

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

- - - - -x
IN THE MATTER OF: : Docket Number
CLARK CANYON DAM :
HYDROELECTRIC PROJECT : P-12429-001
- - - - -x

National Guard Armory
1070 Highway 41 North
Dillon, Montana

Tuesday, August 21, 2007

The above-entitled matter came on for scoping meeting,
pursuant to notice, at 2:00 p.m., Dianne Rodman presiding.

1 PROCEEDINGS

2 MS. RODMAN: Good afternoon. Thank you for
3 coming to the scoping meeting for the proposal to construct,
4 operate and maintain the Clark Canyon Dam Hydroelectric
5 Project, FERC Number 12429.

6 I am Dianne Rodman. I am the team lead for the
7 National Environmental Policies Act processing of the
8 application. I am a terrestrial biologist. So I'll be
9 overseeing the NEPA process, National Environmental Policy
10 Act, as well as working on the terrestrial biology for the
11 proposal.

12 With me is Matt Cutlip from our Portland regional
13 office. He's a fishery biologist assigned to the project.

14 To clarify, I'm with the Washington, D.C. office.
15 Okay?

16 We're here to discuss the potential environmental
17 problems that may occur in constructing, operating and
18 maintaining the Clark Canyon Dam Hydroelectric Project. And
19 we have representatives of the applicant who has applied to
20 our agency. The applicant is Symbiotics, LLC. And they are
21 going to explain -- give an outline of what their proposal
22 is.

23 So Hart.

24 MR. EVANS: You ready?

25 MS. RODMAN: Yep.

1 MR. EVANS: Okay.

2 I'm Hart Evans. I am director of public
3 relations for Symbiotics, LLC. I have just a very short
4 slide presentation, just a brief overview of what we're
5 proposing to do and a quick bullet-point of what some of
6 those issues might be.

7 (Slide.)

8 Basically there you have Clark Canyon Dam, some
9 reclamation photos, built in 1964 for flood control,
10 irrigation and water conservation. It's a zoned earth field
11 dam, 147 and a half feet high with a crush length of just
12 under 3000 feet. It is administrated by reclamation and
13 operated and maintained by East Bench Irrigation District
14 out of Dillon, Montana.

15 Is that correct?

16 VOICE: Yep.

17 MR. EVANS: And the flood control, just one of
18 the issues has yielded a reduction of approximately \$12.5
19 million in flood damages as of 2005.

20 (Slide.)

21 The proposed modifications: we intend to install
22 steel liners in the exit conduit liner. You saw that this
23 morning: Just basically plug a steel pipe up the conduit.
24 There would be new outlet gates and bifurcation leading to
25 the turbine's power house. We'll have -- we're proposing

1 two turbines, two vertical Francis turbines -- a three
2 megawatt and a 1.7 megawatt. We will construct a 30 by 50
3 powerhouse. And also it will be constructed with out house
4 that's not included there. And then we will put in a three-
5 tenth of a mile transmission line to connect with local
6 utility transmission system.

7 (Slide.)

8 There's an artist's rendition. You see that?

9 Now when we looked at the site today we noticed
10 on some of the drawings that there's -- also, as I
11 mentioned, there's going to be a valve house that will sit
12 about that or near that somewhere, however engineering works
13 that out.

14 (Slide.)

15 Okay. Proposed Operations. We propose to
16 operate it in run of river, which means, for those of you
17 who don't know, that it would be operated as dictated by
18 Reclamation administered flows. The power will be generated
19 from flows in the eighty-seven and a half to 700 cubic feet
20 per second range. It looks like the average cubic feet is
21 about 370 on average. And given that it's what they call a
22 spill and fill, or an irrigation system, it will be operated
23 where generally the most power will be coming out of --
24 during the summer months whenever there'll be irrigation --
25 June to August. And then, of course, whenever they're

1 filling it in the wintertime will be the least amount of
2 power generation.

3 It will also generate an average of 16.5 gigawatt
4 hours. That's 16 million kilowatts, I think.

5 (Slide.)

6 Okay. Some of the resources that we've
7 identified -- and I want to go through these real quick just
8 on some of the resource issues that we've identified that we
9 think might be pertinent to the scoping process. For
10 geology and soils there's really not much there. We may
11 need to do some drill test or some sort of water test at the
12 foot of the dam to make sure that the soil is capable of
13 further construction.

14 Water sources. We have proposed and have put
15 together a soil erosion control management plan. We will be
16 applying for the Clean Water Act 401 certificate. We're
17 working with Corps of Engineers on a 404 permit, all the
18 necessary issues that go along with that.

19 We're not intending to do any more studies on
20 water quality, although we have done -- it was determined in
21 our consultation with the agencies that it was mostly
22 redundant; the information was already there. But we have
23 opted to go ahead and do our own studies. And we're
24 monitoring for turbidity, temperature and total gas
25 pressure.

1 Then, of course, there will be post-construction
2 studies, water quality studies that will be worked out with
3 the agencies, however that turns out to be.

4 Let's see. Aquatic resources. There are no
5 threatened or endangered species within the Beaverhead River
6 system, although there are two special status species, the
7 west slope cutthroat and the Montana Arctic fluvial
8 grayling. They are a -- one is a special status and one is
9 a candidate status.

10 We don't anticipate any long term impacts to
11 those fish species. We are aware of all of the resource
12 management plans from the Montana Fish, Wildlife and Parks,
13 and we will work closely with them. They've identified
14 their statewide management programs and those will be
15 incorporated into our plans moving forward and we'll just
16 work with them to make sure that all of those objectives are
17 met during the source of both construction and operation of
18 the project, working with them.

19 Some of the known impacts we have for
20 construction. We'll of course be concerned about
21 sedimentation. We'll put together a fish protection and
22 sediment erosion control management plan that we'll
23 implement during construction and post-construction.

24 As I mentioned this morning, there's been a lot
25 of interest in flows. A lot of people would like to see the

1 lowest flow. But that, as I'm told -- and, of course, it
2 must be realized this is a run of river and flows are
3 released as dictated by the need and as administered by
4 Reclamation.

5 And then recreation. You know, some of the
6 people are concerned about access. But being as the main
7 access for the bulk of the fishermen is downstream, we don't
8 anticipate any sort of impacts there.

9 Wildlife. We have species of concern. There's
10 three species: bald eagle, the ferruginous hawk and the
11 pygmy rabbit. We don't really see any long term impact. We
12 may have some -- anticipate some short-term construction
13 related impacts and we'll just work out whatever -- either
14 timing of construction or mitigation measures we may need to
15 fit -- feed bald eagles or -- not that we don't know
16 exactly.

17 We haven't had much comment from Fish Wildlife
18 and Parks on that so we're not sure exactly how they want to
19 deal with that. We have not had any comment from the US
20 Fish and Wildlife Service. So we'll just do whatever is
21 normally done in the course of the licensing process.

22 Other than that, we don't see any impacts to the
23 wildlife resources.

24 Vegetation. We have surveyed vegetation for
25 impact. That plan will be submitted by the end of this

1 month. She is -- the lady that has done it has looked for
2 the new glaze traces. I have not heard if she has
3 identified any within our footprint. I don't think so,
4 given as most of those are riverine habitats. And we
5 don't --

6 Uh-huh?

7 MS. RODMAN: Hart, when you said that you would
8 be submitting the botanical studies by the end of this
9 month, you don't mean to FERC, do you?

10 MR. EVANS: No, no.

11 MS. RODMAN: That would be to the agencies
12 that --

13 MR. EVANS: Right. For comment.

14 MS. RODMAN: Right. We identified three
15 agencies: Fish and Wildlife Service, Montana Fish Wildlife
16 and Parks, and Reclamation to --

17 MR. EVANS: Yes.

18 MS. RODMAN: -- look at the results of the
19 surveys.

20 MR. EVANS: Right. Pardon me. Those will be
21 submitted to the agencies that you requested for review so
22 that we can make it for the November deadline.

23 MS. RODMAN: Right. Okay.

24 MR. DAVIES: How long is the review period?

25 MR. EVANS: Pardon?

1 MR. DAVIES: How long is the review?

2 MR. EVANS: 30 days.

3 Okay. Other botanical species of concerns. The
4 Bureau of Land Management has several watch species that
5 have the potential to occur within the project. They are
6 the hoary phacelia, bitterroot milk vetch, and scalloped
7 leaf louse wort. They are all potential. Again the
8 footprint has been surveyed. We will either avoid, move, or
9 whatever sort of mitigation or protection the permit agency
10 recommends.

11 And then, of course, there's noxious weeds, the
12 weed management program that we would be putting together
13 and implementing.

14 Cultural resources. We checked with our office
15 and that has been done. And it will be submitted to the
16 agencies for review at the end of this month.

