
8 DEQ.

9 Going back to the aquatic resources -- and maybe  
10 this is just a point of clarification -- but, Matt, you said  
11 that the EA will address or evaluate the effects of project  
12 operation including ramping during startup and shutdown.

13 I'm not aware -- I just -- maybe somebody does  
14 know what the, if any, ramping requirements are in effect  
15 for that river reach.

16 MR. CUTLIP: They would know because they will  
17 have to be meeting them.

18 (Laughter.)

19 MR. KINNEY: I'm not sure. By 'ramping' are you  
20 talking about the operation where you turn the water on and  
21 cut it off.

22 MR. STINE: Stage change during water fluctuation  
23 in inches per hour and cfs per hour.

24 MR. KINNEY: We normally -- this is Randy, Warm  
25 Springs Irrigation District.

1           We normally do our water order at approximately 7  
2 a.m. Mountain Time. We usually release that water at 7:30  
3 just to 8:00 Mountain Standard Time. And it could be in  
4 increments of five foot-plus or minus to 50 foot to 75 foot  
5 increases in one water order during the day. We usually  
6 normally do that just in a 24 hour period.

7           If we get into a situation where we get into  
8 extreme heat we sometimes, you know, put some in the  
9 evening.

10           But basically it's just a -- it's a daily water  
11 order. And that way everything is coordinated with  
12 everything with irrigation -- two different irrigation  
13 districts downstream and all the users below the dam.

14           MS. GRAINEY: Excuse me. Mary Grainey with Water  
15 Resources.

16           So, Randy, when you said five foot to fifty foot,  
17 you're talking about cubic feet per second that you raise  
18 it, cubic feet per second?

19           MR. KINNEY: Yes. I'm sorry, Mary, that's  
20 correct. It's cubic feet per second --

21           MS. GRAINEY: Okay.

22           MR. KINNEY: -- that we were releasing. And  
23 there is times, with this being shared water for the Vail  
24 project, there's sometimes when there's a water demand goes  
25 down so we're actually cutting water by five to twenty

1 percent -- excuse me, 20 cfs in any given day. So this  
2 thing can go up and down.

3 But for the most part we, during the heavy part  
4 of the season, we're over 500 cfs.

5 MR. CUTLIP: So I guess, to clarify -- this is  
6 Matt Cutlip -- I think what we were specifically talking  
7 about here -- I mean we can expand the scope of this in the  
8 EA if it's warranted, if we really get things like  
9 recommendations for operations and additional ramping rates,  
10 that sort of thing, we would have to look at that.

11 So I think what we were specifically getting at  
12 here is whether there would be a seamless transfer and how  
13 seamless that would be when the existing outlet works for  
14 transfer to the powerhouse and then back, which you  
15 indicated at the site visit yesterday that you didn't intend  
16 to have any interruption whatsoever; it was just going to be  
17 an automatic automated procedure when you had to transfer  
18 through the bypass valve.

19 MR. SORENSON: Ted Sorenson, Warm Springs Hydro.

20 We at Warm Springs cannot control the ramping  
21 rate. We don't control the water. Irrigators control the  
22 water; we don't control the water.

23 If they say in the morning you're going to  
24 release 300 cfs, we're going to release 300 cfs. If they  
25 say you're going to release 375, we'll release 375. We have

1 zero say in that. We don't even want to go there to where  
2 we can modify it because we have no right to.

3 But if we transition between our bypass valves  
4 and our turbines, we control that. And our control is we  
5 can do that. Typically we set up our controls; we do that  
6 over a four- and eight-minute time frame so that we  
7 transition from one to the other quite slowly and establish  
8 something in that period.

9 And the end result is if we start out with 375  
10 cfs going through the turbine, we end up with -- and we shut  
11 the turbine off, we'll end up with 375 cfs going through the  
12 bypass valve, and vice versa. So it's typically over a  
13 four- to a ten-minute period we do that.

14 MR. WILCOX: Okay. We're moving right along  
15 here.

16 We're asking for comments on the project to be  
17 filed with the FERC -- they can be filed as written comments  
18 or online through the eLibrary service -- by May 31st. It's  
19 a standard 30-day comment period.

20 And there is information in the scoping document  
21 that explains how to submit those comments and a number to  
22 call if you have any questions about that or run into any  
23 problems getting your comments filed.

24 We have a schedule on page 18. In looking at how  
25 we anticipate the EA process to unfold. So we are having

1 our scoping meetings right now.

2           If we decide we need a scoping document two, we  
3 need to update this document because of new information that  
4 has come out of this process, we will issue a second scoping  
5 document. I'm not sure if we've got enough changes here to  
6 do that. We will certainly address issues that are raised,  
7 but sometimes we can do that in other ways.

8           But, let's see. That would be in August if we  
9 issue a second scoping document. And then of course, the  
10 ready for environmental analysis notice we're also  
11 anticipating would be issued at the same time. And that  
12 allows us to move forward with developing the EA.

13           We have an outstanding additional information  
14 request to the applicant. And that's due I believe in late  
15 July, the response period on that. And that addresses some  
16 cultural survey, plant survey, and I believe some ownership  
17 issues. And so that may help, you know, fill in some of the  
18 gaps here of information.

