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UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

In the Matter of:)
)
The Relicensing Application of the) Project Nos.
Merced River and Merced Falls) 2179-003 & 2467-020
Hydroelectric Projects.)
_____)

AGENCY MEETING

MERCED COUNTY FAIRGROUNDS
EL CAPITAN LODGE
900 MARTIN KING LUTHER JR. WAY
MERCED, CALIFORNIA

APRIL 30, 2015

10:00 A.M.

Reported by: Ramona Cota

A P P E A R A N C E S

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4 Federal Energy Regulatory Commission

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6 Matt Buhyoff, Aquatic Biologist

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8 Doug Hjorth, Principle Scientist

9 Louis Berger Group, Inc.

10 Consultants to FERC

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12 Shana Murray, Outdoor Recreation Planner

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14

15 Pacific Gas and Electric Company (PG&E)

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17 Alan Soneda, Project Manager

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19

20 Also Present

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22 Anthony M. Ruggero, Jr.

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24 John Shelton

25 California Department of Fish and Wildlife

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I N D E X

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Call to Order

4

Presentation by FERC

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Public Comments

Anthony Ruggero, Jr.

12

John Shelton

14

Adjournment

16

Certificate of Reporter

17

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

2 10:07 a.m.

3 AQUATIC BIOLOGIST BUHYOFF: I guess we will go
4 ahead and get started. Welcome everybody, thanks for coming
5 out. We are here for the Draft Environmental Impact
6 Statement meeting for the Merced River Hydroelectric Project
7 and the Merced Falls Hydroelectric Project.

8 I realize there aren't many of us but this will
9 give me an opportunity to at least practice my slides for
10 tonight. I didn't study fish in college to be a public
11 speaker.

12 So the agenda, I just want to give an quick
13 introduction of FERC and what we do in Hydropower Licensing.

14 I want to talk about how we got here today, what
15 is next in the process and then the purpose and goals of
16 this meeting.

17 So who are we? My name is Matt Buhyoff; I am an
18 Aquatic Biologist at FERC. Shana Murray in the back at the
19 sign-up table is also on our team, she is a Recreation
20 Specialist. And then Doug Hjorth sitting here is part of
21 our contracted environmental staff with the Louis Berger
22 Group.

23 Globally, we are the Federal Energy Regulatory
24 Commission. That is our building right there. We are a
25 small agency; most of us are housed in that building in

1 Washington, DC.

2 It is a five member commission. The Chairman is
3 the fellow in the center, Norman Bay. Everyone is appointed
4 by the President.

5 We do a lot of different things dealing with power
6 in the United States including electric power and rates,
7 natural gas, oil pipelines and hydroelectric projects.

8 Specifically in the hydropower program, we are in
9 the Division of Hydropower Licensing. We have two other
10 divisions. It is our responsibility to decide whether to
11 give a license and what kind of conditions we want to
12 license. The License Administration & Compliance Division
13 then takes that license and ensures that licensees are doing
14 the correct things. In Dam Safety we have engineers that
15 ensure the safety of dams throughout the US.

16 How did we get here today? We got here because
17 the Merced Irrigation District's Merced River Hydroelectric
18 Project and PG&E's Merced Falls Hydroelectric Project were
19 due to have their licenses expire.

20 So in November of 2008 both Merced ID and PG&E
21 notified us that their licenses were due to expire. At that
22 point that triggers us at FERC to begin a licensing process
23 to determine whether or not to grant them a new license. As
24 part of that licensing process we have to do a thorough
25 environmental review to determine if to grant a new license

1 and, if so, what conditions to put on our new license.

2 So back in January of 2009 we conducted scoping to
3 determine what issues were out there, what kind of studies
4 were available, what kind of information we needed.

5 Once we gathered up all that information we got
6 together, decided what information we needed, what kind of
7 studies needed to be performed, how they needed to be
8 performed. It took several years; a lot of different
9 studies representing everything from fisheries biology,
10 hydrology to recreation to archaeology.

