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FALL CREEK DAM HYDROELECTRIC PROJECT

FERC No. 12778-000

SCOPING MEETING

THURSDAY

AUGUST 16, 2007

9:00 A.M.

LANE COMMUNITY COLLEGE

CENTER FOR MEETING AND LEARNING

ROOM 255

Fall Creek Dam Hydroelectric Project
August 16, 2007

1 PRESENTERS:

2

3 FEDERAL ENERGY REGULATORY COMMISSION:

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1 ATTENDEES (Continued):

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1 ATTENDEES (continued):

2

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1 ATTENDEES (Continued):

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1 THURSDAY August 16, 2007 9:00 A.M.

2

3 MS. NGUYEN: Welcome to the Fall
4 Creek Dam Scoping Process. I'm Kim Nguyen. I'm
5 the civil engineer and project coordinator for
6 FERC for the project. I would like to welcome
7 all of you here today. And hopefully all of you
8 will be joining us for the site visit tomorrow.

9 As you can see, this scoping
10 meeting is being recorded by a court reporter
11 and it's going to be made part of the
12 Commission's record for the project.

13 Here's our agenda. We'll start
14 off with some introductions. With that, let's
15 just start with Matt.

16 MR. CUTLIP: I'm Matt Cutlip, a
17 fisheries biologist for FERC out of the Portland
18 regional office.

19 MR. BARDY: Dave Bardy, assistant
20 operations manager for the Corps of Engineers,
21 Willamette Valley Projects, which includes Fall
22 Creek and 12 other dams.

23 MR. STINE: I'm Chris Stine,
24 Oregon DEQ, representing their interests through
25 this whole process.

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1 MR. ZILLER: Jeff Ziller, Oregon
2 Department of Fish and Wildlife, fish biologist.

3 MR. WILLIAMSON: I'm Jack
4 Williamson, Oregon Department of Fish and
5 Wildlife. I'm the hydropower coordinator.

6 MS. GRAINEY: I'm Mary Graine, y,
7 Oregon Water Resources in their hydroelectric
8 program.

9 MR. TAYLOR: Greg Taylor, fish
10 biologist for the Corps in their Willamette and
11 Rogue projects.

12 MR. LEWELLEN: Corey Lewellen.
13 I'm the fish bio for the Willamette National
14 Forest and the Middle Fork Ranger District,
15 which Fall Creek is part of.

16 MR. BOYTER: David Boyter out of
17 the Idaho office representing Fall Creek Hydro.

18 MS. STEIMLE: Kai Steimle,
19 ecologist.

20 MR. STEIMLE: And I'm Erik
21 Steimle with Symbiotics out of our Portland
22 offices.

23 MR. JACKSON-GISTELLI: I'm
24 Richard Jackson-Gistelli with Emerald People's
25 Utility District.

1 MS. NGUYEN: Great. The purpose
2 of our scoping. NEPA, which is the National
3 Environmental Protection Act, and FERC's
4 regulations and other applicable laws require
5 that we evaluate the environmental effects of
6 all licensings and relicensings of hydropower
7 projects, and the scoping process is part of
8 that. It's used to identify any issues and
9 concerns that the stakeholders, anybody in the
10 area of the project, might have.

11 And the information we like to
12 gather from the scoping session includes any
13 significant environmental issues, any studies
14 that you know of in the project area, any
15 information or data describing past and present
16 condition of the project, any resource plans and
17 future proposals that you know of or are aware
18 of in the project area.

19 Comments can be given to Eleanor
20 today. They can be filed electronically on our
21 website. And all of our web addresses should be
22 in the scoping documents, if you have that. And
23 they can also be mailed to us directly. Like I
24 said, since it's being recorded, all your
25 comments here today will also be part of the

1 record.

2 As we all know, this is where the
3 project will be. And now Fall Creek Hydro is
4 going to give us a short presentation, their
5 description of the project.

6 MR. STEIMLE: This first slide
7 here is a picture of Fall Creek Dam. It was
8 built in 1966 by the Corps of Engineers. It's
9 just over 200 feet high and 5,000 feet long.

10 Maybe I will stand, actually, and
11 point out a few things. This is the area of the
12 current outlet facility where the primary
13 project features will be. And this is the
14 emergency spillway structure here and
15 subsequently the spillway pond below it here
16 just to the south along the dam.

17 MS. NGUYEN: Can we go back one
18 second? I'm trying to search and see if we can
19 find a better map or picture or description of
20 the dam itself, and I couldn't find anything.

21 Do you happen to know, David, if
22 you have anything that we -- the public might
23 have access to to get better pictures and specs
24 of the dam?

25 MR. STEIMLE: I have a few other

1 photos in this presentation, depending on how
2 much you like them.

3 MS. NGUYEN: I would like
4 something more close up to the project area.

5 MR. BARDY: I'm sure we can come
6 up with something.

7 MR. TAYLOR: That's the picture I
8 always use in presentations. If you find some
9 better ones, I would like to see them, too.

10 MR. BARDY: We are going to have
11 a survey done, an aerial survey done here fairly
12 shortly. We will get some additional pictures
13 as far as overhead shots. I'm sure some exist.
14 I'll have to look for them.

15 MS. NGUYEN: Great.

16 MR. STEIMLE: Specific
17 modifications that our project would include --
18 associated with the dam include the installation
19 of a steel liner in the existing outlet conduit;
20 new outlet gates at the bifurcation leading to
21 the turbines in the powerhouse; the addition of
22 three turbines, two vertical Francis turbines
23 and a third Kaplan turbine; the construction of
24 a low profile 60-by-70 foot powerhouse; and
25 finally the installation of 440 feet of new

1 transmission line that would connect to an
2 existing power line corridor that's at the base
3 of the dam.

4 This is an artist's rendition of
5 what the completed project would look like. So
6 this is if you are driving up the access road
7 that the Corps has looking at the base of the
8 dam. Existing facilities there include the
9 outlet structure, the stilling basin right in
10 the center and, off to the left, the fish
11 collection facility.

12 The primary visual addition, if
13 you were driving up to the base of the dam,
14 would be that powerhouse that you see there just
15 to the right of the stilling basin wall.

16 How's this photo? Something like
17 that? Here's another photograph. This one, if
18 you look at the right there, there's an arrow
19 pointing to the existing transmission line
20 corridor we intend to connect to and from the
21 powerhouse. This is looking down from the top
22 of the dam itself. You will notice there the
23 outlet facilities that I pointed out in the
24 previous picture and then the fish collection
25 facility just to the right.

1 The large area off to the left, I
2 believe that's an equipment staging area for the
3 Corps of Engineers that they currently still
4 use. And our powerhouse would be just adjacent
5 to that or just to the right of that staging
6 area.

7 In the far left of the screen you
8 see the long strip out there in the field?
9 That's the spillway pond which I'll talk some
10 more about in the resource issues.

11 We will talk a little bit about
12 proposed operations. First, this project has
13 been proposed to operate in what we call a
14 run-of-river mode, but the State of Oregon has
15 corrected us to call it a run-of-reservoir mode.
16 What we mean by that primarily is that this
17 project will operate by utilizing flows that are
18 released by the Corps of Engineers. So there
19 will be no alteration of the Corps' release
20 regime or operation of the reservoir for the
21 purposes of hydroelectric generation.