17 Right, Dave?

18 MR. BOYTE: Yes.

19 MR. EVANS: And we have -- Okay. I see.

20 And recreation. We don't anticipate any long-
21 term impacts to the facility. We expect inasmuch as it's
22 being operated run of river we will -- fishing inside the
23 reservoir, there were some concerns with the minimum storage
24 pool and the maintenance and operation of the reservoir
25 around the facility, that would be run of river sort of and

1 nothing essentially would change.

2 Of course again, the increase of minimum flow.
3 Montana Fish Wildlife and Parks has indicated that they
4 believe that this project could actually improve fisheries
5 if they implemented some of these measures. Of course, the
6 increase in minimum flows, an increase in the minimum
7 storage pool and the reduction of gas supersaturation, we
8 expect that the hydroelectric turbines will take care of
9 this gas supersaturation. And that's what we will be
10 working with engineers in order to put those measures into
11 the hydroelectric facility -- that we know that we can do
12 that. It has been demonstrated that it's doable. So that's
13 what we intend to do as mitigation for that.

14 And then visual resources, the last thing that we
15 look at.

16 (Slide.)

17 Tribal resources, real quickly. We were
18 contacted by the Ney Persay and Nez Perce Tribes and they
19 are not interested in participating outside of their
20 jurisdiction.

21 And in visual resources, I'm putting together a
22 resource management plan that will be submitted at the end
23 of this month to the permit resource agencies.

24 (Slide.)

25 And that's the list of what we see are the issues

1 for recreation and resources. I'll just go through those
2 again:

3 Soil erosion, the spread of noxious weeds,
4 management plans will be put together for that. Adhere to
5 water quality standards. Construction scheduling to
6 minimize impacts. And cultural survey is completed and will
7 be done.

8 Ramping. There will be no ramping. It's run of
9 river.

10 I had a discussion earlier today on whether or
11 not the transmission line would be above or below ground.
12 And we're going to most likely look at that again and see --
13 do some further studies on our own to see if -- whether we
14 want to go underground or we'll have it overhead; see and
15 then submitted it to the agencies and see what they want.

16 And wildlife and riparian habitat, run of river
17 so there is essentially going to be no change to the system.

18 And proposed studies: water quality monitoring,
19 vegetation characterization, and cultural resource survey.
20 And those are all basically done. We'll continue on the
21 water quality monitoring. I believe that we're going to
22 look at water quality until October.

23 And that's it. Basically we're looking at the
24 issues and that's what we see.

25 MS. RODMAN: Okay.

1 MR. EVANS: Any questions or comments?

2 MR. DAVIES: You have your -- you said there's
3 three plans, the cultural resource plan, the visual
4 resources plan and the vegetation plan. Those are all
5 nearing completion --

6 MR. EVANS: Yes.

7 MR. DAVIES: -- and will be submitted at the end
8 of --

9 MR. EVANS: This month.

10 MR. DAVIES: -- August --

11 MR. EVANS: Yes.

12 MR. DAVIES: -- to the agencies.

13 MR. EVANS: Yes.

14 MR. DAVIES: And the agencies being Fish and
15 Wildlife Service, Fish Wildlife and Parks, State, and
16 Reclamation, those three?

17 MR. EVANS: Uh-huh.

18 MS. RODMAN: Except for the cultural resources,
19 of course, which would be the SHPO.

20 MR. EVANS: Right. That would go to Montana
21 SHPO.

22 MR. DAVIES: That would come to us as well.

23 MR. EVANS: Yes. Everything that we -- any sort
24 of study, any correspondence will, of course, be sent your
25 way.

1 MS. RODMAN: And also as far as the resource plan
2 is concerned, we also have -- we've also specified that the
3 East Bench Irrigation District --

4 MR. EVANS: Right.

5 MS. RODMAN: -- should be consulted on the
6 preparation of that plan.

7 MR. BOYTE: I think some water quality studies
8 are being done, and those have until October. So you'll see
9 the results in October, when the last studies are completed.

10 MR. FELDMAN: And then there's the spring studies
11 that continue through '09.

12 MR. DAVIES: Well, I think what would be helpful
13 for Reclamation is if you kind of -- anything you're sending
14 to us you also send to these federal jurisdiction districts.

15 MR. EVANS: Okay.

16 MR. DAVIES: That would speed that time line up.

17 MR. EVANS: Okay.

18 MR. DAVIES: And then your expectation is
19 agencies will provide comments thirty days.

20 MR. EVANS: Uh-huh.

21 MR. DAVIES: You would incorporate or address
22 comments. And what your step from there? Are you going to
23 explain that?

24 MR. EVANS: We'll submit it to FERC and back to
25 the agencies that were consulted originally.

1 Is that correct?

2 MS. RODMAN: Yes.

3 MR. CUTLIP: Explaining why or why not you didn't
4 -- how you incorporated their comments.

5 MR. EVANS: Uh-huh. And for the most part we
6 will incorporate those comments. You know, I can't see very
7 many reasons why we would not.

8 MR. DAVIES: Do you --

9 MR. EVANS: Unless you propose a quarter-inch
10 screen or something.

11 (Laughter.)

12 MR. EVANS: But that's a whole different issue.

13 MR. DAVIES: Do you -- I've seen it on other
14 projects. Maybe this is your plan. You actually state
15 everybody's comments and how you incorporated or addressed
16 them.

17 MR. EVANS: Yes. Those are -- that's been
18 addressed in the finalized application, and I expect they
19 will be addressed again.

20 MR. DAVIES: Sure. So we're actually seeing the
21 other agencies --

22 MR. EVANS: Right. Right. Exactly. What the
23 comments were and our response to that.

24 MR. DAVIES: Thanks.

25 MS. RODMAN: Typically what we like to see in

1 that kind of a filing is a copy of the original letter. And
2 then you would summarize, 'Here's what they said and here's
3 what we think.'

4 MR. EVANS: Okay.

5 MS. RODMAN: So, yeah, we would like to have the
6 letters copied into the filing.

7 MR. EVANS: Okay.

8 MS. RODMAN: I do have a question for my own
9 information. Matt may know this.

10 But how do the studies that you're conducting,
11 the water quality studies that you're conducting in response
12 to our December additional information request mesh with the
13 agreement that you have with Montana Department of
14 Environmental Quality to do water quality? Are they
15 complementary?

16 MR. FELDMAN: Oh, definitely. It's going to be -
17 - this is information we're going to use for our 4041
18 certification process. And we're going to need the water
19 quality information because we have to demonstrate the
20 effects, if there are any, and any mitigation that will
21 occur if necessary.

22 And then we have three options. We can certify
23 the project, we can deny the project with proposed changes,
24 or we can pretty much just waive our right and let it sit
25 for thirty days.

1 MR. EVANS: Then what happens if you let it sit
2 for thirty days, it just goes on after thirty days --

3 MR. FELDMAN: Uh-huh. Correct.

4 MR. EVANS: What would be the point of that?

5 MR. FELDMAN: Well, if there's no -- If we look
6 at it and see that there's nothing that's going to be
7 affecting anything water-quality -- I understand that Fish,
8 Wildlife and Parks made an agreement with -- had a meeting
9 with Reclamation -- is that right -- about the fisheries and
10 -- This is like -- I heard about this through the grapevine.

11 MR. BAUMBERGER: Well, it did.

12 When Reclamation was renewing our contracts with
13 East Bench Irrigation District and Clark Canyon Water Supply
14 Company, as part of that came out that we agreed to sit down
15 with Fish, Wildlife and Parks and look at the various issues
16 on the Beaverhead. It was basically to look at the -- to
17 improve the environmental health at Beaverhead, not
18 specifically fisheries, not specifically water quality. I
19 mean, we wanted to look at the whole basin holistically.

20 We have had those conversations with Fish,
21 Wildlife and Parks. We've had several conversations with
22 them. And right now where it sits is we've engaged the
23 Beaverhead Watershed Committee and through their efforts
24 they're going to take a lead in that with assistance from
25 Reclamation and Fish Wildlife and Parks. So, yes, the

1 discussions have occurred; has anything concrete come out of
2 it yet? No.

3 MR. DAVIES: Well, from what I heard it sounded
4 pretty good.

5 MR. BAUMBERGER: It is. It's, you know, it's
6 sounding pretty promising right now. And we hope to get --
7 like I said, the Beaverhead Watershed Committee has agreed
8 to do -- try to do more of a local-based group that's kind
9 of organizing this and hopefully get some of the other
10 locals involved, whether that being just local citizens or
11 maybe some sportsmen's groups, some guides and outfitters,
12 we want to get them involved as well. So it is in the
13 beginning stage, but it is moving.