11 Once all those studies concluded we at FERC issued
12 something called an REA, that's Ready for Environmental
13 Analysis. That's where we say, we have enough information
14 for us to do an Environmental Impact Statement on the
15 project. At that point we requested agencies to come forth
16 with any recommendations.

17 We issued our draft Environmental Impact Statement
18 back in March.

19 We are here today to receive comments on that and
20 resolving the issues.

21 And I will talk about the next few steps in a
22 little bit here.

23 So let's talk about the Draft EIS for a second.
24 We at the Commission and our contracted staff, we contracted
25 Louis Berger and also Stillwater Sciences, which is a

1 company here in California that specializes in environmental
2 science work. The Commission staff has a multi-disciplinary
3 team that works on these. We have fisheries biologists,
4 archaeologists, engineers, geologists, all the -ologists
5 working on these.

6 In our analyses we have to determine the impact of
7 the hydropower projects. Specifically at the Commission, we
8 are bound by law to give equal consideration to both the
9 economic impacts as well as the environmental impacts of the
10 project.

11 So in the DEIS we evaluate the applicant proposal.

12 We evaluate our alternative, which can include
13 recommendations given to us by the agencies as well as
14 mandatory conditions.

15 We evaluate the staff alternative with mandatory
16 conditions. So mandatory conditions, let's talk about those
17 real quick. Without getting too much into the legal nature
18 of how and why they exist, there are some agencies that can
19 impose mandatory conditions. Those conditions are
20 conditions that we have to include in a new license. And on
21 this project there are two mandatory conditioning agencies,
22 one is the State Water Board, the other one is the Bureau of
23 Land Management. So while we can evaluate the
24 recommendation for the mandatory conditions and we can give,
25 essentially, our professional opinion on those mandatory

1 conditions, in the end those have to be incorporated in the
2 license.

3 We also evaluate a no-action alternative;
4 essentially doing nothing.

5 So how do you get a copy of the draft EIS if you
6 don't have one?

7 Online is the easiest way. You go to
8 elibrary.ferc.gov. You will want to include the project
9 number, which I have on a couple of slides. It's P-2179 for
10 the Merced River Hydroelectric Project and P-2467 for the
11 Merced Falls Hydroelectric Project.

12 We have a lot of CDs printed with the EIS in the
13 back; feel free to grab one. We have a few hard copies
14 available but we are trying to reserve those for folks that
15 just do not have access to a computer.

16 If you are not able to grab one of those you can
17 get a hard copy by contacting our Public Reference Division,
18 I have the contact information there. They will get you one
19 for free but I am not sure on the time lines; it can take a
20 couple of weeks sometimes.

21 So what's next in the process?

22 Like I said, we just issued a Draft Environmental
23 Impact Statement and it is a draft. We are here to receive
24 input on that draft. Nothing is necessarily ever perfect
25 the first time and so we are here to listen.

1 We will take all the comments we receive, they are
2 all on the record. Our court reporter will take all the
3 comments. We will look at written comments that will be
4 sent in.

5 And we will respond to those comments in a final
6 Environmental Impact Statement and we will make revisions to
7 the DEIS if we feel those are necessary.

8 And then finally there will be a licensing
9 decision. Commissioners review the project record and make
10 a decision on if to grant a new license and what conditions
11 should be placed on a license.

12 The FEIS we tentatively have scheduled to issue
13 sometime in late October of this year. The license order
14 depends upon the status of a water quality certificate so we
15 don't really have a great feel for when we'd issue a License
16 Order at this point.

17 So why are we here today?

18 Again, we are just here to listen. We are here to
19 receive oral input and comments on our DEIS or anything you
20 might have to say kind of regarding these projects that you
21 feel like we should hear.