22 In this case we will utilize
23 flows between 52 and 625 cfs. This graph here
24 is the exceedance curve for the project. You
25 have the exceedance probability along the X axis

1 and flow in cubic feet per second along the Y
2 axis. That yellow dotted line there is supposed
3 to represent 52 cfs. It's hard to read.

4 But if you follow it out, what
5 you can take from the graph is about 90 percent
6 of the time the project would be operating there
7 would be flows available at 52 cfs or greater.

8 Subsequently at 625 cfs, if you
9 can find that on that graph and move out, it
10 looks like about 25 percent of the time you
11 would have flows coming out of the turbine
12 outlet structure, but you would also have flows
13 coming out of the existing outlet structure as
14 well.

15 Next slide. Again, because the
16 Corps will dictate basically the operations of
17 this project, because they will control the
18 release regime, there will be some seasonal
19 variation to generation. If you take a look at
20 this graph here, on the X axis you have months
21 of the year and average power production in
22 kilowatt hours is on the Y axis. So the lowest
23 average daily capacity will occur in February
24 with the highest in September. Average annual
25 power generation will be approximately 18.7

1 gigawatt hours.

2 Now, for the purposes of
3 feasibility of these run-of-river projects,
4 averages work quite well, but you can see,
5 obviously, there's a significant amount of
6 variation month to month up there.

7 MS. NGUYEN: Will you be talking
8 about the capacity of the turbines later on?

9 MR. STEIMLE: I had mentioned the
10 capacity -- or the capacity was listed there in
11 the proposed modification. If you want to talk
12 more specifically about that, I'm sure Dave
13 would love to talk more about that.

14 MS. NGUYEN: Because I know the
15 maximum capacity, installed capacity, is 10
16 megawatts, but you will never operate --

17 MR. STEIMLE: That's correct.
18 And I will talk about -- because part of the
19 operations, especially with the Kaplan, is
20 during fry out-migration, so I'm going to talk
21 about that when I talk about fish resources.

22 MR. BOYTER: You're right. Even
23 though the installed capacity is 10 megawatts,
24 they will never reach that. As they talk about
25 in the scoping document, the most they'll ever

1 reach is when the two Francis turbines are
2 operating at the same time and that's 6.4.

3 MS. NGUYEN: It's in the scoping
4 document.

5 MR. STEIMLE: So that's the
6 maximum it would ever generate. And of course
7 during the winter, the maximum would be 3.6.

8 MS. NGUYEN: So at one time only
9 two of the Francis turbines will be operating
10 and then in the winter the Kaplan.

11 MR. STEIMLE: That's right. So
12 at this point I will transition and talk a
13 little bit about resources. These were the
14 resources that we took a look at in association
15 with the proposed hydroelectric project. And we
16 also looked at the potential or the preliminary
17 potential of the project to affect these local
18 resources.

19 For the purpose of the
20 presentation, the next couple of slides, I've
21 divided these into construction-related impacts
22 and potential operational-related impacts and
23 then again divided them by either terrestrial
24 resources or aquatic resources.

25 First I'll talk a little bit

1 about construction impacts on aquatic resources.
2 With each potential impact, I've included the
3 preliminary protection or preventive measure
4 that we included in the preliminary application
5 document in order to minimize this potential
6 effect.

7 First, during construction
8 there's always the possibility of increased
9 erosion in the area due to heavy equipment and
10 operation. We'll be working with the ODEQ and
11 the Corps of Engineers in drafting a soils
12 erosion and sedimentation control plan.

13 Second, alteration of either
14 water quality or quantity through some form of
15 construction. Again, all periods of
16 construction must adhere with the 401
17 certification conditions which will be set forth
18 by DEQ and also ensure compliance with Oregon's
19 antidegradation standard or those phases of
20 construction cannot be completed.

21 Finally, a bit different, the
22 displacement of Western pond turtles in the
23 spillway pond. Some of you may be aware that
24 there is a healthy population of Western pond
25 turtles in that spillway pond. We plan to stay

1 entirely away from the spillway during
2 construction, and we hope to utilize a portion
3 of the Corps of Engineers' current staging area
4 right there at the base of the dam during our
5 construction.

6 Construction-related impacts to
7 terrestrial resources. First, anytime you are
8 using heavy equipment in an area, there's always
9 the chance that you can serve as a conduit for
10 the spread of noxious weeds. We've been out on
11 the site and know that Himalayan blackberry and
12 Scotch broom are definitely prolific in the
13 area. We will be working with the Corps of
14 Engineers and U.S. Forest Service in designing
15 an appropriate noxious weed control plan and
16 also a revegetation management plan to encourage
17 the establishment of native plants once the
18 project features have been built.

19 The second and important one is
20 the disturbance of wildlife during construction.
21 We plan to consult with the U.S. Fish and
22 Wildlife Service, ODF & W, on the timing of all
23 phases of construction in order to minimize
24 those effects.

25 Thirdly, the disturbance of

1 archeological sites or traditional cultural
2 properties. We have retained a local
3 archeologist here out of Eugene, Dr. Scott
4 Byram, who will be doing a Class 3 cultural
5 resource survey on site to ensure that the
6 powerhouse or any other new feature on site will
7 not displace properties of historical
8 significance.

9 So I'll move on now and talk a
10 little bit more about operation or really the
11 meat of the resource effects here. The first
12 one that was identified was the effects of
13 ramping rates during project shutdown or
14 startup.

15 There's a few ways to talk about
16 this. First, it is a run-of-river,
17 run-of-reservoir operation. We won't be
18 altering the intake structure at all for
19 purposes of the project. The proposed vertical
20 outlet gates would allow for immediate bypass of
21 flows around the powerhouse and prevent changes
22 in flow during any shutdown of the powerhouse.

23 Secondly, general degradation --
24 I didn't get too specific here -- of water
25 quality in the river due to project operation.

1 Again, similar with construction, we'll have to
2 adhere to the 401 certification conditions set
3 forth by DEQ and also the antidegradation
4 standards or the project will not be
5 operational. We'll have to shut down.

6 And finally, increased mortality
7 of entrained fishes in the turbines. Thus far
8 we have proposed fish-friendly operations during
9 the winter fry migration that will include the
10 shutdown of the Francis turbines and the
11 operation of a Kaplan turbine.

12 Now, it's our understanding that
13 studies completed by ODF & W I believe in the
14 1990s found that mortality rates of fishes
15 moving from the reservoir into the lower river
16 were at one time as high as 70 percent. But a
17 lot has changed since then. The Corps and
18 ODF & W have been proactive in remanaging that
19 reservoir. And it's also my understanding now
20 that during the peak migration period of spring
21 Chinook smolt that the reservoir is at its
22 lowest pool, or close to it, and that survival
23 rates are around 90 percent. What this means
24 with the Kaplan turbine is that by operating
25 just that turbine during that period of time,

1 survival rates of juvenile salmon with the
2 Kaplan turbine are estimated to be at 92
3 percent. So there would be no net loss of those
4 entrained fishes during that period of time.