14 MS. RODMAN: Okay.

15 MR. DAVIES: One more question. There's a water
16 quality plan as well going on?

17 MR. BAUMBERGER: There is not a water quality
18 plan. There is a water quality protection, fisheries
19 protection that, you know, we put a cofferdam and monitor
20 daily or however it is that's a normal standard operation
21 procedures for construction activities. And that will be
22 closely monitored. And there will be protection measures
23 that will -- and management measures that will be put in.
24 But there's not any sort of studies or water quality plan.
25 We believe the TMDL is in process still.

1 MR. EVANS: Yes.

2 MR. BAUMBERGER: And so we'll let the State of
3 Montana go ahead and do that and we'll just defer to their
4 findings.

5 MR. DAVIES: Well, it's a monitoring plan you're
6 thinking about?

7 MR. CUTLIP: The study results from the baseline
8 data from our area should be in after this October and that
9 will go out to review. So I know at least that component
10 will be available because that's due to us this fall -- or
11 winter.

12 MS. RODMAN: Winter.

13 MR. CUTLIP: Winter.

14 MR. BOYTE: That will be complete October 15th
15 and then put it together and send it off to agencies for
16 thirty-day review. And we have to get it to FERC by
17 December 21st.

18 MR. DAVIES: So that was temperature --

19 MR. CUTLIP: One at a time, you guys.

20 MR. EVANS: -- and total dissolved gas.

21 MR. DAVIES: The water -- the protection plan
22 that you just mentioned is --

23 MR. EVANS: Fisheries protection plan, fisheries
24 management, that is in the back of the book here. I can
25 find it real quick for you. That is submitted with the

1 final license application.

2 MR. DAVIES: One thing that -- maybe you can help
3 us, particularly me, out is each of the plans that you have
4 coming out for agency review, it would be very helpful if we
5 had a list of what's coming and when you expect comments
6 back.

7 MR. BOYTE: Would you like that in letter format
8 or would you just like an email?

9 MR. DAVIES: E-mail would be fine.

10 MR. EVANS: You just want to keep appraised of
11 what's going on and what's happening?

12 MR. DAVIES: Yeah.

13 MR. EVANS: Okay.

14 MR. BOYTE: I'll make sure you know what's in.

15 MR. DAVIES: Okay. Appreciate it.

16 MR. FELDMAN: But DEQ did submit a water quality
17 monitoring plan. That's what he was referring to earlier.
18 That was 32,007. And we're hoping to extend that a bit.
19 We'll work that out with them.

20 MR. EVANS: Well, just let us know --

21 MR. FELDMAN: Okay.

22 MR. EVANS: -- what you want to do. We're open
23 to negotiations.

24 We're also getting to the point where we probably
25 want to start negotiating or implementing the 401 --

1 MR. FELDMAN: Yes.

2 MR. EVANS: -- water quality. We need to start
3 getting that in the pipe and getting it going, shouldn't we?

4 MR. FELDMAN: Yes.

5 MR. EVANS: If I can get a card from you or
6 something so that we can make sure later that we get that.
7 And I won't be dealing with that directly, but I'll get the
8 right person in contact with you.

9 MR. FELDMAN: Okay.

10 MR. EVANS: Do you have a time frame or any
11 specific -- just soon?

12 MR. FELDMAN: Yeah.

13 MR. EVANS: The sooner the better?

14 MR. FELDMAN: Basically.

15 MS. RODMAN: Our regulations require that the
16 application for water quality certification must be
17 submitted to the state agencies no later than sixty days
18 after we issue our public notice that the application is
19 ready for environmental analysis. Now that -- we will not
20 issue that notice until we've looked at all the additional
21 information and determined that it's adequate because
22 literally it means we have all the information we need;
23 we're ready to start writing the environmental assessment.

24 So at the moment the schedule is that they will
25 all the additional information to us by December 21st.

1 We'll review it and hopefully act on it some time in January
2 and perhaps issue our notice of -- our REA notice, ready for
3 environmental analysis. And so you would have to file your
4 401 request no later than sixty days after we issue that
5 notice.

6 MR. EVANS: That will be in the Federal Register
7 and will be part of the announcement whenever you get to
8 that point?

9 MS. RODMAN: Yes. Yes. Everybody I think on the
10 mailing list will be.

11 MR. EVANS: Okay. Sixty days enough time for you
12 to get that going?

13 MR. FELDMAN: I have thirty days by law.

14 MS. RODMAN: And after the request comes in and
15 after the state deems it adequate then the state has a year
16 in which to act on the request.

17 MR. EVANS: Okay.

18 MS. RODMAN: Okay.

19 And I would like to mention here -- and please
20 pay attention to this -- that for our own processing we
21 would like to know the day on which the state -- well, in
22 this case it will be Montana Department of Environmental
23 Quality -- receives your application and then it would be
24 very helpful if the agency sent Symbiotics and the
25 Commission a letter that said, 'We got it and it's adequate,

1 we can begin processing,' or 'We got it but we can't begin
2 processing because there's some crucial piece of information
3 that is not there,' because our one-year clock does not
4 start until you have the information that you need to do
5 your job. Okay?

6 MR. EVANS: Understood.

7 MS. RODMAN: All right.

8 So I know that on the Reno Lake Dam project that
9 we actually had some Federal Express receipt slips --

10 MR. EVANS: Oh. Okay.

11 MS. RODMAN: -- sent to us. And you can do it
12 any way. But we will need -- these dates are very important
13 in our process.

14 MR. EVANS: Okay.

15 MS. RODMAN: When the agency received it and when
16 it was -- when they deemed it adequate to begin work.

17 MR. EVANS: Okay.

18 MS. RODMAN: Okay?

19 MR. EVANS: Uh-huh.

20 MS. RODMAN: All right.

21 There are several other things that I'd like to
22 go to, but I don't want to get too off track.

23 The next thing I'd like to talk about is the
24 cumulative effects analysis. For the record, an action may
25 cause cumulative effects if its effects overlap its space

1 and/or time with the effects of other past, present or
2 recently foreseeable future actions regardless of what
3 agency or person undertakes such other actions.

4 So we will be interested in other things that may
5 be happening in the river basin or in the area that would
6 affect the same resources that this project will affect.
7 And if it turns out that there are some major housing
8 development that's going to be put in on the hillside right
9 over the project site, please let us know because Matt's on
10 one side of the continent and I'm on the other and we just
11 don't have a real good idea of what's happening in Montana.

12 Now I'm going to flip over to page ten of the
13 scoping document. And there are two ways in which you can
14 look at cumulative effects. One is the geographic scope,
15 the other is temporal. Geographic scope is frequently a
16 question of some debate.

17 We have preliminarily determined that the
18 geographic scope for cumulatively affected fishery resources
19 would encompass the Beaverhead River from the Clark Canyon
20 Dam to Barrett's dam, located about 16 miles downstream. We
21 chose this geographic scope because construction and
22 operation of the project may affect stream flows and aquatic
23 habitat in this reach.

24 Do you all think that that's a reasonable scope?

25 MR. FELDMAN: Yeah, I do. I mean the TMDL part

1 of this is basically beyond the scope of this project.

2 MS. RODMAN: Okay.

3 Could you just -- What is TMDL?

4 MR. FELDMAN: Total maximum daily loads.

5 MS. RODMAN: Total maximum daily loads.

6 I'm trying to keep a list of the acronyms that we
7 use for the court reporter because when they do the
8 transcript they may not even hear the letters correctly.

9 MR. FELDMAN: And that's Section 303(d) of the
10 Clean Water Act.

11 MS. RODMAN: 303(d).

12 MR. EVANS: That's a beautiful thing.

13 MS. RODMAN: Okay. Thank you.

14 MR. CUTLIP: While I would just note that under
15 water -- So this is just for fisheries resources that was a
16 geographic scope. For water quality we expanded it to
17 include the tributaries to Clark Canyon dam.

18 MR. FELDMAN: Right.

19 MR. CUTLIP: Because they're on the 303(d) list
20 too, and they could obviously have an influence on water
21 quality downstream because there's problems upstream as
22 well.

23 Whereas the fish community is kind of separated
24 by the dam, the community downstream is different than
25 what's upstream in part d. At least that was my initial

1 analysis.

2 MS. RODMAN: Of course, you have the two Fish and
3 Wildlife agencies here, the Fish and Wildlife Service and
4 Montana Fish, Wildlife and parks. They may or may not have
5 a different take on that. But hopefully they'll be with us
6 this evening.

7 For temporal scope we're looking 30 to 50 years
8 into the future. And the reason for that is that the
9 Federal Power Act specifies that a license may be a little
10 less than 30 years, no more than 50 years the first time
11 around. And I believe everybody here understands the
12 Commission's policy on baselines, which is not very
13 important for an unconstructed project but it's basically
14 the environment today. So if somebody wants to argue that
15 the Bureau of Reclamation dam was an environmental
16 catastrophe and we should look at what the area was like
17 before the dam was created, we'll say no. And that would be
18 the same if it was a relicensed project.