19           And so at that point if we feel like we've got  
20 what we need to move forward on the EA then we'll issue that  
21 ready for environmental analysis notice. If not, we may  
22 issue another additional information request. So that means  
23 the schedule is going to be a little bit up in the air until  
24 we get to that point.

25           Then we'll be looking at comments,

1 recommendations from the agencies and so forth by October,  
2 assuming the REA goes out in August, and an EA issued next  
3 February.

4 We have a suggested -- or anticipated outline for  
5 the EA. And I won't walk through all of that. But take a  
6 look; and if you think we've missed something then by all  
7 means let us know.

8 We also consider comprehensive plans for this  
9 region, state and federal plans that may have some bearing  
10 on the resources that are involved in this analysis. And if  
11 you see something that we missed there, then we want to know  
12 about that as well.

13 There's a mailing list at the end. If you don't  
14 see yourself on the mailing list and want to be added, then  
15 you can also make that known and we'll be sure and get you  
16 on the list.

17 So I think we are about to wrap up. Any further  
18 comments, questions?

19 In the back.

20 MS. MALTZ: Yeah. Erica Maltz, Burns Paiute  
21 Tribe.

22 To the comprehensive plans, you guys have missed  
23 the Malheur River Subbasin Assessment and Management Plan.  
24 It's a Northwest Power and Conservation Council document of  
25 2004.

1 MS. NGUYEN: Do you happen to know if it was  
2 filed with FERC as a comprehensive plan, because we haven't  
3 made that determination.

4 MS. MALTZ: We can file it.

5 MS. NGUYEN: Yes, could you, please?

6 MR. WILCOX: Could you -- I guess it will be in  
7 the transcript. But just one more time, what was it called?

8 MS. MALTZ: It's the Malheur River Subbasin  
9 Assessment and Management Plan. It was a multi-stakeholder  
10 document put together through Northwest Power and  
11 Conservation Counsel subbasin forming process in 2004. We  
12 can file it.

13 MR. WILCOX: Great. Thank you.

14 MR. JOSTEN: Excuse me, Ken.

15 MR. WILCOX: Yes, Nick.

16 MR. JOSTEN: Nick Josten, Warm Springs Hydro.

17 We've got the additional information compiled and  
18 we're going to file that very shortly. I know it's not due  
19 until July.

20 I'm wondering whether this schedule, if we can  
21 get that filed and it meets the requirements, if that's  
22 going to help us, if we could get this schedule maybe pushed  
23 up a little bit. Or what opportunities are there, if things  
24 are clear, to make this go faster?

25 MR. WILCOX: You know, if things go along

1 swimmingly, there's a potential we can compress things just  
2 a little bit. There's not a whole lot of room in there.  
3 But we might be able to expedite a little bit.

4 I mean we do need to maintain this 30-day comment  
5 period following the scoping meeting and see what comes in  
6 there. Once we feel we've got a complete space of  
7 information to work from, then we can issue the REA. So  
8 that's a little bit up in the air.

9 Then we, you know, need to provide that time  
10 period for the agencies and the public to comment on the EA,  
11 on that notice. And then, you know, if there are no  
12 surprises or we've kind of resolved some of these  
13 outstanding questions, you know, we might be able to produce  
14 the EA at a somewhat earlier date.

15 But I don't think we're going to get the EA out  
16 in August or anything like that. But I think there's some  
17 room there if all goes well.

18 MR. CUTLIP: Yeah, you might be able to move the  
19 REA notice date up if the REA comes in quickly. And once  
20 the scoping comment period expires, provided that staff's  
21 around to review everything, the REA could potentially move  
22 up.

23 But other than that, there's not a lot because  
24 the deadline for filing comments is typically set -- I  
25 believe it's 60 days after the REA. And that's to allow the

1 agencies the opportunities to review the record and make  
2 their recommendations of preliminary terms and conditions  
3 and restrictions. So that's pretty much set.

4 MR. WILCOX: And just to note on the transcripts,  
5 our court reporter will make that information available. It  
6 will be filed on the eLibrary at ferc.gov and you'll be able  
7 to find the complete transcript of last night's and this  
8 morning's meeting there.

9 If you need a transcript sooner than that, please  
10 see Larry here after the meeting and we can see what we can  
11 manage there. I think you can purchase them in advance, is  
12 my understanding.

13 All right. We can take that offline.

14 Otherwise, I think we're done. So have we got  
15 any final thoughts or advice?

16 (No response.)

17 MR. WILCOX: All right.

18 Thank you all for coming -- Oh, we've got one  
19 more --

20 MS. WOLCOTT: This is Kelly. I have one last  
21 thing.

22 If anybody else -- just a reminder to sign in on  
23 the sign-in sheet -- okay -- just before you go. Because I  
24 think we had a couple wander in in the course of the  
25 presentation. So just make sure that you're signed in,

1 please, before you head out.

2 MR. WILCOX: Yeah.

3 It's helpful to sign in. Our court reporter  
4 needs to try to connect the comments that were made with the  
5 names. And so if your name is clearly written on the  
6 sign-in sheet then we can make sure that we have an accurate  
7 record.

8 So thanks again for coming. And enjoy this  
9 splendid day out here.

10 (Whereupon, at 10:10 a.m., the scoping meeting in  
11 the above-entitled matter was adjourned.)

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