5 MS. BURCHFIELD: Are we taking
6 comments now or later?

7 MR. TAYLOR: Can I ask a quick
8 question here on the first bullet, run-of-river
9 operation with no alteration of existing intake
10 structure? So there's no plan to alter the
11 existing intake at all? Because right now we
12 don't -- for many months of the year we don't
13 use the existing intake or the outlet there to
14 pass water out of. So when you say --

15 How are you going to get the
16 water from our adult fish facility over to your
17 turbine units I guess is the question I have.
18 Because the water doesn't come out of the
19 regulating outlet feature that you pictured for
20 most of the year. It actually comes out of the
21 fish facility. And those two features are not
22 linked. They are not connected at all.

23 The pipe outlets that you see
24 coming into the fish facility are the water
25 source for the downstream for essentially March

1 through October while the fish facility is
2 operating. So there's no way right now to make
3 those pipes communicate with the outlet
4 structure of the RO currently.

5 And so if you were going to use
6 the regulating outlet -- in other words, if you
7 are going to put a steel liner on the regulating
8 outlet and put your turbine in there, you won't
9 have a water source for most of the year because
10 of the way that that system is currently set up.

11 MS. BURCHFIELD: What amount of
12 flow is going through the fish facility during
13 those other months?

14 MR. TAYLOR: Yeah. The three
15 pipes in total equal about 200 cfs. So what we
16 do is operate those three up to 200 cfs. If we
17 are going to exceed that, like we are this week,
18 then we'll put that excess out the regulating
19 outlet. But because that's the primary water
20 supply for our adult fish trap, we are typically
21 running all the water that we run in the summer
22 through that facility.

23 So that was a question I had
24 going into this, is how that was going to work,
25 because right now those two features do not have

1 any way to communicate at all.

2 Those three pipes run through the
3 dam down through -- they are called the fish
4 horns. There's an intake structure in the
5 reservoir that runs through the dam and then
6 out. But the regulating outlet, it's a
7 different intake. It's from the bottom.

8 So I'm not sure, if we are going
9 to water up our fish trap, how we are going to
10 move that water down through the unit.

11 MR. BOYTER: We, of course, would
12 rewater your fish trap. That would be a bad
13 thing, definitely. We will have to relook at
14 how we operate. We would definitely not propose
15 to change the watering of the fish trap.

16 MR. TAYLOR: Were you aware of
17 the fact that we were taking all or most of the
18 flow during that March-through-September period
19 and running it down through that facility?

20 MR. BOYTER: We knew you had some
21 generally. We didn't know you had 200 cfs. We
22 will change our recalculation about it. We
23 definitely wouldn't be able to run it if you are
24 taking all the flow.

25 MR. TAYLOR: And it's not that

1 you couldn't. There's -- we could run 30 cfs
2 through there and run the rest through the RO.
3 But right now at a minimum there would be
4 something in the range of 30 -- well, the
5 capacity of each of those pipes is 30, 70, 100
6 cfs essentially. So at a minimum we would be
7 running 30 through that facility.

8 MR. BOYTER: Has there been a
9 study that shows the efficiency of your fish
10 trap at different flows?

11 MR. TAYLOR: Not the adult fish
12 trap. It won't affect -- I wouldn't say that
13 putting 70 or 100 or 30 through -- it doesn't
14 affect the adult fish trap, per se. It does
15 affect the discharge coming out of the ladder.
16 When it's the only source, then the fish, of
17 course, are going right in there.

18 Of course we have the regulating
19 outlet going right now as well as the water
20 coming out of the fish facility, and we are
21 getting fish collected just fine.

22 So we don't have any studies that
23 show one way or the other whether it affects the
24 adult fish passage.

25 But I just wanted you to be aware

1 that there was this dedicated water supply
2 that's not communicating with that regulating
3 outlet and that that would certainly either need
4 to be modified or there would be this
5 acknowledgement that there would be a certain
6 amount of water that would go to that facility
7 that wouldn't be run through the unit.

8 MR. BOYTER: Good thing to know.

9 MR. STEIMLE: Potential impacts
10 of operation on terrestrial resources. Anytime
11 that you have new transmission structures, there
12 is the potential for increased bird mortality,
13 especially with raptors. We are still in the
14 very early stages of looking at the feasibility
15 of whether or not we can bury that new 440 foot
16 section of transmission line in the power line
17 corridor or whether or not it would go above
18 ground. But either way the lines will comply
19 with the National Avian Protection Plan
20 guidelines.

21 And finally, reservoir wildlife
22 riparian habitat alteration. Again, our
23 run-of-river operation, there would be no net
24 change in riparian habitat, either in the
25 reservoir or the river below.

1 MR. von BARGEN: Just the couple
2 of slides I've seen, I've seen run-of-river
3 referred to. And I'm wondering what that means
4 in relation to adaptive flow management having
5 to do with the biop, in other words, the ability
6 of you to adjust what your minimum flows are
7 through your powerhouse, and also, if you have
8 emergency shutdowns, how are you going to
9 maintain -- what kind of response to maintain
10 flow in the river you have. Have you already
11 covered that?

12 MR. STEIMLE: We talked about it
13 just generally. There's an engineering side to
14 your question. And also the Corps will remain
15 in control of the operation of the dam itself.
16 You will dictate the entire flow regime. We
17 will just capture a range of flows as you
18 seasonally dictate those releases from the dam
19 itself.

20 So this project is basically at
21 the mercy of the management of the Corps of
22 Engineers.

23 MR. von BARGEN: So we are going
24 to be able to shut you down or immediately
25 reroute flow?

1 MR. BOYTER: What we've done on
2 other projects is we've controlled not only the
3 valve on our turbines but also the outlet valve
4 for the bypass and then we've programmed it so
5 that our turbines shut down at a slower rate
6 than we typically do so that it matches the rate
7 that the valve on the outlet picks up so that
8 there's no fluctuation.

9 MR. STEIMLE: There's not much to
10 this. These are the studies, if you look
11 through the preliminary application document,
12 the ones that we have prescribed so far.

13 MS. NGUYEN: Okay. That takes us
14 to the scope of cumulative effects. The three
15 areas, resource areas, that we've identified as
16 having cumulative effects include fisheries,
17 aquatics, and threatened and endangered species.

18 The geographic scope of
19 cumulative effects include the Middle Fork,
20 Willamette River Basin.

21 Our temporal scope is 30 to 50
22 years into the future, concentrating on the
23 effects of reasonably foreseeable future
24 actions. That's pretty typical, 30 to 50. Our
25 licenses normally run from 30 to 50 years.

1 I know Erik went over their
2 resource a little bit, but this is the resources
3 that we've identified in our Scoping Document 1.
4 And then we'll go into them individually now.
5 You can follow along in the Scoping Document 1,
6 if you like.

7 The first one is geology and
8 soils.

9 MR. CUTLIP: Page 8.

10 MS. NGUYEN: Does everybody have
11 a copy? If not, they are outside on the table.

12 As Erik has said, this is the
13 effects of the proposed project on the bedrock
14 at the powerhouse site due to excavation during
15 construction of the powerhouse and then any
16 effects on soil erosion during construction.