19 So the Commission --

20 MR. BAUMBERGER: Hold on, Dianne.

21 MS. RODMAN: Sure.

22 MR. BAUMBERGER: One more thing about the
23 geographic scope. When you're talking about aquatic
24 resources and you said you included fisheries and water
25 quality, is there anything about water quantity in there?

1 And because if -- you know, as we were talking on a dam, if
2 there's a concern during construction in getting that --
3 well, let me ask the question:

4 Is this the actual operation of this hydro plant
5 or is this the construction and operation? You're looking
6 at both in here, correct?

7 MS. RODMAN: Both, yes.

8 MR. BAUMBERGER: Because, as we were talking
9 about the dam, if there's a concern with, you know, getting
10 in-stream flows during construction, those geographic scope
11 will be quite a bit further than if the quantity isn't
12 there.

13 MR. CUTLIP: Well, I know. I mean that makes
14 sense. I chose -- I mean but, yeah. Theoretically --

15 MR. BAUMBERGER: The fisheries and the other
16 part.

17 MR. CUTLIP: Theoretically if the pumping
18 mechanism or whatever they use to convey water downstream
19 fails, you're right, it could dewater. The scope could
20 extend way downstream.

21 MR. BAUMBERGER: Sure.

22 MR. CUTLIP: You know, if that's realistic I
23 guess we could expand our scope. That's open to discussion
24 right now. It's open to comment. That was preliminary,
25 what we identified. I mean the problem is with geographic

1 scope for essentially something like fisheries --

2 MR. BAUMBERGER: Sure.

3 MR. CUTLIP: -- you know, you could -- we
4 oftentimes see people say, 'Well, why don't you carry it all
5 the way to the ocean.' So you've got to cut it off
6 somewhere.

7 MR. BAUMBERGER: Right.

8 MR. CUTLIP: So that's why.

9 But, yeah, I mean that's certainly something we
10 could look at. And if you had an idea of a more realistic,
11 you know, boundary.

12 MR. BAUMBERGER: You know, and I don't know, you
13 know. I just got a -- there's a 'what if.'

14 MR. CUTLIP: Right.

15 MR. BAUMBERGER: So it's kind of hard to say.
16 And once you say, you know -- I suppose geographic scope
17 maybe in my eyes for at least water quantity would be -- I
18 don't know -- possibly putting in bridges or something
19 because, you know, maybe -- because that's where there's a
20 confluence -- but you're probably going to see the impacts
21 are probably going to be pretty minimal down there. I'm
22 just kind of thinking out loud right now.

23 MR. CUTLIP: Well, if you -- you know, if this is
24 something you want to -- we can certainly look at water
25 quantity. We typically don't like -- it's difficult

1 oftentimes to do water quantity separate from fisheries or
2 water quality because there's so much overlap. But in this
3 instance where you're dealing with like irrigation flows it
4 might be suitable to put in a water quantity discussion for
5 cumulative effects. So if that's something you want to see
6 you could definitely provide comments.

7 MR. BAUMBERGER: Yeah.

8 MR. CUTLIP: And then we could take a good look
9 at it.

10 MR. BAUMBERGER: I'll think about that. And
11 maybe we'll provide -- I'm sure we'll provide some written
12 comments --

13 MR. CUTLIP: Okay.

14 MR. BAUMBERGER: -- even if it's no comment.

15 (Laughter.)

16 MS. RODMAN: That's great. That clarifies the
17 record.

18 MR. BAUMBERGER: So we'll provide some -- I'll
19 think about it a little bit more.

20 MS. RODMAN: Okay.

21 MR. CUTLIP: Thanks.

22 MS. RODMAN: Is there anything more about
23 cumulative effects?

24 (No response.)

25 MS. RODMAN: No? Okay.

1 I'd like to go to the Commission Staff's take on
2 the possible problems with this project. That would start
3 at the bottom of page 11 of the scoping document. We broke
4 it down, as Symbiotics did, by resources.

5 Under geology and soil resources we do have the
6 potential effects of land-disturbing activities associated
7 with new construction on geology and soil resources. And
8 while we were out at the dam this morning we were discussing
9 things like utilizing the existing access road. I think
10 that was the -- yes. Staging at laid-out areas, which you
11 could -- I think actually some of this could be done in your
12 final erosion and sediment control plan after the license is
13 issued. But, let's see-- But that may not -- Yeah. But if
14 that's not to Reclamation's liking then we could go into
15 that in more detail in the NEPA analysis.

16 MR. DAVIES: Well, when you talking about
17 utilizing the existing road, the existing road is barely a
18 road. It is certainly not up to construction standards that
19 would accommodate that kind of traffic.

20 MS. RODMAN: Right.

21 MR. DAVIES: So what's there now couldn't in any
22 way, shape or form, accommodate the kind of work and
23 equipment that would be needed to do this job.

24 MS. RODMAN: So you'd have to substantially
25 reconstruct it?

1 MR. DAVIES: Yeah.

2 MS. RODMAN: Okay.

3 MR. DAVIES: But just looking at it without
4 putting a lot of analysis into it, yeah, I think there will
5 be some substantial reworking of that road to accommodate a
6 heavy construction project.

7 MR. EVANS: But it's not built for it, is it? I
8 would assume we would have to put road base down and the
9 whole -- I mean everything to make it suitable for the heavy
10 machinery.

11 MR. DAVIES: Right. And we didn't travel
12 downstream to where we see this --Dennis, you're more
13 familiar with that -- how equipment is going to access that.
14 You're talking large cranes and we're talking very heavy
15 equipment. And, of course, what the loadings are on those
16 crossings upstream of that are all -- I don't know what's
17 there now.

18 MR. EVANS: Well, that would be -- I'm sure that
19 those will be issues that will be addressed.

20 I'm also sure that we'll need -- I would be
21 surprised if FERC did not request a hazardous waste
22 management and containment plan also before any construction
23 activities began. And that would help address some of those
24 issues also, for the staging areas and --

25 MS. RODMAN: We typically include those license

1 articles for new construction projects. I think reclamation
2 -- well, actually, yes, you have worked on some projects
3 north of here that were new construction, although they were
4 very small. For larger projects like Gibson dam, it's
5 already there. So you don't have the same kind of standard
6 construction articles that we would typically put in a
7 license.

8 And our typical practice is to require either a -
9 - you know, an erosion and sediment control plan that has
10 been prepared in consultation with all the appropriate
11 concerned entities. But I guess you'd have to think about
12 whether or not the current state of information is
13 sufficient to feel comfortable with it at this point. We're
14 still in kind of the conceptual phase.

15 MR. DAVIES: Yeah. I mean I'm thinking of this
16 in an environmental standard.

17 MS. RODMAN: Yeah.

18 MR. DAVIES: That's not like the old one. But in
19 terms of evaluating the effects on the environment of
20 reconstructing this road and whatever may be necessary is
21 often underestimated. When you look at, well, they're just
22 going to use this access road into this place, well, it
23 might be something substantially bigger than what it is
24 right now.

25 MS. RODMAN: Where does that road come from? We

1 could barely see it from our side of the river.

2 MR. MIOTKE: Just as you take the exit off the
3 interstate there's a gate right there.

4 MS. RODMAN: Oh.

5 MR. MIOTKE: And it comes right off of that ramp.
6 And it just kind of follows just above the -- there's a
7 little ditch there down to the river. It just kind of
8 follows that around.

9 MS. RODMAN: Oh. That's actually -- Yeah, that's
10 actually good because I was also thinking about the effect
11 of construction traffic on any recreational use of the dam
12 area.

13 MR. BAUMBERGER: Well, if you look at -- on page
14 eight you have that map. If you go on the west side -- or,
15 excuse me, the east side of the interstate, you know,
16 instead of coming across the dam you go on the east side and
17 you take this little access road and come down here.

18 MS. RODMAN: Oh.

19 MR. BAUMBERGER: You go underneath the bridge
20 right there.

21 MS. RODMAN: Okay.

22 MR. BAUMBERGER: And a lot of -- there are a lot
23 of recreationalists that come down here. And that's a river
24 access right there, right by the --

25 MS. RODMAN: Oh. What kind of clearance does the

1 interstate bridge have?

2 MR. MIOTKE: Not much. It's not large, you know.

3 MS. RODMAN: So that's something that, you know,
4 if you do get to the construction stage you may want to
5 consider what can actually get under that bridge. All
6 right. Okay.