22 This isn't your only opportunity to comment. You
23 can also write to us. We have brochures in the back that
24 are really informative that tell you how to e-file with us.
25 You can also write to us. Again that information is in the

1 back if you just want to write to us in mail form.

2 Regardless of what you do, please get those
3 comments in by May 29th of this year.

4 Again, if you are writing comments please remember
5 we discussed the project numbers. Include those in any
6 filings so that way we know what projects you're commenting
7 on.

8 So the ground rules won't be very important for
9 today. Again, we'd like you to sign in if you would like to
10 speak. That helps out the court reporter with the spelling
11 of your name.

12 Before you speak if you would please say your name
13 and affiliation just so everything is jibing.

14 Again, like I mentioned, if you do plan to speak
15 please come around this area where this green poster is.
16 The microphone is here.

17 I don't think we will need any time limits today.

18 And it still applies, you know, it's a small
19 group, I want everyone to show respect for one another, you
20 know. There's a lot of differing opinions in large projects
21 like this and there is no need for name-calling.

22 I believe that is the end of my presentation. I
23 didn't bring a card with me. And for some reason - I
24 haven't met anyone here yet - and you need to contact me, my
25 name is Matt Buhyoff, the H is silent, strange spelling.

1 Matt.Buhyoff@ferc.gov and my phone number is right there.

2 So I guess we will move on to the comments section
3 unless anyone has any questions right at this moment?

4 (No response.)

5 AQUATIC BIOLOGIST BUHYOFF: Hearing no questions,
6 Alan Soneda.

7 MR. SONEDA: Yes?

8 AQUATIC BIOLOGIST BUHYOFF: Would you like to
9 speak?

10 MR. SONEDA: I put my name on there just in case
11 there was a question.

12 AQUATIC BIOLOGIST BUHYOFF: Not a problem.

13 MR. SONEDA: I have no prepared remarks.

14 AQUATIC BIOLOGIST BUHYOFF: All right. Anthony
15 Ruggero.

16 MR. RUGGERO: What do you want me to do, go up
17 there?

18 AQUATIC BIOLOGIST BUHYOFF: Yes, if you would come
19 up here by the green sign.

20 MR. RUGGERO: So I sit down right here?

21 AQUATIC BIOLOGIST BUHYOFF: Yes, you can sit down
22 or stand up, however you feel comfortable.

23 MR. RUGGERO: I'll stand up.

24 AQUATIC BIOLOGIST BUHYOFF: Okay.

25 MR. RUGGERO: Well, you know, I followed -- are

1 you ready for me? Do you want me to give my name first?

2 Okay. Anthony Ruggero. I guess you could call me a
3 sportsman, fisherman, farmer, I put all that.

4 It's been in the family, the ranch, since 1935.
5 My parents have passed away. I'm looking --

6 First of all, I want to appreciate. I've gone to
7 some of the FERC meetings. I have been impressed and
8 appreciate all the comments and the knowledge of Brian and
9 everybody, MID included.

10 This is the first year -- We have gone through
11 four years of drought. And it is going to be kind of
12 related to what we get here so I'm going to get off on a
13 tangent. This is going to be the first year that we are not
14 going to farm in the summer. Supposedly, we get zero
15 surface water because of, I would call it not critical,
16 catastrophic conditions. So since 1935 this is the first
17 year.

18 So that being said, I am going and looking - I
19 guess you want comments from DES - that came from MID, the
20 proposed flow rates. Strictly flow rates. When we do have
21 water, what I am seeing now looking at these flow rates,
22 there is going to be a regulatory drought, I guess is the
23 best I can describe it. My first snapshot of looking at
24 this is that they are really high and they are going to have
25 some effect. What we are going through now may be something

1 that we might be going through in 50 years with the flow
2 rates. I just want to put that on the record; they seem
3 high. I know that's what they call a straw-man or DES but,
4 you know.