17 Then Matt is going to talk about
18 the water resources and fisheries and aquatics.

19 MR. CUTLIP: First I want to
20 start by saying these issues are preliminary,
21 the ones that we've identified. Part of the
22 scoping process is soliciting information from
23 stakeholders and modifying or deleting or adding
24 issues as they come up during scoping. That's
25 why we are here today. That's the primary

1 objective for FERC coming out here. So just
2 keep that in mind.

3 And obviously we will be taking
4 comments on the scope of the issues either today
5 orally, written, or they can be electronically
6 filed or mailed in to FERC. We appreciate any
7 comments so we can modify the list of issues.
8 These are the issues that will be presented in
9 our environmental document, our NEPA document.

10 With that said, I'll start with
11 water resources. The effects of project
12 construction on State turbidity standards as
13 referenced to background concentrations, and
14 implementing appropriate measures to prevent any
15 violations of the State turbidity standards.

16 For fisheries and aquatic
17 resources, we have the effects of
18 project-related construction on benthic
19 invertebrates and fish species and their
20 habitats in Fall Creek downstream of the Fall
21 Creek dam and what measures could be implemented
22 to prevent or limit any adverse effects.

23 The effects of the proposed
24 project on dissolved oxygen concentrations in
25 Fall Creek and downstream of the Fall Creek dam

1 due to routing outflows through the proposed
2 powerhouse rather than the current practice of
3 passing flows through the existing regulating
4 outlet -- I guess that would actually be more
5 the fish facility -- at Fall Creek dam and what
6 measures could be implemented to prevent or
7 limit any reductions in DO concentrations and
8 any associated adverse effects on fish and
9 associated habitats.

10 The effects of the project on
11 entrainment of anadromous and non-anadromous
12 fishes relative to existing conditions in Fall
13 Creek upstream and downstream of the Fall Creek
14 dam, including the reservoir, and what measures
15 could be implemented to prevent or limit any
16 adverse affects.

17 Finally, the effects of project
18 operation, including ramping during shutdown and
19 startup, on fisheries and aquatic resources in
20 Fall Creek downstream of Fall Creek dam and what
21 measures could be implemented to prevent or
22 limit any adverse affects.

23 At this time we can open it up to
24 discuss these issues in more detail. Does
25 anybody have any comments on the issues we have

1 identified or want to add anything?

2 MS. BURCHFIELD: Sure. I don't
3 see anything here about false attraction of
4 adults to the turbine outfall.

5 You haven't gotten to the ESA
6 thing, but I assume -- is it in resource issues
7 where you are going to talk about the resources
8 that are affected?

9 MR. CUTLIP: ESA is next.

10 MS. BURCHFIELD: All right.
11 I'm ahead of you here.

12 MR. CUTLIP: Yeah. But if you
13 want to talk about spring Chinook -- is that
14 what you were getting at?

15 MS. BURCHFIELD: Yeah.

16 MR. CUTLIP: This would be a good
17 time. It's all related.

18 MS. BURCHFIELD: Erik mentioned
19 the issue about the studies. I think Greg has
20 some other information about the survival of
21 fish coming down through there. But we've been
22 putting native spring Chinook above there for
23 years, and they are coming down. We've got
24 evidence they are coming down. So it's not like
25 we need studies to show fish are moving out

1 through there.

2 And we know that turbines do kill
3 fish. We are pretty strong at this point that
4 you are going to need to put in a screen with a
5 bypass facility.

6 The kind of studies that we think
7 you are going to need to look at are design and
8 location of how those fish are moving out and
9 maybe even look at changing the intake because
10 of the issues Greg brought up about water coming
11 out through those fish horns.

12 If there's some other way you can
13 capture the water and put a turbine in there
14 with a screen and still provide the water for
15 the fish trap, there might be a win/win there.

16 But it seems like the existing
17 layout of the dam isn't really conducive to you
18 guys getting power plus getting water to the
19 fish trap plus protecting fish on the way
20 downstream.

21 MR. CUTLIP: I have a question
22 for regional fisheries folks. The upper
23 Willamette River ESU, does it include Fall Creek
24 above the dam?

25 MS. BURCHFIELD: It does.

1 MR. CUTLIP: Not just below the
2 dam. So you have been passing native fish for
3 quite some time now?

4 MR. ZILLER: Right.

5 MR. CUTLIP: In addition to
6 hatchery fish? Or is that no longer a practice?

7 MR. ZILLER: We actually are
8 working -- this was one of the first facilities
9 that actually can be narrowed down in scope to
10 just wild fish. We do have wild fish
11 reproduction occurring upstream.

12 The majority of the fish coming
13 back are wild -- or unmarked fish anyway. There
14 is some question as to the percentage of wild
15 fish in those unmarked fish.

16 But in the next few years, five,
17 six years, we are going to learn a lot more. We
18 will not be releasing hatchery fish below the
19 dam and we will not be releasing the marked
20 Chinook that come back to the dam above the dam.
21 So we will learn quite a bit about the natural
22 production potential above the dam and the wild
23 fish that might be produced from that.

24 MR. CUTLIP: Is there a
25 management plan for the Fall Creek Basin?

1 MR. ZILLER: There is a fish
2 management plan for the Middle Fork Willamette
3 Basin, but it's quite dated.

4 MR. CUTLIP: Is that being
5 updated?

6 MR. ZILLER: Somebody might
7 update it someday.

8 MS. BURCHFIELD: There's a
9 hatchery -- there's an outplant protocol report.

10 MR. ZILLER: Probably the most
11 important management plan right now is the
12 hatchery management plan through the PSA.

13 MR. TAYLOR: Another document
14 we'll put together -- for all our projects we're
15 putting together fish passage and management
16 plans for the biop which will be completed soon.
17 Those documents will capture all the most
18 updated information about how ODFW wants us to
19 deal with wild fish, hatchery fish.

20 MR. CUTLIP: Is any of this stuff
21 available on the web?

22 MR. TAYLOR: Not yet.

23 MR. ZILLER: The HTMPs were on
24 the web for a while. Are they still?

25 MR. TAYLOR: I don't know.

1 MR. ZILLER: They were out for
2 review on the web. I'm not sure after you got
3 them --

4 MR. TAYLOR: Mindy is still
5 working on elements of them, so I would say a
6 final draft, no, it's not.

7 MR. LEWELLEN: We were just
8 talking about the history of Fall Creek. What
9 makes Fall Creek a little different than the
10 rest of our dams is that collection facility has
11 been operating since the beginning of the dam
12 back in the '30s compared to the rest of the
13 hatchery -- '60s. I'm sorry. Like compared to
14 Dexter, that started much later. So it's kind
15 of a unique system compared to the rest of our
16 dams in the upper Willamette.

17 MS. DAY: Stephanie hit you with
18 the big ones. Some other little things to
19 consider: Besides the DO concentrations below
20 the dam, you also want to consider temperature
21 effects and dissolved gases, which could include
22 nitrogen.