7 MR. BAUMBERGER: And those -- And I don't know
8 how long your rigs are, but those corners aren't very --

9 MR. MIOTKE: Another exit is on the west side of
10 the interstate. We wouldn't have to worry about that grade.
11 I'm sure that would be related to any kind of heavy
12 equipment, but--

13 MR. CUTLIP: You can just drop right off right
14 there, like you were saying?

15 MR. EVANS: That gate is the sound-bound exit.
16 It's just there on the south bound and there's a gate right
17 there and it just goes in. We wouldn't have to go
18 underneath that bridge. We would be on the other side of
19 it.

20 MR. CUTLIP: Sure.

21 MS. RODMAN: Okay.

22 Matt, would you like to take aquatic resources
23 and water quality?

24 MR. CUTLIP: Sure. We're done with geology and
25 soils.

1 Okay. For fishery resources we preliminary
2 identified the effects of project facilities on fish
3 mortality due to entrainment.

4 And real quick, I would note that ones -- the
5 resource issues that are not identified with an asterisk
6 would be site-specific, whereas those with the asterisk are
7 cumulative effect.

8 So effects of project facilities on fish
9 mortality due to entrainment, and effects of project
10 construction and operation on fisheries and aquatic habitat
11 in the Beaverhead River.

12 So I guess at this point if anybody's interested
13 we can talk about those. I know we don't have any fish and
14 wildlife agencies here, per se.

15 But, Reclamation, if you or anybody wants --

16 (No response.)

17 MR. CUTLIP: No? Okay.

18 For water quality and quantity, we've identified
19 the effects of project construction and operation on water
20 temperature, dissolved oxygen, and gas supersaturation in
21 the Beaverhead River, and effects of project construction
22 and operation on flow releases in the Beaverhead River.

23 And obviously these go hand in hand with the
24 fisheries and aquatics, but they're a little bit different.
25 And the obvious water quality parameters to us were

1 temperature, because of the effects of the potential for
2 modifying the temperature characteristics of the river,
3 especially during construction when they're pumping flows
4 over the dam, if that's what you choose to go with in the
5 way of providing water in-stream flows during construction.

6 Also, dissolved oxygen because the -- we
7 anticipate that the turbines would somewhat attenuate the
8 oxygenation of water as opposed to how it currently comes
9 out, how there's some turbulence here. And also, gas
10 supersaturation because the turbines would modify the
11 existing characteristics of the total dissolved gases in the
12 river below the dam, which has been identified as a problem.
13 It looks like it was a pretty substantial problem in the
14 past.

15 MR. FELDMAN: I think the turbines will help a
16 bit with the supersat issue.

17 I guess this is sort of one of those issues that
18 crosses between water quality and fisheries is sediment.
19 There will be a temporary sediment plume, I assume, during
20 construction. And anything, that would affect the fisheries
21 and recreational use of the stream. But again, it's
22 temporary. And the monitoring plan will cover a bit of
23 that, I hope.

24 MR. EVANS: It should. Well, and I believe also
25 the construction scheduling.

1 MR. CUTLIP: That and then also the soil -- where
2 we typically see soil and erosion control plans and we
3 usually -- those are incorporated in the standard best
4 management practices for control of erosion and turbidity.

5 So those are the standard kind of things that we
6 typically discuss in our EAs, and then we hope that the
7 plans would help, you know, reduce the potential for any
8 adverse effects. But that's the kind of thing that goes out
9 for agency comment and review. Whatever usually gets
10 selected usually comes out of that process down the line.

11 Also it's 401 and the 404s; there's some overlap
12 there with those as well. And that obviously affects the
13 construction and operation. We send out additional
14 information requests for water quality to address these
15 parameters, and then also for what Symbiotics is actually
16 going to propose to do during construction, how they're
17 going to provide water and what the backup plans are. Where
18 the staging areas are for the backup equipment, and that
19 sort of thing, just to clearly articulate what you intend to
20 do so we can analyze it in the -- since you already
21 submitted your license application, so we can analyze it in
22 the EA.

23 So are there any other--

24 MR. EVANS: So that would be a construction
25 management issue on when --

1 MR. CUTLIP: Well, yeah. Specifically it was --
2 we just called it a temporary in-stream flow release plan,
3 which was --

4 MR. BAUMBERGER: During construction?

5 MR. CUTLIP: Yeah, during construction. The
6 methods that were used provide minimum flow as well as how
7 the system would operate, including the backup system,
8 schedule for discharging minimum in-stream flows, and then
9 the costs to provide the flows for economics analysis. A
10 description of where the temporary in-stream flow system
11 would be located, including the elevation and the temporary
12 intake; the discharge location and elevation, downstream of
13 the dam, and the elevation of the existing current intake on
14 the dam, because I couldn't find that anywhere.

15 MR. EVANS: Did you send any of that -- did you
16 send a request to our office?

17 MS. RODMAN: Yes.

18 MR. CUTLIP: Yeah. That's being -- that's due --
19 That's due in November, I believe.

20 MS. RODMAN: No, I think that's the one -- No,
21 you're right. November 5th. Okay.

22 MR. BOYTE: It will be out to agencies within the
23 month.

24 MR. CUTLIP: Yeah. And then we asked if you
25 would consult with Reclamation, Fish and Wildlife Service,

1 Montana Fish, Wildlife and Parks, and Montana DEQ.

2 MS. RODMAN: And I guess we'll add the East Bench
3 Irrigation District to that.

4 MR. CUTLIP: So does anybody have anything to add
5 or want to talk about any additional issues for water
6 quality and quantity of fisheries?

7 MR. FELDMAN: Were you guys made aware of some of
8 Fish, Wildlife and Parks possible issues with mussels in the
9 river?

10 MS. RODMAN: No. We have nothing about that.

11 MR. FELDMAN: Okay. I just heard that as an
12 aside. And I thought he might bring it up as an issue. But
13 if he did, he did.

14 MS. RODMAN: Yeah.

15 MR. CUTLIP: He didn't -- yeah, he didn't --
16 well, we haven't got any comments on scoping yet so if he
17 does -- obviously we're just doing scoping now, but if he
18 files anything we will address it at that time.

19 MS. RODMAN: Actually, I'd like to -- I'm seeing
20 here the item C in our request is the elevation of the
21 existing permitted intake on the dam. Can Reclamation tell
22 us?

23 MR. CUTLIP: I couldn't find it anywhere. So I
24 was having a hard time figuring it out.

25 MS. RODMAN: It's hard to tell what change will

1 occur if you don't know what's there now.

2 MR. DAVIES: Can you just send me an e-mail
3 requesting that?

4 MS. RODMAN: Yes. Or, well, Symbiotics could
5 also do that since they're the ones that we asked.

6 MR. BOYTE: When I send you the list I'll request
7 it.

8 MR. CUTLIP: Sure. That will work.

9 MR. DAVIES: One thing, while we're talking, a
10 question that came up in the presentation and may be
11 reprised at this point is you indicated, Hart, that your
12 range of operation is 87.5 to 700 cfs, plus or minus. Could
13 you talk a little bit about what's going to happen below 87
14 and you go offline, I assume, and then above 700? It won't
15 be from solely through the power facility, obviously; it
16 would be from a combination of river and the power plant.
17 So I think -- and why I bring it up is that when we're
18 surveying releases through the plant, for example, we're
19 going to do this. But that's only for a very specific
20 operating range. Above that, in particular, which we can
21 release 2200 or thereabouts, the greater percentage is still
22 coming from the aquifers.

23 MR. CUTLIP: What is the hydraulic capacity of
24 the outlet works?

25 MR. DAVIES: It's like 22, 2200, something like

1 that.

2 MR. CUTLIP: So above that --

3 MR. DAVIES: 2375.

4 MR. CUTLIP: Above that you're spilling?

5 MR. DAVIES: Right. Above that it continues to
6 fill until it spills, right.

7 MR. CUTLIP: Oh. Right. Okay. Yeah, if you
8 have to spill water you're --

9 MR. EVANS: It's only spilled once, hasn't it?

10 MR. DAVIES: One time, in 1984.

11 MR. BOYTE: I'm not sure exactly -- and it might
12 be a good question to ask Brent and then I can get back to
13 you on that -- on other projects we have we often put valves
14 on to do the model 700 cfs. I was surprised to not see it
15 on this project. And below, you know, usually you just open
16 up the gates and do regular operation situations. But I'll
17 get back to you on that and see what Brent had in mind.

18 MR. DAVIES: I know from his standpoint he runs
19 into efficiency issues with loss of efficiency due to power
20 facility when you start opening up the regulated valve.
21 Although it's not a technical problem; it's just a
22 generation. It's a money issue.

23 MR. BOYTE: Well, I'm sure they're all interested
24 in that.

25 MR. EVANS: If it has to do with money they've

1 got it figured out.