5 I'm thinking, you know, I'm a sportsman,
6 fisherman, farmer and I'm for that too and environmental but
7 here is my conclusion of this. This is going to change
8 California and Merced County agriculture, the proposed flow
9 rates, depending on however it shakes out, that the farming
10 and the economy, it's going to be -- to me it appears as a
11 tradeoff, farming versus environmentalists.

12 I'm not saying that I am taking any position on it
13 but the way that it is set up now it is going to be a
14 condition that is going to really affect the economy of
15 Merced County.

16 Any questions? I think maybe that's about it of
17 what I want to say. But I do appreciate all the effort.
18 I'm impressed with everybody that's been around and the
19 process. I'll be talking to you. Thank you, sir.

20 AQUATIC BIOLOGIST BUHYOFF: Thank you,
21 Mr. Ruggero.

22 The only other speaker I have signed up right now
23 -- there are some folks that showed up late. Again, if you
24 decide you would like to speak please just raise your hand.
25 But next is Mr. John Shelton.

1 MR. SHELTON: So again, my name is John Shelton; I
2 represent the California Department of Fish and Wildlife.

3 We probably will - not probably - we will put the
4 majority of our comments in in written form and get it in to
5 you but we did think it was important just to make sure that
6 folks understand that:

7 One, I think along with what you guys, the staff
8 have put into your draft Environmental Impact Statement, we
9 do believe the Merced River has very important public trust
10 resources that we are glad that you guys are looking to
11 protect them like we are mandated to do too.

12 The other thing that we want to do is we wanted to
13 commend you guys because we think your staff, you guys,
14 Matt, Shana, et cetera, did a very good job of working
15 through the issues, putting them together in the draft EIS.
16 I've worked on both Environmental Impact Reports and
17 Environmental Impact Statements in my career, it's a tough
18 thing to do. So we want to commend you for actually doing a
19 very credible job.

20 We agree with a lot of the work you have done.
21 There are details that we will comment on that we probably
22 would like to go further.

23 One of the things that we do point out to folks
24 when we are working, we have lots of different public trust
25 issues that our department is responsible for. In this

1 process we really focused on salmonids because we do think
2 the Merced River is a very important component to the
3 Central Valley salmonid stocks; fall-run and steelhead, and
4 potentially in the future, spring-run once we get those
5 restored in the main stem. So they are all important.

6 I think the other thing that we want to make sure
7 people understand, we have been working very diligently with
8 the other agencies and a lot of the NGOs to come up with as
9 much consensus as we can in our recreation issues. I think
10 we have come very close to a full consensus with not only
11 the NGOs and agencies but also with the District on where we
12 are going, so I think that's a pretty good thing.

13 Flow issues, we are a little further apart with
14 the NGOs and agencies but we are actually fairly close and I
15 think we can actually wrap you guys' staff into it. I think
16 what you guys put in there is relatively close to where
17 we're going. Again, the flow is tremendously important for
18 the salmonids.

19 The other thing that we wanted to point out is we
20 heartily agree with your proposition on this that there are
21 ways to both protect public resources in the Merced River
22 and also balance that with the protection of Merced ID's
23 customers and the FERC energy customers that come through on
24 this. So we think the balancing is possible on this. And
25 not only possible, I think it's easily -- not easily but

1 relatively easy but it's not an impossibility.

2 So with that, that's it.

3 AQUATIC BIOLOGIST BUHYOFF: Thank you,

4 Mr. Shelton.

5 All right, at this point I have no other speakers

6 that are signed up but if there is someone, again, that's

7 heard something and wants to speak please let me know, or

8 forever hold your peace, at least until tonight.

9 (No response.)

10 AQUATIC BIOLOGIST BUHYOFF: All right. Well

11 hearing none I will go ahead and conclude the meeting now.

12 Thank everyone for coming. Again, our next meeting is

13 tonight at 6:00 p.m.

14 (Thereupon, the scoping meeting was adjourned

15 at 10:26 a.m.)

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