23 MR. TAYLOR: I've got some
24 information on temperature. One thing about the
25 downstream fish horns that we have that waters

1 up the fish facility is that because they are
2 ported we are able to operate that in a way to
3 mimic, fairly closely, what the historic
4 downstream temperatures were. So in other
5 words, we kind of have temperature control
6 capabilities there and we operate it that way
7 now. So that again is a feature that we will
8 want to maintain that ability to mimic those
9 historic downstream temperatures.

10 When we are pulling from the RO
11 only, of course, we are pulling from the bottom
12 of the reservoir. So we have to be real
13 cognizant when we are operating the horns to be
14 pulling from the right elevation of the
15 reservoir to mimic those temperatures. And I've
16 got what we did this year just to give you a
17 sense of how we do that.

18 MR. CUTLIP: So you can have
19 selective withdrawal capability?

20 MR. TAYLOR: It's not a selective
21 withdrawal tower. But the fish horns -- and
22 this would be a great thing to talk about on the
23 site visit so you can see it -- because they are
24 at different elevations in the reservoir and
25 because that's the primary way we are passing

1 water downstream, we are able to select from
2 those ports. And what it gives us is a pretty
3 darn good ability to mimic the historic
4 temperatures.

5 It's not selective withdrawal per
6 se, and it certainly wasn't constructed for that
7 express purpose. But we have operated it to
8 meet those temperatures because it's an
9 important thing that we can do. And we would
10 like to be able to maintain that project
11 capability to do that.

12 MS. BURCHFIELD: That kind of
13 feeds into what I was saying about design
14 alternatives. Maybe you could design something
15 with some kind of temperature selective
16 withdrawal that does the same -- accomplishes
17 the same that Greg is able to do with these fish
18 horns but takes it through a turbine, releases
19 it down into the fish trap. I don't know what's
20 feasible there.

21 If you could do that, then I
22 think you would not be damaging the existing
23 system that's doing good things for fish right
24 now.

25 MR. von BARGEN: Also a

1 discussion of mortality. Fall Creek actually,
2 if I remember right, it has fairly good
3 mortality as far as downstream passage. And if
4 you are passing that water through another unit
5 -- or a unit now, I think that has to be -- we
6 have to discuss, maybe when we are talking about
7 design -- you know, Francis wheels have a
8 tendency to cut fish up.

9 MS. BURCHFIELD: Did you miss --
10 I said we think they need to put in a screen,
11 turbine screen. The turbines alone -- you know,
12 we are not putting in new hydro projects where
13 we've got listed anadromous fish without screens
14 and bypass facilities. So there's no point in
15 even going down the road unless you start
16 designing that turbine screen and bypass.

17 MS. NGUYEN: Greg, you said you
18 had some data. Will you file that with the
19 court reporter?

20 MR. TAYLOR: Yeah, I will. I'll
21 pass this along. What the data is -- maybe I
22 should explain that. We've been screw-trapping
23 or using a rotary screw trap down below the dam
24 to monitor the out-migration of fish through
25 essentially the regulating outlet -- but we

1 catch fish coming out of the horns as well --
2 for the last year and a half or so.

3 And to get a sense of timing, I
4 think we have a good sense of what times the
5 fish are moving out. We have a good sense of
6 what the relative mortality rates are. I don't
7 think we have good estimates of what the total
8 numbers of fish are. We have, of course,
9 numbers of fish that we catch, but we don't have
10 good estimates to scale those catches up to what
11 the total numbers are.

12 But the data is good for looking
13 at the timing, relative numbers, and species
14 that are moving out.

15 MR. LEWELLEN: You guys kind of
16 already talked about it in your second
17 paragraph, but just going back to direct effects
18 during the project construction, you know,
19 because that collection facility is operated
20 different than a number of other ones in the
21 basin and our year-to year return -- and Jeff
22 knows this real well -- we just want to be real
23 careful with any kind of direct effects that
24 could potentially happen with the construction
25 of the facility.

1 MR. CUTLIP: I guess we will take
2 a look at this in the site visit, but is -- of
3 course, you could spend a lot of money and make
4 pretty much anything screenable, but has the
5 Corps looked into screening this facility in the
6 past? Or is it not necessary because you are
7 not getting a lot of mortality?

8 Are there any studies done on
9 preliminary design or anything like that for
10 screening the facility?

11 MR. TAYLOR: We have not looked
12 at screening it in the past. The studies done
13 in the '90s, they looked closely at where the
14 mortality is occurring. What they showed is
15 that the regulating outlet gate structure was
16 the potential -- or was probably the likely area
17 where that mortality was occurring. It's not
18 something that we've looked at.

19 But, that being said, we are
20 getting close to having a completed biological
21 opinion, and one of the things that I think that
22 we were going to be looking at or will be
23 looking at is how do we improve that situation.

24 So I'm sure, like every other
25 structural modification that we might do over

1 the long term, we'll go through a feasibility
2 type process to look at what's possible,
3 technically possible, financially possible, and
4 everything else, and then make a decision on
5 something like that.

6 But no, we have not in the past
7 looked at screening that. But I think that
8 would definitely be something we'll be looking
9 at in the future.

10 MS. BURCHFIELD: Can I add to
11 that? We've been in consultation for a number
12 of years, and the idea -- we are going to get
13 this biological opinion out soon. I can't say
14 when because we don't know when "soon" is. But
15 it's going to require them to look at fish
16 passage and not just look but actually do
17 downstream and upstream fish passage.

18 In the short term, definitely the
19 trap and haul is the way we are going for
20 upstream. Downstream, we don't know exactly
21 what the best thing is to do at Fall Creek.

22 It seems if you guys are really
23 serious about moving forward with a hydro
24 project we need to synch those processes because
25 we don't want you building a turbine in the RO

1 and then us telling the Corps through all their
2 feasibility studies that the best thing is to
3 build a whole different outlet structure for the
4 fish.

5 We have places where we build,
6 like at Willamette Falls, a sluice gate spill
7 for fish that bypasses the RO. So whatever you
8 end up doing, we don't want it to preclude
9 options that we may have.

10 Another option might be just
11 lowering the reservoir and having it be a
12 run-of-the-river reservoir during the juvenile
13 migration. Then you wouldn't have the head that
14 you need to generate much.

15 So it's coming. And you guys
16 might be a little bit ahead of when they are
17 ready to do something. But it seems that what
18 you want to do could work to meet everybody's
19 needs if the design could work.

20 MS. NGUYEN: Keep in mind this is
21 an ILP process that Fall Creek Hydro has elected
22 to use. It's a three-and-a-half- to five-year
23 process. We are at the beginning or the early
24 stages of that process. So hopefully from now
25 until then we can meet up somewhere in the

1 middle or -- with the Corps and everything.

2 Maybe it will go smooth for you guys.

3 You want to do T and E now, Matt?

4 MR. CUTLIP: Sure. Anybody else
5 want to add --

6 MR. TAYLOR: Talking about
7 ramping rates, one thing that has happened at
8 many of our projects -- and this was a comment
9 that we had on the Applegate EA. You probably
10 haven't gotten the comment yet. But the
11 perception is that having these units you'll
12 just follow our ramping rates. That's certainly
13 fair.