2 MS. RODMAN: Okay.

3 Are we pretty well done with the aquatic resource
4 issues?

5 (No response.)

6 MS. RODMAN: Okay. Going to terrestrial, which,
7 as I said, is what I'll be working on, besides general
8 supervision in the environmental analysis process.

9 We have the effects of project construction on
10 plant species of state concerns, which we expect the ongoing
11 studies to set our minds at rest on; effects of project
12 construction and maintenance on the spread of invasive plant
13 species, which the studies will also address; and effects of
14 the proposed transmission line on raptors such as the bald
15 eagle and ferruginous hawk.

16 Matt and I were talking before the meeting, and
17 it's possible that -- there are two ways that you can deal
18 with the transmission line. We can get additional
19 information from Symbiotics and make a decision on whether
20 the line should be aboveground or belowground, or we could
21 just go with the current proposal, which is that it's
22 aboveground, and work with Reclamation and other agencies
23 and decide -- if it's determined that the underground
24 transmission line is kinder to the resources than Symbiotics
25 could, after getting a license, if they do, apply for an

1 amended license, which would probably have a rather
2 abbreviated NEPA process all of its own.

3 So if it turns out that everyone shrugs and says,
4 'oh, well,' you know, 'that wasn't really necessary,' then
5 you wouldn't have to deal with that at this time.

6 MR. CUTLIP: Could they also -- if you guys
7 decided to move forward with potentially burying the line,
8 doing an abbreviated -- or do your analysis in, you know,
9 the next couple of months or whatever and then work with
10 Reclamation on the feasibility of that, whether that's
11 something you want to move forward with, and then also file
12 an amendment to the license application and then have us
13 appeal to it, to the licensing?

14 MS. RODMAN: I don't think they would need to
15 file an amendment to the application.

16 Let's see. The last additional information is
17 due December 21st. So if you can provide the analysis of
18 transmission line alternatives by December 31st, that would
19 not slow anything up. So that would mean you'd need your
20 costs, you'd need -- it probably wouldn't be too difficult.
21 It's probably well known what the engineering problems with
22 burying the line are. And consulting with Reclamation. If
23 you could get that done by December 21st then that would not
24 delay the process in any way.

25 I don't know -- I'm kind of hesitant to say that

1 we would go out with a third additional information request.
2 Two is already a lot. Three-- I'll have to go back and
3 talk with the people in Washington about that. But if this
4 is a definite concern then there are two different ways we
5 can deal with it. Wait and see if a license is issued and
6 deal with it then, or, two, do the NEPA analysis now.
7 Either way it will get analyzed. But it doesn't necessarily
8 have to be done now, I don't think. And you could probably
9 piggyback off the analysis we're going to do for the license
10 application.

11 So I will go back and check on what the FERC way
12 is doing it is in Washington. And you all can think about
13 what you would like to do. Okay?

14 So then we have the effects of project
15 construction and operation on federally listed species that
16 may occur in the project area. That would include -- well,
17 actually the bald eagle has moved into terrestrial
18 resources; it's no longer listed. Although Fish and
19 Wildlife Service has seemed to established an alternative
20 mechanism for dealing with bald eagles, it's pretty much the
21 same as what we had before.

22 (Laughter.)

23 MS. RODMAN: It would just go in another
24 category. But we would probably still have to request
25 concurrence or -- I can't remember the correct terms that

1 they've produced. But we will still be considering the
2 effects on bald eagles and any other species. That could
3 again be moot on these stresses if they do occur in the
4 project area and any other species that may have been found
5 during these studies.

6 Okay. Cultural resources: effects of project
7 construction and operation on historic, archeological, or
8 traditional cultural resources that are listed or considered
9 eligible for inclusion in the National Register of Historic
10 Places.

11 We are getting the archeological reports that we
12 requested from Symbiotics in a few months. And I guess the
13 agencies will be getting that for review also fairly
14 shortly. Okay. And we will be conduct a Section 106
15 consultation under the National Historic Preservation Act.
16 Okay.

17 Okay. Recreational Resources: Effects of
18 project-related construction, operation, and maintenance on
19 Beaverhead River recreational activities, which, having seen
20 the site, I would say fishing is number one.

21 Is there anything else that Reclamation thinks
22 that we should consider?

23 MR. BAUMBERGER: Under recreation --

24 MS. RODMAN: Yes.

25 MR. BAUMBERGER: -- or just in general?

1 MS. RODMAN: Under recreation. That's the
2 biggie?

3 MR. BAUMBERGER: Well, there might be some water
4 problems.

5 MS. RODMAN: Hunting?

6 MR. BAUMBERGER: Hunting.

7 MS. RODMAN: Oh. Okay.

8 Then we have effects of project-related
9 construction, operation, and maintenance on the Land and
10 Water Conservation Fund project Henneberry Fishing Access
11 Site.

12 I believe that what you said was that you thought
13 that was about six miles away?

14 MR. BAUMBERGER: Uh-huh.

15 MS. RODMAN: Okay.

16 So I think actually this is a nice result of the
17 scoping process. I think we can pretty well remove that
18 one. Okay. Approximately six miles away. Okay.

19 MR. CUTLIP: Is there waterfowl hunting primarily
20 downstream or upstream, or both?

21 MR. HOERNING: Both.

22 MR. CUTLIP: Both. Okay. So that would be
23 something maybe we'd need to look at, too.

24 MS. RODMAN: Okay.

25 MR. HOERNING: And there's probably wildlife

1 viewing as well during that period.

2 MS. RODMAN: Oh, that's right. We saw the signs.

3 And adequacy of existing recreation facilities
4 and public access within the proposed project boundary in
5 meeting current and future recreational demand, including
6 barrier-free access.

7 The project boundary is going to be extremely
8 small. So this one may turn out to be a non-issue.

9 Since Reclamation is the lead agency for
10 recreational development in the area, what do you think
11 about that?

12 MR. BAUMBERGER: I don't think you're going to --
13 you know, you're not going to block access to a lot of
14 places. Maybe there might be some short-term impacts to
15 recreationalists during reconstruction. But long-term, no,
16 I don't see a need to pursue that.

17 MS. RODMAN: Okay.

18 And the extremely small project boundary that's
19 been proposed doesn't seem to offer much scope for enhancing
20 -- for Symbiotics creating some sort of recreation access
21 within that tiny little area around the powerhouse.

22 MR. BAUMBERGER: Probably not right around the
23 powerhouse. I don't know if you're going to get any
24 comments from the public, you know, on aesthetics and things
25 like that by the powerhouse being there. And I know they're

1 typically relatively quiet; you know, maybe you can hear
2 them. But, you know, that still might be a perception of
3 the public. You know, as you saw today, that was a very
4 highly used spot and it was probably not even being used
5 that heavily today.

6 MS. RODMAN: Yeah.

7 MR. BAUMBERGER: So you may get it from, you
8 know, the public.

9 MS. RODMAN: I would think that the outlet, the
10 noise of the water coming out of the existing outlet is
11 probably about as noisy as any power project would be.

12 MR. BAUMBERGER: Probably.

13 MS. RODMAN: And obviously you have camping
14 there.

15 MR. BAUMBERGER: Uh-huh.

16 MS. RODMAN: All right.

17 So are there any issues that you think we missed
18 that you think that we should add?

19 MR. BAUMBERGER: I'd like to add just wetlands.
20 I'm just kind of thinking in terms of that one little river
21 channel coming out of there in talking about the proposed
22 power line. If we start working on that road going in
23 there, you know, you kind of come up around that little
24 river channel -- or even the transmission line or something
25 -- just to protect that wetland in there.

1 MS. RODMAN: Okay.

2 MR. EVANS: Well, that would have to be taken
3 care of anyway because it -- I mean, wetlands has become a
4 really big issue and we would identify -- we would do
5 wetlands identification and we would identify that and
6 consult with the Corps of Engineers and get a 404 permit.
7 We would mitigate for it.

8 MS. RODMAN: But we don't actually have any
9 information about that now.

10 MR. EVANS: No, they don't. And it's not part of
11 the, as you well know, they have incorporated that into the
12 integrated license process. But in this, the TLP, they
13 don't seem to ask for it. So I took it out.

14 But we can -- if you want --

15 MS. RODMAN: Did you actually -- Yes, we do.
16 It's not in the logical -- I think it's under land use.

17 MR. EVANS: Okay.

18 MS. RODMAN: It's in an odd section of
19 regulations.

20 MR. EVANS: We will identify -- if that's
21 something you feel will be an issue, we can identify those
22 and consult with the Corps of Engineers if that's, you know
23 -- however you'd like to work that. When we're there we're
24 going to have to either avoid it or mitigate if we do impact
25 it -- there is a footprint there.