14 But the problem comes in -- and
15 it's come into our units as well -- is that we
16 have backup systems in place and all kinds of
17 good intentions to not fluctuate the river, but
18 those things fail. And they have failed and
19 continue to fail even with our doing our best to
20 have that not occur.

21 So we have often, quite often
22 have situations where the stage dramatically
23 changes below our hydropower projects because of
24 system failures. This is something for down the
25 road, but certainly if the project is approved

1 and we are going to look at implementing this,
2 we will want to work with Symbiotics to lay out
3 an MOA or an MOU or whatever it's going to be,
4 the liability issues around that, because the
5 equipment failure and the subsequent change in
6 stage that would result from something like
7 that, that will be an interesting relationship
8 to have, I guess, because the perception will be
9 we are operating the dam. And we are ultimately
10 responsible, but there may be situations where
11 that equipment failure will be the other
12 agency's fault. It's a sticky wicket that needs
13 to be worked out.

14 I just wanted to get that out
15 there that that's an issue. Because as we are
16 designing systems and thinking about backups,
17 that reliability is really going to be important
18 because there's the potential to affect the
19 ramping rates downstream.

20 MR. STEIMLE: I would like to
21 answer that a little bit. We do have usually in
22 our schedules a year to year and a half once the
23 federal license is issued to work that out with
24 the Corps. The main reason for that -- this may
25 be different in the ILP process, as you

1 mentioned us working together very collectively.
2 In the past it's the Corps's opinion that until
3 there's a federal license it's a very
4 speculative process. They don't want to
5 appropriate staff time -- correct me if I'm
6 wrong, but I think there's no resources
7 available to allow staff time to be spent on
8 these types of preliminary planning and
9 application processes until there's a federal
10 license.

11 MS. NGUYEN: But they are here
12 today.

13 MR. STEIMLE: And we've been
14 working with people in the Portland office. We
15 do get a lot of support from the Corps, but it's
16 very --

17 MR. TAYLOR: Yeah. I just wanted
18 to bringing some of these things up. Based on a
19 cursory review of the application, there were
20 some things that caught me off guard in terms of
21 the language in there.

22 The applicant won't be -- will
23 have no effect on ramping rate. Well, that's
24 true unless the equipment fails and then the
25 applicant has lots of effect on ramping rate.

1 So I just wanted to get that out there and
2 understand that that is an issue and one we need
3 to work through.

4 MS. BURCHFIELD: That made me
5 think of another thing. I've got some reference
6 by email or memo about a turbine strike that
7 could be real live examples of how adult fish do
8 go into turbines when they are turned on and off
9 and get sliced up. You might need that.

10 We also have examples of how
11 powerhouses go bad and cause --

12 MR. STEIMLE: Yeah. That turbine
13 issue is one we want to address.

14 MR. CUTLIP: For adults? Like a
15 tailrace barrier type?

16 MR. TAYLOR: Well, we don't have
17 a tailrace barrier.

18 MS. DAY: That's the issue.

19 MR. TAYLOR: The question is what
20 do you do about it?

21 MS. BURCHFIELD: Often when we
22 talk to applicants about the need for tailrace
23 barriers, they say, "We have no evidence of fish
24 getting into the turbine outfall areas." And
25 we've had an example this summer where we have

1 clear evidence of cut-up fish. So we thought we
2 would let people see that. Who should I send it
3 to?

4 MS. NGUYEN: Me. I'll make sure
5 it gets put in the public area.

6 MS. DAY: That's another issue,
7 tailrace barrier.

8 MS. NGUYEN: My email address,
9 Stephanie, is kim.nguyen@ferc.gov.

10 Anything else on fisheries and
11 aquatics?

12 MR. CUTLIP: Okay. I guess we'll
13 move on to threatened and endangered species.
14 So far we've identified the effects of project
15 construction and operation on the
16 federally-listed threatened Upper Willamette
17 River spring Chinook salmon ESU in Fall Creek
18 upstream and downstream of the Fall Creek dam
19 and federally-listed and endangered Oregon chub
20 in Fall Creek downstream of the Fall Creek dam
21 and what measures could be implemented to
22 prevent or limit any adverse effects.

23 So I guess we can talk again
24 about spring Chinook. Anybody want to talk
25 about Oregon chub?

1 MR. TAYLOR: I would, just for
2 the record, make note that there's -- one of the
3 most robust populations of Oregon chub that we
4 have in the Willamette Basin lives in the
5 spillway pond area below our emergency spill
6 gates. It's an important resource.

7 MR. ZILLER: And tied to that is
8 if anything under the new project happened to
9 cause the emergency spillway to have to be used,
10 that's a huge impact on that population because,
11 as far as I know, that emergency spillway has
12 never been used.

13 MR. TAYLOR: Right.

14 MR. CUTLIP: Not even in '96?

15 MR. TAYLOR: Not even in '96. But
16 that being said, to be fair, when that population
17 was put in place, there was the acknowledgement
18 that that spillway could and would potentially be
19 used. So, I mean, the intention is if it's
20 needed, it will still be used.

21 MR. ZILLER: We don't want to
22 increase that potential of need, though.

23 MS. DAY: Right.

24 MR. CUTLIP: Anything else on
25 T and E species?

1 MR. ZILLER: In terms of species
2 -- and I know this isn't meant to be a complete
3 list that you have here -- but other species
4 that will be considered with this project will
5 be winter steelhead, which we do pass at the
6 dam, and lamprey.

7 MS. BURCHFIELD: How many do you
8 get?

9 MR. ZILLER: Winters? Depends on
10 the year. We've had zero. We've had hundreds
11 in the last 40 years.

12 MR. CUTLIP: Are winter steelhead
13 included in the ESU?

14 MR. ZILLER: They're not.

15 MR. CUTLIP: But they will need
16 to be addressed obviously in the EA.

17 MR. ZILLER: Yes.

18 MS. NGUYEN: Anything else on
19 T and E?

20 MR. von BARGEN: On the special
21 status species, the Western pond turtles were
22 recently delisted but are still a species of
23 concern. Bald eagles.

24 MR. CUTLIP: Pond turtles are
25 listed. Correct?

1 MR. von BARGEN: They are not.
2 They are a species of concern.

3 MS. NGUYEN: That takes us to the
4 aesthetic resources, which includes any effects
5 the project construction, operation, and
6 maintenance might have associated with the
7 powerhouse and the transmission line.

8 Definitely don't want a pink
9 powerhouse unless the Corps wants one.

10 And the next resource issue is
11 the archeological and historic resources issue.
12 Determination of an Area of Potential Effect and
13 assessment of the effects of the proposed
14 project on historic properties or traditional
15 cultural properties within the APE.

16 And then lastly the developmental
17 resources issue. This is pretty standard. It's
18 just any effects that the proposed project --
19 protection, mitigation, or enhancement measures
20 on the project's economics.

21 Now, before we go on, let's see
22 if I have recapped everything that we should
23 need to add and then maybe stuff that we might
24 want to remove.