1 MS. RODMAN: Okay.

2 Do you know if, since you are intending to use
3 that access road and, as we've said, it will require a lot
4 of work, if your botanical studies would have covered that
5 area?

6 MR. EVANS: I don't know. But we can find out.

7 MS. RODMAN: Okay.

8 MR. EVANS: I don't even know if that old river
9 channel is considered a wetland either. I mean that's
10 something, you know, the Corps --

11 MR. BAUMBERGER: I'm sure it is. If it's in
12 there for five years the way it is, it's a wetland.

13 MR. EVANS: I'm sure it is.

14 MR. MIOTKE: There's also a series of drains
15 below the dam, too, there that go into..

16 MR. EVANS: And they consider those --

17 MR. MIOTKE: Drain lines. There's tall grass all
18 the way in through there.

19 MR. EVANS: I don't know if they're adjudicated
20 yet or if they're judicial -- pardon me --

21 MS. RODMAN: Jurisdictional.

22 MR. EVANS: Jurisdictional. Yeah, there's that
23 word. Jurisdictional. But we can find out.

24 MS. RODMAN: We don't always limit our
25 consideration of wetlands to whether it's jurisdictional

1 under the Corps definition

2 MR. EVANS: Oh. Right. Right. Oh, yeah. Of
3 course not.

4 MS. RODMAN: Yeah.

5 MR. EVANS: Though we just decided we don't know
6 if they are.

7 MS. RODMAN: Sure.

8 MR. EVANS: If they are then it's a done deal.
9 But otherwise we'll have to identify that and have the Corps
10 of Engineers concur.

11 MS. RODMAN: Yeah. And that is typically done
12 after a license is issued.

13 MR. EVANS: Okay.

14 MS. RODMAN: But for the NEPA analysis we would
15 still have to consider it. And if mitigations or avoidance
16 or something like that is necessary we would put that in any
17 license that we issue.

18 MR. EVANS: Right.

19 And that brings up another point. If we will --
20 If we are -- If we do plan -- If we do the study we do plan
21 to go over that wetland with a road then that'll have to be
22 done before the license.

23 MS. RODMAN: Yeah.

24 MR. EVANS: That'll have to be done before any
25 construction activities. We'll have to get a 404.

1 MS. RODMAN: Right.

2 MR. EVANS: And a water quality certificate.

3 Right.

4 MS. RODMAN: Well, the --

5 MR. EVANS: Just to do that road for the access
6 road for the construction and everything, that will have to
7 be done before we can do any kind of construction
8 activities, or the Corps will fine our company.

9 MS. RODMAN: Yeah. Okay.

10 MR. EVANS: A lot.

11 MS. RODMAN: A lot.

12 So what you work out with the Corps should feed
13 into our process, into our environmental analysis. But our
14 work and the Section 404 process are parallel but they don't
15 touch very much.

16 MR. EVANS: Uh-huh.

17 MS. RODMAN: Okay. But as I said, the
18 information that's gained by what you need to do to comply
19 with Section 404 of the Water Act --

20 MR. EVANS: Will be helpful for it.

21 MS. RODMAN: Yes. We'll need to know that.

22 MR. EVANS: That's very good. We'll keep you --
23 And I assume that again Reclamation would like to
24 be in the loop on all of this and everything?

25 MR. DAVIES: Anything that's disturbing down in

1 those --

2 MR. EVANS: Good. All right.

3 MS. RODMAN: Okay. So we have wetlands.

4 MR. EVANS: is that the only issue that you have
5 with the wetlands -- are downstream impacts or anything, or
6 is that -- mainly your concern is that wetland area right
7 there for the access?

8 MR. BAUMBERGER: It is. I think that stuff
9 further downstream, you know, near the wildlife viewing
10 area, I don't see any potential to impact that stuff down
11 there.

12 MR. EVANS: Okay. We'll be sure --

13 MR. BAUMBERGER: It's on the other side; it's
14 north of that power line that you're going intertie in
15 there.

16 MR. EVANS: Okay.

17 MR. BAUMBERGER: Yeah, and the construction also.

18 MR. EVANS: We'll make sure.

19 MS. RODMAN: Okay.

20 Yes, sir.

21 MR. HOERNING: I have one question about that
22 access. If you're going to be accessing that off of the
23 controlled access highway is that an issue that you should
24 consult with the Department of Highways or -- I mean that's
25 just something that you can't go out and--

1 MR. EVANS: I would imagine.

2 MR. HOERNING: It seems the county ought to be in
3 the group with the information along with Fish, Wildlife and
4 Parks, Bureau of Rec and US Fish and Wildlife Service if the
5 county commissioners would be interested in learning that
6 information.

7 MR. EVANS: Okay.

8 MS. RODMAN: Now what agencies were you thinking
9 of?

10 MR. HOERNING: I was thinking of Montana
11 Department of Highways.

12 MR. EVANS: Yeah, DOT.

13 MR. HOERNING: DOT and also the county.

14 MR. EVANS: MDT, if it's Montana Department of
15 Transportation.

16 MS. RODMAN: Transportation. Okay. The county.
17 What specific county agency is that? Do you
18 know?

19 MR. HOERNING: It's the Beaverhead County.

20 MR. EVANS: County commissioners.

21 MS. RODMAN: County commissioners. Okay.

22 And then you said Fish and Wildlife? Are we
23 considering that?

24 MR. HOERNING: US Fish and Wildlife. Those were
25 the agencies that he mentioned that would be getting the

1 information provided, the Bureau of Reclamation, US Fish and
2 Wildlife Service, and Fish, Wildlife and Parks. And I was
3 just curious to know if that would be something that those
4 two agencies ought to also be considered getting some of
5 this information along the line so it wouldn't be a
6 stumbling block down the road, you know, they're claiming
7 access to them all of a sudden.

8 MS. RODMAN: Okay. So you'd be talking about
9 access off the interstate?

10 MR. HOERNING: Correct.

11 MS. RODMAN: Of 515?

12 MR. HOERNING: Right.

13 MR. EVANS: But the access is there, right there
14 on the off ramp.

15 MS. RODMAN: Yeah.

16 MR. EVANS: But I'm sure that you do want to have
17 some sort of turning lane into it. You wouldn't want to be
18 parked there on the side of the road when people are trying
19 to get off with their boats and everything. So I'm sure
20 that they would be interested in what we're doing.

21 MR. HOERNING: Right.

22 MR. EVANS: We'll consult with them.

23 MR. CUTLIP: Yeah, you have the potential to back
24 up traffic or affect traffic --

25 MS. RODMAN: Yeah. What I was actually thinking

1 --

2 MR. CUTLIP: -- with a big old crane.

3 MS. RODMAN: What I was actually thinking was is
4 this something -- is the state the primary regulatory agency
5 for that section of the interstate, or do you have to kick
6 up to the Federal Department of Transportation as well?

7 MR. HOERNING: That I don't know.

8 MS. RODMAN: Okay. All right.

9 Okay. Well, I can probably make some calls when
10 I get back to Washington and find out.

11 All right. Now Section 5.0, Request for
12 Information.

13 Obviously if anyone has any studies that we have
14 not known about or Symbiotics has not known about that have
15 a bearing on this -- on analyzing this proposal, we would
16 like those. Also -- Let's see, identification of any
17 federal, state or local resource plans and future project
18 proposals that encompass the project area, along with any
19 implementation schedules. Or any kind of documentation such
20 as that.

21 The requested information and any written scoping
22 comments should be submitted in writing to the Commission no
23 later than 30 days from today. We have our usual scoping
24 procedures and interventions.

25 I am the primary point of contact if you have any

1 questions.

2 I think most people understand that as a
3 regulatory agency we can't get into the merits of the
4 proposal. We can't say, 'Oh, this is a great project,' or
5 'This is a rotten project.' And we don't want to even have
6 that discussion. It would compromise the fairness of our
7 agency. So -- and I believe Reclamation has gone into that.

8 If an agency such as Reclamation does want to be
9 a cooperating agency then the Commission staff and
10 Reclamation staff would be considered as one and we can, you
11 know, chitchat freely up until the point of the final
12 environmental document, after which we have to go our
13 separate ways and cut off that channel of communication.

14 MR. DAVIES: At what point does FERC request
15 cooperating agency status?

16 MS. RODMAN: I thought we had. I'll have to
17 check that.

18 MR. DAVIES: Yeah. I'm kind of reading the
19 notice of the scoping meeting, and I assume --

20 MS. RODMAN: No, it wasn't there. I think it was
21 in the notice that the application was tendered, which would
22 have been within a month after the application was filed.
23 So I'll have to check my files on that.

24 But I don't believe that we would -- it is not my
25 expectation that if you came in and said, 'Oops, we missed,'

1 you know, 'Could we still be a cooperating agency,' that our
2 automatic reaction would be, 'No, you can't; this would
3 delay things.' We try to be very open to cooperating
4 agencies' requests.