25 As far as fisheries and aquatics

1 go, I have screens at the intake and bypass; the
2 adult fish attraction at the powerhouse;
3 tailrace barrier; liability of ramping or
4 equipment failure; temperature effects, as well
5 as dissolved gasses effects.

6 And then to add to the T and E
7 list, but they are not listed, are the winter
8 steelhead, lamprey, pond turtles, and bald
9 eagles.

10 Have I captured everything?
11 Anything else to add?

12 MR. ZILLER: I would be a little
13 confused on adding to the T and E list there.
14 That's just a Fish and Wildlife resources list.

15 MS. BURCHFIELD: Since they are
16 not listed.

17 MR. CUTLIP: Right. Then
18 obviously we have a discussion there of the
19 effects of the project on entrainment. I will
20 probably just expand upon that to include the
21 things that we discussed related to screening.

22 And then also include another
23 bullet in there about the effects of project
24 operation on adult increased mortality due to
25 turbine strike and measures that could be

1 implemented -- example, tailrace barrier. So
2 that's where I will head with those issues. I'll
3 expand upon them to make things more clear.

4 MS. GRAINEY: I would like to
5 take a step back and talk about the geographic
6 and temporal scope of this because as we look at
7 this work, we are talking about a biological
8 opinion that's going to affect all of the Corps
9 projects. We've got hydroelectric license
10 proposals on three other projects -- Blue River
11 and Dorena and Fall Creek. So I know it's
12 uncertain about how this timing is going to work
13 out, but in the next 30 years we are going to
14 see development at all of those.

15 I don't know if all of the
16 construction is going to happen at the same time
17 or if it's going to be ten years apart or
18 whatever. But the State standards require that
19 we look at the cumulative impacts within the
20 basin.

21 So I kind of see this Willamette
22 Basin project as significant. There's also
23 another Willamette Basin project that you guys
24 are considering right now, and that's on the
25 North Santiam River. The Santiam Water Control

1 District has a proposal on that one. I just
2 wanted to make a comment about that.

3 MR. CUTLIP: Would you like us to
4 expand our geographic scope, then? That was one
5 question I had. I included the Middle Fork
6 Willamette as just a preliminary. But to me --
7 obviously you could go out all the way out to
8 the ocean.

9 MS. BURCHFIELD: You could go to
10 the mouth of the Willamette.

11 MS. GRAINEY: You should consider
12 that because all the projects operate together.
13 Certainly you want to see them take care of all
14 the impacts as locally as they can, but the fact
15 that we don't know exactly how this timing is
16 going to work out with the different projects --

17 MS. NGUYEN: So not just Middle
18 Fork but the whole Willamette River Basin?

19 MS. GRAINEY: Mm-hmm.

20 MS. BURCHFIELD: I agree with
21 that, not just for the effects of hydropower but
22 because of the effects on the fish that use the
23 whole river to get up into Fall Creek. They
24 can't just cut off part of their life cycle by
25 looking only at the Middle Fork.

1 MS. NGUYEN: Okay. Anything else
2 we would like to add to this list or we could
3 remove because we think there might not be an
4 effect?

5 MR. CUTLIP: That doesn't happen
6 very often.

7 MR. TAYLOR: Does it ever happen?

8 MS. NGUYEN: Yes, it has.

9 MR. CUTLIP: More often not.
10 It's just moving things around and sort of
11 trying to consolidate, that sort of thing.

12 MS. NGUYEN: This is a pretty
13 standard list for us.

14 Let's talk scheduling and the ILP
15 process a little bit. This is a very
16 abbreviated version. I also made copies of our
17 colorful version for you that goes through every
18 single step.

19 But as I've said before, it's
20 about a three-and-a-half- to four-and-a-half- to
21 five-year process from the beginning, which is
22 the filing of the NOI and the PAD.

23 Right now we are in that second
24 box, which is the scoping and process planning.
25 And then our next step is going to be input from

1 everyone on the study plan development. And
2 then of course we go through the study. It
3 could be a one- or two-year study season
4 depending on the study and the resource itself.

5 And then after that they file the
6 application and we notice it. And then there's
7 another opportunity once we notice the project
8 for you to file -- that's when we solicit
9 comments, interventions, protests, conditions,
10 prescriptions -- everything happens after that
11 REA notice period.

12 Then we work on our EA or
13 Environmental Assessment or EIS and then the
14 order thereafter.

15 Now, for this project -- well,
16 we'll talk about that when we go to the tentative
17 EA schedule. But this is the short and long of
18 it. This pdf file you can get from that website
19 or you can take your handout. In your package
20 there's a slide, the last slide, number 13, about
21 our tentative EA preparation schedule.

22 Like I said, this is a tentative
23 schedule for a single EA or environmental
24 assessment. From scoping of the issues today,
25 as well as all the study plan development that's

1 going to be going on, you can adjust this
2 schedule and prepare a draft and a final. That
3 just gives you one more opportunity to comment
4 on the draft before we go out with the final.
5 That's where the half a year at the end kicks
6 in, making it a five-year process.

7 Can I elaborate on this for any
8 of you?

9 MS. BURCHFIELD: Yes. I'm
10 looking at the detailed process. I'm trying to
11 get a good handle on what's -- I was part of the
12 review of ILP process, but I've never had to
13 actually do one. The way it looks to me is that
14 FERC now has to weigh in a lot earlier and you
15 have to write this stuff before they give it to
16 you. So you are doing more of the work.

17 And then it looks to me like we
18 have to do more proposing studies. They've just
19 listed three little bullets of studies. They
20 don't have to prepare a whole proposal on how
21 they are going to do the studies.

22 MS. NGUYEN: It's supposed to be
23 a collaborative effort.

24 MR. CUTLIP: That's the next
25 step. They will prepare a study plan and then

1 give us lots of opportunities --

2 MS. BURCHFIELD: But we have to
3 list study requests. If we don't put this --
4 Are the study requests due at the same time as
5 the scoping comments, September 17?

6 MS. NGUYEN: Yes.

7 MS. BURCHFIELD: And the rules
8 say there's five different criteria that you
9 have to present about why you want the study, to
10 justify it, even the proposed methodology. And
11 then, once you get those comments the applicant
12 puts together a study plan to incorporate those
13 requests unless there's a dispute. And then you
14 go through this whole --

15 MR. CUTLIP: Yeah.

16 MS. BURCHFIELD: So will the
17 applicant have our requests before they have to
18 file their study plan?

19 MR. CUTLIP: Mm-hmm. Then we do
20 study plan meetings.

21 MS. BURCHFIELD: You guys are
22 involved in all the meetings about --

23 MS. NGUYEN: Right. We have to
24 provide study requests ourselves.

25 MR. CUTLIP: Then we ultimately

1 issue a determination.

2 MS. BURCHFIELD: A determination
3 of what studies to do. And if we don't like
4 that, we can have a dispute process but only the
5 mandatory conditioning agencies. So the Corps
6 and State don't have a role in this?

7 MS. NGUYEN: Forest Service does.

8 MS. BURCHFIELD: The Forest
9 Service does but the Corps doesn't?

10 MS. DAY: Not in this whole
11 process, but just in that piece.

12 MS. BURCHFIELD: This piece right
13 here. Only mandatory conditioning agencies can
14 do this study dispute process.

15 And this allows -- so the studies
16 -- I guess I was hoping to see more of a
17 schedule. There are all these days in between
18 here. We'll have to line it out.