5 Okay. Comprehensive plans. We just got a new
6 list of -- we just published a new list of comprehensive
7 plans which are on our website already. And it may not
8 exactly track with what's in the scoping document because
9 it's just been released in the past two weeks.

10 MR. EVANS: Is that 2007 then?

11 MS. RODMAN: Yes. I think August 2007.

12 MR. EVANS: The last I saw was March of 2006.

13 MS. RODMAN: Right. It just came out. And I did
14 check and I was told that it's already on our website.

15 We have a lot of water quality studies. I don't
16 know if any of the Montana -- the state agencies have got
17 any updates that relate to this project.

18 The procedure that we request is that one copy be
19 filed with the Secretary of the Commission with a cover
20 letter requesting that we look at this -- at the plan and
21 see if it meets our criteria for being a comprehensive plan.
22 And then a second copy would be sent to the Division of
23 Hydropower Licensing. And you can find the specific
24 individual on our website if there is anything that any
25 agency has prepared that -- for that matter, for the entire

1 State of Montana. It doesn't have to just be for the Clark
2 Canyon project because we do this list by states.

3 Okay. The EA preparation schedule. As I said,
4 we hope that the notice that the application is ready for
5 environmental analysis will be issued in January of 2008.
6 That's assuming that Symbiotics provides us with all the
7 information that we asked in our two additional information
8 requests. And I have no reason to believe that they won't.
9 So I'm feeling that January 2008 is a pretty good date.

10 So that would mean that the request for water
11 quality certification would need to be in some time around
12 March 2008. And we are at this moment shooting for issuing
13 an environmental assessment on July 28th -- excuse me, July
14 2008. At the moment we believe that one environmental
15 assessment will be adequate.

16 If it turns out that this project is much more
17 complicated than we thought and -- or we feel that there is
18 a need for additional public review then we would say that
19 the July 2008 one would be a draft and then we would send
20 that out for public comments and prepare a final. But at
21 the moment we don't see the project as needing a draft and
22 final EA. Okay?

23 And we have a proposed EA outline.

24 And the mailing list.

25 I am going to put Mr. Oswald on the mailing list.

1 If anybody else knows of anyone who is not on the mailing
2 list -- and this is the Commission's mailing list as opposed
3 to Symbiotics -- that wishes to be on it, give me that
4 information and I will submit it to our docket's branch.

5 There is also esubscribe, which you can -- it's
6 kind of similar to setting up an account on amazon.com. You
7 can sign up for email notifications of any incoming or
8 outgoing correspondence on this project. And for that you
9 would use the project number P-12429. The computer
10 absolutely insists on the P- part. Okay.

11 MR. EVANS: It's got to be caps, too.

12 MS. RODMAN: Really?

13 MR. EVANS: In the elibrary.

14 MS. RODMAN: Yeah? Okay.

15 Computers do get particular sometimes.

16 MR. EVANS: The elibrary does, that's for sure.

17 MS. RODMAN: Yeah.

18 And also, if anybody is stuck in using elibrary
19 give me a call and I'll sit on my computer and try to get
20 you through it. Okay? Or I am the point of contact -- or
21 if it's an aquatics related question or if I'm out of the
22 office you can probably harass Matt.

23 And we have our phone numbers up there. Matt is
24 out of our Portland regional office, as I said, and I'm out
25 of Washington. So remember the time differences.

1 Let's see.

2 Does anybody else have anything they'd like to
3 discuss now?

4 MR. DAVIES: SD2, if needed on here, how would
5 that affect the schedule if it's not needed? And what would
6 you--

7 MS. RODMAN: It probably would not affect much of
8 anything -- SD stands for scoping document. I'm trying to
9 keep a list of our acronyms for the court reporter --
10 because we're not going to start preparing the environmental
11 assessment until we get all the information in. And that's
12 not going to be until end of December. So I don't think
13 that issuing the scoping document two is going to affect it
14 in any way.

15 MR. DAVIES: Okay.

16 MS. RODMAN: We're going to wait for thirty days
17 from today in order to determine what kind of written
18 comments we get, and then we already have comments on
19 wetlands, the possibility that Jeff will think about short
20 term water quality effects during construction, construction
21 vehicle traffic exiting the interstate, things like that
22 that we may -- those are possibilities for an SD2. At the
23 moment I don't even want to think about is that necessary to
24 do a whole -- to reproduce the whole document to stick those
25 things in there. I'd like to think about that a little

1 more. But those are possibilities.

2 MR. DAVIES: Thinking about that access comment
3 that came, that's a pretty substantial one.

4 MS. RODMAN: Yeah.

5 MR. DAVIES: I would be interested to hear what
6 the Department of Transportation would say about pouring off
7 that exit ramp.

8 MS. RODMAN: Yeah.

9 MR. DAVIES: You might be looking at another
10 access alternative.

11 MR. BAUMBERGER: Well, and as -- you know, and as
12 for another scoping document, you know, I don't -- as far as
13 Reclamation is concerned, I don't see why we would need one.

14 MS. RODMAN: Okay.

15 MR. BAUMBERGER: But, you know, I don't know what
16 FERC's regulations are, you know, letting other interested
17 parties know.

18 MS. RODMAN: It's not so much our regulations as
19 our usual practice.

20 MR. BAUMBERGER: Okay.

21 MS. RODMAN: And I'd like to wait until the
22 evening meeting to get a better feel for whether, since we
23 have several agencies that haven't shown up, whether -- how
24 likely that is.

25 MR. BAUMBERGER: Talking about that evening

1 meeting, I'm not going to be able to attend. Do you put the
2 attendee list on the website and when I pull up the project
3 number can I see that?

4 MS. RODMAN: John, are we going to have that in
5 the transcript?

6 VIDEOGRAPHER: Depending on what's provided to
7 the court reporter, I suppose. You could have a sign-up
8 list, I suppose, and some names. But if we're able to get
9 these forms filled out and if they're still open at the time
10 -- which I'm sure there's a night -- someone here on the
11 night shift --

12 MS. RODMAN: Yes, they said they'd be here
13 through the end of our meeting.

14 VIDEOGRAPHER: -- we can get a copy of this.

15 MS. RODMAN: Right.

16 MR. BAUMBERGER: So as long as they fill out one
17 of those forms --

18 MS. RODMAN: Right.

19 MR. BAUMBERGER: -- then yes it would be --

20 VIDEOGRAPHER: I would think anybody that's going
21 to talk should fill out one of those forms.

22 MS. RODMAN: Right.

23 And what -- the procedure for the transcript is
24 that if you really, really, really want a transcript
25 immediately, within like ten days, you can -- is it Ace

1 Reporting?

2 VIDEOGRAPHER: Yeah. They're out of DC.

3 MS. RODMAN: Uh-huh. It's very expensive.

4 VIDEOGRAPHER: Depending on, you know -- and I
5 don't know their rates.

6 MS. RODMAN: Yeah.

7 And we will also, after a decent amount of time
8 in order to allow Ace to make the money, you know, whatever
9 money they're going to make, we will actually put it on the
10 Internet.

11 And you can also, after ten days, get transcripts
12 from our public reference room for 25 cents a copy -- a
13 page, excuse me, a page. So probably the most economical
14 way to do is either ask me to send you an email or wait for
15 it to get on the Internet. And we obviously don't want the
16 reporting company to lose any money, but we also want to
17 make this transcript available to the public.

18 VIDEOGRAPHER: I would think these forms would be
19 more public. I mean, sure, I'd get them separate from the
20 transcript.

21 MR. BAUMBERGER: I don't think it's any -- you
22 know, I'm just more curious, having been involved in several
23 public processes down here in the past. I was just kind of
24 curious --

25 MS. RODMAN: As to who will show up.

1 MR. BAUMBERGER: Yeah, who will show up and, you
2 know, really how much interest is being shown out here with
3 this.

4 MS. RODMAN: Sure. Yeah.

5 Well, John will have a copy of these so that this
6 company can make the transcript. But I will probably take
7 these home. And, as I said, I can send you an email.

8 MR. BAUMBERGER: Okay.

9 MS. RODMAN: No problem.

10 Okay. Is that it?

11 (No response.)

12 MS. RODMAN: Are we pretty well done?

13 (No response.)

14 MS. RODMAN: Absolutely nothing else? Nobody has
15 any further comments?

16 (No response.)

17 MS. RODMAN: Okay. Well, thank you very much for
18 showing up. You're the few but proud.

19 (Laughter.)

20 MS. RODMAN: And so I'd like to close this
21 meeting. Thank you again.

22 (Whereupon, the scoping meeting in the above-
23 entitled matter was adjourned.)

24