19 Do we think we are going to get
20 studies started next spring?

21 MS. NGUYEN: That's our hope.

22 MR. CUTLIP: Typically we issue
23 the study plan determination and ideally they
24 get started on studies right away. We don't --
25 Do we have the study planning?

1 MS. NGUYEN: I thought I had a
2 schedule. I had to tweak your schedule a little
3 bit because we had a conflict with AIR that
4 pushed it back a couple of months.

5 MR. BOYTER: It's in the last
6 couple of pages of this.

7 MR. CUTLIP: It's actually in the
8 scoping document, the last couple of pages.

9 MS. NGUYEN: Page 20. We can go
10 over that in more detail. I mean, the ILP is
11 pretty set. We can't slip these dates.

12 MR. CUTLIP: So ideally things
13 get worked out, we don't go to dispute, and then
14 the study plan determination will be issued at
15 the end of March. And yes, you can definitely
16 start studies. Especially if the applicant is
17 working proactively to get things -- you know,
18 get in the field, it would be next study season.

19 MS. BURCHFIELD: But if we have
20 disputes, that could go as long as -- it looks
21 like it could go into June. But they could
22 start studies on things that weren't disputes.
23 Right?

24 MS. NGUYEN: Right.

25 MR. CUTLIP: It would be in their

1 best interests in start studies. Typically
2 there's two study years built into the ILP. It
3 would definitely be in their best interests to
4 get things started the first study season.

5 MS. DAY: If there were a dispute
6 on a study, does that mean, then, that they
7 wouldn't be able to file their application until
8 we got the complete two years?

9 MS. NGUYEN: Yes.

10 MS. GRAINEY: In Oregon the
11 project that's furthest along through this
12 process is the Mason Dam project. They've gone
13 through this requesting studies and modifying
14 study plans and that kind of thing.

15 MS. NGUYEN: And it's been
16 working out splendidly. Right?

17 MS. GRAINEY: Well, I haven't
18 been at the table with them, but I noticed that
19 they are moving through the process. One of the
20 things -- I think one of the studies they were
21 working on, I think, was the recreation study
22 and how much interviewing they had to do to find
23 out why people are using the facilities. I
24 don't know that we talked about that at all this
25 morning.

1 MS. NGUYEN: Like I said, this is
2 a pretty stringent process and schedule. We are
3 not allowed to miss a day of it.

4 MR. CUTLIP: Those dates are real.

5 MS. NGUYEN: They are set in
6 stone.

7 MR. ZILLER: So the 3rd of
8 December there be will be a meeting and will be
9 held where?

10 MS. NGUYEN: That's the first of
11 many.

12 MR. CUTLIP: Yeah. The study
13 plan meetings, the meetings themselves are a
14 little bit more flexible, the actual meeting
15 dates. But the deadlines, meeting the filing
16 dates and issuance dates are set.

17 If it falls on a Saturday or
18 Sunday, it automatically moves to Monday, the
19 next business day.

20 MS. DAY: Except for if you run
21 into a snag, like with the study plan disputes.

22 MR. CUTLIP: But the goal is not
23 to go to dispute obviously. In this process --
24 I've only been involved in one other ILP to date
25 that's this far along, and that was the Jackson

1 proceeding in the Snohomish PUD. It's a fairly
2 large project.

3 We made it through study planning
4 in a record amount of time. We issued a
5 determination letter, and they are wrapping up
6 the first study season. So it does work. We
7 didn't go to dispute on that either.

8 There's just got to be a lot of
9 collaboration.

10 MS. NGUYEN: Which is what we are
11 hoping will happen for this project.

12 And these dates are pretty --
13 there shouldn't be any Saturdays or Sundays in
14 this schedule. I made sure of that.

15 Like I said, it's a little bit
16 different from what's in the PAD, the Fall Creek
17 Hydro's PAD, because we had to do some adjusting
18 before we noticed the project because there was
19 some problems with the PAD itself.

20 So these are new dates.

21 MR. LEWELLEN: I have a general
22 NEPA question. I'm by no means saying I'm
23 supporting this, but do you guys typically just
24 do EAs on these projects? You don't have to
25 come up with an EIS? Especially on projects

1 that are kind of complicated like this with ESA
2 conflicts and existing --

3 MS. NGUYEN: It depends on what
4 we take back today from scoping, depending on
5 comment from the PAD. We typically -- we try to
6 start out as an EA. But nine out of a ten times
7 it changes into an EIS or even a final and
8 draft.

9 But our default is to try to do
10 one single EA.

11 MR. LEWELLEN: I hear you.

12 MS. NGUYEN: It saves time.

13 MR. CUTLIP: We do issue our fair
14 share of EISs.

15 MS. NGUYEN: Most of our EAs now
16 are just as big as an EIS and go into as much
17 detail as an EIS.

18 MS. BURCHFIELD: We all have to
19 do consultation on this under the Endangered
20 Species Act. I'm wondering where that would
21 come in. After you issue your EA or EIS?

22 MS. NGUYEN: Should be right
23 after it.

24 MS. BURCHFIELD: Theoretically
25 there's time if you issue the EA in May and plan

1 to issue the -- I guess. 135 days. Assuming
2 everything's complete.

3 MS. NGUYEN: I think it will fall
4 somewhere around August with the modified 4(e)s.

5 MS. BURCHFIELD: Right. It says
6 the modified 4(e)s and fish prescriptions are
7 due then. But it may not be when the biological
8 opinion --

9 MS. NGUYEN: Oh, yeah, of course.
10 That will be to your schedule.

11 MS. BURCHFIELD: So at this point
12 you can just assume you are going to have to --
13 you'll be sending us a letter saying NLAA is
14 probably not going to work.

15 If we are writing opinions on
16 Dorena, if we don't write one on Fall Creek,
17 that would look pretty crazy.

18 MS. NGUYEN: Anything else?

19 Please make sure you fill out a
20 registration form for myself and the court
21 reporter.

22 If there's nothing else, that's
23 it. Thank you for coming.

24 (The scoping meeting was concluded
25 at 10:30 a.m.)

Fall Creek Dam Hydroelectric Project
August 16, 2007

1 State of Oregon)
2) ss.
3 County of Lane)
4

5 I, Eleanor G. Knapp, CSR-RPR, a Certified
6 Shorthand Reporter for the State of Oregon,
7 certify that I reported in stenotype all
8 testimony and other oral proceedings had in the
9 foregoing matter and that the foregoing
10 transcript consisting of 61 pages contains a
11 full, true and correct transcript of said
12 proceedings held on August 16, 2007 and so
13 reported by me to the best of my ability on said
14 date.

15

16 IN WITNESS WHEREOF, I have set my hand and
17 CSR seal this 22nd day of August 2007, in the
18 City of Eugene, County of Lane, State of Oregon.

19

20

21

22

23 Eleanor G. Knapp, CSR-RPR

24 CSR No. 93-0262

25